



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Committee Clerk
Children and Young People Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

17 June 2015

Dear Clerk,

Inquiry into Welsh in Education Strategic Plans: written evidence

The Welsh Language Commissioner welcomes the opportunity to submit written evidence to the Children and Young People Committee as part of its inquiry into Welsh in Education Strategic Plans.

Context

The principal aim of the Welsh Language Commissioner is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles underpin the Commissioner's work:

- In Wales, the Welsh language should be treated no less favourably than the English language;
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to

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inspect statutory Welsh language schemes through the powers inherited under the Welsh Language Act 1993.

The role of the Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme, allegations of interference with individuals' freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to meet standards.

One of the Commissioner's priorities is to scrutinise policy developments with regard to the Welsh language. Therefore, the principal role of the Commissioner is to comment in accordance with these terms of reference, acting as an independent advocate on behalf of Welsh speakers. Such an approach is advocated to avoid any potential compromise of the Commissioner's regulatory functions.

Context: Welsh in Education Strategic Plans

In its Welsh-medium Education Strategy (2010), the Welsh Government sets out its vision for creating a Wales which has *'an education and training system that responds in a planned way to the growing demand for Welsh-medium education, reaches out to and reflects our diverse communities and enables an increase in the number of people of all ages and backgrounds who are fluent in Welsh and able to use the language with their families, in their communities and in the workplace.'*¹

Strategic Aim 1 of this Strategy sets out the steps which Local Authorities are expected to take in order to ensure that the vision is realised. The implementation table states that Local Authorities are expected to 'submit WESPs to WAG for annual monitoring, with agreed local targets.'² The Government published special guidelines that state that the Plans need to explain how they complement the Strategic Aims of the Strategy.

The passing of the School Standards and Organisation (Wales) Act 2013 provided a statutory basis for Welsh in Education Strategic Plans. The first round of statutory Plans came into force from 1 April 2014. Welsh Ministers can approve the Plans (with or without amendments) or refuse to approve them and prepare other plans in their place. Under this Act, specific Regulations have been drawn up which state: the form and content of the Plans; expectations in terms of submitting, publishing and reviewing the Plans; responsibilities for measuring the demand for Welsh-medium education, and arrangements for consulting on the Plans.

In examining the language through which our children and young people receive their education, 74,277 children and young people received their education in Welsh-medium schools in 2010/11 (15.9%), compared with 72,868 in 2013/14 (15.7%). In 2013/14, 26% of Welsh schools were Welsh-medium schools, compared with 25% in 2009/10.³ Whilst a

¹ Welsh Government (2010): Welsh-medium Education Strategy, p.4.

² *ibid.* p. 29.

³ <https://statswales.wales.gov.uk/>

relatively low number of pupils receive at least part of their education through the medium of Welsh in bilingual or dual stream schools, the above data shows that English is the language through which the vast majority of children and young people in Wales receive their education today.

The education system is now the main source of new Welsh speakers. It follows that the growth of Welsh in the future will depend to a great extent on the growth of Welsh-medium education. This does not mean that we shouldn't also consider the way in which we can ensure that parents transfer Welsh to their children at home.

The above evidence suggests that there has not been any growth in Welsh-medium education over recent years, despite the increase in demand for Welsh-medium education. As many thousands of Welsh speakers are lost each year for various reasons, we believe that it will not be possible to increase the number of Welsh speakers without an education system that produces more new Welsh speakers.

Do Welsh in Education Strategic Plans contribute to the outcomes and targets set out in the Welsh Government's Welsh-medium Education Strategy?

Are Welsh in Education Strategic Plans delivering the required change at a local authority level, or do they have the potential to do so (for example, delivering provision to meet any increased demand for Welsh-medium education)?

In order to answer the above questions, we have undertaken desktop research and have considered the conclusions of public reports which scrutinise this field.

In his foreword to the 2012-13 Annual Report on the Welsh-medium Education Strategy, the Minister for Education and Skills, Huw Lewis AM, states: *'there has been little progress made against the strategy's targets'*.⁴ The Minister elaborates on the above point, explaining: *'we are unlikely to see 25 per cent of seven-year-old children being taught through the medium of Welsh by 2015. Better planning is needed to stimulate growth in Welsh-medium education in some areas. While there has been significant progress in the percentage of Year 9 learners assessed in Welsh first language, linguistic continuity remains a major priority for us.'*⁵

Despite the fact that the 2012 - 13 Annual Report acknowledges a likely failure to meet the targets set out in the Strategy, the Minister emphasises the value of Welsh in Education Strategic Plans by stating: *'the WESPs...allow us to challenge the relevant local authorities...'*⁶ However, the Minister's message in the 2013 - 14 Annual Report is slightly different. In his foreword to that report, he states: *'As we look to the final year of the Welsh-medium Education Strategy's Implementation Programme, the challenge is to ensure that the regional consortia, local authorities, schools, colleges, universities [et al]... all play their*

⁴ Welsh Government (2013): Welsh-medium Education Strategy: Annual Report 2012 – 13, p.3.

⁵ *ibid.*

⁶ *ibid.*



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*part. The Welsh Government alone cannot achieve the systematic change that is required to ensure that Welsh-medium provision continues to thrive. Our stakeholders at all levels of the system need to take action to ensure that the strategy's aims are achieved.'*⁷

It could be argued that the Minister, as a result of his comments above, is less hopeful that Welsh in Education Strategic Plans are able to assist the Government in achieving the outcomes and targets set out in the Strategy. Therefore, for the purpose of this contributing evidence, following evidence from quantitative data in the Annual Reports on the implementation of the Strategy and the Minister's statement that '*there has been little progress made against the strategy's targets*', we will consider possible reasons for this insufficiency, and the Plans' responsibility for this outcome.

Enforcement power

Section 84 of the School Organisation (Wales) Act 2013 outlines the statutory requirements on Local Authorities to prepare Welsh in Education Strategic Plans. The Act states:

- (1) A Welsh in education strategic plan is a plan which contains—
 - (a) a local authority's proposals on how it will carry out its education functions to—
 - (i) improve the planning of the provision of education through the medium of Welsh ("Welsh medium education") in its area;
 - (ii) improve the standards of Welsh medium education and of the teaching of Welsh in its area;
 - (b) the local authority's targets for improving the planning of the provision of Welsh medium education in its area and for improving the standards of that education and of the teaching of Welsh in its area;
 - (c) a report on the progress made to meet the targets contained in the previous plan or previous revised plan.
- (2) A local authority must prepare a Welsh in education strategic plan for its area.
- (3) A local authority must keep its plan under review, and if necessary, revise it.

Section 85 of the Act sets out the requirements in terms of the approval, publication and implementation of the Plans:

- (1) A local authority which has prepared a Welsh in education strategic plan must submit it to the Welsh Ministers for their approval.
- (2) The Welsh Ministers may—
 - (a) approve the plan as submitted,
 - (b) approve the plan with modifications, or
 - (c) reject the plan and prepare another plan which is to be treated as the authority's approved plan.
- (3) If a local authority wishes to amend its plan, it must submit a revised plan to the Welsh Ministers.

⁷ Welsh Government (2014):



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- (4) The Welsh Ministers may approve the revised plan, with or without modifications.
- (5) The Welsh Ministers must consult a local authority before—
 - (a) they modify its plan under subsection (2)(b),
 - (b) they prepare another plan to replace the authority's plan under subsection (2)(c), or
 - (c) they modify its revised plan under subsection (4).
- (6) A local authority must publish its approved Welsh in education strategic plan (or revised plan).
- (7) A local authority must take all reasonable steps to implement its approved Welsh in education strategic plan (or revised plan).

Having considered Sections 84 and 85 of the Act, it appears that the Government does not have enforcement powers to deal with possible failures on the part of a Local Authority to achieve the targets and commitments set out in its Strategic Plan. Without clear enforcement action, it is very difficult to see how WESPs can ensure that the required changes are delivered at a local authority level.

Question for the Committee to consider: Should the Government have enforcement powers to deal with possible failures on the part of Local Authorities to achieve the targets and commitments set out in their Strategic Plans?

Opportunity for the WESPs to establish and embed themselves

The Welsh Government has commissioned Arad to undertake an evaluation of the Welsh-medium Education Strategy. In the section of the evaluation entitled 'Interim Conclusions', Arad notes the following positive statements with regard to the WESPs:

- the introduction of the WESPs has created a more robust planning and monitoring framework and a new system of accountability between local authorities and Welsh Government.
- the new arrangements will lead to greater scrutiny of authorities' plans to support Welsh-medium provision, as well as the implementation of these plans

Despite the above statement, Arad also states the following:

Local authorities, Welsh Government officials and schools agree that it is early days in terms of establishing and embedding these plans. It is not realistic to expect that the impact of the new planning regime will become clear during the lifetime of this Strategy (2010-2015). A long-term monitoring and evaluation programme will be required in order to understand the progress made and any changes to provision.⁸

Arad's Interim Report also considers the need for the WESPs' targets to be established and embedded at school level. Arad's comments on this matter reflect the pleas of the

⁸ Arad (2014): Evaluation of the Welsh-medium Education Strategy: Interim Report, p. 31.



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Minister for Education and Skills who asked stakeholders '*at all levels of the system...to take action to ensure that the strategy's aims are achieved*'.⁹ According to Arad:

*'one issue that merits attention is whether schools, through their own planning ..., reflect the national vision and priorities of strengthening bilingual and/or Welsh-medium provision. From the school visits undertaken so far as part of the area studies..., it is not clear that the 'spirit' and aims of the Strategy have permeated throughout the system and have influenced schools' planning processes.'*⁹

Another issue to consider is how quickly Local Authorities can implement changes to school organisation which would support the principles and targets of the Welsh-medium Education Strategy. The School Organisation Statutory Code (2013) sets out eight steps in the statutory process of making changes to provision within schools. It is possible that the fact that there are so many steps, and specific timescales for each step, is hindering Local Authorities' ability to contribute expeditiously to targets within their Welsh in Education Strategic Plans.

Questions for the Committee to consider: *Is it too early to consider whether Welsh in Education Strategic Plans can ensure that the required changes are delivered at Local Authority level, given that the first round of statutory Plans only came into force from 1 April 2014?*

Should more emphasis be placed on the need for Local Authorities and/or the Welsh Government to ensure that key stakeholders are fully conversant with the vision, priorities and targets of the Welsh-medium Education Strategy and the WESPs?

Does the Schools Organisation Code (2013) and, in particular, the eight steps needed to make statutory proposals to change provision within schools, allow Local Authorities to move forward or transform their Welsh-medium provision within schools expeditiously.

The ambition of WESPs

Estyn's report on '*Linguistic progression and standards of Welsh in ten bilingual schools*' makes several comments about the lack of ambition in the Welsh in Education Strategic Plans of the Local Authorities who were part of their review. Estyn states:

*'Only Gwynedd [of the sample] has high enough expectations of schools to increase the proportion of pupils who continue to study subjects through the medium of Welsh in key stage 4, and support schools to achieve ambitious targets. Addressing this lack of progression is not a priority for the majority of local authorities.'*¹⁰

⁹ *ibid.* p.32

¹⁰ Estyn (2014): *Linguistic progression and standards of Welsh in ten bilingual schools*, p. 7.



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Estyn makes a specific recommendation to Local Authorities in this respect which is relevant to this discussion on the ambition of WESPs, namely that they should *'track...the proportion of pupils in key stage 4 who follow courses through the medium of Welsh and set targets to increase this in line with the objectives of the Welsh-medium education strategy'*.¹¹

Arad's Interim Report on the evaluation of the Welsh-medium Education Strategy predicts, *'local authorities will need to agree challenging targets in their WESPs in order to reach the 2020 targets'*.¹² This statement strongly suggests that WESP targets are not currently ambitious enough to reach future targets.

In its national overview of Welsh in Education Strategic Plans (2014-17), the interest group Parents for Welsh Medium Education [RhAG] states the following viewpoint: *'it has become clear that the majority [of Local Authorities] have failed to grasp the new mindset which is now expected of them...RhAG is concerned that in their current form the Plans don't reflect the School Standards and Organisation (Wales) Act 2013... in either spirit or letter, by outlining how each LA will achieve the outcomes set out in the Welsh-medium Education Strategy'*.¹³

There are also doubts as to whether the process for 'measuring the demand' for Welsh-medium education is being implemented in those Local Authorities where it is an appropriate activity. If Local Authorities are not fully aware of the volume of demand amongst parents for Welsh-medium education, it is difficult to understand how they can be sure that their plans to increase Welsh-medium education are ambitious enough.

Concern has also been expressed about the lack of places in Welsh-medium education in some areas. If a lack of places continues to be a problem in some Local Authorities in Wales, it is appropriate to consider the ambition shown in the WESPs prepared by those Local Authorities.

Questions for the Committee to consider: *We recommend that the Committee should consider the extent to which the Welsh Government is pushing Local Authorities far enough when approving Welsh in Education Strategic Plans.*

Does the possible lack of ambition shown by some WESPs stem from the fact that the relevant Local Authorities do not fully understand the level of demand for Welsh-medium education?

Does the continuing lack of places in Welsh-medium education in some areas suggest that the WESPs implemented by those Local Authorities are not ambitious enough?

¹¹ *ibid*, p.8.

¹² Arad (2014): Evaluation of the Welsh-medium Education Strategy: Interim Report p. 55.

¹³ RhAG (2015): Welsh in Education Strategic Plans (2014-17): National Overview - General Conclusions, p. 1.



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Do Welsh in Education Strategic Plans highlight effective interaction between the Welsh Government's Welsh-medium Education Strategy and other relevant legislation and policies (for example, school transport policy; the 21st Century Schools programme; the policy statement - A Living Language: A Language for Living; Flying Start; planning policy)?

In order for the Committee to reach a decision about the extent to which WESPs highlight effective interaction between the Strategy and other legislation/policies, it is important to consider the extent to which references to the Welsh-medium Education Strategy and WESPs can be found within those other policy documents. Arad has completed a 'snapshot evaluation' of documents published by the Government's Education and Skills Department during the last two years in order to assess the effectiveness of this 'interaction'. Arad's conclusions are as follows:

There are specific references to the [Welsh-medium Education] Strategy in half of these documents.¹⁴ Almost all of the documents include objectives, actions or comments that support or are consistent with the Strategy, even though the link to the Strategy is not explicit in some. A number of the documents were published relatively recently and it is difficult to interpret to what extent the Strategy has been embedded and is 'operational', or whether the links are more superficial and the references to the Welsh language are made 'in passing'.¹⁵

In responding to a number of Welsh Government public consultations, I myself have identified a number of cases where there has not been effective interaction between the Welsh-medium Education Strategy and other relevant policies. For example, in responding to the Government's 'Draft Ten-year Plan for the Early Years, Childcare and Play Workforce in Wales', I recommended that the Ten Year Plan should do more than 'consider' the gaps found in Welsh-medium Early Years provision across Wales. I recommended that the proposed Plan needs to offer a clear and detailed way forward, and thereby reflecting the principles of the Welsh-medium Education Strategy.

In responding to the Welsh Government's consultation of the 'Early Years Outcomes Framework', I had to state the following:

No reference is made to the Welsh Government's Welsh Language Strategy 'A Living Language: a language for living' or its Welsh-medium Education Strategy in the 'Context' section of this consultation document. This 'Context' section provides details on '*other frameworks and/ or initiatives in place that relate to or have an impact on the early years...It is important that these are considered within the scope of this work*'. The Well-Being of Future Generations (Wales) Bill (2014) is listed here as well as the review of assessment arrangements and the national curriculum, Professor Graham Donaldson's review, the Early Years and Childcare Plan, the

¹⁴ Arad stated that the documents have been chosen 'on the basis of their influence and significance in relation to the development of education policy in Wales'.

¹⁵ Arad, p. 27.



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Independent Audit of the Foundation Phase in Wales, the Independent Review of Childcare and Early Years Education Registration, Regulation and Review, and Universal Credit. The Welsh language should be considered within the scope of this work.

Another key policy document is the Welsh Government's 'Flying Start' Early Years Programme Strategic Guidelines. Flying Start is a Welsh Government pilot project which aims to improve the skills of children who live in some of the most deprived areas of Wales before they start statutory education. The Strategic Guidelines for this project do not include any reference to the Welsh-medium Education Strategy or WESPs.¹⁶

Questions for the Committee to consider: *Should the Committee consider looking beyond the content of the WESPs in order to ascertain whether there is effective interaction between the Welsh Government's Welsh-medium Education Strategy and other relevant legislation and policies?*

Should the Committee consider the extent to which the Welsh Government ensures that matters relating to Welsh-medium education are mainstreamed within other relevant legislation and policies?

Transport

A great deal of attention has been given to transport in a number of areas across Wales during recent years, particularly the issue of transport for pupils in post-16 education. I am currently in the process of collecting evidence from all Local Authorities on their transport arrangements for pupils in post-16 Welsh-medium education. I am asking the Local Authorities whether they are intending to review or amend their current provision. The information I have received so far is not yet complete, but it does already show that a significant number of Local Authorities intend to amend their provision.

I will have more evidence on this matter in due course, and I would be very happy to share this information with the Committee then.

Thank you for this opportunity to comment on the Committee's inquiry into Welsh in Education Strategic Plans. I strongly believe that Local Authorities must adopt an ambitious vision for Welsh-medium education and that this vision should be implemented through Welsh in Education Strategic Plans. Without enforcement power, it is difficult to see how the Welsh Government can monitor the implementation of these Plans effectively.

The next few years will be a very exciting time in the history of education in Wales. As the significant recommendations of the Donaldson Review are implemented, it is

¹⁶ <http://gov.wales/docs/dhss/publications/120913fsguidanceen.pdf>



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extremely important that the aims and principles of the Welsh-medium Education Strategy and the Welsh in Education Strategic Plans are not sidelined and forgotten.

Yours sincerely,

Meri Huws

Welsh Language Commissioner