

Agenda – Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Lleoliad: Fideo Gynadledda drwy Zoom

I gael rhagor o wybodaeth cysylltwch a:

Dyddiad: Dydd Iau, 8 Hydref 2020

Llinos Madeley

Amser: 09.15

Clerc y Pwyllgor

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Yn unol â Rheol Sefydlog 34.19, mae'r Cadeirydd wedi penderfynu gwahardd y cyhoedd o gyfarfod y Pwyllgor er mwyn diogelu iechyd y cyhoedd. Bydd y cyfarfod hwn yn cael ei ddarlledu'n fyw ar www.senedd.tv.

Rhag-gyfarfod preifat

(08.45 – 09.15)

1 Cyflwyniadau, ymddiheuriadau, dirprwyon a datgan buddiannau

(09.15)

2 Bil Cwricwlwm ac Asesu (Cymru) – sesiwn dystiolaeth 8 gyda

Chomisiynwyr Statudol

(09.15 – 10.15)

(Tudalennau 1 – 60)

Sally Holland, Comisiynydd Plant Cymru

Jane Houston, Cynghorydd Polisi Addysg ar gyfer Comisiynydd Plant Cymru

Sophie Howe, Comisiynydd Cenedlaethau'r Dyfodol

Aled Roberts, Comisiynydd y Gymraeg

Dogfennau atodol:

Briff Ymchwil

CYPE(5)-23-20 – Papur 1 – Comisiynydd Plant Cymru

CYPE(5)-23-20 – Papur 2 – Comisiynydd Cenedlaethau'r Dyfodol (Saesneg yn



unig)

CYPE(5)-23-20 – Papur 3 – Comisiynydd y Gymraeg

Egwyl

(10.15 – 10.35)

3 Bil Cwricwlwm ac Asesu (Cymru) – sesiwn dystiolaeth 9 sy'n ymwneud ag addysg cydberthynas a rhywioldeb (RSE)

(10.35 – 11.35)

(Tudalennau 61 – 140)

Kelly Harris, Arweinydd Datblygu Busnes a Chyfranogiad – Brook

Yr Athro Emma Renold, Athro Astudiaethau Plentyndod – Ysgol y Gwyddorau

Cymdeithasol, Prifysgol Caerdydd

Iestyn Wyn, Rheolwr Ymgyrchoedd, Polisi ac Ymchwil – Stonewall Cymru

Dr Sarah Witcombe-Hayes, Uwch Ymchwilydd Polisi (Cymru) – NSPCC Cymru

Gwendolyn Sterk, Pennaeth Cyfathrebu a Materion Cyhoeddus – Cymorth i

Ferched Cymru

Dogfennau atodol:

CYPE(5)-23-20 – Papur 4 – Brook (Saesneg yn unig)

CYPE(5)-23-20 – Papur 5 – Yr Athro EJ Renold (Saesneg yn unig)

CYPE(5)-23-20 – Papur 6 – Stonewall Cymru (Saesneg yn unig)

CYPE(5)-23-20 – Papur 7 – NSPCC Cymru (Saesneg yn unig)

CYPE(5)-23-20 – Paper 8 – Cymorth i Ferched Cymru (Saesneg yn unig)

CYPE(5)-23-20 – Papur 9 – Grŵp Gweithredu Addysg Cydberthynas a Rhywioldeb (Saesneg yn unig)

4 Papurau i'w nodi

(11.45)

4.1 Llythyr gan Gomisiynydd Plant Cymru at Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg ynghylch defnyddio pwerau statudol

(Tudalennau 141 – 142)

Dogfennau atodol:

CYPE(5)-23-20 – Papur i'w nodi 1

4.2 Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at Brif Arolygydd Ei Mawrhydi yn dilyn cyfarfod y Pwyllgor ar 17 Medi

(Tudalennau 143 – 144)

Dogfennau atodol:

CYPE(5)-23-20 – Papur i'w nodi 2

4.3 Llythyr gan Brif Arolygydd Ei Mawrhydi at Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg yn dilyn cyfarfod y Pwyllgor ar 17 Medi

(Tudalennau 145 – 146)

Dogfennau atodol:

CYPE(5)-23-20 – Papur i'w nodi 3

4.4 Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at Brif Weithredwr Cymwysterau Cymru yn dilyn cyfarfod y Pwyllgor ar 17 Medi

(Tudalennau 147 – 149)

Dogfennau atodol:

CYPE(5)-23-20 – Papur i'w nodi 4

4.5 Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at holl Is-Gangellorion Prifysgol Cymru ynghylch trefniadau i gefnogi myfyrwyr yng sgil COVID-19

(Tudalennau 150 – 151)

Dogfennau atodol:

CYPE(5)-23-20 – Papur i'w nodi 5

4.6 Llythyr gan y Gweinidog Addysg at Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg ynghylch yr adroddiad gan yr Athro Sofya Lyakhova ar addysgu o bell a Covid-19

(Tudalennau 152 – 153)

Dogfennau atodol:

CYPE(5)-23-20 – Papur i'w nodi 6

5 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd am weddill y cyfarfod

(11.35)

6 Y Bil Cwricwlwm ac Asesu (Cymru): Trafod y dystiolaeth

(11.35 – 11.45)

**7 Ymchwiliad i Hawliau Plant yng Nghymru – trafod yr ymateb gan
Lywodraeth Cymru**

(11.45 – 12.00)

(Tudalennau 154 – 163)

Dogfennau atodol:

CYPE(5)-23-20 – Papur preifat

Mae cyfyngiadau ar y ddogfen hon

Ymgynghoriad ar y Bil Cwricwlwm ac Asesu (Cymru)

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

Amdanoch Chi

Sefydliad: Comisiynydd Plant Cymru

1. Egwyddorion cyffredinol y Bil

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

Ydw

1.2 Amlinellwch eich rhesymau dros eich ateb i gwestiwn 1.1

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

Cefnogaeth ar gyfer egwyddor

Rwy'n cefnogi egwyddor cwricwlwm newydd i ddisodli'r un a luniwyd yn 1988. Mae digonedd o dystiolaeth ynghylch yr angen i blant a phobl ifanc yng Nghymru dderbyn hawliau cwricwlwm newydd a mwy perthnasol ac mae dull gweithredu cenedlaethol wedi bod yn cael ei ddatblygu ers sawl blwyddyn, gyda chefnogaeth gyffredinol y proffesiwn addysgu. Rwy'n cefnogi diffinnio'r cwricwlwm ar ffurf cyfres eang o ddyletswyddau sy'n sefydlu'r hyn y mae hawl i'w dderbyn a chysondeb cenedlaethol, ond hefyd yn galluogi ymarferwyr i ddefnyddio proffesiynoldeb a gallu creadigol i ymateb i anghenion a diddordebau plant a phobl ifanc. Efen bwysig yw fy marn y dylai plant a phobl ifanc eu hunain gael eu cynnwys wrth lunio a ffurfio eu dysgu eu hunain, ac mae'r model hwn yn caniatáu hynny (er y gallai fynd ymhellach yn hynny o beth, fel rwy'n amlinellu yn fy mhwyntiau isod). Rwy'n cefnogi pob un o'r pedair egwyddor allweddol a nodwyd ym mharagraff 3.8 o'r memorandwm esboniadol: mae hynny'n cynnwys natur bwrpasol y cwricwlwm, a'r dibenion eu hunain, sy'n cyd-fynd ag egwyddorion Sylw Rhif 1 ar Erthygl 29: Nodau Addysg.

Dyletswydd sylw dyledus i CCUHP

Ond er bod y Llywodraeth wedi derbyn fy argymhelliad yn Adroddiad Blynyddol 2017/18 bod 'dull gweithredu seiliedig ar hawliau plant yn sylfaen ar gyfer yr egwyddorion sy'n llywio darparu'r cwricwlwm', ers hynny mae'r Llywodraeth wedi gwrthod fy ngalwad am roi dyletswydd sylw dyledus i CCUHP ar wyneb y Bil. Trwy wrthod hynny, gwnaeth y Llywodraeth yr honiad cyfeiliornus bod dyletswydd o'r fath yn ddiangen oherwydd Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011.

Nid yw'r honiad hwn yn dal dŵr; fel sy'n amlwg yn y Bil hwn, bydd y ddeddfwriaeth newydd yn golygu bod modd gwneud mwy o benderfyniadau ynghylch trefniadau'r cwricwlwm ac asesu, a sut mae'r rhain yn berthnasol i blant unigol, ar lefel yr ysgol. Mae sicrhau bod hawliau plant yn ganolog i'r penderfyniadau a wneir gan Benaethiaid a Chyrff Llywodraethu ysgolion y tu hwnt i gwmpas y Mesur. Er bod llawer o blant, sydd yng ngofal arweinwyr ysgol ardderchog sy'n ymroddedig i'w hawliau, yn profi eu hawliau trwy eu haddysg, nid yw hynny'n wir yn achos pawb, fel sy'n dod i'r amlwg yn sgîl achosion o dynnu plant oddi ar gofrestrau'n answyddogol, diffyg cynrychiolaeth amrywiol yng nghynnwys y cwricwlwm, a diffyg cyfleoedd i gyfranogi. Fe allai'r gwahaniaeth hwn yn sut mae plant yn profi eu hawliau gynyddu o dan y Bil newydd yma, gan ei fod yn rhoi mwy o ymreolaeth. Ni ddylid caniatáu i hawliau plant fod yn fater o siawns fel hyn.

Rwyf wedi cyhoeddi'n helaeth ynghylch manteision cynnwys dyletswydd sylw dyledus ar wyneb y Bil, ond yn hytrach nag ailadrodd y manteision i blant yma, byddaf yn esbonio rhai enghreifftiau o sut byddai'r ddyletswydd hon yn gwneud gwahaniaeth ymarferol i wella'r Bil fel y mae'n sefyll ar hyn o bryd, a sut y byddai'n gam llawer symlach na'r holl newidiadau niferus y byddai eu hangen i sicrhau bod y Bil yn cydymffurfio â CCUHP, pe na bai'r ddyletswydd yn cael ei chynnwys.

- Bydd dyletswydd sylw dyledus yn sicrhau tegwch. Mae cynsail ar gyfer dyletswydd sylw dyledus yn Neddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 a Deddf Anghenion Dysgu Ychwanegol a Thribiwnlys Addysg (Cymru) 2018. Os nad yw'r Bil hwn yn cynnwys y ddyletswydd hon bydd hynny'n creu fframwaith deddfwriaethol anrhesymegol, lle mae gan rai plant a phobl ifanc, ond nid pawb ohonynt, ddarpariaethau CCUHP yn y ddeddfwriaeth ddomestig sy'n ymwneud â'u haddysg.

- Bydd dyletswydd sylw dyledus yn cefnogi'r Bil hwn, a'i egwyddorion, i barhau. Er mai Dyfodol Llwyddiannus yw'r glasbrint ar gyfer dylunio'r cwricwlwm nawr, erbyn i'r cwricwlwm ddod yn statudol ar gyfer pob grŵp blwyddyn, yn 2026, bydd dros ddegawd wedi mynd heibio ers ei gyhoeddi. Mae dibenion ac egwyddorion dylunio'r cwricwlwm a gyflwynir yn y Bil hwn yn fwy tebygol o fod yn hirhoedlog os ydynt wedi'u seilio ar CCUHP

– fframwaith hawliau dynol rhyngwladol, gwleidyddol niwtral, sy'n gallu gwrthsefyll heriau gwleidyddol.

- Bydd dyletswydd sylw dyledus yn sicrhau bod penderfyniadau'n cael eu rhannu. Mae gan Benaethiaid a Chyrff Llywodraethu bwerau o dan adrannau 33 (2) a 35 (4) sy'n eu galluogi i beidio â chymhwyso'r dysgu a'r addysgu a ddewiswyd gan ddisgybl o dan rai amgylchiadau. Ar hyn o bryd mae bylchau yn sut mae darpariaethau'r Bil yn sicrhau cyfranogiad yn y broses hon. Byddai dyletswydd sylw dyledus yn golygu y dylai plant a phobl ifanc fod yn rhan o'r penderfyniadau hyn, fel eu bod yn gallu dewis llwybr dysgu amgen y gall ysgol ei gefnogi. Heb ddyletswydd sylw dyledus bydd angen gwneud newidiadau i adrannau 33, 34 a 35 i alluogi cyfranogiad.

- Bydd dyletswydd sylw dyledus yn helpu i sicrhau addysg grefyddol blwraliaethol wrth ddatblygu meysydd llafur lleol ar gyfer Crefydd, Gwerthoedd a Moeseg. Ar hyn o bryd nid yw'r Bil yn cynnwys darpariaeth i bob plentyn dderbyn addysg blwraliaethol ym maes crefydd. Mae hyn yn anghyson ag Erthygl 29 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn. Heb ddyletswydd sylw dyledus, bydd angen newidiadau sylweddol i Atodlen 1 i sicrhau ei bod yn cymryd hawliau plant i ystyriaeth. Hyd yn oed gydag amddiffyniadau CCUHP yn eu lle bydd angen rhai newidiadau i Atodlen 1 (a amlinellir yn fy ateb ar ddiwedd yr ymateb hwn), gan fod yr atodlen ar hyn o bryd yn mynd yn gwbl groes i hawliau plant.

- Byddai dyletswydd sylw dyledus yn sicrhau bod hawliau plant yn cael eu hystyried wrth i'r cwricwlwm gael ei ddadgymhwyso ar gyfer dysgwyr ag ADY neu ddysgwyr eraill ar sail dros dro, a byddai'n sicrhau bod plant a phobl ifanc yn rhan o'r penderfyniad hwnnw. Ar hyn o bryd nid yw'r Bil yn gofyn bod hawliau'r plentyn unigol yn cael eu hystyried pan fydd awdurdod lleol yn gwneud penderfyniad i ddadgymhwyso'r cwricwlwm wrth baratoi Cynlluniau Datblygu Unigol (CDU) neu Gynlluniau Addysg, Iechyd a Gofal (AIG) (Adran 43 o'r Bil), ac nid yw'n pennu sut mae'r plentyn ei hun yn rhan o'r penderfyniad hwn, er y dylai hawliau plant gael eu cymryd i ystyried gan fod hyn yn gorgyffwrdd â Deddf Anghenion Dysgu Ychwanegol a Thribiwnlys Addysg (Cymru) (bydd yn rhaid egluro yn y Côd, sy'n dal heb ei lunio'n derfynol, sut bydd hynny'n digwydd wrth baratoi cynlluniau AIG). Fodd bynnag, ar hyn o bryd nid oes darpariaeth o'r fath i ystyried hawliau plant heb ADY yn benodol pan gaiff y cwricwlwm ei ddadgymhwyso dros dro o dan adran 44 o'r Bil. Heb ddyletswydd sylw dyledus, bydd angen newidiadau sylweddol i adrannau 44, 45, 46, 47 a 48 i sicrhau lles pennaf y plentyn ac i nodi sut bydd plentyn yn rhan o'r penderfyniadau hyn. Mae'n rhaid i hyn gynnwys system eiriolaeth ar gyfer cyfranogiad plant, hyd yn oed pan fydd 'penaethiaid o'r farn nad oes gan y disgybl gapasiti i ddeall' [Adran 46 (5)].

- Byddai dyletswydd sylw dyledus yn sicrhau bod hawliau plant yn cael eu hystyried pan gynigir hawliau'r cwricwlwm yn rhannol yn unig i blant mewn lleoliadau EOTAS, a byddai'n sicrhau bod plant a phobl ifanc yn rhan o'r penderfyniad yma. Rwyf wedi cyflwyno tystiolaeth yn flaenorol i'r Pwyllgor hwn ynghylch sut mae pobl ifanc mewn darpariaeth EOTAS yn aml yn teimlo nad ydynt yn cyfranogi mewn penderfyniadau ynghylch eu haddysg, ac nad ydynt yn cael cyfle i adolygu penderfyniadau. Mae Adrannau 52-57 yn cyflwyno'r gofynion cwricwlwm penodol ar gyfer plant mewn lleoliadau EOTAS, a sut dylid adolygu hynny. Mae'r adrannau hyn yn gwneud un yn unig o'r chwe Maes Dysgu a Phrofiad yn orfodol, a rhai yn unig o'r gofynion gorfodol eraill sy'n berthnasol i ddysgwyr eraill. Nid wyf yn gwrthwynebu dull hyblyg o ymdrin â dysgwyr mewn darpariaeth EOTAS, gan y gallai hynny'n aml fod er lles pennaf y plentyn unigol. Fodd bynnag, rwy'n teimlo'n gryf bod angen mwy o fesurau diogelu nag sydd yn y Bil ar hyn o bryd er mwyn sicrhau bod penderfyniad yr awdurdod lleol, y pwyllgor rheoli, neu'r athro sydd â gofal am UCD yn cael ei lywio gan hawliau'r plentyn a chyfranogiad y plentyn. Os na chaiff dyletswydd sylw dyledus ei chynnwys, bydd angen diwygio adrannau 52-57 yn sylweddol i sicrhau cyfranogiad wrth wneud penderfyniadau. Mae hon yn enghraifft glir iawn o sut mae honiad y Llywodraeth nad oes angen dyletswydd sylw dyledus ar y Bil oherwydd Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 yn gamgymeriad llwyr: nid Gweinidogion Cymru sy'n gwneud penderfyniadau ynghylch plant unigol, ond gweithwyr proffesiynol mewn cyd-destunau lleol, nad ydynt yn cael eu rhwymo gan Fesur 2011.

- Mae dyletswydd sylw dyledus yn golygu na all fframweithiau atebolrwydd i ysgolion arwain at benderfyniadau sy'n mynd yn groes i les pennaf plant unigol. Rwy'n cefnogi'n gyffredinol y trefniadau gwerthuso a gwella newydd sy'n cael eu datblygu, ond nid yw'r ddeddfwriaeth ei hun yn cynnwys dim i sicrhau pedair prif egwyddor y trefniadau hyn, fel y disgrifir yn 3.122 o'r Memorandwm Esboniadol. Yn hytrach, y darpariaethau presennol ar gyfer gwerthuso a gwella fydd yn darparu'r sylfaen ddeddfwriaethol. Ond nid yw'r ddeddfwriaeth bresennol wedi atal cyrhaeddiad rhag cael ei ddefnyddio mewn modd sy'n niweidiol i les pennaf plant unigol. Bydd trefniadau atebolrwydd yn destun newid a phwysau gwleidyddol parhaus, ond nid oes newid deddfwriaethol i sicrhau na fydd canlyniadau anfwriadol i blant megis tynnu oddi ar y gofrestr yn answyddogol neu gynnig cwricwlwm cul iawn, gyda ffocws ar arholiadau, sy'n gallu peri i lawer o bobl ifanc golli diddordeb. Heb ddyletswydd sylw dyledus, bydd angen ystyried o ddifrif a ddylai fod newid deddfwriaethol i sicrhau nad yw atebolrwydd yn digwydd ar draul plant unigol, a ffocws ar y ffurf fwyaf effeithiol a allai fod i'r ddarpariaeth ddeddfwriaethol honno.

- Byddai dyletswydd sylw dyledus yn golygu bod asesu plant a phobl ifanc yn cyd-fynd â hawliau plant ac yn cynnal datblygiad a llesiant optimwm. Mae'r nodau ar gyfer

symud ymlaen, ac asesu ffurfiannol fel rhan o hynny, yr ymhelaethwyd arnynt yn y Memorandwm Esboniadol, yn cyd-fynd ag egwyddorion hawliau plant. Fodd bynnag, heb ddyletswydd sylw dyledus nid oes darpariaeth yn y ddeddfwriaeth sy'n sicrhau bod y Côt Dilyniant yn cael ei weithredu mewn lleoliadau (a rôl asesu yn hynny) yn unol â hawliau plant. Gyda dyletswydd sylw dyledus, bydd angen i leoliadau gymryd hawliau plant i ystyriaeth yn eu prosesau asesu, felly bydd angen i'r asesu adlewyrchu lles pennaf plant (Erthygl 3), eu cyfranogiad (Erthygl 12) a'u datblygiad optimwm (Erthygl 29). Mae'n bwysig nodi bod asesu yn un o brif bryderon plant a phobl ifanc, a bod profiad cyfredol o asesu yn cyfrannu at orbryder, yn arbennig mewn ysgolion uwchradd. Heb ddyletswydd sylw dyledus bydd angen newid Adrannau 58 a 59 o'r Bil fel eu bod yn adlewyrchu hawliau plant yn llawnach, ac i amddiffyn plant rhag effeithiau newidiol i'w llesiant yn sgîl asesu.

- Byddai dyletswydd sylw dyledus yn helpu i sicrhau cydraddoldeb a pheidio â chamwahaniaethu. Rwy'n croesawu'r ddarpariaeth yn y Bil ynghylch addasrwydd y cwricwlwm yn Adran 22, sy'n datgan bod 'Rhaid i'r cwricwlwm fod yn addas ar gyfer disgyblion, neu blant gwahanol o ran oed, gallu a thueddfryd'. Fodd bynnag, rwy'n ansicr pa mor gynhwysol yn union fydd y cwricwlwm hwn i blant a phobl ifanc gwahanol. Mae'r Asesiad Effaith ar Gydraddoldeb yn gwneud sawl honiad beiddgar, ond nid wyf yn sicr i ba raddau ceir tystiolaeth o'r rhain. Er enghraifft, mae'r Asesiad Effaith ar Gydraddoldeb yn nodi 'effaith gadarnhaol ar famau ifanc sy'n mynychu EOTAS, a fydd yn elwa o ddysgu wedi'i deilwra'n fwy i'w hanghenion a'u galluoedd, ac yn golygu ei fod yn haws iddynt ailintegreiddio i addysg brif ffrwd lle bo hynny'n ymarferol'. Ond nid oes sylfaen glir o dystiolaeth ar gyfer hyn, nid eglurwyd a fu hyn yn destun ymchwiliad yn ystod y cyfnod datblygu, ac o bosibl gallai mwy o amrywiaeth rhwng lleoliadau (ar sail sybsidiaredd) olygu ei fod yn anoddach i bobl ifanc drosglwyddo o un lleoliad i un arall. Mae gwaith ymchwil y mae WISERD yn ei arwain ar hyn o bryd ar ddiwygio'r cwricwlwm o bersbectifau athro yn dangos bod athrawon a fu'n ymwneud â datblygu'r Meysydd Dysgu a Phrofiad trwy'r broses arloesi wedi methu â dyfynnu enghreifftiau penodol o sut byddai plant o gefndir difreintiedig yn elwa o'r dull gweithredu newydd. Teimlai athrawon a gafodd eu cyfweld fel rhan o'r gwaith ymchwil yma, o leoliadau arloesi ac eraill, hefyd yn ansicr y byddai'r cwricwlwm yn gynhwysol: 31% yn unig o'r athrawon a gafodd gyfweiliad fel rhan o'r gwaith ymchwil hwn ddywedodd eu bod yn meddwl y byddai cyflwyno'r cwricwlwm newydd yn cael effaith gadarnhaol ar ddisgyblion oedd yn gymwys i dderbyn Prydau Ysgol am ddim, ac roedd llai na 20% o'r farn y byddai hynny'n cael effaith gadarnhaol ar ddisgyblion BAME. Mae hyn yn ategu gwaith ymchwil oedd yn nodi bod angen ymdrin â phroblemau gyda'r Cyfnod Sylfaen, fel bod dulliau gweithredu'r Cyfnod Sylfaen o fudd cyfartal i fechgyn ac i blant sy'n byw mewn tloidi. Rwyf wedi cyflwyno fy mhryderon am hyn i'r Llywodraeth yn flaenorol, ac wedi gofyn am asesiadau effaith mwy trylwyr, sy'n cyflwyno mesurau lliniaru

ar gyfer unrhyw effeithiau negyddol posibl. Un mesur lliniaru o'r fath yw cynnwys dyletswydd yn y ddeddfwriaeth i bob corff perthnasol roi sylw i hawliau plant, gan fod egwyddor cydraddoldeb a pheidio â chamwahaniaethu yn ganolog i hawliau dynol plant. Byddai'r ddyletswydd hon yn golygu bod angen i leoliadau fonitro, gwerthuso a rhoi sylw i anghydraddoldeb yng nghynnwys y cwricwlwm neu yng nghyswllt deilliannau grwpiau penodol.

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

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

Mae angen deddfwriaeth i gyflawni nodau'r Bil hwn. Yn ganolog i'r Bill mae hawliau newydd, perthnasol y dylai plant a phobl ifanc eu profi trwy eu haddysg. Mae angen deddfwriaeth i greu'r hawliau hynny.

Mae dau faes arbennig yn y cwricwlwm lle mae angen newid y ddeddfwriaeth ar frys.

Yn gyntaf, mae angen darparu Maes Dysgu a Phrofiad Iechyd a Llesiant i blant a phobl ifanc, a hynny ar frys, fel profiad gorfodol ar hyd eu haddysg.

Yn ail, mae'n rhaid diweddarau'r ddeddfwriaeth i alluogi pob plentyn a pherson ifanc yng Nghymru i gael profi'r Addysg Cydberthynas a Rhywioldeb. Mae canfyddiadau allweddol y Panel Arbenigwyr Addysg Rhyw a Pherthnasoedd yn dangos bod y gyfraith bresennol ar Addysg Rhyw a Pherthnasoedd wedi dyddio ac nad yw'r ddeddfwriaeth bresennol yn cefnogi'r addysg rhyw a pherthnasoedd seiliedig ar hawliau a rhywedd cyfartal y cynghorwyd ysgolion i'w darparu mewn canllawiau blaenorol gan Lywodraeth Cymru.

Mae rhoi sylfaen statudol i egwyddorion Addysg Cydberthynas a Rhywioldeb, a restrir yn y Memorandwm Esboniadol, yn gam hanfodol at gychwyn proses y mae mawr angen amdani yng Nghymru, i sicrhau bod pob plentyn a pherson ifanc yn cael cyfleoedd ansawdd uchel i ddatblygu eu dealltwriaeth o gydberthynas a rhywioldeb.

Mae'r hawliau dysgu hyn yn un mor bwysig ag unrhyw rai eraill yn y cwricwlwm, ac nid dysgu yw hwn y dylid eithrio unrhyw blentyn na pherson ifanc ohono ar unrhyw sail. Bydd newid deddfwriaethol cysylltiedig ag Addysg Cydberthynas a Rhywioldeb yn helpu i wireddu darpariaethau CCUHP, y mae gan holl blant Cymru hawl i'w derbyn, gan gynnwys:

- yr hawl i beidio â dioddef camwahaniaethu (Erthygl 2)

- yr hawl i gael eu clywed, i fynegi barn, ac i fod yn rhan o benderfyniadau (Erthygl 12);
- yr hawl i gael mynediad i wybodaeth fydd yn caniatáu i blant wneud penderfyniadau am iechyd (Erthygl 17)
- yr hawl i brofi'r iechyd gorau sy'n bosibl, mynediad at gyfleusterau iechyd, gofal iechyd ataliol, ac addysg a gwasanaethau cynllunio teulu (Erthygl 24)
- yr hawl i gael addysg sy'n cefnogi pob plentyn i ddatblygu a chyflawni eu potensial llawn ac yn paratoi plant i ddeall eraill a bod yn oddefgar tuag atynt (Erthygl 29)
- yr hawl i amddiffyniad y llywodraeth rhag cam-drin a chamfanteisio rhywiol (Erthygl 34).

Bydd y newid deddfwriaethol hwn hefyd yn caniatáu'r hawliau cyfreithiol traddodadwy canlynol, sydd hefyd yn berthnasol o dan y Ddeddf Hawliau Dynol a'r Confensiwn Ewropeaidd ar Hawliau Dynol (ECHR):

- yr hawl i ryddid meddwl, cydwybod a chrefydd (Erthygl 9).
- yr hawl i ryddid mynegiant (Erthygl 10)
- yr hawl i beidio â chael eich amddifadu o addysg (Erthygl 2, Protocol 1)

Mae datganiad sefyllfa Rhwydwaith Ewropeaidd yr Ombwdsmyr Plant (ENOC) yn 2017 ar Addysg Cydberthynas a Rhywioldeb Gynhwysfawr yn datgan bod gan bob plentyn a pherson ifanc hawl i addysg gynhwysol, gyfannol, o ansawdd uchel am rywioldeb a chydberthynas. Mae hyn yn adleisio Sylwadau Terfynol Pwyllgor y CU ar Hawliau'r Plentyn yn 2016. Mewn ymateb i bryderon y Pwyllgor ynghylch amrywioldeb addysg cydberthynas a rhywioldeb, a'r diffyg gwybodaeth gywir i bobl ifanc (Adran 63b) mae'r Pwyllgor yn argymhell bod Partïon Gwladol yn sicrhau bod addysg ynghylch cydberthynas a rhywioldeb yn orfodol oddi mewn i gwricwlwm yr ysgol (Adran 64b).

Ceir rhestr o offerynnau cyfreithiol rhyngwladol rhwymol ac anrhwymol sy'n sylfaen ar gyfer y gofyniad i ddarparu Addysg Cydberthynas a Rhywioldeb o ansawdd uchel ar dudalen 1 o ddatganiad ENOC yn 2017 . Yn y cyd-destun rhyngwladol hwn, mae angen newid deddfwriaethol er mwyn dileu hawl rhieni i dynnu plentyn allan o Addysg Grefyddol ac Addysg Cydberthynas a Rhywioldeb. Mae cadw deddfwriaeth sy'n caniatáu i rieni dynnu person ifanc allan o'r pynciau hyn yn atal plant a phobl ifanc rhag cael eu hawliau eu

hunain, ac nid yw'n caniatáu i berson ifanc ddewis derbyn addysg cydberthynas a rhywioldeb cyn oed cydsynio cyfreithlon.

Mewn cyd-destun domestig mae hyn eto yn anghydweddus â hawliau dynol plant o dan ddeddfwriaeth ddomestig Deddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol (ECHR). Yng Nghymru, mae hefyd yn anghydweddus â'r ymrwymiad i CCUHP yng Nghymru sy'n cael ei warantu gan Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011. Mewn cyd-destun polisi yng Nghymru bydd gwneud y newid deddfwriaethol hwn hefyd yn datblygu cynhwysiad addysg Rhyw a Pherthnasoedd fel rhan o gynllun Dyfodol Llwyddiannus, ac Amcan 2 yn Strategaeth Genedlaethol Llywodraeth Cymru ar Drais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (2016-2021) sy'n datgan bod rhaid i'r cwricwlwm gynnwys pwysigrwydd cydberthynas ddiogel, gyfartal a iach.

2. Gweithredu'r Bil

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

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

Rwy'n rhagweld y ceir llawer o fanylion mewn ymateb i'r cwestiwn hwn gan arweinwyr addysg, ymarferwyr a phlant a phobl ifanc eu hunain, y mae pawb ohonynt mewn sefyllfa well i asesu rhwystrau ar sail eu profiad cyfredol o ddatblygu'r cwricwlwm. Hoffwn innau gynnig cefnogaeth fy swyddfa i drafod a chael hyd i atebion posibl i'r heriau a allai godi yn sgîl y broses ymgynghori hon.

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

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

Eto, rwy'n rhagweld y ceir llawer o fanylion mewn ymateb i'r cwestiwn hwn gan arweinwyr addysg, ymarferwyr a phlant a phobl ifanc eu hunain, y mae pawb ohonynt mewn sefyllfa well i asesu rhwystrau ar sail eu profiad cyfredol o ddatblygu'r cwricwlwm. Hoffwn innau gynnig cefnogaeth fy swyddfa i drafod sut gallai'r Bil ymateb yn well i'r heriau a godir trwy'r broses ymgynghori hon.

3. Canlyniadau anfwriadol

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

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

Paredd Meysydd Dysgu a Phrofiad yn ystod cymwysterau 14-16

Mae'n anodd asesu i ba raddau bydd pobl ifanc yn profi'r cwricwlwm llawn rhwng 14 ac 16 oed, gan fod y gwaith o ystyried cymwysterau 14-16 ar waith ar hyn o bryd ac yn datblygu. Yng ngoleuni hyn, rwy'n nodi bod tystiolaeth ynghylch effaith arholi ar ddysgu ac addysgu yn dangos y gall cyfyngu ar y cwricwlwm fod yn effaith niweidiol a achosir gan arholiadau allanol, , , gydag ysgolion yn dyrannu mwy o amser addysgu ar gyfer pynciau sy'n cael eu harholi ac yn lleihau'r amser ar gyfer pynciau lle nad oes prawf ffurfiol. Gall y Maes Dysgu a Phrofiad Iechyd a Llesiant a'r Maes Dysgu a Phrofiad Celfyddydau Mynegiannol fod yn arbennig o agored i gael eu gwthio i'r ymylon ar gyfer pobl ifanc yn ystod y cyfnod hwn. Ac mae'r un peth yn wir am elfennau trawsgwricwlaidd fel Addysg Cydberthynas a Rhywioldeb. Wrth ddatblygu cymwysterau mae'n rhaid rhoi mesurau ar waith i sicrhau nad yw'r cwricwlwm yn cael ei gyfyngu ar gyfer llawer o ddysgwyr o 14 oed ymlaen, dylai hyn sicrhau nad yw pobl ifanc yn colli cyfle i astudio meysydd yn y cwricwlwm sy'n gallu cael eu gwthio i'r cyrion o dan y system bresennol. Eto, byddai sylw dyledus i CCUHP yn golygu bod rhaid i weithwyr proffesiynol gael eu tywys gan yr angen am addysg gyfannol, fel y mynegwyd yn Erthygl 29, a byddai hynny'n gwrthweithio'r risg o ddylunio cwricwlwm cyfyng ar gyfer pobl ifanc hŷn.

Heriau wrth werthuso effaith y cwricwlwm

Rhaid bod dau ddiben cyffredinol i asesu: yn gyntaf darparu asesiad ffurfiannol, cefnogol ar gyfer ac ar ffurf dysgu, mewn modd sy'n cyd-fynd â hybu llesiant a hunan-barch plant a phobl ifanc. Rhaid mai'r diben arall cyffredinol yw casglu gwybodaeth er mwyn gwerthuso addysgu, dysgu a dull gweithredu'r cwricwlwm yn gyfan.

Nid yw'r wybodaeth hon yn galw am brofion safonedig, a gellir ei seilio ar wybodaeth broffesiynol ynghylch cynnydd neu ddull ymchwil sy'n defnyddio samplu ac arsylwi. Ni ddylid rhoi cyhoeddusrwydd i hyn mewn tablau cynghrair ysgolion na'i defnyddio mewn system atebolrwydd y rhoddir pwys mawr arni. Ond mae angen dull gweithredu a ddatblygwyd yn ofalus, sy'n cynhyrchu data cymaradwy o un dosbarth i'r nesaf, er mwyn medru gwerthuso'n wrthrychol sut mae diwygiadau addysg yn effeithio ar bob plentyn a

pherson ifanc, a sicrhau sylfaen o wybodaeth ar gyfer cyflawni gwelliannau – mae hyn yn wir ar lefel ysgol yn ogystal ag ar lefel genedlaethol.

Nid yw canllawiau asesu'r cwricwlwm cyfredol yn cyflwyno dull cenedlaethol cyson o gynhyrchu data cymaradwy, ac mae hynny'n awgrymu y gallai fod yn heriol neu hyd yn oed yn amhosibl cymharu data ar lefel leol neu genedlaethol. Bydd hynny'n golygu na fydd o reidrydd yn bosibl adnabod grwpiau o bobl ifanc sy'n cael eu rhoi o dan anfantais gan ddulliau gweithredu newydd, ac mae goblygiadau penodol i hynny yng nghyswllt cau'r bwlch cyrhaeddiad, gan fod y dystiolaeth yn dangos mai defnydd trylwyr o ddata yw un ffordd o gyflawni hynny.

Er fy mod i'n cefnogi llawer o'r gweithredu sy'n cael ei hyrwyddo yng nghyswllt cymedroli fel modd i rannu a datblygu arfer da ym maes dysgu ac addysgu, dylai'r Llywodraeth sicrhau bod data cymaradwy yn cael ei gynhyrchu ledled Cymru er mwyn gallu gwerthuso effaith diwygio addysg ar wahanol grwpiau o blant wrth i'r cwricwlwm ddatblygu. Ni ddylid rhoi pobl ifanc mewn sefyllfa sy'n golygu nad oes modd gwerthuso effaith diwygio ar wahanol grwpiau ond adeg yr asesu crynodol yn 16 oed, gan y bydd hynny'n rhy hwyr ar gyfer y carfannau cyntaf o bobl ifanc sy'n dysgu o dan drefniadau'r cwricwlwm newydd. Heb fodd i gynhyrchu data cymaradwy trwy'r broses ffurfiannol barhaus, mae perygl hefyd y bydd asesu crynodol yn creu mwy fyth o bwysau ar bobl ifanc a'u hathrawon, gan na fydd dull arall cenedlaethol cydnabyddedig o werthuso a dangos cynnydd a dysgu.

Yn fesurau i ddiogelu rhag y maglau hyn, rwy'n argymhell:

- Y dylai'r Llywodraeth sicrhau bod peth data cymaradwy yn cael ei gynhyrchu ledled Cymru, fel bod modd gwerthuso effaith diwygio addysg ar wahanol grwpiau o blant wrth i'r cwricwlwm ddatblygu.
- Dylai asesu tegwch fod yn ystyriaeth allweddol ar gyfer yr adolygiad ôl-weithredu a'r gwerthuso parhaus.

4. Goblygiadau ariannol

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

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

Anghenion Dysgu Ychwanegol

Nid wyf wedi fy narbwylllo bod y Memorandwm Esboniadol yn cymryd i ystyriaeth yn ddigonol gost gyfunedig cyflwyno Deddf Anghenion Dysgu Ychwanegol a Thriwlynys Addysg (Cymru) 2018. Ni sonnir am Ddeddf 2018 ym Mhennod 8 o'r Memorandwm Esboniadol. Nid oes asesiad penodol o effaith ariannol y cwricwlwm newydd ar ysgolion AAA nac ar y ddarpariaeth ADY mewn ysgolion prif ffrwd.

Mae'n bosibl bod hynny oherwydd bod costau gweithredu Deddf 2018 yn cael eu cyfrif mewn man arall, ond rwy'n teimlo'n gryf y bydd cyfuno gweithredu'r ddwy Ddeddf ar yr un pryd yn cynhyrchu goblygiadau ariannol ynddo'i hun (ac y dylai hynny ddigwydd). Er enghraifft, bydd angen cryn dipyn o ddysgu proffesiynol er mwyn dirnad sut mae deall y ddarpariaeth ADY yn unol â'r cwricwlwm newydd. Bydd angen i ymarfer ddatblygu er mwyn cyfuno'r disgwyliadau o ran dilyniant, addysgeg a dylunio'r cwricwlwm a geir yn y Bil hwn, ochr yn ochr â'r disgwyliadau ar gyfer Darpariaeth Ddysgu Ychwanegol (ALP) a chyfranogiad yn Neddf 2018. Ni ddylai gweithwyr proffesiynol fod yn profi dysgu proffesiynol ar ffurf 'dysgu am y cwricwlwm ac asesu' a 'dysgu am Anghenion Dysgu Ychwanegol'; os yw diwygio addysg i fod yn drawsffurfiannol, mae angen cyfuno'r ddau beth, a bydd goblygiadau ariannol i ddylunio a chyflwyno'r dysgu yma ar y cyd.

Yr iaith Gymraeg

Rhoddir sylw i ddarpariaeth trwy gyfrwng y Gymraeg a digonolrwydd athrawon sy'n gallu dysgu Cymraeg a dysgu trwy gyfrwng y Gymraeg, ond nid yw'r gweithlu arbenigol yn cael ei gynnwys yn yr ystyriaeth hon, er bod digon o sôn wedi bod am fylchau yn y gweithlu arbenigol dwyieithog . Bydd gweithwyr proffesiynol arbenigol yn allweddol i roi'r cwricwlwm ar waith ar gyfer plant a phobl ifanc ag Anghenion Dysgu Ychwanegol, a dylid ystyried hynny fel rhan o gostau gweithredu'r cwricwlwm.

Yn yr un modd, mae angen mwy o weithwyr proffesiynol sy'n gallu dysgu Cymraeg a dysgu trwy gyfrwng y Gymraeg mewn lleoliadau EOTAS. Fel y nododd Estyn, mae diffyg darpariaeth EOTAS ddwyieithog yng Nghymru. Mae'n hanfodol rhoi sylw i hyn wrth weithredu'r cwricwlwm ar gyfer plant a phobl ifanc mewn lleoliadau EOTAS.

Addysg Cydberthynas a Rhywioldeb

Nid wyf wedi fy narbwylllo bod gwir gost y trawsffurfio sy'n angenrheidiol i sicrhau Addysg Cydberthynas a Rhywioldeb effeithiol yn cael ei hadlewyrchu yn y Memorandwm Esboniadol. Nid yw'r Memorandwm Esboniadol yn ystyried holl argymhellion y panel Addysg Rhyw a Pherthnasoedd , y mae'r Gweinidog wedi derbyn pob un ohonynt, ac y bydd pob un ohonynt yn allweddol i ddatblygu Addysg Cydberthynas a Rhywioldeb effeithiol.

Yn arbennig, dylai'r Memorandwm Esboniadol roi cyfrif am sefydlu rhwydwaith o arbenigwyr Addysg Cydberthynas a Rhywioldeb, a datblygu rolau ymarferwyr arweiniol mewn lleoliadau. Bydd angen adnoddau ar gyfer y ddau gam yma, ond os na chymerir y camau hyn bydd y newid deddfwriaethol yn llai llwyddiannus.

Er bod cydnabyddiaeth gyffredinol yn y Memorandwm Esboniadol y bydd angen dysgu proffesiynol er mwyn i athrawon gaffael yr wybodaeth a'r hyder i wreiddio addysg cydberthynas a rhywioldeb yn eu haddysgu, nid yw'r Memorandwm Esboniadol chwaith yn fy marn i yn nodi'r dysgu cyffredinol cadarn sy'n angenrheidiol er mwyn i'r proffesiwn gaffael yr hyder angenrheidiol i gyflwyno Addysg Cydberthynas a Rhywioldeb effeithiol, hyder y gwelwyd nad yw ar gael yn y proffesiwn ar hyn o bryd.

5. Pwerau I wneud is-ddeddfwriaeth

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

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

Rwy'n pryderu am bŵer Gweinidogion o dan adran 5 o'r Bil i greu Rheoliadau er mwyn ychwanegu, dileu neu ddiwygio'r meysydd dysgu a phrofiad, yr elfennau gorfodol a'r sgiliau trawsgwricwlaidd a nodwyd. Er fy mod i'n derbyn bod hyn yn caniatáu hyblygrwydd dros amser er mwyn ymateb i newid cymdeithasol, technolegol a datblygiadau ym maes ymchwil addysg, rwy'n pryderu y gallai hyn greu risg ar gyfer rhai Meysydd Dysgu a Phrofiad ac elfennau gorfodol eraill sydd heb ennill eu plwyf i'r un graddau. Gallai'r Maes Dysgu a Phrofiad lechyd a Llesiant ac elfen orfodol Addysg Cydberthynas a Rhywioldeb, sydd fel ei gilydd yn allweddol i'r cwricwlwm hwn, fod yn arbennig o fregus yn wyneb newid a her gwleidyddol.

Rhoddwyd pwerau ar wahân i Weinidogion Cymru, o dan Adran 6 (1) o'r Bil, i ddiwygio'r codau Beth sy'n Bwysig, sy'n cyflwyno'r dysgu o dan bob Maes Dysgu a Phrofiad. Rwy'n cwestiynu a oes angen i'r rheoliadau gynnwys hefyd bŵer i ddileu Meysydd Dysgu a Phrofiad cyfan neu elfennau gorfodol. Byddai newid i'r pŵer hwn fel ei fod yn caniatáu ychwanegu a diwygio Maes Dysgu a Phrofiad neu elfen orfodol yn dal i roi hyblygrwydd, ond hefyd yn sicrhau bod pobl ifanc yn derbyn y Meysydd Dysgu a Phrofiad a'r elfennau gorfodol presennol – sydd i gyd wedi'u penderfynu trwy broses hir o ymgynghori ac

ymgysylltu â'r cyhoedd a amlinellir ym Mhenodau Tri a Phedwar o'r Memorandwm Esboniadol.

6. Ystyriaethau eraill

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

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

Deddfu ar gyfer y Dull Ysgol-gyfan o ymdrin ag iechyd a lles meddyliol

Yn y gorffennol rydw i wedi awgrymi fod angen Sylfaen statudol ar gyfer y dull ysgol-gyfan o ymdrin ag iechyd a lles meddyliol. Rydw i'n falch felly i weld bod y canllawiau fframwaith drafft ar gyfer ymgorffori'r dull ysgol gyfan, sef ar hyn o bryd wedi'i chyhoeddi ar gyfer ymgynghoriad, yn nodi bod y canllawiau yma yn statudol o dan y Ddeddf Addysg 2002. Byddaf yn ymateb yn llawn i'r ymgynghoriad cyhoeddus ar y canllaw drafft yma i groesawi'r Sylfaen statudol ond hefyd amlinellu rhai gweithredoedd ychwanegol sydd angen i sicrhau eglurdeb rôl ar gyfer y byrddau iechyd.

Oherwydd y datblygiad hwn, fy asesiad yw nad oes bellach angen ystyried defnyddio darpariaeth ychwanegol ar gyfer y dull ysgol gyfan yn y Bil Cwricwlwm ac Asesiadau.

Newidiadau sy'n angenrheidiol i sicrhau bod y ddarpariaeth o ran Crefydd, Gwerthoedd a Moeseg yn cyd-fynd â hawliau dynol plant.

Rwy'n barnu bod angen newid Atodlen 1 yn sylweddol, hyd yn oed os ychwanegir dyletswydd sylw dyledus i CCUHP, oherwydd ar hyn o bryd mae'r atodlen hon yn gwbl groes i CCUHP.

Mae Atodlen 1 yn cyflwyno'r gofynion o ran y cwricwlwm Crefydd, Gwerthoedd a Moeseg ar gyfer ysgolion heb gymeriad crefyddol, ac ar gyfer ysgolion sylfaen a gwirfoddol reoledig crefyddol eu cymeriad, ac ar gyfer ysgolion gwirfoddol gymorthedig sydd â chymeriad crefyddol. Mae'r darpariaethau hyn yn dangos nad yw hawliau dynol plant sy'n mynychu lleoliadau crefyddol eu natur wedi cael eu hystyried i'r un graddau â rhai plant eraill: yn gyntaf, oherwydd nad ydynt o reidrydd yn cael mynediad at addysg blwraliaethol yn unol â gofynion hawliau dynol o dan CCUHP; yn ail, oherwydd bod eu

rhieni'n gallu penderfynu ar y cwricwlwm Crefydd, Gwerthoedd a Moeseg maen nhw'n ei brofi.

I mi, mae hon yn ymgais i gyfaddawdu nad yw'n cynnal hawliau plant fel prif ystyriaeth. Mae'n nodi bod barn y rhiant yn cael y lle blaenaf os bydd gwahaniaeth barn rhwng y plentyn a'r rhiant, ac mae hefyd yn amddifadu plentyn o fynediad at addysg blwraliaethol. Yn ogystal â pheidio â chynnal darpariaethau CCUHP o ran cyfranogiad, addysg a chydraddoldeb, mae cynigion ynghylch lleoliadau crefyddol eu natur hefyd yn methu cymryd i ystyriaeth rôl ddiogelu addysg grefyddol blwraliaethol wrth greu cymunedau cydlynus, oddi mewn i'r lleoliad addysg a'r tu allan iddo, ac felly'n tanseilio agenda PREVENT, dull gweithredu seiliedig ar gydraddoldeb o ymdrin ag addysg gwrthfwlio, ac egwyddorion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru).

Er y gall plant a phobl ifanc fynychu gwahanol fathau o leoliad addysgol, mae eu hawliau dynol o dan CCUHP yr un fath. Ond mae gofynion y Bil mewn perthynas â lleoliadau crefyddol eu natur yn gwbl groes i'r hawliau dynol a warrantir i blant gan CCUHP, a hefyd yn anghyson â dileu hawl rhieni i dynnu plant a phobl ifanc allan o wersi Crefydd, Gwerthoedd a Moeseg, a byddent i bob pwrpas yn amddifadu rhai plant o fynediad i'r cwricwlwm llawn. Mae hyn yn gwrthddweud yn llwyr ddymuniadau'r Llywodraeth a fynegwyd gan y Gweinidog yn ei datganiad ar 21 Ionawr 2020 . Rwy'n anghytuno'n gryf â symud ymlaen â'r ddarpariaeth hon.

Nid wyf yn derbyn yr honiad yn 3.49 o'r Memorandwm Esboniadol bod hon yn ddarpariaeth angenrheidiol i alluogi hawl bresennol 'rhieni yn y system addysg yng Nghymru, ac yn wir yn y Deyrnas Unedig, i ddewis addysg grefyddol ar gyfer eu plentyn' oherwydd na fydd gofyn bod ysgolion crefyddol eu natur yn cynnwys gwersi Crefydd, Gwerthoedd a Moeseg plwraliaethol i bob plentyn yn newid cymeriad yr ysgol. Byddai ethos ac ymarfer ysgolion crefyddol eu natur yn dal i gael eu tywys gan weithredoedd ymddiriedolaeth neu ddaliadau'r ffydd – a byddai hynny'n cael ei adlewyrchu mewn addoliad ar y cyd, trwy roi sylw i ddigwyddiadau a dysgeidiaeth grefyddol, ac yng ngwerthoedd a dull gweithredu'r ysgol. Nid yw ethos a diwylliant ysgol gyfan yn atal dull plwraliaethol o addysgu a dysgu am grefydd trwy faes llafur, ac ni ddylai wneud hynny.

Mae goblygiadau ymarferol sylweddol hefyd i'r dull gweithredu hwn (yn arbennig mewn cwricwlwm integredig) ac mae'n aneglur sut byddai ysgolion yn rheoli hyn o ran amserlennu a staffio. O ganlyniad, ymddengys bod hwn yn ateb a gynigiwyd na ellir ei weithredu'n ymarferol.

Rwy'n argymhell felly, hyd yn oed o gynnwys dyletswydd sylw dyledus i CCUHP, fod Atodlen 1 yn cael ei newid i sicrhau bod gofyniad plwraliaethol yn berthnasol i addysg ym mhob

lleoliad, a bod gallu rhieni i benderfynu pa fath o addysg Crefydd, Gwerthoedd a Moeseg mae eu plentyn yn ei derbyn yn cael ei dileu, gan nad yw'n gyson â hawliau dynol plant a phobl ifanc i gymryd rhan eu hunain mewn penderfyniadau a fydd yn effeithio ar eu bywyd (Erthygl 12); na chwaith yn gyson â hawl ddynol plant i gael addysg gyfannol sy'n hybu dealltwriaeth 'ymhlith yr holl bobloedd, grwpiau ethnig, cenedlaethol a chrefyddol, a phobl o darddiad brodorol' (Erthygl 29).

Asesiad Effaith ar Hawliau Plant

Mae'r Asesiad Effaith ar Hawliau Plant (CRIA) yn y Memorandwm Esboniadol yn cyfeirio at Erthyglau 28 a 29 yn unig, ond yn methu â chydabod yr ystod eang o hawliau mae hyn yn effeithio arnynt, ac y gallai rhai ohonynt wynebu risg, er bod llawer o bosibl yn cael eu gwella. Rwyf wedi nodi'r manteision cadarnhaol hyn a'r risgiau i hawliau plant mewn sawl man yn fy ymateb, ond dyma ddwy enghraifft:

- mae'r hawl i amddiffyniad gan y llywodraeth rhag cam-drin a chamfanteisio rhywiol yn cael ei gwella gan ddarpariaethau'r Bil yng nghyswllt Addysg Cydberthynas a Rhywioldeb (Erthygl 34).
- mae'r hawl i gyfranogiad mewn penderfyniadau yn wynebu risg yng nghyswllt plant mewn lleoliadau ffydd oherwydd y gofynion Crefydd, Gwerthoedd a Moeseg sy'n ymwneud â lleoliadau ffydd (Erthygl 12).

Mae'r methiant i ddadansoddi'r effaith ar hawliau dynol plant yn golygu bod y Bil hwn yn cydymffurfio llai nag y dylai â CCUHP. Byddai dadansoddiad priodol yn amlygu'r angen am newidiadau mewn rhai achosion (er enghraifft newidiadau i'r gofynion Crefydd, Gwerthoedd a Moeseg), a lliniaru mewn achosion eraill (er enghraifft trwy'r adolygiad gweithredu a gwerthuso parhaus ar drefniadau'r cwricwlwm ac asesu). Mae'r dadansoddiad rwyf wedi'i gynig yn fy ateb i 1.2 yn dangos bod angen llawer o newidiadau i sicrhau bod y Bil hwn yn cydymffurfio'n llawn â CCUHP, a bod angen dybryd am ddyletswydd sylw dyledus i CCUHP ar wyneb y Bil.

Mae'r CRIA hefyd yn nodi ymwneud fy swyddfa â dylunio'r cwricwlwm. Yn gryno, rwy'n barnu bod fy swyddfa wedi ymwneud â'r broses hon trwy gyfrannu at yr elfennau canlynol o'r canllawiau cwricwlwm:

- Datblygu ymgynghoriad â phlant a phobl ifanc a luniwyd i ganiatáu cyfranogiad eang wedi'i dargedu gan blant a phobl ifanc o grwpiau penodol;
- Cynnwys rhestr wirio i leoliadau ynghylch cwestiynau allweddol i'w hystyried wrth ddylunio cwricwlwm lleol er mwyn sicrhau peth cysondeb;

- Cynnwys addysg hawliau dynol a CCUHP yn y canllawiau cwricwlwm trosfwaol;
- Cynnwys canllawiau i gefnogi plant a phobl ifanc i gyfranogi yn nyluniad cwricwlwm lefel ysgol yn y canllawiau trosfwaol;
- Cynnwys dysgu incrementaidd ynghylch hawliau plant a hawliau dynol ym Meysydd Dysgu a Phrofiad Iechyd a Llesiant a'r Dyniaethau;
- Datblygu dealltwriaeth o hawliau plant ymhlith gweithwyr proffesiynol yn ystod cyfnod cyd-adeiladu'r Meysydd Dysgu a Phrofiad.

Ond collwyd sawl cyfle, a manau lle byddwn i wedi hoffi i'r cwricwlwm fynd ymhellach o ran cynnwys hawliau dynol plant. Gallai cyfranogiad plant a phobl ifanc fod wedi cael ei integreiddio'n well i'r broses ddatblygu, a bod yn fwy systematig a strategol. Gallai hawliau plant a CCUHP fod wedi cael eu hintegreiddio'n benodol i bob Maes Dysgu a Phrofiad. Ond yn bwysicaf oll, dylai hawliau plant a CCUHP gael eu hintegreiddio'n uniongyrchol i'r ddeddfwriaeth ei hun. Nid yw addysg hawliau dynol na CCUHP yn cael eu cynnwys ar unrhyw adeg yn y Bil. Bydd yr holl ganllawiau cwricwlwm cefnogol sy'n manylu ar sut caiff hawliau dynol plant eu galluogi a'u cyflawni trwy'r cwricwlwm yn destun datblygiad parhaus a newid. O ganlyniad, gallai'r holl enillion a restrwyd gennyf uchod gael eu colli. Yr unig fodd y gall y Llywodraeth sicrhau ymrwymiad hirhoedlog i hawliau dynol plant a phobl ifanc trwy eu haddysg yw cynnwys hynny mewn deddfwriaeth sylfaenol. Mae'n rhaid cynnwys dyletswydd sylw dyledus ar y Bil hwn.

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Organisation: Future Generations Commissioner for Wales

1. The Bill's general principles

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

Partly

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

I am fully supportive of the Government's approach to the new curriculum which I believe embraces the fundamental elements required to equip young people with the right skills for the future. I have, however, identified some issues for consideration and barriers for implementation, discussed below.

My recently published Future Generations Report 2020 (<https://futuregenerations2020.wales/>) and my report, Education Fit for the Future in Wales (2019) (https://www.futuregenerations.wales/resources_posts/education-fit-for-the-future-in-wales-report/), describes my viewpoint on benefits and risks of the introduction of this new curriculum, mainly:

A) The new curriculum provides a solid framework for realising the well-being of individuals in Wales:

I agree with the mission of the new curriculum – it recognises the role of education in creating well-rounded citizens who will be part of creating the Wales we want for future generations. The four purposes are based upon the power of gaining skills for wider individual and national well-being. In my Future Generations Report, I encourage all public

bodies subject to the Well-being of Future Generations (Wales) Act 2015 to apply what I call the 'double test' of the Act – both the 'what' they do and 'how' they do it. The new curriculum is both about 'what' we learn and 'how' we learn it, therefore, in line with the principles of the Act.

However, as I have discussed in section 2 below, the power of the curriculum will be in its implementation. The Bill is not clear on how the curriculum is actually going to be delivered, as this is largely the responsibility of education settings. Therefore, the guidance provided to implement the curriculum is of huge importance. Likewise, the inspection and performance regimes that are subsequently put in place must measure the right things – encouraging a move towards large-scale change. It is clear that education practitioners will also require additional resource and support to act fulfil the Bill's aspirations.

B) Championing the increasing demand for 'softer skills':

The new Curriculum is a positive step, with its focus on softer skills and aim to prepare children to "thrive in a future where digital skills, adaptability and creativity are crucial..." Future trends show how society and increased technological advances will mean high demand for adaptive skills like creativity, problem-solving, communication and advanced digital skills.

Business are already calling for these skills, as shown by recent reports from the Regional Skills Partnership in Wales, identifying a gap in digital capability and a need for future digital skills, particularly in a post COVID-19 world. My report also draws on evidence from organisations like CBI and FSB, who have found that at least 60% of employers value broader skills like listening, problem-solving and creativity.

C) Creating the eco-literate, ethically informed and responsible citizens of the future:

I am supportive of the four purposes of the curriculum, which have a long-term focus on Wales' well-being. However, the guidance, resources and support for education settings to enable these four purposes become a reality is of utmost importance, otherwise we risk 'more of the same' within our schools, colleges and other education settings. A mandatory element of delivery should be the requirement to look to the long-term future, understand the future trends, opportunities and risks facing Wales and the world to ensure our education system is seeking to take advantage or prevent these.

A key example is a focus on planetary health. I have recommended within my report that Government "ensure Wales become the most eco-literate country in the world." We need to shape a different economic model for Wales, focussed on a greener economy, one that

is far more circular (creating less waste) and benefits future generations. But tackling the climate crisis is more than a political aspiration, we have binding targets to meet. Our current and future generations play a critical role and they will need different skills for a future that will rely on halting and preventing the impacts of climate change, biodiversity loss and dealing with major socio-economic change. Whilst the Bill is aspirational in this way, practical action is currently unclear.

D) Re-thinking qualifications to reflect skills for the future:

Understanding the progression of learners and how to assess this is crucial to the success of the new curriculum. I welcome that the Bill makes provisions enabling Ministers to make regulations to require schools to ensure the curriculum is supported by appropriate assessment arrangements. My Future Generations Report includes the recommendation to Welsh Government: "Radically re-think qualifications at age 16 towards assessments that focus on diversity and are centered around pupils, not testing, reflecting the aspirations of the new Curriculum for Wales 2022."

New methods of assessment are needed as more employers demand soft skills and advances in technology mean experience is becoming more valuable than knowledge. Education systems need to be more about teaching people to live well than to pass exams. My report argues we need to move towards assessment that is more narrative based, not focused on age at time of assessment but progression of learning, and that separates results from school performance or teacher accountability.

Whilst supported by many stakeholders, this was a controversial view when I published my report Education Fit for the Future in Wales (2019) but the recent situation caused COVID-19 has shown that change is possible. Wales should be learning from this experience and from international examples, like Finland, Singapore, Hong Kong and Japan, in creating regulations for assessment. My office have also been advising Qualifications Wales, as they consult on the development of 'new GCSEs'.

E) Mental health and well-being education should be prioritised in the delivery of the new curriculum:

I have also recommended within my Future Generations Report that "mental health and wellbeing is prioritised to help nurture a generation of emotionally resilient children." This means schools go beyond delivering the new curriculum to become nurturing, psychologically informed environments. There are some excellent examples of schools focusing on this, mainly at primary school level, but this must extend across the curriculum and post-compulsory education. Barriers remain in place e.g. Estyn have found that school

leaders do not always find out about important developments in pupils' lives in a timely way and when schools are aware, they lack knowledge in how to intervene.

Linked to this, my report recommends that "school exclusions become a thing of the past" due to the strong link between exclusions, 'disruptive behaviour' and Adverse Childhood Experiences. Exclusion impacts the life trajectories of children and traps them in lifelong disadvantage, continuing the cycle.

The curriculum shows great potential in grasping this once-in-a-generation opportunity to truly create well-being schools (a whole approach that gives well-being equal weighting to other skills like literacy and numeracy). But it requires additional resources and wider support for education practitioners. This would play a part in breaking intergenerational cycles of Adverse Childhood Experiences, improve mental health and well-being, close attainment gaps between deprived and affluent areas, and, most importantly, create adults that have coping mechanisms and positive well-being for future generations to come.

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

(we would be grateful if you could keep your answer to around 500 words)

Yes. There is a need for statutory basis to a new curriculum that corresponds to the changing needs for future generations, relating to social, economic, environmental and cultural changes and challenges facing Wales and the world. The legislative framework is needed to place learning and progression at the centre of a national mission for pupils, teachers, schools, parents and wider society to improve standards, close the attainment gap and ensure we have an education system that is a source of pride and public confidence.

However, in my responses to section 2 below, I have outlined the need for Government to recognise the challenge of implementation and to be ambitious in this reform.

2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

Whilst the new curriculum shows great potential, its power will be in its implementation. I have called for a stronger investment in schools to support the transition to the new curriculum and for involving a broader range of practitioners in teaching and learning, creating a Wales-wide national mission for education.

I am concerned about the capacity of the education system to implement the changes to teaching and learning required without additional resources. My reports, *Education Fit for the Future in Wales* (2019), and the *Future Generations Report*, argue that significant resources are needed for the cultural and practical shifts of the new curriculum.

Teachers will need to be supported and prepared (both professionally and personally) to deliver an approach that places much more autonomy on them for content. There is a need for a higher ratio of teaching practitioners to students and for those to be more varied practitioners. It is also important the inspection regime reflects these changes in how success is measured.

In my view, COVID-19 has exposed the challenge of cultural change within the education sector and the distance yet to be travelled if the curriculum is to be implemented effectively. Responding to the challenges of the pandemic has exposed weaknesses in the current education system and flaws in the plans to deliver the new curriculum. This includes schools and teachers being unprepared, or unwilling, to adopt alternative teaching methods; a gap between digital capabilities and realities; and the national issues arising from teacher-based assessment.

Learning outside the traditional classroom environment has become universally necessary as a result of the pandemic. Whilst some schools have adopted methods of digital engagement, online learning and encouraged independent learning, many have fallen short. Cultural barriers to change such as, teaching unions fearing a risk to teacher and pupil safety and what I perceive to be a significant gap between the digital abilities of teaching staff and our expectations of modern approaches to learning, are issues which must be addressed urgently to ensure that the Welsh education system is equipped to deliver 21st century teaching and learning.

These challenges are not new; Estyn has found consistently low standards to ICT in schools – in 2018/19, only four in ten primary schools had ICT that was rated 'good' or 'better' and only a quarter of secondary schools and it seems standards of ICT are far lower than literacy and numeracy across the board.

To partly address this, I have also called for a national mission to education. My report found that the introduction of the new curriculum needs to be far more collaborative and currently, opportunities are being lost to involve a broader range of people from the public, private and voluntary sectors in providing capacity in education. What I mean by a 'national mission' is that businesses have raised that they're keen to work with the education sector, but there is a lack of national direction. Currently, this is based on relationships, creating an ad-hoc approach to business and education working in collaboration.

Better national direction and resources dedicated to the co-ordination of a collaborative approach between employers and civic society is vitally important with the introduction of the new curriculum. Government could incentivise businesses through their support packages (such as the Economic Contract and Resilience Fund) with the aim of incentivising entrepreneurs, large businesses, micro-businesses and small and medium enterprises to work directly with schools as part of a Wales wide programme. They could provide support to schools, bringing in their relevant area of expertise on, for example, digital or the green economy and enrich the learning of children and young people – as the curriculum envisages.

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

(we would be grateful if you could keep your answer to around 500 words)

Not sufficiently. The Bill and Explanatory Memorandum acknowledge that the curriculum places new and different demands on teaching staff, schools and the education system as a whole. But neither provide much assurance as to how these barriers could potentially be addressed. The Explanatory Memorandum suggests that much of the impact remains unquantifiable due to the level of autonomy in developing the curriculum content and the assumption that each school will approach this differently.

The Regulatory Impact Assessment (RIA) within the Explanatory Memorandum also acknowledges limitations to the methodology adopted for seeking information relating to the resources required, training needs and realities of implementing the new curriculum, suggesting there were limits to the schools consulted. (See also below response to question 4.1)

The Bill does not necessarily acknowledge the need to increase the number of teaching practitioners or, in providing experiential learning, recognise that this might be best

delivered by a broader range of people – from business to civic society – and the associated resource and practical costs of this.

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

As above, the evidence I have gathered suggests the power of the new curriculum will be in its implementation. Caution should be applied in that implementation of the new Bill (and the subsequent powers on Ministers to reforming assessment) should not exacerbate existing inequalities.

My Future Generations Report acknowledges that, whilst things are improving, there are persistent inequalities in education and employment between population groups. The starkest differences are between children growing up in affluent areas and children in the most deprived. Wealthier children not only do better academically, but children living in poverty are significantly more likely to be excluded from school, which has an adverse impact on their education and life chances.

With reference to my response to question 3.1 above, it is possible that the challenges of implementing a cultural change of this scale may increase the gap between the best performing schools (often situated in more affluent areas) and least performing schools (often situated in more deprived areas), if adequate resourcing, professional training and involvement of a broader range of people in learning are not introduced by Government.

I have recommended to Government and Qualifications Wales that they should radically rethink qualifications at age 16, towards assessments that focus on diversity and are centred around pupils, not testing, reflecting the aspirations of the new Curriculum for Wales 2022. Introducing appropriate assessment and qualifications should take account of the framework of the Well-being of Future Generations (Wales) Act and seek to meet the national well-being goals, including “a more equal Wales.”

There remains an attainment gap between pupils receiving Free School Meals and those who do not. Students from disadvantaged backgrounds are also more likely to take vocational qualifications or be placed in lower learning sets in school, meaning their choices and chances of retaining high grades at GCSE level are currently limited. A new curriculum alone will not address this, but a focus on developing an approach to

assessment that delivers high quality and employment-orientated qualification across the range of material within the new curriculum, co-created and delivered with employers, would certainly seek to create a more prosperous and equal Wales.

Another unintended consequence of the Bill relates to its integration with the post-16 learning and skills system. In involving education experts in my work, there is a lack of connection between the admirable aspirations of the compulsory curriculum with skills development for post-compulsory education. The Bill suggests that the post-compulsory age curriculum focuses on preparing pupils for “opportunities, responsibilities and experiences of later life.” My report argues that, nationally, skills planning is lacking in long-term thinking, focused on reacting to skills gaps rather than proactively preparing and planning for the skills of the future and meeting the national well-being goals of Wales. In short, young people are being prepared for opportunities in the here and now, rather than the right long-term opportunities Wales requires.

To address this disconnect between the new curriculum and post-16 learning, my Future Generations Report calls for a long-term vision and curriculum for post-16 learning and recommends that the new Commission for Tertiary Education and Research produce a national vision for lifelong learning that helps us to meet the national well-being goals. A post compulsory curriculum should reflect the four principles of the new curriculum, with people aged 16 and over being ethical and informed citizens and, as outlined in section 1.3, mental health and well-being should be prioritised at all ages to create emotionally resilient young people of the future.

The report recommends the national vision for lifelong learning should be delivered by reformed Regional Skills Partnerships and include a Skills Framework, as recommended by 'Wales 4.0 Delivering Economic Transformation for a Better Future of Work', to better match jobs to people and people to jobs.

The delay of the Tertiary Education and Research (Wales) Bill, therefore, poses concern and the consequences of introducing a new curriculum that does not match with post-16 learning could have unintended negative consequences on the broader skills system in Wales.

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

A) Welsh Government have not yet adequately resourced the implementation of the new curriculum.

In my Future Generations Report, I have made relevant recommendations to Welsh Government, including:

- "Bring all sectors together as part of a national mission to deliver education fit for the future, funded through the creation of a Welsh Education Tax. The revenue raised would support the transition towards the new curriculum and provision for lifelong learning.
- Use taxation powers and the economic contract to incentivise entrepreneurs, large businesses, microbusinesses and Small and Medium Enterprises to work directly with schools as part of a Wales-wide programme.
- Increase teaching practitioners and support teachers to access continuous professional learning, including access to properly developed content and best practice approaches across and outside Wales, to maximise the potential of the new Curriculum for Wales."

The introduction of the new curriculum is a significant cultural change and demands resources from every level of the education sector. It comes at a time when resources have been stretched – spending per pupil has been falling due to austerity (see graph in https://www.futuregenerations.wales/resources_posts/education-fit-for-the-future-in-wales-report/) and a 10% increase in spend per pupil, getting us back to previous levels, would require an additional £200 million per year.

B) The RIA does not go far enough in exploring the potential financial implications.

There are several examples where the RIA acknowledges limitations to the methodology adopted for seeking information relating to the resources required, the training needs and realities of implementing the new curriculum. The RIA explains that a small sample size of schools were consulted and it was difficult for schools (and post-16 settings) to quantify the costs of the curriculum implementation, due to how content creation will vary e.g. in point 8.216 of RIA: "The FE sector has suggested there are potential implications of changes to the curriculum which may occur over the medium to long-term, however, at this stage the additional costs (if any) are unknown."

Across the Areas of Learning and Experience (AoLEs) there is a recognition in the RIA from schools of the need for professional training to deliver the requirements of the new curriculum – linking to my recommendations above. For example, the Computation element of the Science and Technology AoLE, where Primary Schools will need professional

learning and secondary schools have acknowledged there will be a cost for intensive, specialist training, with ongoing skills development necessary to keep pace with changing technologies. There are also costs associated with procuring the necessary digital infrastructure to deliver this AoLE. However, the RIA concludes this section with point 8.290: "The costs for delivering the computation within Science and Technology are not known."

As I have outlined in 2.1, I have concerns around the readiness of schools to deliver a modern, digital method of learning and to deliver education fit for the future. Despite digital skills being some of the most sought after, sufficient attention is not being given to developing a skills pathway. With Estyn finding low standards relating to ICT in schools and, when looking at post-compulsory education, only an increase in 57 apprenticeships being completed in Information and Digital technology being completed in the last four years compared to the four previous, there is a significant risk that we will miss opportunities to develop a skilled workforce, fit for the future, here in Wales. For the RIA to not explore the potential funding options in this AoLE (including drawing on business and other sectors, as my recommendations suggest) is not sufficient.

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

With regards to section 58(1) of the Bill, the power for Welsh Ministers to make Regulations in relation to assessment arrangements, I have made my recommendations clear to the Minister and to Qualifications Wales that a re-think of assessment and qualifications (particularly at age 16) is needed to match the aspirations of the new curriculum

I have already recommended that Qualifications Wales should align our qualifications system with the Well-being of Future Generations Act and our vision for education and the economy in Wales, as they seek to create qualifications in line with the new curriculum as part of 'Qualified for the Future'.

The situation that has arisen due to COVID-19 has given us experience and learning with regard to assessing progression in a different way to traditional examinations. I will be

continuing to advise and challenge Welsh Government and Qualifications Wales as development of new assessment methods progresses.

6. Other considerations

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

(we would be grateful if you could keep your answer to around 1000 words)

My response has outlined that, while I am supportive of the principles of the new curriculum and the Bill, I have concerns with regards to resourcing the cultural change and practical elements of its implementation.

Many of the points I have made in this response can be summed up by what I term the “implementation gap” in my Future Generations Report – the frequent gap between the aspiration set out by Welsh Government in policy and legislation and their commitment to delivery on the ground. While new policies and legislation show promise (including this Bill), Government often have an overly optimistic view of what it takes to implement these. As well as resourcing the introduction of legislation, policy and guidance, Welsh Government need to fund their implementation, including delivery capability, awareness raising, training and robust monitoring.

As with implementation of the Well-being of Future Generations Act, the RIA underestimates the resourcing required for cultural change. It is my experience as Future Generations Commissioner that some deliverers underestimate the change through legislation and policy. They feel they are already delivering the change required and, therefore, do not allocate sufficient resources, leadership and change management to match the true aspiration of what’s been asked for.

As with the Act, the RIA describes this theory in relation to the Bill for school leaders (8.228): “...attitude of school leaders towards the new curriculum in terms of the extent to which they perceived it as an additional requirement. At one end of the spectrum, one school treated everything to do with the new curriculum as additional; that is to say new, different, and on top of any existing requirements and practices. At the other end of the spectrum, another school treated the new curriculum almost entirely as business as usual. The view of the head teacher was that delivering a curriculum that provides appropriate learning, experience and progression for all pupils, was the business of the school and the new curriculum simply required a change in emphasis in what the school was already doing. Other schools interviewed sat between these two ends of the spectrum.”

Applying my experience as Future Generations Commissioner to this, I would suggest that seeing the new curriculum and assessment arrangements as 'business as usual' will not provide Welsh Government with the change they envisage. Significant resources are needed aimed at behavioural and cultural change, as well as integrating resources from other parts of the Government budget to focus on, for example, digital infrastructure, mental health provision in schools and regenerating school buildings to enable pupils to learn in the best environments.

The RIA is currently lacking in some detail in order to fully comment on whether Government are allocating sufficient resources to the new Curriculum and Assessment Bill. I have also advocated undertaking cumulative impact RIAs to calculate the impact and costs of layers of legislation, policy and guidance produced by Government. These issues result gap between the aspirations of Welsh Government and reality, due to a lack of capacity and increased confusion for local deliverers.

Within my Future Generations Report, I have recommended that, "in seeking to close this implementation gap, Welsh Government should be applying the Act's ways of working in how they design, resource, deliver and evaluate the implementation of policy and legislation. They should be seeking to close the gap by analysing capacity, additional resources, training, central government support and permission for people to undertake transformational change." This should include continuing to truly involve a range of people with lived experiences, practical knowledge of delivery on the ground and integrating their aspirations with the well-being objectives of others.

CAW70 Comisiynydd y Gymraeg. Prif amcan Comisiynydd y Gymraeg yw hybu a hwyluso defnyddio'r Gymraeg. Un o'r ffyrdd y mae'r Comisiynydd yn cyflawni'r amcan hwn yw drwy ddylanwadu ar bolisi, ac yn rhinwedd y swyddogaeth hon y lluniwyd yr ymateb isod.

Ymgynghoriad ar y Bil Cwricwlwm ac Asesu (Cymru)

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

Amdanoch Chi

Sefydliad: Comisiynydd y Gymraeg. Prif amcan Comisiynydd y Gymraeg yw hybu a hwyluso defnyddio'r Gymraeg. Un o'r ffyrdd y mae'r Comisiynydd yn cyflawni'r amcan hwn yw drwy ddylanwadu ar bolisi, ac yn rhinwedd y swyddogaeth hon y lluniwyd yr ymateb isod.

1. Egwyddorion cyffredinol y Bil

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

Yn rhannol

1.2 Amlinellwch eich rhesymau dros eich ateb i gwestiwn 1.1

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

Rydym yn cefnogi mwyafrif egwyddorion ac amcanion Bil Cwricwlwm ac Asesu (Cymru). Er hyn, mae gennym bryderon sylweddol ynglŷn â'r graddau y mae cynigion deddfwriaethol y Bil yn debygol o wireddu gweledigaeth y Llywodraeth y bydd cynnydd sylweddol yn nifer y disgyblion fydd yn gadael y sector addysg statudol yn siarad Cymraeg a Saesneg yn hyderus. Mae'r pryderon hyn yn seiliedig ar ddau ddiffyg sylfaenol yn y Bil:

- Nid yw'n gosod sail gadarn ar gyfer addysg cyfrwng Cymraeg, ac felly nid yw'n atgyfnerthu amcan polisi'r Llywodraeth i ehangu addysg cyfrwng Cymraeg ar draws Cymru.

- Nid yw'n gosod disgwyliadau a gofynion deddfwriaethol digon cadarn er mwyn symbylu'r newidiadau fydd eu hangen i'r ffordd y mae'r Gymraeg yn cael ei haddysgu a'i

defnyddio mewn ysgolion cyfrwng Saesneg a dwyieithog – a hynny er mwyn adlewyrchu amcanion a thargedau polisi strategaeth Cymraeg 2050.

Mae strategaeth Cymraeg 2050 Llywodraeth Cymru yn gwbl eglur ei gweledigaeth y bydd y gyfundrefn addysg yng Nghymru yn darparu cyfleoedd i bob plentyn ddatblygu rhuglder yn y Gymraeg. Mae'r strategaeth yn datgan yr angen i 'gynyddu'n sylweddol nifer y dysgwyr yn y sector addysg statudol sy'n datblygu sgiliau Cymraeg, a sicrhau bod pob dysgwr yn datblygu sgiliau yn y Gymraeg i safon a fydd yn eu galluogi i ddefnyddio'r iaith yn eu bywydau pob dydd.' (t.37)

Mae gweledigaeth y cwricwlwm newydd hefyd yn datgan yn gwbl eglur y dyhead y bydd pob plentyn yn datblygu sgiliau dwyieithog (Cymraeg a Saesneg), waeth beth fo cyfrwng ieithyddol yr ysgol y maent yn ei mynychu.

Does dim amheuaeth felly mai un o amcanion polisi creiddiol y cwricwlwm newydd yw gwella sgiliau dwyieithog disgyblion yng Nghymru. Dyma wrth gwrs yw un o'r rhagdybiaethau creiddiol sy'n sail i'r taflwybr i'r miliwn o siaradwyr. Mae'r Llywodraeth yn bwriadu gwireddu'r weledigaeth uchelgeisiol hon drwy ddwy strategaeth gysylltiedig. Yn gyntaf, ac yn unol â'r dystiolaeth ddiarwys am lwyddiant addysg drochi yn creu unigolion dwyieithog, mae cynlluniau uchelgeisiol er mwyn cynyddu'n sylweddol nifer y disgyblion fydd yn mynychu addysg cyfrwng Cymraeg. Yn ail, drwy gyflwyno cwricwlwm newydd i Gymru y bwriad yw diwygio'r ffordd y mae'r Gymraeg yn cael ei haddysgu a'i defnyddio mewn ysgolion cyfrwng Saesneg a dwyieithog er mwyn cynyddu'n sylweddol nifer y disgyblion yn yr ysgolion hyn fydd yn datblygu'n siaradwyr Cymraeg hyderus. Fel y mae strategaeth Cymraeg 2050 yn ei egluro:

'Mae cyfraniad pwysig i'w wneud gan y sector cyfrwng Saesneg i'n nod o ddatblygu siaradwyr Cymraeg. Er mwyn cyrraedd miliwn o siaradwyr, mae angen i ni weddnewid sut rydym yn addysgu Cymraeg i ddysgwyr yn yr ysgolion hynny, er mwyn i o leiaf hanner y dysgwyr hynny allu dweud erbyn 2050 eu bod yn gallu siarad Cymraeg erbyn iddynt adael yr ysgol. Rydym yn bwriadu datblygu un continwmm ar gyfer addysgu'r Gymraeg, gan bwysleisio dysgu Cymraeg yn bennaf fel modd o gyfathrebu, yn enwedig cyfathrebu ar lafar. Bydd yn ofynnol i bob ysgol yng Nghymru gyflwyno'r continwmm iaith i'r holl ddysgwyr a gwreiddio'r holl broses o gaffael sgiliau yn y Gymraeg ar draws y cwricwlwm dros amser. Ein nod drwy wneud hyn yw sicrhau erbyn 2050 bod o leiaf 70 y cant o'r holl ddysgwyr yn datblygu eu sgiliau Cymraeg a'u bod yn gallu defnyddio'r iaith yn hyderus ym mhob agwedd o'u bywydau erbyn iddynt adael yr ysgol.'

O ystyried y weledigaeth gwbl eglur hon ynglŷn â phwysigrwydd addysg drochi a'r angen i ddiwygio'r ffordd y mae'r Gymraeg yn cael ei chyflwyno yn y sector cyfrwng Saesneg,

byddai disgwyl i Fil y Cwricwlwm gefnogi'r amcanion hyn. Hynny yw, drwy ddarparu sail gref i addysg cyfrwng Cymraeg a thrwy osod fframwaith deddfwriaethol cadarn er mwyn gweddwid y ffordd y mae'r Gymraeg yn cael ei haddysgu a'i defnyddio mewn ysgolion cyfrwng Saesneg.

Nid ydym o'r farn bod Bil y Cwricwlwm yn cefnogi amcanion polisi'r Llywodraeth o safbwynt y Gymraeg yn y sector addysg statudol, ac ni allwn felly gefnogi'r Bil fel y mae'n sefyll. Fel yr ydym yn egluro mewn manylder isod, mae'r Bil ar hyn o bryd yn peryglu sail a statws addysg cyfrwng Cymraeg fel ag y mae yn bresennol, ac nid yw'n gosod fframwaith cadarn ar gyfer sicrhau y bydd trefniadau addysgu'r Gymraeg mewn ysgolion cyfrwng Saesneg a dwyieithog yn arwain at godi safonau ac yn gwella i'r dyfodol. Mae angen mynd i'r afael â'r ddau fater hyn mewn ffordd ystyrlon a chynhwysfawr. Rydym o'r farn bod angen i'r Llywodraeth gyflwyno tri newid i'r Bil:

1. Newidiadau i gymalau ar flaen y Bil o safbwynt addysg cyfrwng Cymraeg ac addysg drochi, gan gynnwys newidiadau i elfennau mandadol y cwricwlwm a'r gallu i ddatgymhwyso Saesneg fel elfen fandadol. (gweler ymateb i gwestiwn 2.1.)

2. Cynnwys gofyniad yn y Bil i Weinidogion Cymru gyflwyno cod ymarfer ar addysgu'r Gymraeg. Byddai'r cod yn cynnwys cyfarwyddyd a manylder pellach er mwyn sicrhau bod trefniadau addysgu'r Gymraeg ar draws ysgolion Cymru yn arwain at godi safonau Cymraeg disgyblion yn unol ag amcanion y cwricwlwm a strategaeth Gymraeg y Llywodraeth. (gweler ymateb i gwestiwn 6.1)

3. Mae angen sicrhau sail statudol i gategorïau ieithyddol ysgolion. Roedd papur gwyn y cwricwlwm a gyhoeddwyd yn 2019 yn cynnwys ymrwymiad i roi pŵer i weinidogion drwy ddeddfwriaeth y cwricwlwm i lunio rheoliadau at y pwrpas hwn. Mae'r gwaith hwn yn allweddol at ddibenion cynllunio cwricwlwm a threfniadaeth addysgu'r Gymraeg mewn ysgolion gwahanol. Nid yw'n eglur i ni pam nad yw'r ymrwymiad hwn wedi'i gynnwys yn y Bil drafft. (gweler ymateb i gwestiwn 5.1)

Mae'r pwyntiau uchod yn amlygu ein barn gyffredinol bod egwyddor bwysig ar goll yn y Bil fel mae'n sefyll. Yr egwyddor hon yw bod angen cefnogaeth arbennig ar y Gymraeg er mwyn gwireddu'r weledigaeth y bydd cynnydd sylweddol yn nifer disgyblion Cymru fydd yn gadael y gyfundrefn addysg statudol yn siaradwyr Cymraeg a Saesneg hyderus. Nid ydym o'r farn bod Bil y Cwricwlwm fel ag y mae yn adlewyrchu amcanion polisi'r Llywodraeth o safbwynt y Gymraeg ym myd addysg.

Mae'r dyhead i sicrhau bod mwy o ddisgyblion Cymru yn derbyn manteision addysgol, cymdeithasol a phersonol dwyieithrwydd yn un clodwiw a chyfiawn. Er mai dwyieithrwydd

yw'r nod, nid yw o reidrwydd yn dilyn bod angen trin y Gymraeg a'r Saesneg yn gwbl gyfartal er mwyn cyflawni hyn. Yn y cyd-destun hwn mae'n hollbwysig ystyried sefyllfa gymdeithasol ac ieithyddol Cymru. Nid yw'n faes chwarae gwastad rhwng iaith fwyafrifol ac iaith leiafrifol yng nghyswllt y Gymraeg a'r Saesneg yng Nghymru, ac mae gwahaniaethau amlwg yn sefyllfa'r ddwy iaith sy'n cyfiawnhau triniaeth wahaniaethol o safbwynt deddfu. Ymddengys fod yr egwyddor gyffredinol hon yn un sy'n cael ei derbyn ar lefel gyffredinol (mae bodolaeth Mesur y Gymraeg (Cymru) 2011 yn un enghraifft amlwg lle gwneir y Gymraeg yn iaith swyddogol yng Nghymru. Nid yw'n gwneud unrhyw ddarpariaeth ar gyfer y Saesneg). Nid yr egwyddor yma yw y dylid ffafrio neu flaenoriaethu'r Gymraeg ar draul y Saesneg, ond yn hytrach fod angen cefnogaeth ddwysach ar y Gymraeg er mwyn sicrhau cydraddoldeb llawn ac effeithiol o safbwynt canlyniad. Y pwynt pwysig yw bod cyfiawnhad gwrthrychol a rhesymol dros y mesurau hynny.

Os mai un o amcanion y cwricwlwm yw sicrhau bod cynifer â phosib o unigolion yn gadael y gyfundrefn addysg statudol yn hyderus yn defnyddio'r Gymraeg a Saesneg, yna mae'r dystiolaeth yn awgrymu'n gryf bod angen sylw a chefnogaeth benodol i'r Gymraeg. Hyd y gwyddom ni, nid oes unrhyw broblemau cenedlaethol a systematig yn nhermau sgiliau Saesneg disgyblion yng Nghymru. Gan dderbyn wrth gwrs bod wastad angen anelu i wella sgiliau Saesneg disgyblion Cymru, nid oes diffygion sylfaenol yng nghaffaeliaid a hyder disgyblion mewn Saesneg, gan gynnwys y rhai sy'n mynychu addysg cyfrwng Gymraeg. Ar y llaw arall, mae dystiolaeth gref nad yw mwyafrif helaeth disgyblion Cymru yn datblygu sgiliau digonol yn y Gymraeg er mwyn gallu defnyddio'r iaith mewn ffordd ystyrlon y tu allan i'r ysgol.

Mae sefyllfa'r Gymraeg fel iaith leiafrifol ynghyd â'r dystiolaeth o fethiannau'r system addysg yn datblygu siaradwyr Cymraeg hyderus yn y gorffennol, yn cynnig achos teilwng dros gynnwys cefnogaeth arbennig ar gyfer y Gymraeg yn neddfwriaeth y cwricwlwm. Mae'r dyhead i drin dwy iaith swyddogol Cymru yn gwbl gyfartal yn neddfwriaeth y cwricwlwm yn un dealladwy, ond yn un camarweiniol, ac yn un sydd am lesteirio gweledigaeth y Llywodraeth y bydd cyfran gynyddol o ddisgyblion Cymru yn datblygu yn siaradwyr Cymraeg a Saesneg hyderus.

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

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

Ydym. Fel rydym wedi nodi yn ein hymateb i gwestiwn 1.2. rydym o'r farn bod angen i'r ddeddfwriaeth gynnwys cefnogaeth gryfach i'r Gymraeg.

Yn gyntaf mae angen i'r ddeddf ddarparu sail statudol cadarn i addysg cyfrwng Cymraeg, a hynny drwy beidio tanseilio model addysg drochi cyfrwng Cymraeg. (gweler mwy am hyn yn 2.1 isod)

Yn ail, mae angen i'r ddeddfwriaeth gynnwys darpariaethau llawer cryfach o safbwynt addysgu'r Gymraeg (yn benodol mewn ysgolion cyfrwng Saesneg) os yw'r Llywodraeth wir am wireddu ei gweledigaeth o weddnewid deilliannau ieithyddol disgyblion mewn ysgolion cyfrwng Saesneg a dwyieithog. Mae gweledigaeth y Llywodraeth o ran diddymu Cymraeg ail iaith a cyflwyno un continwmm iaith Gymraeg, a'r targedau uchelgeisiol sydd ynghlwm â'r newidiadau hyn yn strategaeth Cymraeg 2050, yn gofyn am newidiadau sylweddol a phellgyrhaeddol i'r ffordd y mae'r Gymraeg yn cael ei defnyddio mewn ysgolion cyfrwng Saesneg a dwyieithog. Nid yw'n rhesymol disgwyl i'r trawsnewidiad hwn ddigwydd ar sail disgresiwn ysgolion a phenaethiaid yn unig. Mae angen i'r ddeddfwriaeth gefnogi'r amcanion polisi uchelgeisiol hyn. (gweler ein sylwadau am yr angen am god ymarfer addysgu'r Gymraeg yn 6.1 isod)

Yn olaf, mae manteision amlwg pe bai modd i'r ddeddfwriaeth gynnwys darpariaethau ar gyfer llunio rheoliadau at bwrpas diffinio categorïau ieithyddol ysgolion. Rodd darpariaeth o'r fath wedi ei chynnig fel rhan o Bapur Gwyn y Llywodraeth yn 2019, ynghyd â chydabyddiaeth o bwysigrwydd y gwaith at 'ddibenion cynllunio cwricwlwm a threfniadaeth ysgol.' (t.39) (gweler 5.1 isod)

2. Gweithredu'r Bil

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

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

Y rhwystr pennaf rhag gweithredu'r Bil yw bod cynnwys y Saesneg fel elfen fandadol yn tanseilio addysg cyfrwng Cymraeg.

Rydym yn croesawu'r cynnig i osod dyletswydd statudol ar bob ysgol a lleoliad meithrin a gynhelir i addysgu Cymraeg fel elfen orfodol o'r cwricwlwm newydd. Rydym yn

gwrthwynebu yn gryf y ddyletswydd ar bob ysgol a lleoliad meithrin i addysgu'r Saesneg fel elfen orfodol. Mae cynnwys Saesneg fel elfen fandadol yn gwbl groes i hanfod addysg cyfrwng Cymraeg, ac yn tanseilio strategaeth addysg Gymraeg y Llywodraeth ei hun.

Er bod gwahaniaeth rhwng dysgu iaith fel pwnc a'r mater mwy cyffredinol o gyfrwng iaith ysgol, mae'r ddau beth yn gysylltiedig yn achos dysgu iaith, yn enwedig yng nghyd-destun lleoliadau meithrin, ysgolion cynradd a'r blynyddoedd cynnar. Hynny yw, bydd ei gwneud yn orfodol i addysgu'r Saesneg mewn lleoliadau meithrin ac ysgolion cynradd o reidrwydd yn golygu defnyddio'r iaith fel cyfrwng addysgu am ran sylweddol o'r cwricwlwm.

Er bod adran 26 a 27 y Bil yn cynnwys pŵer i benaethiaid a chyrff llywodraethu wneud penderfyniad i ddatgymhwyso Saesneg fel elfen fandadol ar gyfer disgyblion hyd at 7 oed, nid yw hyn yn delio â'r broblem sylfaenol o gynnwys y Saesneg fel elfen fandadol am ddau brif reswm.

Yn gyntaf, bydd y ddeddfwriaeth yn gosod addysg drochi fel rhywbeth syn gwyr o'r norm. Mae'r syniad y bydd angen i ysgolion wneud penderfyniad i ddatgymhwyso elfen orfodol o'r cwricwlwm er mwyn parhau i weithredu fel y maent yn ei wneud ar hyn o bryd, ac er mwyn dilyn model addysg sy'n rhan ganolog o strategaeth iaith y Llywodraeth, yn annerbyniol o safbwynt egwyddorol ac ymarferol. Mae ysgolion cyfrwng Cymraeg, a'r arfer o drochi disgyblion yn y cyfnod sylfaen, yn drefn sefydledig yng Nghymru. Ni ddylid gorfodi ysgolion o'r fath i gymryd camau ychwanegol er mwyn parhau i weithredu yn yr un modd. Mae'n cyflwyno gofynion biwrocraidaidd ychwanegol a chwbl ddiangen. Mae cynlluniau'r Llywodraeth yn rhagdybio y bydd 40% o ddisgyblion yn mynychu ysgolion cyfrwng Cymraeg erbyn 2050, a nid yw'n rhesymegol disgwyl i gynifer o ysgolion wneud cais i ddatgymhwyso elfen orfodol o'r cwricwlwm. Dylid pwysleisio unwaith eto weledigaeth y Llywodraeth o sicrhau bod mwy o ddisgyblion yn datblygu sgiliau dwyieithog, a'r dystiolaeth ddiamwys o lwyddiant addysg drochi yn y cyd-destun hwn.

Yn ail, bydd gan benaethiaid a chyrff llywodraethu ysgolion cyfrwng Cymraeg ddisgresiwn i beidio â datgymhwyso'r Saesneg fel elfen fandadol. Mae'n rhesymol pryderu y gall nifer o ysgolion cyfrwng Cymraeg ddewis peidio â datgymhwyso'r Saesneg (er enghraifft, er mwyn osgoi'r fiwrocraetiaeth a grybwyllir uchod, sy'n cynnwys gofynion ychwanegol ar yr ysgolion hyn, fel yr amlinellir yn adran 26 (5) o'r Bil). Gall hyn yn ei dro arwain at broblemau sylweddol o safbwynt strategaeth addysg Gymraeg y Llywodraeth, a'r disgwyliadau sydd ar awdurdodau lleol i ehangu addysg cyfrwng Cymraeg drwy'r CSGAau. Mae'n gwbl bosibl mewn rhai rhannau o Gymru y bydd y disgresiwn hwn dros amser yn erydu model addysg drochi cyfrwng Cymraeg ac felly yn tanseilio gweledigaeth y Llywodraeth dros yr iaith Gymraeg.

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

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

Nac ydy. Am y rhesymau sydd wedi'u hamlinellu uchod, nid yw'r cynigion i ddatgymhwyso'r Saesneg fel elfen orfodol yn dderbyniol o safbwynt egwyddorol nac ymarferol.

Mae'r cynigion deddfwriaethol presennol yn ddatrysiaid i broblem na ddylai fod wedi codi yn y lle cyntaf ac mae wedi ein harwain at gul de sac deddfwriaethol y gallesid fod wedi ei osgoi. Credwn fod dau opsiwn er mwyn datrys y broblem hon:

1. Cynnwys y Gymraeg, ac nid y Saesneg fel elfen fandadol ar flaen y cwricwlwm

Yn dilyn yr egwyddor a amlinellwyd yn ymateb i gwestiwn 1.2. nid oes rhaid trin y Gymraeg a'r Saesneg yn gwbl gyfartal yn y ddeddfwriaeth. Mae rhesymau teilwng dros gynnwys y Gymraeg fel elfen fandadol yn neddfwriaeth y cwricwlwm, ac nid yw'r dadleuon hyn yn bodoli yn achos y Saesneg. Nid yw hyn yn golygu nad yw'r Saesneg yn rhan allweddol o'r cwricwlwm yng Nghymru ond yn hytrach nad oes rheswm dros ddarparu cefnogaeth arbennig ar ei chyfer drwy ei chynnwys fel elfen fandadol. Mae hyn yn cael ei dderbyn yn achos pynciau a meysydd allweddol eraill er enghraifft mathemateg a gwyddoniaeth. Mae'r Saesneg eisoes yn rhan greiddiol o'r Maes Dysgu a Phrofiad Ieithoedd, Llythrennedd a Chyfathrebu, yn ogystal â'r camau cynnydd ar gyfer y MDAPH hwn a'r pwyslais ar lythrennedd fel sgil trawsgwricwlaidd fandadol. Y rheswm dros gynnwys y Gymraeg fel elfen fandadol yw'r pryder na fydd ysgolion ar draws Cymru yn rhoi digon o sylw i'r Gymraeg er mwyn datblygu sgiliau dwyieithog disgyblion. Does dim pryder cyfatebol na fydd ysgolion yn rhoi digon o sylw i'r Saesneg. Byddai cynnwys y Gymraeg ac nid y Saesneg fel elfen fandadol yn gwbl gyson â gweledigaeth y Llywodraeth y bydd cynnydd sylweddol yn nifer y disgyblion sy'n gadael y gyfundrefn addysg yng Nghymru yn hyderus yn defnyddio'r Gymraeg a'r Saesneg.

2. Gosod cymalau ychwanegol ar flaen y ddeddf (rhan 1 [3]) sy'n ei gwneud yn gwbl eglur nad yw'r Saesneg yn elfen fandadol mewn 'lleoliadau meithrin cyfrwng Cymraeg', ac nad yw'r Saesneg yn elfen fandadol mewn 'ysgolion cyfrwng Cymraeg' nes bydd disgyblion yn 7 oed. Gellir egluro bod y Saesneg a'r Gymraeg yn elfennau mandadol ar gyfer 'lleoliadau ac ysgolion cyfrwng Saesneg' a 'lleoliadau ac ysgolion dwyieithog' o'r cychwyn.

Byddai'r ail opsiwn hwn yn golygu bod elfennau mandadol y cwricwlwm yn amrywio yn seiliedig ar gategori ieithyddol y lleoliad meithrin neu'r ysgol ac felly yn dibynnu ar ddewisiadau addysgol rhieni a disgyblion.

Er y gellid dilyn cynsail Deddf Addysg 2002 a chynnwys diffiniad o ysgol cyfrwng Cymraeg ar flaen y ddeddf, byddem yn awgrymu mai opsiwn gwell fyddai cynnwys diffiniadau o gategoriau ieithyddol ysgolion mewn rheoliadau. O ran lleoliadau meithrin a gyllidir ond nas cynhelir, cyfrifoldeb Gweinidogion Cymru fydd cyhoeddi cwricwlwm addas ar gyfer darparwyr, ac mae'n debyg gall manyleb y cwricwlwm fanylu ar yr hyn a olygir gan 'leoliadau cyfrwng Cymraeg' a'r gofynion gwahanol o safbwynt addysgu a defnyddio'r Gymraeg a Saesneg.

3. Canlyniadau anfwriadol

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

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

Fel rydym wedi datgan yn ein hymateb i gwestiwn 1.2 rydym yn meddwl bod dau ganlyniad yn debygol o ddeillio o'r Bil fel y mae.

Yn gyntaf bydd gwneud Saesneg yn elfen fandadol o'r cwricwlwm yn tanseilio addysg cyfrwng Cymraeg, ac yn milwrio yn erbyn strategaeth iaith Gymraeg y Llywodraeth ei hun.

Yn ail, rydym yn meddwl y bydd diffyg darpariaethau deddfwriaethol yn nhermau sut y dylid addysgu a defnyddio'r Gymraeg yn y cwricwlwm newydd yn tanseilio un o amcanion craidd y cwricwlwm – sef cynyddu'n sylweddol nifer y dysgwyr fydd yn gadael ysgolion cyfrwng Saesneg yn gallu siarad Cymraeg yn hyderus. Credwn y bydd gan hyn oblygiadau difrifol yn nhermau cyflawni amcanion a thargedau strategaeth Cymraeg 2050 Llywodraeth Cymru.

4. Goblygiadau ariannol

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

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

Bydd angen buddsoddiad sylweddol yn y gweithlu ac mewn adnoddau ar gyfer ysgolion Saesneg a dwyieithog os am ehangu'r ddarpariaeth Gymraeg a chyflawni amcanion y cwriciwlwm.

5. Pwerau I wneud is-ddeddfwriaeth

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

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

Mae angen pwerau ychwanegol yn y Bil i alluogi Gweinidogion i gyflwyno rheoliadau at bwrpas diffinio a gosod sail statudol i categorïau ieithyddol ysgolion.

Pan gyflwynodd Llywodraeth Cymru ei phapur gwyn oedd yn amlinellu'r cynigion am fframwaith deddfwriaethol newydd ar gyfer y cwricwlwm yn Ionawr 2019, roedd ymrwymiad yno i ddarparu 'pŵer i Weinidogion Cymru a fydd yn caniatáu iddynt ragnodi'r diffiniadau ar gyfer y categorïau iaith ysgolion drwy is-ddeddfwriaeth' (t.35). Ers cychwyn datblygiad y cwricwlwm newydd, mae'r Llywodraeth wedi datgan y bydd disgwyliadau gwahanol yn cael eu gosod ar ysgolion mewn categorïau ieithyddol gwahanol. Er enghraifft, roedd asesiad effaith integredig a gyhoeddwyd ochr yn ochr â'r papur gwyn yn datgan:

'Pennir disgwyliadau clir ar hyd un continwwm dysgu ar gyfer y Gymraeg ar ffurf gwahanol Ddeilliannau Cyflawniad ar gyfer disgyblion sy'n dysgu Gymraeg mewn ysgolion cyfrwng Saesneg ac ysgolion cyfrwng Cymraeg. Bydd y Deilliannau Cyflawniad yn nodi'r deilliannau gwahaniaethol y disgwylir i ysgolion mewn categorïau ieithyddol gwahanol eu cyrraedd, a chânt eu diweddarw wrth i ysgolion wella dros gyfnod o amser.' (t.45 a 46)

Roedd y papur gwyn yn ymhelaethu ar hyn:

'Er mwyn nodi pa Ddeilliannau Cyflawni fydd yn gymwys i wahanol ysgolion yn ystod y cyfnod pontio, bydd y ddeddfwriaeth yn cynnwys pŵer i Weinidogion Cymru wneud Rheoliadau a fyddai yn caniatáu iddynt ragnodi'r diffiniadau ar gyfer y categorïau iaith i'r ysgolion hynny. Bydd y diffiniadau hyn yn cael eu defnyddio at ddibenion cynllunio cwricwlwm a threfniadaeth ysgol'. (t.39)

Mae manteision amlwg o gynnwys y fath ddarpariaeth yn neddfwriaeth y cwricwlwm:

- Mae'n sail hollbwysig ar gyfer cynllunio cwricwlwm a threfniadaeth ysgol o safbwynt y Gymraeg.
- Mae'n un opsiwn o ran delio a'r broblem ynglŷn a gwneud y Saesneg yn elfen fandadol ar gyfer ysgolion cyfrwng Cymraeg. Hynny yw, gellir cyfeirio at ysgolion cyfrwng Cymraeg ar flaen y ddeddf at bwrpas eithrio'r ysgolion hyn o orfod addysgu'r Saesneg cyn bod disgyblion yn 7 oed, ac yna gellid cynnwys mewn rheoliadau y manylder o ran y diffiniadau o'r categorïau ieithyddol gwahanol.
- Byddai'n hwyluso'r broses o lunio cod a fyddai'n gosod cyfarwyddyd a chefnogaeth bellach ynglŷn â'r disgwyliadau sydd yn cael eu gosod ar ysgolion gwahanol o safbwynt y Gymraeg
- Mae canllaw y cwricwlwm eisoes yn cyfeirio at leoliadau, ysgolion a ffrydiau cyfrwng Cymraeg a Saesneg, a hynny at bwrpas pennu camau cynnydd gwahaniaethol i ysgolion mewn categorïau ieithyddol gwahanol. Er hyn, nid oes ar hyn o bryd ddiffiniad o'r hyn y mae'r categorïau hyn yn ei olygu.
- Mae'n hollbwysig o safbwynt cynllunio ieithyddol ym maes addysg statudol. Mae'r gwaith hwn yn hollbwysig yng nghyswllt Cynlluniau Strategol y Gymraeg mewn Addysg awdurdodau lleol, sydd yn rhan gwbl greiddiol o strategaeth Cymraeg 2050 Llywodraeth Cymru
- Mae'n hollbwysig o safbwynt diffinio'n eglur natur ieithyddol gwahanol ysgolion yng Nghymru, a thrwy hynny ddarparu eglurder i rieni a disgyblion am ddeilliannau ieithyddol tebygol.

6. Ystyriaethau eraill

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

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

****Cod ar addysgu'r Gymraeg ar un continwmm ieithyddol. (Byddai hyn yn cyd-fynd â'r codau eraill yn Rhan 1 y ddeddf)**

Mae strategaeth Cymraeg 2050 yn gosod her anferthol yng nghyd-destun cyfraniad y sector cyfrwng Saesneg i'r nod o gynyddu nifer siaradwyr Cymraeg. Bydd cyflawni targedau'r strategaeth ar gyfer y sector cyfrwng Saesneg yn golygu gweddnewid y sefyllfa gyfredol lle mai ychydig iawn o ddisgyblion y gyfundrefn addysg cyfrwng Saesneg sy'n datblygu'n siaradwyr Cymraeg hyderus. Nid yw gwneud y Gymraeg yn rhan orfodol o'r cwricwlwm yn ddigonol er mwyn cyflawni hyn. Mae angen i'r Llywodraeth gynnig arweiniad cryfach, yn ogystal â gosod gofynion deddfwriaethol pellach ar gyfer sicrhau bod ysgolion, dros gyfnod o amser, yn newid y ffordd y mae'r Gymraeg yn cael ei haddysgu a'i defnyddio.

Er bod gweledigaeth uchelgeisiol gan y Llywodraeth i ddisodli Cymraeg ail-iaith gydag un continwmm ieithyddol, nid yw'n glir ar hyn o bryd sut y bydd hyn yn arwain, dros gyfnod o amser, at weddnewid deilliannau ieithyddol disgyblion y sector cyfrwng Saesneg. Nid yw cael gwared â'r term 'ail iaith', a datblygu un continwmm ar gyfer disgrifio ac asesu sgiliau ieithyddol disgyblion, gyfystyr ag egluro mewn manylder yr hyn fydd yn gorfod newid yn nhrefniadau addysgu a defnyddio'r Gymraeg er mwyn codi safonau disgyblion.

Mae canllawiau'r cwricwlwm newydd yn nodi y bydd disgwyliadau gwahanol yn cael eu gosod ar ddisgyblion fydd mewn ysgolion cyfrwng Cymraeg o'u cymharu â disgyblion mewn ysgolion dwyieithog ac ysgolion cyfrwng Saesneg. Er gwaethaf y drafodaeth am 'gontinwmm ieithyddol' a'r ymrwymiad i 'ddiddymu Cymraeg ail-iaith', ymddengys y bydd y system newydd, yn y tymor byr o leiaf, yn parhau i osod disgwyliadau gwahanol yn seiliedig ar gyfrwng iaith ysgolion (sef y sefyllfa bresennol).

Rydym yn derbyn bod y sefyllfa uchod yn anochel i ryw raddau yn y tymor byr. Y pwynt allweddol yw mai amcan polisi'r Llywodraeth yw y bydd y cwricwlwm newydd a'r continwmm ieithyddol yn blatfform ar gyfer symbylu diwygiadau mwy graddol, sylweddol a hirdymor i'r ffordd y mae'r Gymraeg yn cael ei dysgu mewn ysgolion cyfrwng Saesneg. Mae'r Memorandwm Esboniadol (pwynt 3.137, t.37) yn datgan bod 'gweddnewid y ffordd

rydym yn addysgu'r Gymraeg i bob dysgwr, er mwyn i o leiaf 70 y cant o'r dysgwyr hynny allu dweud erbyn 2050 eu bod yn gallu siarad Cymraeg pan fyddant yn gadael yr ysgol, yn un o'r prif newidiadau gweddnewidiol y bydd eu hangen yn y sector addysg statudol'. Mae asesiad effaith integredig a gyhoeddwyd ochr yn ochr â'r Bil hefyd yn datgan y bydd y disgrifiadau dysgu ar gyfer y Gymraeg mewn lleoliadau, ysgolion a ffrydiau cyfrwng Saesneg yn cael 'eu hadolygu o bryd i'w gilydd gyda'r bwriad yn y tymor hir o gael gwared ar y 'sgaffaldio' hwn a chael pob ysgol yn defnyddio'r un disgrifiadau dysgu ar gyfer y Gymraeg er mwyn gwireddu uchelgais 1 miliwn o siaradwyr Cymraeg erbyn 2050.' (t.14)

Os felly, beth yn union yw'r newidiadau sylfaenol fydd eu hangen er mwyn cael 'gwared ar y scaffaldio' hwn, sut y bwriedir eu cyflwyno, a sut mae'r Llywodraeth am sicrhau bod ysgolion yn gweithredu yn unol â'r weledigaeth? Nid yw canllawiau'r cwricwlwm na'r ddeddfwriaeth gysylltiedig yn cynnig unrhyw arweiniad na manylder ynglŷn â'r materion cwbl allweddol hyn.

Er bod gan y Llywodraeth weledigaeth uchelgeisiol a phellgyrhaeddol, nid oes unrhyw ymrwymadau polisi a deddfwriaethol sy'n cyfateb i'r amcanion hyn ac nid yw Bil y Cwricwlwm yn eu hadlewyrchu. Oni bai am ddisgrifiadau dysgu sydd wedi'u cynnwys yng nghanllaw'r cwricwlwm, nid oes manylder am y disgwyliadau fydd yn cael eu gosod ar ysgolion mewn categorïau ieithyddol gwahanol. Nid oes manylder na chyfarwyddyd ynglŷn â sut a lle mae'r disgwyliadau a'r deilliannau cyflawni hyn yn eistedd ar gontinwmm iaith Gymraeg, nac ychwaith am sut yn union bydd y disgwyliadau hyn yn cael eu diwygio er mwyn 'cynyddu'r her yn raddol'. Nid oes unrhyw arweiniad na chefnogaeth i ysgolion o ran y newidiadau sylfaenol fydd eu hangen er mwyn gallu codi safonau a symud disgyblion ar hyd gontinwmm ieithyddol.

Heb osod arweiniad a chyfarwyddyd cryfach yn y ddeddfwriaeth rwy'n ofni y bydd llwyddiant y cwricwlwm newydd o ran y Gymraeg yn dibynnu i raddau helaeth ar ddisgresiwn ac ewyllys yr ysgolion eu hunain, a hefyd ar strategaethau addysg awdurdodau lleol. Nid yw'r math hwn o strategaeth wedi gweithio yng Nghymru yn y gorffennol.

Mae'r newidiadau sylweddol sydd eu hangen er mwyn gwireddu amcanion polisi'r Llywodraeth o safbwynt y Gymraeg yn cyfiawnhau'r angen am god addysgu'r Gymraeg. Awgrymwn y dylai'r cod gynnis arweiniad a chyfarwyddyd pellach ar y materion allweddol canlynol:

- Disgwyliadau a deilliannau cyflawni eglur a manwl ar gyfer ysgolion mewn categorïau ieithyddol gwahanol: Ar hyn o bryd mae gan benaethiaid a chyrff llywodraethu ddisgresiwn llwyr o ran sut y byddant yn addysgu'r Gymraeg a pha ddeilliannau a chamau cynnydd

sydd fwyaf perthnasol i'w dysgwyr. Mae angen gosod mewn cod y disgwyliadau gwahanol fydd ar ysgolion gwahanol, a hynny mewn perthynas â'r camau cynnydd a'r deilliannau cyflawniad fwyaf addas.

- Gosod y disgwyliadau gwahaniaethol hyn ar un fframwaith continwwm iaith Gymraeg gan nodi pryd ac ar ba gyflymder y disgwylir y bydd y disgwyliadau hyn yn cael eu diwygio: Mae angen mecanwaith deddfwriaethol er mwyn darparu eglurder ynglŷn â graddfa ddisgwyliedig y cynnydd yn y disgwyliadau hyn, a fframwaith sy'n mapio'r broses o weithio tuag at dargedau Cymraeg 2050.

- Canllawiau a chefnogaeth i ysgolion o ran datblygu cwricwlwm y Gymraeg: dylid darparu arweiniad i benaethiaid ynghylch cynnwys a natur cwricwlwm sy'n debygol o fodloni'r disgwyliadau sydd wedi'u gosod ar ysgolion gwahanol o safbwynt y Gymraeg. Gallai hyn gynnwys enghreifftiau ymarferol o sut byddai addysgu'r Gymraeg yn amrywio o un lleoliad i'r llall, a sut dylai ysgolion wella eu darpariaeth dros amser.

- Canllawiau a chefnogaeth o ran defnyddio'r Gymraeg ar draws y cwricwlwm: mae angen cyfarwyddyd pellach o safbwynt sut ac i ba raddau y dylid cynyddu'r cyfleoedd i ddisgyblion mewn ysgolion cyfrwng Saesneg a dwyieithog ddefnyddio'r Gymraeg ym mhob rhan o'r cwricwlwm, yn ogystal ag mewn gweithgareddau y tu allan i'r ystafell ddosbarth.

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Organisation: Brook / Brook Cymru

1. The Bill's general principles

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

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

Brook is a young people's sexual health and wellbeing charity with nearly 60 years experience of providing sexual health services to young people; and several decades of delivering relationships and sex education in schools, and training for professionals in England, Scotland, Northern Ireland and more recently in Wales.

Brook is responding to this consultation specifically on issues relating to Relationships and Sexuality Education (RSE).

RSE is a topic which teachers often report feeling ill-equipped, unskilled and unsupported to teach to a high quality. As a consequence the quantity and quality of education young people receive is often as arbitrary as the school they go to or even the class they are in. Evidence from around the world, comprehensively addressed in the UNESCO technical guidelines show the benefits of consistent, universal and good quality RSE; and the need for it to meet certain key requirements to be effective. The new curriculum provides a useful framework through which to embed RSE within school curricula and the fact that it is a mandatory topic is important to ensure universal delivery so that it can benefit all children and young people in Wales.

We recognise the value of the structure and organisation of the Curriculum for Wales. However, there needs to be a balance between the scope of schools to develop their own curricula and the need for clarity particularly in the subject of RSE. We are concerned that for teachers and schools to build and deliver their own RSE curriculum effectively they will need a clear sense of essential content that must be provided to all students. We hope that there will be a high level of specificity in the code with required knowledge and skills set out in relation to each of the eight themes in the guidance, ensuring that all children can realise their right to full understanding and knowledge of things that will affect their lives (UNCRC).

Appendix 2 of the Curriculum Guidance for Wales outlines the topics to be included within RSE, yet we feel it is vague/generic in detail and there are important topics missing in the guidance. We believe the following topics need to be included, and whilst our suggestions could fit into other categories, we feel it is important that more detail needs to be included within the Curriculum to ensure a clear, full and robust RSE is provided for all young people when developmentally appropriate and timely.

Rights and equity

This section should also include:

- Linked learning on the protected characteristics including ethnicity, religion and age.
- The need for young people to understand their own rights to knowledge, information, safety, privacy and to confidential advice and support.
- The need for children and young people to understand the right to their own body and to give or withhold consent for others to touch them.

Relationships

This section should also include:

- Information on the key characteristics of healthy relationships and how to recognise unhealthy relationships.
- The benefits, opportunities and risks of online engagement through social media and gaming.
- The legal and emotional risks of sharing naked images (Youth Produced Sexual Imagery).

- How to build supportive communities online and offline and how to develop good bystander behaviour when you recognise your peers are at risk of harm.
- How to recognise and report bullying and strategies to support friends in this situation.

Bodies and body image

This section should also include:

- How to look after your body.
- Personal hygiene.
- Exercise and healthy eating and how these can improve how you feel about yourself.

Sexual Health and well-being

This section should also include detailed learning on specific areas of sexual health including:

- Body changes at puberty.
- Menstrual health.
- The reproductive life course and an understanding of the fertility cycle.
- Pregnancy, pregnancy prevention, contraception, pregnancy choices, including abortion and parenting.
- Safer sex and STIs.
- Pleasure

Young people in secondary school also need to know:

- Where to access accurate information online about sexual health issues.
- Who they can talk to.
- That they have the right to confidential support and advice.
- The scope and limitation of confidentiality.

- Where local services are and what they can provide.

Sex and the law

This section should also include:

- What does consent mean.
- What is the age of consent.
- What can facilitate or prevent consent being freely given.
- Pornography.

While schools and teachers know a lot about their students' interests and ability it is important that curriculum design is not based on assumptions, or limited by teacher's reticence to address complex issues. The guidance and code must support schools to identify reliable sources of evidence to draw on in order to design and deliver a developmental curriculum which builds, year on year on skills and learning; is appropriate to the developmental stage of the children; and is relevant and timely; ensuring children have the information and skills that they need in advance of experiencing key milestones in their development – for example:

- knowing what to expect before experiencing the physical and emotional changes associated with puberty.
- knowing about the human reproductive cycle, fertility and contraception in advance of becoming sexually active.

Clarification is needed over how teachers will access information and learning on this, and whether specific topics, and a pathway through them at different ages will be in the RSE code and what the process will be for developing that code, and with what input from:

- Children and young people.
- Organisations that are expert in specific areas relevant to RSE (e.g. LGBT+ issues, safeguarding issues, sexual and reproductive health issues, online safety, VAWG).
- Organisations with expertise and experience of developing curricula, lessons and of delivering RSE.

The code/conduct should be co-created with all the above agencies, but schools should be encouraged to ensure that their own curricula is co-created, bringing in all members of the school community and the health/social care/youth work communities beyond the school gates to ensure the curriculum is fit for purpose and addressing the real life issues children and young people are dealing with.

Links should be provided to existing good quality guidance, toolkits, language glossaries, and curricula so that schools are benefiting from work already done and not reinventing the wheel, and to encourage a consistency of approach within and between schools.

As well as the broad values that underpin the Curriculum for Wales specific principles must be applied to RSE including, for example the need to use accurate anatomical language; the need to always point towards reliable evidence-based sources of information; the need to support learners to distinguish between matters of opinion and matters of verifiable fact; the need to ensure input from external sources and visitors will do the same.

While some schools will have an existing curriculum that can be adapted and teachers with the skills and knowledge to deliver RSE, others will be starting from a much lower level.

Teachers will need training both in appropriate pedagogy, in the basic knowledge, and in the design and delivery of developmental curriculum. RSE can generate a wide range of views and values within the classroom, keeping the classroom safe for all learners is essential. When dealing with issues to do with relationships safeguarding issues can arise that need sensitive management.

It is essential that schools have a lead teacher who can attend comprehensive training, spend time designing the curriculum, selecting appropriate resources and cascading their learning to the team of teachers who will deliver the lessons; and that all teachers delivering RSE are supported to undertake their own training and directed to expert training providers.

There is nothing within the legislation to address the need for training, nor for a lead teacher.

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

(we would be grateful if you could keep your answer to around 500 words)

The experience from all parts of the UK is that when RSE is not a statutory topic many young people miss out altogether or have a very inadequate experience of RSE. Mandating RSE within the curriculum is necessary.

However, it is not sufficient in itself to ensure good quality, universal delivery. A comprehensive code which sets out all the elements and topics to be included, a developmental pathway through the topics, and provision for teacher training (as noted in the above question) are fundamental to ensuring all young people realise their entitlement to this essential subject.

2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

Schools and teachers are under extreme pressure not just to deliver a comprehensive curriculum, but with all the pastoral and organisational aspects of school life. Without sufficient ring-fenced off timetable time for teachers to understand and develop appropriate curricula, training in areas they are unfamiliar or unconfident in it is likely that some aspects of the curriculum will not get the priority and attention they need. The experience from across the UK is that RSE is often one of those topics.

Teachers need time, resource and training to deliver RSE well, and without that implementation will remain patchy and quality inconsistent.

In some schools there may be resistance to RSE from teachers or other members of the school community. Many myths circulate about the content of RSE, which can create a great deal of anxiety. Clarity about the purpose, benefits and protective outcomes of RSE; and of the timing and content of what will be taught must be clearly communicated to school communities, school leadership and teachers to engage and enthuse everybody about positive reason for making RSE a mandatory subject.

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

(we would be grateful if you could keep your answer to around 500 words)

We do not think the barriers identified above are explicitly dealt with in the legislation.

A recognition of the importance of training and a commitment to funding it is vital.

Other elements of the potential barriers to implementation, around resistance to RSE must be addressed through guidance including guidance on consulting with parents, and working with the wider community.

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

-

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

There is a cost to implementing a quality RSE curriculum. Each element of it has a cost implication:

- Training for a lead teacher and potentially team of teachers in every school in: appropriate pedagogy, subject knowledge, classroom strategies, appropriate resources and exercises, useful assessment tools.
- Off-timetable time (teaching cover costs where necessary) for teachers to attend training, cascade training to colleagues, read and understand the guidance, develop the curriculum, select classroom resources, liaise without outside agencies.
- The direct cost of inviting in outside agencies from expert organisations to supplement the curriculum with specialist knowledge.
- The cost of translating existing RSE materials into welsh.
- The cost of purchasing teaching resources.

- Time to plan and deliver consultations with students, staff, parents to ensure whole school engagement with the curriculum.

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

RSE has been made a mandatory requirement in the new Curriculum for Wales in response to evidence of need amongst children and young people in Wales, and evidence from around the world of benefit to young people's physical, emotional and sexual health, their safety and wellbeing, of delivering a comprehensive RSE curriculum.

However RSE remains contested in some quarters and there is a concern that subsequent governments could use the subordinate legislation to reduce the impact of the topic through a watered down code and guidance, or even to remove the statutory status of RSE.

6. Other considerations

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

(we would be grateful if you could keep your answer to around 1000 words)

1. Disabled Children and Young People

There needs to be specific emphasis on the rights of disabled young people and those with Additional Learner Needs to have good quality RSE. While these children and young people are at higher risk of abuse, they are often deprived of the education that could help them recognise and report abuse that is taking place. It is also vital that their education is based in the understanding that they have the full rights to relationships that are safe, happy and enjoyable and will experience the same emotional and physical changes as their

peers during puberty and adolescence and may need tailored education and support to manage those experiences and to thrive.

2. Do not reinvent the wheel

Every context is different and it is vital that schools and communities feel ownership of their RSE curriculum. This will be most likely if children and young people, teachers and school leadership, local sexual health experts, youth workers, social workers all have input into the curriculum. However, much good work has already taken place in schools in Wales, in other parts of the UK, and further afield. Schools should not feel that they are starting with a blank slate and should be encouraged to draw on existing practices and resources. Any structures or fora that encourage teachers to share good practice will accelerate the pace of change.

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Professor EJ Renold

Professor of Childhood Studies, -

1. The Bill's general principles

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

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

Support for RSE in the bill:

Children learn about sexuality and relationships long before they start school. As soon as they enter the social world they will be interacting with complex and often contradictory messages about gender, sexuality and relationships from, for example: advertising, books, music, social media and television and from family members, peers and communities. This knowledge, often termed as the 'hidden curriculum' can include misconceptions and misinformation.

RSE plays a vital role in working with children, young people, parents/carers and communities to create a safe environment to explore the information and values about sexualities and relationships that children and young people are already exposed to and often struggling to navigate. By building upon children and young people's own formal and informal learning and experience, offline and online, schools can become key sites for learning from and responding to children and young people's questions and needs (e.g. from sexism to sexual consent) and key sites for prevention, protection and change.

It is 10 years since Sex and Relationships Education (SRE) has been reviewed or updated. As a leading international academic in the field of RSE for over 20 years, and as chair of the 2017 SRE expert panel, I very much welcome and support Welsh Government's sustained commitment to introducing mandatory RSE within the new curriculum for all learners. Indeed, findings from the expert panel (Renold and McGeeney 2017a) concluded that: current law and guidance on SRE is outdated; current provision of SRE in all schools is limited; not enough attention is given to rights, equalities, emotions and relationships; there is a gap between children and young people's lived experiences and the content of SRE; and SRE as a basic curriculum area with non-statutory status is often poorly resourced and given low priority in schools, leading to uneven and unequal provision.

The new RSE as outlined in the Curriculum Guidance for Wales (2020, p.38-40) will represent a major overhaul from current practice. It will enable learners to engage with a broader curriculum and will enable teachers to co-produce a relevant, experience-near, responsive and responsible RSE that can encompass all six areas of learning and experience from the humanities and expressive arts to sciences and technology.

Underpinned by the core principles of rights, equity, inclusivity, protection and empowerment makes for a very promising future for RSE in Wales and takes forward some of the best practice already underway in primary, secondary and special schools in Wales, and internationally (see Renold and McGeeney 2017b).

As the guidance states, the new RSE "aims to gradually empower learners to build the knowledge, skills and ethical values for understanding how relationships, sex, gender and sexuality shape their own and other people's lives. It will seek to support learners' rights to enjoy equitable, safe, healthy and fulfilling relationships throughout their lives. This includes the ability to recognise, understand and speak out about discrimination and violence and know how and where to seek support, advice and factual information on a range of RSE issues".

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

(we would be grateful if you could keep your answer to around 500 words)

Support for statutory RSE:

There is an increasingly urgent need for statutory legislation to set out a clear legal and policy framework for delivering the contents of the Bill. I fully support the principles of the Bill relating to RSE and its intention to “improve the profile, quality and consistency” of the subject (Section 3.50) in terms of both content and delivery. As the expert panel cautioned, “without this legislative change SRE will remain a low priority for schools, be narrowly conceived, and children and young people’s rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure” (Renold and McGeeney, 2017a p.10).

Background: The current law and guidance on Sex and Relationships Education is outdated. Currently the only mandatory requirement relates to ‘Sex Education’ as outlined in Section 579 (1) of the Education Act 1996 and gives a definition of ‘sex education’ as including learning about:

- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease.

While SRE in Wales, since devolution, has continued to embed policy and guidance in a social justice model of rights, equity and well-being and the 2010 guidance for schools on Sex and Relationships Education, emphasises children’s rights to access comprehensive SRE enabling children and young people to develop the knowledge, skills and understanding to make informed choices that support positive life experiences; including sexual well-being and healthy relationships – this guidance is non-statutory. Consequently this has led to wide variation in the quantity and quality of SRE that children and young people receive. Effective RSE too often rests on the interests and enthusiasm of individual teachers or school leaders with SRE/PSE responsibilities (Renold and McGeeney 2017a).

The SRE expert panel recommended “that Sexuality and Relationship Education is statutory within the new curriculum for all schools, from Foundation Phase to compulsory school leaving age (3-16)” (Renold and McGeeney 2017, p. 10). This recommendation was informed by current international SRE research on the consequences of non- statutory SRE (Renold and McGeeney 2017), the UNCRC (2016, Section 65b) and ENOC (2017) statements that children and young people have the right to meaningful, high quality, comprehensive and inclusive SRE, and Objective 2 in the Welsh Government’s National Strategy on Violence against Women, Domestic Abuse and Sexual Violence (2016-2021)

However, as the SRE expert panel report also stated, “making SRE statutory is only the beginning of the process to ensure that every child in Wales receives high quality, rights and equity based, inclusive, holistic SRE. It is a starting point from which to develop

comprehensive statutory guidance that embeds the core principles set out in this report and to develop and deliver professional training to ensure that schools are equipped to deliver and forge the partnerships necessary for high quality RSE provision” (Renold and McGeeney 2017, p.10)

2. The Bill’s implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

There are barriers regarding ways in which the Bill and the Explanatory Memorandum (EM) lack clarity and detail on:

- 1) how the ‘core learning’ as defined by the RSE Code (Section 3.68) is the same or different from the ‘areas of learning’ in the statutory Guidance and a lack of clarity on the relationship between the code and the guidance (see 5.1 for further detail)
- 2) how the RSE Code and statutory Guidance is being co-constructed, specifically regarding children and young people’s involvement, and the involvement of RSE organisations and school-based RSE educators with specific expertise in RSE. (see 2.2 for further detail)
- 3) the commitment to both developing and funding professional learning and resources for Welsh RSE providers (see 2.3 for further detail)

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

(we would be grateful if you could keep your answer to around 500 words)

2 There is a lack of detail regarding how the RSE Code and statutory Guidance are being co-constructed, specifically regarding children and young people’s involvement, and the involvement of RSE organisations and school-based RSE educators with specific expertise in RSE

There is very little detail as to how exactly children and young people will be meaningfully consulted and involved in co-constructing the RSE Code and Guidance (Article 12, UNCRC) despite the significant number of teachers in pioneer schools who have been co-constructing the proposed new RSE curriculum (both in terms of content and pedagogy) with children and young people (e.g. see the findings from the bespoke professional learning programme (PLP) pioneered by central south consortia with 23 primary, secondary and special schools. For an overview of the PLP, see www.agendaonline.co.uk/crush/). For further details, see the submission by Max Ashton (Phd student, Cardiff University).

Finally, there is also a lack of detail on how those with RSE expertise in curriculum design and implementation are involved in the process of co-construction regarding the statutory Code and Guidance. The current RSE working group for example has no academics as members, despite significant research expertise in either RSE specialist topics, and to a lesser extent RSE pedagogy and curriculum design.

Recommendation: that an engagement process is developed that enables schools who have already been co-constructing the proposed new RSE curriculum to share their expertise and experience.

Recommendation: that children and young people are meaningfully involved in the process of co-constructing both the Code and the Guidance, using creative and participatory methods that have already been successfully trialled by schools in Central South consortia.

Recommendation: that there is an explicit and meaningful role in the co-creation of the Code and Guidance for organisations and individuals with expertise in the different areas of learning and more widely in terms of RSE pedagogy, including those with experience of creating and delivering high quality RSE content and resources.

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

In *Successful Futures*, Donaldson (2015, p.14) outlines 10 principles for curriculum design. The curriculum should, he states, be "authentic, evidence-based, responsive, inclusive,

ambitious, empowering, unified, engaging, based on subsidiarity and manageable". All of these features are embedded in the eight guiding principles for high quality RSE - principles that were first established by the panel and further co-constructed with teachers in the pioneer schools: rights and equity; inclusive; holistic; empowering; relevant and developmentally appropriate; creative; co-produced; protective and preventative.

These principles, when practiced, have the potential to support the creation of a safe and empowering learning environment for what the SRE panel called a "living curriculum". A Living RSE Curriculum is a relevant, responsive and responsible curriculum that recognises, connects to and builds upon children and young people's own learning and experience.

As we outlined in our recommendations report (Renold and McGeeney 2017), high quality RSE is associated with a range of positive and protective outcomes for children, young people and their communities and can:

- help reduce homophobic, biphobic and transphobic (HBT) bullying and increase safety and wellbeing for LGBTQ+ children and young people;
- help young people make informed decisions about sexual intimacy and reproductive health;
- help challenge gender and sexual stereotypes, and advance awareness of sex, gender and sexual equality and equity; and VAWDASV
- help increase children and young people's understanding of safe, consensual, equitable and positive relationships.

However, without a clear commitment to improving and resourcing professional learning and resources, and without a clear strategy and co-ordination of this process (as outlined by the expert panel, p.20) high quality provision continue to rely upon the interests and enthusiasm of individual teachers or school leaders with RSE responsibilities. The consequences will be detrimental to both RSE educators and safeguarding and supporting the health and well-being of children and young people.

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

3) Lack of detail on the commitment to both developing and funding professional learning and resources for Welsh RSE providers.

While the Bill's acknowledgement that "professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching" is very welcome, there is no detailed commitment to improving or resourcing the professional learning for in-service teachers and initial teacher training and resources for Welsh RSE providers. There is also no commitment, as set out by the expert panel, that each school and local authority must have a trained RSE lead – vital to co-ordinate a cross-curricular whole school approach.

High quality school-based RSE depends upon having a well-trained and confident workforce. However, most RSE teachers have had no specialist RSE training and most teachers report feeling ill-equipped when providing RSE; which is anxiety provoking for teachers and students (see also the submission from Max Ashton).

Without specialist training schools may either avoid covering perceived sensitive or challenging topics altogether or deliver RSE in a way that fails to offer developmentally appropriate pedagogy and adequately safeguard children and young people.

Given that a high quality RSE curriculum is embedded in a whole-school approach, professional learning will not just include teachers in schools, but will include teaching assistants, school support staff, school governors, health professionals such as school nurses and sexual health specialists, workers from specialist agencies such as those working in the VAWDASV, LGBTQ+ and Drugs and Alcohol sectors, youth and community workers, peer and near-peer educators and peer mentors and religious and spiritual leaders.

Despite Welsh Government's statement (Sections 8.296 – 8.300) that innovation schools have been unable to set out the numbers of staff who will require training in RSE, or how much training they will require, some excellent progress has been made by a number of pioneer schools and the 23 schools in central south consortia that have explicitly mapped out their RSE professional learning needs over the last two years. This learning and

experience could be more thoroughly utilised (for further detail, see Max Ashton's submission).

Recommendation: that the Welsh Government provide further detail on the professional learning required by individual schools, and how local authorities and the four educational consortia will co-ordinate to develop coherent and consistent all Wales provision.

Recommendation: that the Welsh Government honour their commitment to set-up a research-practice-training network for the development of bespoke and evidenced-based professional learning and high quality resources.

Recommendation: that the Welsh Government provide ring-fenced funding for each consortia to co-ordinate RSE professional learning for teachers (including bespoke SEND RSE professional learning and resources) and ring-fenced funding for external RSE service providers

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

1) Insufficient detail on how the 'core learning' as defined by the RSE Code (Section 3.68) is the same or different from the 'areas of learning' in the statutory Guidance and a lack of clarity on the relationship between the code and the guidance.

The expert panel's recommendations on what constitutes high quality RSE was accepted by the Minister for Education, and then developed and consolidated by teachers in the pioneer schools during 2017-2019. While the Bill directly states that the 'core learning' in the new 'RSE Code' is designed to be 'explicit' (Section 3.72), there is no further information on what the Code will contain beyond the six thematic headings (Rights and Equity, Relationships, Sex, Gender and Sexuality, Bodies and Body Image, Sexual Health and Well-being and Violence, Support and Safety).

While these six thematic headings, and their accompanying summaries in the Curriculum for Wales Guidance (see page 39-40) are a vital foundational starting point, they are too broad and will inevitably lead to high levels of inconsistency and unequal provision.

It is unclear as to whether the code will separate out 'content' from the 'embedding principles' as outlined in the Curriculum for Wales Guidance (page 39-40). These embedding principles are the foundation for the provision of high quality RSE. They will, crucially, shape how teachers and schools develop their curriculum (i.e. make a responsive and responsible 'living' curriculum in ways that meet learner's needs across these thematic areas). As the SRE expert panel report has outlined in full, how we deliver RSE is as important as what we deliver (Renold and McGeeney 2017b).

it is also unclear in the Bill/EM how the RSE code relates to the Statutory Guidance. If the RSE code is embedded within the statutory guidance, then this would inform any recommendation on whether the expansion of the six 'core learning areas' are located in the statutory RSE code, or in the statutory RSE guidance.

Recommendation: that the RSE Code include the established 'embedding principles' as set out in the Curriculum for Wales Guidance. They have been successfully informing practice as they have evolved and are the bedrock of high quality RSE.

Recommendation: That the RSE Code and/or the Statutory Guidance include further detail on the content, with clear progression pathways that are flexible enough for schools to ensure they are providing a relevant, experience-near and thus 'developmentally appropriate' curriculum.

Recommendation: That there is a clear statement in the Bill on the relationship between the RSE Code and the statutory Guidance.

6. Other considerations

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

(we would be grateful if you could keep your answer to around 1000 words)

In December 2017, the Sex and Relationships Education (SRE) Expert Panel made 11 recommendations to ensure the future of high quality, inclusive and relevant Sex and Relationships Education in Wales. In May 2018 all the recommendations were accepted by

the Minister for Education, Kirsty Williams – a significant turning point for Relationships and Sexuality Education in Wales. The new vision for RSE in Wales is ambitious and progressive and strongly supported by many countries and organisations, including the United Nations. However, while implementation will take time and considerable planning, resourcing and collaborations, progress has been slow.

Sections 3.28 to 3.31 summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. For example, Section 4.16 of the EM states that these “recommendations have informed the approach to developing the relationships and sexuality education curriculum”. While it is clear that some of the recommendations have been taken on, no explanation has been provided for why other recommendations have yet to be implemented. They include: “Welsh Government to establish an RSE professional development pathway”; for “all schools should have a specialist trained RSE lead with access to resources and guidance”, that “each Local Authority, working with Consortia, should have a dedicated RSE lead to provide external support, co-ordinate CPD and ensure consistency and quality recognising that specialist external organisations of educationally trained providers, including FE and HE sector, can enhance RSE curriculum content and its implementation in a whole school approach”, and “Welsh Government to establish a RSE Hwb Zone to support high quality RSE in schools and to service a RSE research, practice and training network, aimed at facilitating provision of up to date research and training opportunities and creation of a Wales RSE community of practice”. As we set out in our report, “best practice in RSE is rarely achieved without collaborations with specialist educators, specialist services, researchers or other collaborators” (Renold and McGeeney 2017, p.19).

Recommendation: for Welsh Government to commit to implementing all the recommendations by the expert panel – either by way of the Code, or the Statutory Guidance – so that the vision for high quality RSE can be realised.

Publications that inform this submission:

Renold and McGeeney. 2017a. The Future of the Sex and Relationships Education Curriculum in Wales. Welsh Government. <https://orca.cf.ac.uk/107649/1/The-future-of-the-sex-and-relationships-education-curriculum-in-wales-en.pdf>

Renold and McGeeney. 2017b. Informing the Future of the Sex and Relationships Education Curriculum in Wales. Cardiff University. ISBN 978-1-908469-12-0. https://www.cardiff.ac.uk/_data/assets/pdf_file/0016/1030606/informing-the-future-of-the-sex-and-relationships-education-curriculum-in-wales-web.pdf

Renold, McGeeney and Ashton. 2020. CRUSH: Transforming Relationships and Sexuality Education. Cardiff: Cardiff University. <http://agendaonline.co.uk/crush/>

Renold, Ashton and McGeeney (forthcoming) What if? Becoming response-able with the making and mattering of new relationships and sexuality education curriculum, Professional Development in Education,

Renold and Marston. 2020. Research to reflect on: The power of creative methods for talking about sensitive issues with young people. National Education Union. <https://neu.org.uk/media/11726/view>

Welsh Government. 2020. Cross-cutting themes for designing your curriculum. Hwb. Available at: <https://hwb.gov.wales/curriculum-for-wales/designing-your-curriculum/cross-cutting-themes-for-designing-your-curriculum/>

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Organisation: Stonewall Cymru

1. The Bill's general principles

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

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

Stonewall Cymru welcomes the opportunity to feedback and make recommendations on the Curriculum and Assessment (Wales) Bill (henceforth referred to as "the Bill"). Both ourselves and LGBT people we have spoken to in Wales during our recent outreach activities suggest a sense of positivity with the proposed curriculum, particularly the commitments to a whole school approach to inclusivity and for making RSE (henceforth referred to as RSE) a mandatory part of the curriculum. The concerns and recommendations below are provided in order to aid the Government in producing a new curriculum that works for all young people across Wales.

The RSE Code and accompanying guidance

Whilst Stonewall Cymru welcome the Bill explicitly stating that the core learning in the new "RSE Code" will be "appropriate to learners' age, ability and aptitude" and will be "explicit ... in order to support and reassure teachers, parents/carers and learners that the curriculum will be appropriate," what this RSE Code encompasses of is unclear. Page 40 of the Curriculum for Wales Guidance provides useful "principles for embedding RSE in the curriculum" with a clear statement that "learning should be underpinned by a collective whole-school approach" to RSE. These principles are fundamental starting points to the

effective delivery of RSE in Wales. Stonewall Cymru believes that these core principles alongside the six thematic areas should form the core of the RSE Code. Neither should the RSE Code or guidance sit in silo. The existing principles are broad statements of intention and are not suitable to guide implementation alone. Relying on such broad statements will likely lead to a high degree of inconsistency in the implementation of RSE and lead to a children's unequal learning experiences which will undermine their rights. This lack of specificity is particularly worrying given the SRE Expert Panel Report explicitly stating the importance of empowering teachers on how to deliver RSE, not simply the content of what is delivered. Therefore, Stonewall Cymru would also like to see the RSE Code and statutory guidance supported by a comprehensive list of key concepts. This should include definitions around sexuality, gender, sex, LGBT inclusive terminology, gender identity, gender-based violence, neglect, domestic abuse, emotional abuse, physical abuse, and sexual abuse. These definitions should be derived from legislation, guidance and academic or reputable sources so all schools have a shared understanding of core concepts. We recommend utilising the key concepts glossary produced by the Sex and Relationships Education Expert Panel.

The further detail regarding the RSE Code provided in the Explanatory Memorandum accompanying the Bill. The six headings provided to be outlined in the code are useful in establishing the basic topic areas which will be included in the Code and it is welcome that these headings are "derived from the UNESCO technical guidance for sexuality education (point 3.70 of the Explanatory Memorandum). It is also welcome that the need for RSE that is developmentally appropriate will be made explicit for RSE (point 3.72 of the Explanatory Memorandum). However, it will be difficult for Senedd Members to agree to this when it is so unclear what the explicit elements of the RSE Code will be and what it will look like. Too much is left vague for these commitments to be meaningful.

To close on this point, Stonewall Cymru strongly believes that the inclusion of LGBT identities should be referenced explicitly within the RSE Code, not doing so will endanger and undermine the Welsh Government's commitment to implementing LGBT inclusive education in Wales.

The RSE Code should be developed with the input of experts in the field

The process outlined in the Bill for the development of an RSE Code (as outlined in section 3.68 of the Bill) should explicitly provide a commitment to the involvement of experts in the field of RSE in the creation of the code. The Bill requires Welsh Ministers to publishing an RSE code which will set out the core learning that is "suitable for pupils at different ages, and stages of their emotional and behavioural development". It is unclear the degree

to which Welsh Ministers have the ability to provide such complex and sensitive materials on RSE, especially in authoring a code which seeks to reassure parents and teachers alike. The development of these materials must be produced using expertise in this particular field, be evidence led as well as having a focus on the implementational impacts of the code on teaching practitioners. Only through consultation can the Welsh Government be assured that what is produced is fit-for-purpose.

The process of co-production of learning is unclear

The Curriculum for Wales stated that "Co-produced, offering learners, parents and carers the opportunity to discuss and engage with decisions about learning and teaching in RSE. Provision should also draw on specialist services and expertise, and engage with local communities". The means through which third party involvement with topics, particularly coming out of co-creation with learners is unclear. The Bill should make more explicit statements as to what successful co-creation looks like. This is particularly relevant for RSE, as a statutory element of the curriculum which could greatly benefit from the process of engagement with learners. An assessment of how pioneer schools have utilised co-creation in the area of RSE and embedding diversity across the curriculum would be beneficial to understand how the process of co-creation can be inserted into the legislation.

There is no commitment to providing RSE for post-16 learners

In the Bill text and the explanatory Memorandum, post-16 requirements for RSE are completely taken out. Whilst Curriculum requirements for Religion, Values and Ethics are maintained, the commitments to RSE are abandoned for those post-16. It is unclear why this is the case, that students in post-16 education cannot access RSE even if they explicitly request this. The Bill or Explanatory Memorandum should provide information on why this is the case and why RSE is considered unimportant for those post-16. Schools will need to consider whether there is a need to provide RSE to learners in sixth form in order to realise a whole-school culture of respect, inclusion and equality. This should be clarified in official RSE guidance.

More information is required on the vetting, availability and signposting to professional training materials

The Welsh Government should highlight how high-quality, professional resources are being collected to support professional learning for teaching practitioners. In previous communications with the Welsh Government it has been stated that the Hwb will be a resource-base for expert learning resources, which can be used to support professional learning. Stonewall Cymru acknowledge that providing teaching professionals with access

to accurate and high-quality resources is a vital to support the development of teaching and curriculum design. However, how this will be set up, managed, and reviewed to ensure the quality of resources published on the Hwb is unclear. The Welsh Government should provide clarity on how this process is developing and the role of the Hwb in supporting professional learning should be highlighted either in the Bill or the Explanatory Memorandum, to ensure that this commitment to utilising the platform is underpinned through legislative means.

Commitment to embedding diversity across the curriculum should be on the face of the Bill

In the curriculum for Wales guidance it is stated that one of the key considerations when designing and implementing a curriculum should be that the curriculum reflects “the diversity of perspectives, values and identities which share your locality” (p.21), embedding diversity across the curriculum is also identified as a cross-cutting theme to be implemented across curriculum design (p.38). The Curriculum guidance goes on to state that teaching professionals should also “tell and listen to the stories of different groups, including minority groups, and enable all learners to see themselves and their experiences represented in the topics, experiences and knowledge developed through the curriculum” (p.42). However, the importance on embedding diversity throughout all areas of learning in a curriculum, this commitment is not featured on the face of the Bill. Stonewall Cymru would argue that a meaningful commitment to reflecting diversity of Welsh society throughout curriculums across Wales should be on the face of the Bill to explicitly reinforce the importance of this. Having this commitment explicit in the Bill will further strengthen the intention to embed diversity and an inclusive curricula in all schools in Wales. That this commitment is only considered in the Curriculum design guidance rather than the legislative measures on the Bill seemingly downgrades this commitment to creating a truly inclusive education system. A legislative commitment to embedding diversity across the curriculum would be a powerful means to make this commitment both practically legislative and symbolically statutory.

Adopt the SRE Expert Panel Recommendations in Full

Stonewall Cymru believes that either by way of the RSE Code, or the Statutory Guidance; all recommendations made by the SRE Expert Panel should be fully implemented. This is in line with the Education Minister having previously accepted the recommendations in principle. Currently, the Bill fails to meet all the recommendations, such as a need for schools to have dedicated RSE Leads to develop on RSE curricula within their educational

settings. Such failings compromises the vision of successfully implementing high-quality and effective RSE for future generations.

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

(we would be grateful if you could keep your answer to around 500 words)

Yes

2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

A stronger commitment to professional learning is required

A prime concern when reading the Curriculum and Assessment (Wales) Bill is a lack of commitment from the Welsh Government to adequately funding and producing measures to aid the professional learning of teachers, in both producing Relationships and Sexuality Education (henceforth referred to as RSE) and embedding diversity throughout the curriculum. The Bill includes the admirable aim that under the new curriculum, all children in Wales will receive RSE (and RVE) that "will enable them to explore how laws and policies contribute to equity and human rights regarding sex, gender, sexuality, relationships and beliefs," achieved through "high quality, impartial teaching about different beliefs and the rights of others" (point 9.68 of the Bill). However, that the SRE Expert Panel Report explicitly stated how "high quality school-based SRE depends upon having a well-trained and confident workforce" (p.16), the importance of professional learning for practitioners is not to be underestimated. Without significant investment in teacher training, the teaching of inclusive, developmentally appropriate RSE, as well as embedding diversity and inclusion throughout the curriculum is unlikely to be successfully achieved.

The issue of ensuring adequate teacher training, specifically in the area of RSE has been highlighted throughout the process of designing the curriculum, as Estyn's 2017 review into healthy relationships education attested, few schools in Wales have "effective

arrangements to ensure that all staff who deliver healthy relationships education are knowledgeable and confident with the subject content" (p.19). Centralised, ring-fenced investment and coordination of teacher training is required in order to make the most of the opportunities the new curriculum provides, as without a centralised, comprehensive strategy on professional learning, the rollout of the curriculum will greatly vary across Wales. All children in Wales have the right to receive the new curriculum, with the mandatory elements of the curriculum delivered in a consistent manner. In order for teaching practitioners to deliver developmentally appropriate RSE, it is vital that they are confident and informed in order to have challenging discussions on potentially sensitive topics. The need for investment in teacher training is reinforced by the evidence submitted to the consultation by practitioners. Evidence submitted by Coleg Cambria suggests, there is a degree of concern amongst professionals that teacher training "could be costly". This is reinforced by the response submitted by Haverfordwest VC School, which highlighted the demands the new curriculum would place on teaching professionals, with associated financial implications to schools. That two educational establishments have highlighted the financial implications of implementing the new curriculum is concerning and a worrying sign.

Stonewall Cymru are thus concerned that there is a lack of commitment to ensuring adequate professional learning and development for the new curriculum, which is specifically required for the teaching of RSE, diversity and equality, which are areas of learning that are dependent on the confidence of teachers in the subject matter. Stonewall Cymru would recommend that a centralised plan for teacher training should be included on the face of the Bill, in a dedicated sub-section in Chapter 3 of the Bill (entitled "Curriculum Implementation").

More information required for positive engagement with parents and guardians

Stonewall Cymru are supportive of the decision to ensure that pupils have full access to the new curriculum, including the statutory elements of RSE. Stonewall Cymru are glad to see that this provision is referenced in the Bill and is thus legislative. However, the Welsh Government should clarify how schools should respond to requests from parents to withdraw learners from RSE in a way that encourages dialogue. Practical guidance should be given to schools on how they should respond to these requests in a way that promotes dialogue, engagement and enhances the young people's rights to input into their own education. Only through setting out how this dialogue can be best achieved can a Welsh Government ensure that these concerns are dealt with in a standardised manner.

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

(we would be grateful if you could keep your answer to around 500 words)

No

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

Unintended consequences are outlined in the response above.

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

Stonewall Cymru are concerned that there is a lack of commitment to providing funds to ensure adequate professional learning and development for the new curriculum, which is specifically required for the teaching of RSE, diversity and equality, which are areas of learning that are dependent on the confidence of teachers in the subject matter. Stonewall Cymru would recommend that provisions for investment and a centralised plan for teacher training should be included on the face of the Bill, in a dedicated sub-section in Chapter 3 of the Bill (entitled "Curriculum Implementation").

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

6. Other considerations

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

(we would be grateful if you could keep your answer to around 1000 words)

The recommendations made in Stonewall Cymru's consultation response have been generated with the use of the following evidence and resources.

- Curriculum and Assessment (Wales) Bill, available online at:
<https://senedd.wales/laid%20documents/pri-ld13294/pri-ld13294%20-e.pdf>
- The Future of the Sex and Relationships Education Curriculum in Wales, 2017, available online at: <https://gov.wales/sites/default/files/publications/2018-03/the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf>
- Estyn, 2017, A review of healthy relationships education, available online at:
<https://www.estyn.gov.wales/system/files/2020-07/A%2520review%2520of%2520healthy%2520relationships%2520education.pdf>
- Coleg Cambria, Consultation on the Curriculum and Assessment (Wales) Bill response, available online at:
<https://business.senedd.wales/documents/s103839/CAW3%20Colege%20Cambria.pdf>
- Haverfordwest VC School, Consultation on the Curriculum and Assessment (Wales) Bill response, available online at:
<https://business.senedd.wales/documents/s104060/CAW11%20Jane%20Harries%20Headteacher%20-%20Haverfordwest%20High%20VC%20School.pdf>
- Curriculum for Wales, available online at: <https://hwb.gov.wales/curriculum-for-wales/introduction/#a-vision-for-every-school%E2%80%99s-curriculum>
- Curriculum and Assessment (Wales) Bill, Explanatory Memorandum, available online at:
<https://senedd.wales/laid%20documents/pri-ld13294-em-r/pri-ld13294-em-r-e.pdf>
- Curriculum for Wales Guidance, available online at:
<https://hwb.gov.wales/storage/b44ad45b-ff78-430a-9423-36feb86aaf7e/curriculum-for-wales-guidance.pdf>

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Organisation: NSPCC Cymru/Wales

1. The Bill's general principles

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

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

NSPCC Cymru/Wales is pleased to support the principles of the Bill. We welcome the approach to curriculum reform, and the vision for all children fulfil the four purposes. NSPCC Cymru/Wales welcomes Welsh Government's bold approach to introducing mandatory RSE within the new curriculum for all learners age 3-16. We support the principles of the Bill in relation to RSE and the objective to 'improve the profile, quality and consistency'(1) of the subject. At the NSPCC, we believe that RSE and learning about healthy bodies, healthy relationships and a right to be treated, and to treat others, with dignity and respect is a core entitlement all children should receive. We believe it is best delivered as part of a whole school approach where it is embedded across the curriculum in wider school policies, ethos, behaviours and communications. The new compulsory RSE curriculum in Wales has the potential to ensure all children learn how to recognise abusive or controlling behaviour and know where to seek support. By embedding a safeguarding culture across school life and neighbourhoods, through a whole school approach, we have a real opportunity to alter what communities and peer groups see as normal behaviour, and rally everyone together to support and protect children from harm. This is crucial, as the most recent UK-wide prevalence study has shown that one in every five children has experienced severe maltreatment(2), with 15-17 year old girls reporting the highest rates

of sexual abuse(3). It is estimated that roughly a third of all child sexual abuse is perpetrated by peers(4) and the Office for National Statistics (ONS) crime figures affirm that women were nearly four times more likely to be a survivor of sexual assault in childhood than men(5). We are however concerned that there is no commitment to RSE for post-16 learners. This is concerning as it is not only a critical time for young people's learning and experience, but post-16 it is the most likely age (between 16-19) that young people experience abuse in their relationships(6). NSPCC Cymru/Wales would like to see this addressed and post-16 RSE be provided for learners.

One of the four purposes of the curriculum is for learners to grow as healthy, confident individuals who are able to build relationships based on mutual trust and respect, and know how to find information and support to keep safe and well. RSE is an essential vehicle for this to be realised and without access to mandatory RSE, it is unlikely that all learners will be able to secure the key characteristics of the four purposes. RSE needs to provide a platform for learners to develop the knowledge and skills to form, recognise and maintain a range of healthy relationships, as well as recognise unhealthy relationships. For this to happen, children need to understand that under the United Nations Convention on the Rights of the Child (UNCRC) (Article 19) they have a right to safety, be equipped with information and language to recognise all forms of abusive or controlling behaviour, and have the confidence to speak to a trusted adult if they are worried or concerned. However, for this to be successful, NSPCC Cymru/Wales strongly believes that safeguarding needs to be strengthened on the face of the Bill.

NSPCC Cymru/Wales is supportive of the Bill which requires schools to encompass the core learning, as set out in the RSE Code in their curriculum, which will be supplemented by statutory guidance. While we welcome that the core learning in the RSE Code is designed to be explicit, it currently offers very little clarity about the remit of the RSE Code and statutory guidance. While the 6 thematic areas and their brief summaries (included in the Curriculum for Wales Guidance) are a good starting point, they are much too vague and lack specific detail of which developmentally appropriate topics should be covered within each theme. We are concerned that this lack of detail will create an inconsistent approach and further perpetuate unequal levels of RSE provision. RSE is a vast, complex and broad topic, so NSPCC Cymru/Wales believes, that schools will need a clear RSE Code, which includes comprehensive and detailed content on the six thematic areas supplemented with statutory guidance on how to build developmentally appropriate, trauma-informed content with children and young people. This will offer greater consistency for schools, parents/carers and learners on the developmentally appropriate areas that must be

designed and delivered within this mandatory element. There is also a lack of clarity about the statutory guidance, in terms of its purpose and what it should include and cover.

As 1 in 5 children experience severe maltreatment in their childhood(7), NSPCC Cymru/Wales feels there are some important safeguarding topics that must be included or expanded on within the RSE Code:

Violence, safety and support:

NSPCC Cymru/Wales welcomes the emphasis on protection and prevention and we are particularly pleased to see the emphasis on young people having the confidence to speak out and seek support for any abuse experienced. Research shows that it is very difficult for children to speak out about abuse or neglect, with many taking an average of 7 years to disclose, and some never telling anyone what has happened to them(8). Giving children the confidence to speak out means they will get help and support earlier, preventing further harm. However, NSPCC Cymru/Wales feels that it's vital that additional safeguarding themes are included; all areas of maltreatment, including physical, sexual, and emotional abuse, neglect, and persistent harmful household environments such as domestic and substance misuse, as well as maltreatment outside of the family home including sexual or criminal exploitation, peer on peer abuse, and how these issues intersect with online mediums. The NSPCC has produced a large number of evidence based resources to support children's learning, both at primary and secondary school, which demonstrates how to address these sensitive subjects in a developmentally appropriate way. This includes our Speak Out Stay Safe programme(9), PANTS resources (The Underwear Rule)(10) and Keeping Learners Safe(11) (see Q6 for more details on NSPCC resources).

Relationships:

NSPCC Cymru/Wales feels it is important for young people to learn about respect and tolerance; boundaries, and factors which can affect relationships. This should include a focus on domestic abuse, substance abuse, non-consensual image sharing (i.e. sexting), staying safe online, and the harmful effects of pornography. Research indicates that 1 in 25 primary school children surveyed by the NSPCC and LGfL Digisafe have been sent or shown a naked or semi-naked image by an adult, while 1 in 20 have been sent a naked or semi-naked image by another young person(12). 12% of young people in the survey video-chatted with someone they had not met face to face(13).

How children conduct relationships online needs to be a core issue addressed within the RSE Code. It is important that children are taught about consent (including when it is or

isn't possible to consent – e.g. power dynamics, and coercion) and that sharing images of someone without their consent is abuse; are supported to think critically about content they may see online in order to understand what healthy or unhealthy behaviour looks like; and are supported to develop the skill-set to assess what kind of online contact might be inappropriate or harmful and recognise when they should seek help.

Bodies and body image:

Within this theme, it is important that children learn the language to identify body parts; to understand the physical and emotional changes that occur through puberty and growing up; identify what a safe and healthy choice would look like for them; learn about pregnancy and infections, and know where to go for information and support. RSE is a vehicle to ensure children are empowered with the proper language and knowledge of anatomical terms so they can accurately report any experiences of abuse. NSPCC Cymru/Wales would like to see this emphasised within the RSE Code, with learners being taught to accurately identify body parts using anatomical terms.

Sex, gender and sexuality:

To keep all young people safe, both on and offline, we believe it is critical that RSE lessons recognise and support the full spectrum of relationships and sexualities. Our Childline service is committed to supporting all children, and last year we delivered over 6,000 counselling sessions to children and young people in the UK about issues relating to gender and sexuality - an average of 16 per day. From Brook and CEOP's joint study, Digital Romance(14), we know that LGBTQ+ young people are twice as likely (9.9%) to meet with an online contact who was not who they said they were, compared to heterosexual young people (4.9%). This may be because of a lack of visible LGBTQ+ young people in their local area, compounded by a lack of inclusivity in schools' relationship education which is often heteronormative. Inclusive RSE education is vital for ensuring all young people feel accepted, supported and safe, and can understand how key concepts apply to them and their everyday lives.

Rights and Equity

NSPCC Cymru/Wales supports the Children's Commissioner for Wales's position(15) that in order to safeguard the long-term needs of children, the new curriculum legalisation must include a clear commitment to children's rights. While it is positive to see a focus on rights and equity as one of the core themes, it is disappointing that links to the UNCRC have not been made. NSPCC Cymru/Wales feels that it is important that due regard to the UNCRC appears on the face of the Bill. Embedding the principles and the provisions of the UNCRC

within the Bill, will demonstrate Welsh Government's commitment to ensuring that all children in Wales are supported to learn about their human rights.

In addition to strengthening these core RSE themes, NSPCC Cymru/Wales feels it is also important for the RSE Code and statutory guidance to cross reference other relevant Welsh Government guidance that schools need to be aware of in the design and delivery of RSE. This includes Keeping learners safe(16); A Whole Education Approach to Violence against Women, Domestic Abuse & Sexual Violence in Wales(17); Sexting(18); and the forthcoming Peer Sexual Abuse, Exploitation and Harmful Sexual Behaviour Guidance. Clear links are important, as Estyn (2017)(19) found that many school leaders are not aware of Welsh Government guidance and toolkits to support the delivery of healthy relationships education and implement a whole-school approach to preventing violence against women, domestic abuse and sexual violence.

To help ensure consistency, NSPCC Cymru/Wales would also like to see the RSE Code and statutory guidance supported by a comprehensive list of key concepts. This should include definitions around sex, sexuality, gender, gender identity, transgender, gender based violence, neglect, domestic abuse, emotional abuse, physical abuse, and sexual abuse. These definitions should be derived from legislation, guidance and academic or reputable sources so all schools have a shared understanding of core concepts. We recommend utilising the key concepts glossary produced by the Sex and Relationships Education Expert Panel(20).

As explored in more detail in Q2.1 and Q2.2, to successfully safeguard children and young people and implement an inclusive RSE curriculum, NSPCC Cymru/Wales believes the RSE Code and guidance needs a strong focus on how to design and deliver content in a trauma-informed way. Embedding a trauma-informed approach to RSE would mean acknowledging that 1 in 5 children have a history of trauma and abuse(21), and developing a sensitive and thoughtfully tailored approach to teaching to minimise the risk of unintended harm and ensure that no child feel stigmatised or unintentionally blamed if they have experienced abuse or neglect. This includes ensuring that there are no victim-blaming narratives, an onus on young people to keep themselves safe, or graphic content that is liable to provoke distress. Content should instead reinforce positive messages about all children's value and worth. While it is very important that children understand what constitutes inappropriate or abusive behaviour, RSE needs to deliver an explicitly clear message that as a child they are never responsible for stopping abuse, and if they ever feel worried or concerned they can always speak to a trusted adult who will respond appropriately.

A trauma-informed approach relies on teachers and school staff being primed with the knowledge that some children will have been traumatised by their previous experiences and have the skills they need to understand their responsibility to act on clues that children might leave that something is wrong (e.g. through changes in behaviour), and be confident in acting on those concerns so children are supported and kept safe from harm. There are 6 guiding principles to trauma-informed practice, including safety; trustworthiness and transparency; collaboration and peer support; empowerment; choice; and awareness of the intersectionality of identity characteristics(22). It is vital that these principles are at the heart of RSE curriculum, as they provide a helpful framework for working with children and young people to ensure that they can achieve their academic potential and feel happy and safe in the school environment.

NSPCC Cymru/Wales supports the inclusion of co-production being one of the core principles for embedding RSE in the curriculum, as detailed above, collaboration and peer support, empowerment and choice are some of the key tenets of a trauma-informed approach. NSPCC Cymru/Wales believes that co-production with young people is a means to not only ensure the relevance of the curriculum, but that content also is inclusive, is conscious of, sensitive and adapts to the experiences and needs of young people. In seeking to develop inclusive and relevant RSE, teachers should speak directly to young people to ascertain what additional needs they may have, and then work together to see how these might be better accommodated in the school setting. This should include young people being regularly consulted on the issues they're most impacted by, the kinds of language and expression most useful for supporting them to navigate RSE, commenting on any policies and making a meaningful contribution to RSE planning. It is important that examples of how to co-produce RSE with children and young people are included within the statutory guidance. We recommend signposting to the AGENDA(23) and Primary AGENDA resources(24), which include a wide range of activities teachers can utilise to develop co-produced and relevant RSE content. NSPCC Cymru/Wales also feels that it is important that children and young people will be meaningfully consulted and involved in co-constructing the RSE Code and statutory guidance. We would like more clarity on how and when young people will be involved in this work, and a plan in place for this to be facilitated.

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

(we would be grateful if you could keep your answer to around 500 words)

NSPCC Cymru/Wales believes that legislation needs to be in place to provide a clear legal and policy framework, that will be necessary for successfully delivering on the contents of the Bill. Legislation on RSE is crucial, as existing evidence has shown that non-statutory provision has resulted in a wide variation in the quality and quantity of RSE that children receive across the UK. For example, the Sex Education Forum and the National Education Union carried out a survey with 1001 young people and found that 20% were not taught about the signs of an abusive relationship, and 23% did not learn anything about how to tell if a relationship is healthy(25). In their survey, Terrance Higgins Trust revealed that the vast majority of young people were not taught about consent (75%), LGBT sex and relationships (95%) or gender identity (95%)(26). It also showed that one in seven young people did not receive any RSE at all, and over half (61%) received RSE just once a year or less(27). As highlighted by the Sex and Relationships Education Expert Panel(28), RSE in Wales is rarely inclusive; too often biological without enough focus on rights, equity, emotions and relationships; and not reflective of children and young people's lived experiences. As the expert panel cautioned within their report, without legislative change RSE will continue to be poorly resourced, 'will remain a low priority for schools, be narrowly conceived and children and young people's rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure' (p. 10).

2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

Professional Development

Evidence suggests that RSE is more likely to be effective when delivered by teachers who have on-going, high quality training, and are confident in their role(29). NSPCC Cymru/Wales is concerned, that a growing body of evidence indicates that many teachers have not had adequate training to support confident and high quality RSE delivery(30). Recent evidence from NSPCC, has shown that nearly half of teachers surveyed in England lacked the confidence to teach compulsory RSE lessons(31). In Wales, the Sex and Relationships Education Expert Panel(32), highlighted that few RSE teachers had the training needed to feel equipped to deliver these lessons. Without specialist RSE training,

teachers may avoid addressing sensitive or challenging issues, which may fail to adequately include, and safeguard all children.

While the RSE Code and statutory guidance will provide an important starting point for schools in designing their inclusive content, NSPCC Cymru/Wales believes that this needs to be supported by a programme of ongoing professional development on RSE. This would support schools to map out the issues that are most relevant to their learners, and be more confident in creating and delivering their new inclusive RSE curriculum in a trauma-informed way. As discussed more fully in Q3, NSPCC Cymru/Wales believes it is vital that this includes training for teachers and school staff to ensure they are equipped with the tools to spot signs and symptoms of abuse, sensitively interact with a child who is disclosing and are confident in taking action to support that child.

NSPCC Cymru/Wales also supports the recommendation made by the Sex and Relationships Education Expert Panel(33), that provision is made for a designated RSE lead practitioner with protected hours in every school to help guide and develop the RSE curriculum and embed a whole school approach. A fully trained RSE lead practitioner will have specialist knowledge about safeguarding and will be able to support school staff to confidently deliver trauma-informed content, and training on abuse and neglect. The role also supports promoting best practice, facilitating training alongside collaborating with specialist organisations, and co-producing content with children and young people to produce high quality and relevant RSE(34). NSPCC Cymru/ Wales also recommends that there is a RSE advisor at local authority level.

Trauma Informed Approach

With 1 in 5 children experiencing some form of severe maltreatment(35), there is a very strong likelihood that there will be a child sitting in on RSE lessons who has experienced abuse or neglect. This makes it imperative that RSE is trauma-informed, and that teachers and all school staff are primed with the knowledge and skills they need to understand their responsibility to act on clues that children might leave that something is wrong (e.g. through changes in behaviour), and be confident in acting on those concerns so children are supported and kept safe from harm. NSPCC Cymru/Wales is very concerned that RSE is not currently framed within a trauma-informed approach, and that some elements of the proposed curriculum could reinforce feelings of self-blame, shame and guilt for children who have experienced abuse, as explored in more detail in Q2.2.

RSE Resources

NSPCC Cymru/Wales is concerned that a lack of high quality, evidenced based resources could be a barrier to the successful delivery of inclusive RSE. Schools need reputable, evidence-based, medically accurate and trauma-informed resources on RSE to draw on. This is particularly important given that resources with inaccurate, misleading or graphic content can cause harm to children, including vicarious trauma and distress.

Engaging with Parents and Carers

Engaging with parents/carers is vital when effectively embedding a whole school approach to RSE, and this becomes even more essential within the new curriculum where parents no longer have a right to withdraw their children from RSE. Good communication and transparency between schools and parents/carers is essential in building trust and confidence in the teaching of RSE. It can also provide an opportunity to consider contextual safeguarding, and to open a dialogue within the community about what healthy or unhealthy relationships look like, enabling more people to be able to identify concerning situations and feel confident to act to protect children from harm. One of our concerns is that the curriculum does not set out detailed guidance on how to effectively engage with parents/carers around RSE.

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

(we would be grateful if you could keep your answer to around 500 words)

Professional Development

NSPCC Cymru/Wales is pleased to see an agreement from Welsh Government that 'professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching'(36). However, we are concerned that while it has been recognised by some innovation schools that there will be an additional cost for professional learning for RSE(37), no dedicated funding has yet been allocated to support RSE training and resources. There is a significant risk that the opportunity to protect children from harm will be undermined if teachers/school staff do not receive specific RSE training.

It is important that within a whole school approach, where the workforce required to deliver RSE and create a safe and healthy school environment will expand beyond teachers, that RSE training is available to all school staff. While wider school staff may not directly teach school children, staff will regularly engage with children, or have insight into their peer groups and norms, familial situation, and usual or unusual behaviour. A whole school

approach to safeguarding requires that the entire school has a shared understanding of their responsibilities, and are equally able to recognise and respond to signs of concerning behaviour. Furthermore, how incidents of peer abuse and/or problematic sexual behaviour are responded to directly affects the culture of the school. If handled poorly, an unsafe and unhealthy set of norms can be created which enable peer-on-peer abuse and this can also deter other students from disclosing.

NSPCC Cymru/Wales feels that it is vital that Welsh Government ring-fence investment for professional learning on RSE. This must include funding for comprehensive training for teachers and school staff to ensure they are equipped with the tools to help spot signs and symptoms of trauma and abuse, engage in purposeful conversations, and are confident taking action and supporting children through the disclosure journey. NSPCC Cymru/Wales also recommends that funding is in place for a designated and trained RSE lead practitioner with protected hours and dedicated resources, in every school to support the development of the RSE curriculum, and support RSE training and professional development. NSPCC Cymru/Wales also recommends that there is a RSE advisor at local authority level.

Trauma Informed Approach

As indicated in Q2.1, NSPCC Cymru/Wales is very concerned that the way some of the curriculum elements have been phrased, could reinforce feelings of self-blame, shame and guilt for children, which we know are common responses to experiencing abuse and neglect(38). We are very concerned about the choice of wording in two of the sections in the Health and Wellbeing AoLE. In the section 'Healthy relationships are fundamental to our well-being'(39), we find the use of the term 'need to be aware of how to keep safe', very problematic as it places the responsibility for staying safe from violence and abuse on children and young people.

NSPCC Cymru/Wales has similar concerns about wording used in the 'Specific considerations' section, which states that children and young people 'will need to recognise unwanted attention and learn how to respond appropriately'(40). These kinds of narratives can serve to individualise the problem of child abuse, and place an onus on young people, when we really should be conveying to children that they have a right to safety and it is the responsibility of everyone in the community to uphold that right. While it is very important that children understand what constitutes inappropriate or abusive behaviour, we need to be explicit that as a child they are never responsible for stopping this, and should instead speak to a trusted adult who can respond appropriately on their behalf. NSPCC Cymru/Wales feels that it is vital that these elements of the curriculum are

addressed and reframed. We would like the first statement changed to: 'need to be aware they have a right to safety', and the second to 'can recognise abusive or inappropriate behaviour and know how to seek support if they feel worried or concerned'.

RSE Resources

NSPCC Cymru/Wales welcomes the commitment from Welsh Government to audit the existing RSE resources on Hwb to assess the extent to which they are fit for purpose, and to develop new resources if needed. However, we believe that any resources on Hwb should be from reputable, expert and credible sources, that are evidence-based and medically accurate. It is also important to ensure that resources on Hwb are trauma-informed, and are sensitive to pupils' experiences. Some children may have already been exposed to, or be at risk of exposure to, the experiences and content being taught. It is vital that RSE resources on Hwb do not exhibit any victim-blaming narrative or graphic content that is liable to provoke distress. NSPCC Cymru/Wales supports the recommendation from the Sex and Relationships Education Expert Panel(41) to develop a RSE Hwb zone on the existing website.

Engaging with Parents and Carers

NSPCC Cymru/Wales would like to see the statutory guidance include information for schools on how to engage with parents/carers around RSE, and how to manage any challenging situations and parental worries. The guidance must provide teachers with clear evidence about the crucial role RSE plays in safeguarding children and young people. In 2019, the Department of Education published two guides for parents on Relationships, Sex and Health Education for primary(42) and secondary(43) age pupils in England to communicate RSE content. Similar guidance for parents /carers in Wales could help inform and reassure any parents who have concerns about content. Schools should also recognise that parents might need support and guidance in talking about relationships, sex and sexuality at home, and they should be provided with evidence based information resources from schools to help foster discussions.

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

There is a growing body of evidence that shows one of the positive consequences of good quality RSE, is that it can improve children's understanding of what constitutes abuse or unhealthy behaviour and increase the likelihood of them coming forward to disclose experiences of abuse(44). An international Cochrane Study for example, reported that students who had participated in child sexual abuse prevention programmes were more likely to disclose abuse, than those who had not(45). If delivered effectively, the new RSE curriculum could lead to an increase in children speaking out earlier about any abuse experienced, and adults taking action to help them at an earlier opportunity.

It is vital to ensure that when children do speak out about abuse and neglect, that they have a positive disclosure journey. However, NSPCC research shows that when children and young people do speak out about abuse, adults don't always recognise their attempts, understand or react appropriately(46). This can mean that a child doesn't get the support they need at the earliest opportunity. NSPCC research also shows that adults are not always confident about knowing what to say and do in the moment a child starts to disclose(47). With research indicating that teachers are the mostly likely professional to receive disclosures of abuse from children(48), it is vital that Welsh Government invest in comprehensive training for all school staff, so they are equipped with the confidence and skills needed to spot signs and symptoms of abuse and neglect, and know how to sensitively and appropriately respond to disclosures and interact with a child who is disclosing.

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

As noted in Q2.2, NSPCC Cymru/Wales welcomes the agreement from Welsh Government that professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching. However, we are disappointed that financial resources have not been specifically allocated to schools for professional learning on RSE. For the first time in Wales, it will be mandatory for all children to learn about how to recognise abusive or unhealthy relationships and know how and where to seek support. There is a significant risk that this opportunity to protect children will be undermined if teachers and other school staff do not receive appropriate training and support to deliver the RSE curriculum in a trauma-informed way.

NSPCC Cymru/Wales feels that for this to be realised, Welsh Government must identify ring-fenced investment in three key areas for RSE:

- Professional learning on RSE

This investment would enable schools to map out the issues that are most relevant to their learners, and be more confident in creating and delivering their new inclusive RSE curriculum in a trauma-informed way. It should also include funding for comprehensive, training for teachers to ensure they are equipped with the tools to help spot signs and symptoms of trauma and abuse, sensitively interact with a child who is disclosing and are confident in taking action and supporting children through the disclosure journey.

- RSE Lead Practitioner

NSPCC Cymru/ Wales also recommends that funding is in place for a designated and trained RSE lead practitioner with protected hours and dedicated resources, in every school to support the development of the RSE curriculum, and support RSE training and professional development. NSPCC Cymru/ Wales also recommends that there is a RSE advisor at local authority level.

- Dedicated Funding for RSE Resources

NSPCC Cymru/Wales would also like to see dedicated funding made available for schools for RSE resources.

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

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6. Other considerations

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

(we would be grateful if you could keep your answer to around 1000 words)

NSPCC Cymru/Wales has not commented on other elements of the new curriculum, but the importance of getting the design and delivery of RSE right is crucial if we are to fulfil the four purposes of the new curriculum, and keep children safe from harm. As we have set out in this response, we believe that the four purposes cannot be achieved without strengthening safeguarding on the face of the Bill. For all children to successfully fulfil the four purposes and become healthy confident individuals, the new compulsory curriculum in Wales needs to provide a platform for learners to understand that under the UNCRC they have a right to be treated with respect, that they have a responsibility to treat their peers with respect; that they are able to identify healthy and unhealthy relationships and know how to seek help if they ever feel worried or concerned. By embedding this safeguarding culture across school life and neighbourhoods, through a whole school approach, there is a real opportunity to alter what communities and peer groups see as normal or acceptable behaviour, and rally everyone together to support and protect children from harm.

NSPCC Cymru/Wales is concerned that not all of the 11 Recommendations made by the Sex and Relationships Education Expert Panel(49), and accepted in principle by the Cabinet Secretary for Education(50) have been implemented in the design of the new RSE curriculum. Made in a statement in Plenary on the 22nd May 2018, the Cabinet Secretary for Education was clear that the recommendations were accepted in principle, in order to facilitate a strategic and holistic approach to improving RSE.

“I am not looking to tinker around the edges; my vision is that we transform the way this area of study is delivered, now and in the future” (Cabinet Secretary for Education, 2018: point 322)

“By taking forward the recommendations of the expert panel, and so driving real improvement in the quality of RSE provision, we will be contributing to making Wales a healthier, happier and more connected place” (Cabinet Secretary for Education, 2018: point 323)

While some of these recommendations have been incorporated, there is no explanation for why the other recommendations, such as the provision for a dedicated RSE lead in schools, a dedicated RSE local authority lead and a policy-practice-research network, have not been addressed. NSPCC Cymru/Wales would like to see an update from the Minister on progress towards the implementation of the 11 recommendations.

As indicated in Q1.2, the NSPCC has produced a large number of evidence based resources to support children’s learning, both at primary and secondary school, about sensitive

subjects in a developmentally appropriate way. We feel these resources can help support the vision within the new curriculum to bring everyone together to support and protect children from harm. This includes our Speak Out Stay Safe programme, which is a free service delivering safeguarding messages to primary school children in a lively, interactive and memorable way. The child-friendly assemblies and workshops help children to understand abuse in all its forms and recognise the signs, and know how to get help and support. The Speak Out Stay Safe programme aims to go into every primary school in the UK every 2 years, although due to COVID-19 restrictions, this service is temporarily a virtual offer. The NSPCC has also developed free PANTS resources (The Underwear Rule) for teachers, including a lesson plan, curriculum links, classroom activities designed to support teachers to teach children about PANTS and help them understand they have a right to stay safe. We have also developed PANTS guidance for parents for speaking to children with learning disabilities, and a British Sign Language video about PANTS. The NSPCC has also recently produced the Let Children Know You're Listening resources, which are designed to support professionals to better listen to a child who is disclosing abuse or neglect. NSPCC's Sharing the Science training and resources(51) offers up-to-date training on child development science and how to share it effectively, which can help school staff to develop trauma informed practice. NSPCC Cymru/Wales would welcome the inclusion of these resources in the statutory guidance and on Hwb, so schools are aware they are available to support RSE teaching, to improve children's understanding of what constitutes abuse and increase the likelihood of young people coming forward to disclose experiences of abuse.

List of references

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- (2) Radford, L. et al. (2011) Child abuse and neglect in the UK today. London: NSPCC; Office for National Statistics (2020) Child Abuse in England and Wales: March 2020
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- (4) See: <https://learning.nspcc.org.uk/media/1661/statistics-briefing-harmful-sexual-behaviour.pdf>
- (5) Office for National Statistics (2020) Child Abuse in England and Wales: January 2020
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- (9) See: <https://learning.nspcc.org.uk/services/speak-out-stay-safe>
- (10) See: <https://learning.nspcc.org.uk/research-resources/schools/pants-teaching>
- (11) See: <https://learning.nspcc.org.uk/services/keeping-safe-preventative-education-in-northern-ireland>
- (12) See: <https://www.nspcc.org.uk/globalassets/documents/online-safety/children-sending-receiving-sexual-messages.pdf>
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- (14) McGeeney, E., & Hanson, E. (2017) Digital Romance: A research project exploring young people's use of technology in their romantic relationships and love lives. London: National Crime Agency and Brook.
- (15) Children's Commissioner for Wales (2018) HUMAN RIGHTS EDUCATION IN THE NEW CURRICULUM: POSITION PAPER OF THE CHILDREN'S COMMISSIONER FOR WALES.
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- (20) Renold, Emma and McGeeney, Ester (2017) The future of the sex and relationships education curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel. [Project Report]. Cardiff: Welsh Government
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- (22) See SAMHSA (2014) SAMHSA'S Trauma and Justice Strategic Initiative U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Policy, Planning and Innovation
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- (25) Sex Education Forum (2018) Young people's RSE poll. NCB.
- (26) Terrance Higgins Trust (2016) SRE: Shh... No Talking. LGBT-inclusive Sex and Relationships Education in the UK. London. Terrance Higgins Trust.
- (27) Ibid
- (28) Renold, Emma and McGeeney, Ester (2017) The future of the sex and relationships education curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel. [Project Report]. Cardiff: Welsh Government
- (29) See for example: Department for Education (2015) PSHE Education: A Review of Impact and Effective Practice. Department for Education; Kirby, D and Laris, B. A (2009) Effective curriculum-base sex and STD/HIV education programmes for adolescents. Child Development Perspectives, 3 (1), 21-29: Nation, M., Crusto, C., Wandersman, A., Kumpfer, K. L., Seybolt, D., Morrissey-Kane, E and Davino, K (2003) what works in prevention: principles of effective prevention programmes. American Psychologists 58 (6/7), 449-456
- (30) See for example, Sex Education Forum (2018) Nearly three in ten teachers deliver relationships and sex education classes with no training.
- (31) See: <https://neu.org.uk/press-releases/neu-and-nspcc-survey-school-readiness-rse-lessons-2020>
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- (36) See Welsh Government (2020) CURRICULUM AND ASSESSMENT (WALES) BILL Explanatory Memorandum incorporating the Regulatory Impact Assessment and Explanatory Notes, Chapter 8 – Costs and Benefits, point 8.296
- (37) See Welsh Government (2020) CURRICULUM AND ASSESSMENT (WALES) BILL Explanatory Memorandum incorporating the Regulatory Impact Assessment and Explanatory Notes, Chapter 8 – Costs and Benefits, point 8.297
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- (39) See Statements of What Watters, Healthy relationships are fundamental to our well-being section:
- (40) See 'Specific Considerations for this Area, Section 2 'What Topics, Themes and Activities will Help Respond to Learners Needs', 'How can settings and schools support learners to recognise that relationships or aspects of relationships may not always be safe or healthy?'
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- (47) Baker, H. et al (2019) Let children know you're listening: the importance of an adult's interpersonal skills in helping to improve the child's experiences of disclosure. London: NSPCC
- (48) Allnock, D. and Miller, P. (2013) No one noticed, no one heard: a study of disclosures of childhood abuse. London: NSPCC
- (49) Renold, Emma and McGeeney, Ester (2017) The future of the sex and relationships education curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel. [Project Report]. Cardiff: Welsh Government
- (50) See Section 6, Statement by the Cabinet Secretary for Education: Relationships and Sexuality Education, point 322: <https://record.assembly.wales/Plenary/4985#A43520>
- (51) See: <https://learning.nspcc.org.uk/child-health-development/childhood-trauma-brain-development>

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Organisation: Welsh Women's Aid

1. The Bill's general principles

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

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

Welsh Women's Aid supports the principles of the Bill as stated in part 3.8 of the Explanatory Memorandum (EM). We agree that the new curriculum should be purpose-led and endorse the four 'purposes' as specified in Section 2 of the Bill. The general approach to curriculum reform is welcomed, both in terms of its emphasis on tailored and developmentally-appropriate education provision (rather than prescribed and age-determined), and the intention to utilize and maximize the skills, knowledge, and passion of teachers to develop and deliver this education. We do, however, have some significant concerns about the provisions made in the Bill (or lack thereof) in relation to the content and delivery of the RSE curriculum.

(1) RSE Curriculum: Content

Concern 1:

The draft RSE Code lacks the necessary detail for achieving the aims of the curriculum, and there has

been no assurance that the missing detail of the Code will be included in the accompanying statutory guidance.

Recommendations:

That the RSE Code includes further detail on the content, including specific topics which must be

taught, with clear developmentally appropriate progression pathways and a clear statement on how the

RSE Code will be supported by the statutory guidance.

Welsh Women's Aid welcomes the proposal that Ministers, under section 8 of the Bill, will be required to issue an "RSE Code" setting out "themes and matters to be encompassed by the mandatory element of Relationships and Sexuality Education". While a general approach of non-prescription is, we believe, the right one for the wider curriculum, we also agree with the Minister for Education that, for RSE, there must be an exception.⁽¹⁾ We know that, currently, the content, quality, and quantity of RSE taught in schools is highly inconsistent and, in many places, inadequate.⁽²⁾ We therefore support the stated aims of the RSE Curriculum to "improve the profile, quality and consistency of RSE" so that learners are supported to "become healthy, confident individuals who form positive relationships" and to ensure that learners "have access to a wide range of support and advice" (EM, para.3.53). That said, we are concerned that the draft RSE Code, as it currently stands, lacks the necessary detail for achieving these aims, and that there has been no assurance that the missing detail of the Code will be included in the accompanying statutory guidance.

The draft RSE Code identifies six broad thematic areas which, if retained in the final iteration of the Code, must be 'encompassed' in each (relevant) educational setting's RSE curriculum. While we support the inclusion of each of these thematic areas, we believe that there is a need to be more explicit about specific issues or concepts which these thematic areas ought to cover. We recognise that mandating specific 'topics' or 'issues' entails a departure from the general approach of 'non-prescription' employed in the development of the new curriculum. However, we believe that it is necessary to do so given the significant implications for child safeguarding and children's rights should these issues / concepts fail to be taught.

While RSE, like the rest of the curriculum, should be about maximizing well-being and helping children to achieve their potential, it is also has a more basic / fundamental

function: keeping children safe. Children and young people experience many forms of VAWDASV – in their home, in their own intimate relationships, among peers, and – increasingly – online. For example:

Teenage intimate relationship abuse: NSPCC reported that between a half and two-thirds of young women

aged 14-17 years old and between a third and two-thirds of young men have reported experiencing intimate

partner violence.(3)

Sexual violence, including online: 31% of young women aged 18-24 report having experienced sexual abuse

in childhood,(4) while reports of online sexual abuse, such as being exposed to online sexually explicit

images, sharing sexual images/messages, and grooming, are also rising.(5) Up to 1 in 5 girls at secondary

schools in Wales report that they have experienced unwanted touching, groping or kissing by a boy whilst in

school at least once.(6) The NSPCC estimates that roughly a third of all child sexual abuse is perpetrated by

peers.(7)

Domestic abuse: It is estimated that, across their lifetime, one in five children experience domestic abuse.(8)

During 2018/19, 4,263 children and young people were known to access some form of specialist VAWDASV

support in Wales. 1,070 children under 16 years of age were supported in refuge-based support services, and

3,193 were supported by specialist domestic abuse community-based support/outreach services. In addition,

the helpline has provided support to the parents of an estimated 2,922 children.(9)

Forced marriage and so-called 'honour-based' abuse: children made up 27 per cent of the victims supported

and advised by the Forced Marriage Unit in 2019; more than half of these were under the age of 16 years.¹⁰

Female genital mutilation: It is estimated that 24,000 girls under the age of 15 in the UK are at high risk of

FGM.⁽¹¹⁾ 584 FGM Protection Orders had been made by the end of March 2020, since their introduction in

July 2015.⁽¹²⁾ The number of FGM Protection Orders made each year have been steadily increasing – with

2018-19 and 2019-20 recording the highest number of year-on-year increases at 182 FGMPOs made each

year.⁽¹³⁾

Of significant concern is that many children and young people who experience abuse do not get the support they require.⁽¹⁴⁾ While this may be in part due to the lack of services available, as well as insufficient training of practitioners to identify and respond to concerns / disclosures of abuse (see more on these points response to Q. 3.1), it is also the case that many children and young people do not recognize their experiences as constituting abuse, and /or think that it is 'normal'.⁽¹⁵⁾

If people are not taught that particular behaviours are abusive (or, rather, if harmful attitudes and beliefs relating to VAWDASV are not 'un-taught'), we should not expect them to recognise abusive behaviour and come forward to seek support. Nor should we expect their peers, staff, and community members to challenge abusive attitudes and behaviour. Attitudes and behaviours can only be challenged if they are first labelled and understood. Understanding that VAWDASV is both a cause and consequence of gender inequality, and taking steps through education to challenge harmful gendered norms and beliefs, is an essential part of the process of ending VAWDASV.

We know that changing the social and cultural norms which condone and reinforce VAWDASV takes years. In the meantime, children, young people and their families continue to face VAWDASV. Children need to be equipped with information and language to understand they have a right to safety, to recognise all forms of abusive or controlling behaviour, and know how to get support. If children continue to suffer without being

heard, supported, and provided with the necessary information, the achievement of the overarching aims of the curriculum, as embodied by the 'four purposes', is likely to be impeded. Clearly, RSE alone will not solve the problem of VAWDASV, but it has a key role in ensuring that children and young people understand their rights (and gain an appreciation of, and advocate for, others' rights); helping them to be able to recognise what constitutes abuse as well as the role of gender inequality in causing and condoning abuse; and helping them to realise that support is available and how they can access it.⁽¹⁶⁾ As such, we believe it is necessary to identify key topics which must be taught in the interest of improving children and young people's safety.

(2) RSE Curriculum: Delivery

Concern 2:

That the quality of RSE will continue to be highly variable across schools because:

(a) The Code does not intend to legislate on the delivery of the curriculum – only its content;

(b) There is no commitment for either the Code or statutory guidance to include the

recommendations made by the SRE Expert Panel around the effective delivery of RSE, including

the need for an RSE lead in each school and local authority and for training and RSE delivery to be

supported and informed by specialist services;

(c) There is a lack of clarity around the meaning of embedding RSE in a "whole school approach" -

facilitating cross-curricular learning on RSE is crucial but should bolster, not replace, lessons on

specific RSE topics.

Recommendations:

At minimum, to include in the RSE Code the established 'embedding principles' as set out in the

Curriculum for Wales guidance and make a statement as to how the statutory guidance will support the

delivery of the curriculum.

Make an explicit commitment in the Code to implementing 11 recommendations made by the SRE

Expert Panel in 2017, and make provision for these to inform the statutory guidance.

Make an explicit reference in the Code to the Welsh Government's Good Practice Guide: A Whole

Education Approach to Violence against Women, Domestic Abuse & Sexual Violence in Wales as a

model of delivering RSE.

As the SRE Expert Panel pointed out (2017), how RSE is delivered is equally important as what is delivered. We welcome the intention for RSE to be delivered in a 'whole school approach' (EM, para.3.52). We know that individuals' and communities' attitudes towards, and acceptance of, VAWDASV are heavily influenced by social norms, structures, and practices which reinforce harmful ideas of 'gender roles' and of what constitutes 'masculine' or 'feminine' behaviour.(17) A recent study of more than 1,000 young men aged 18-24 found that a belief in rigid masculine stereotypes was the biggest predictor of their use of physical violence, sexual harassment, verbal bullying and cyber bullying - and at a rate of 25 times more accurate than a range of demographic variables.(18) Evidently, it is important that children and young people not only learn about different manifestations of abuse and that it is never OK - and never their fault - but also that these norms and stereotypes which reinforce VAWDASV are actively challenged throughout the whole school community. The Welsh Government's Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse & Sexual Violence in Wales provides a good template for embedding the RSE curriculum in a 'whole school approach'. We believe that the Code would be strengthened by making a direct reference to this guidance as a model of delivering RSE in a comprehensive and 'whole school approach'.

We welcome the intention for RSE to be 'cross-cutting' - to be taught across all six AoLEs. This is central to a 'whole school approach' and is important in ensuring that we move

away from a 'tick box' culture where, for example, children are considered to have 'been taught' about domestic abuse after receiving one isolated lesson in a period of 12 months. Welsh Women's Aid believes that facilitating children's understanding of RSE topics requires opportunities to learn about them in different contexts. Such opportunities, however, should bolster – not replace – lessons on specific RSE topics. Taking coercive control as an example, it would be very difficult for children and young people to recognise coercive or controlling behaviour in the context of different subjects (e.g. history, drama) without first having an understanding of the concept itself. The RSE code and statutory guidance needs to make clear the importance of retaining lessons on specific RSE topics while strengthening this learning in the wider curriculum. Without out this clarity we are concerned that some schools will fail to incorporate lessons dedicated to specific RSE topics into their curriculum.

Connected to this is the importance of meaningfully involving specialist services – e.g. domestic abuse, sexual violence, BME, disability, and LGBT services - in informing and supporting the delivery of RSE on a local level, not only in relation to the educational provision, but also in providing clear pathways to specialist support for those who need / want it. Given that the RSE Curriculum is intended to be delivered across the six AoLEs, this means that teachers across the whole spectrum of subjects will need to receive training on key aspects of RSE. It is very important that this training is delivered / supported by specialist services, both in terms of utilising their expertise, and in terms of offering support to staff, parents and pupils who are themselves survivors of VAWDASV.

While we welcome the proposal in the EM for the Code to be bolstered by statutory guidance which will "provide teachers and school staff with practical support to build high quality provision of Relationships and Sexuality Education" (para. 8.296), we are concerned that the Code itself does not intend to legislate on the delivery of the curriculum – only its content. We would recommend that, at minimum, the RSE Code include the established 'embedding principles' as set out in the Curriculum for Wales guidance and make a statement as to how the statutory guidance will support the delivery of the curriculum. We would further recommend that the Code explicitly commits to the 11 recommendations made by the SRE Expert Panel in 2017, and make provision for these to inform the statutory guidance.

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

(we would be grateful if you could keep your answer to around 500 words)

Yes.

Welsh Women's Aid believes it is important to legislate in order to successfully deliver on the aims of the Bill. In relation to RSE, we already know that non-statutory provision has resulted in inconsistent RSE provision, both in terms of its quality and quantity. For example, Terrence Higgins Trust found that the vast majority of young people who responded to their survey were not taught about consent (75%) or LGBT relationships (95%), while as many as one in seven did not receive any RSE.(19) The Sex Education Forum and the National Education Union carried out a survey with 1001 young people across the UK and found that 20% were not taught about the signs of an abusive relationship, and 23% did not learn anything about how to tell if a relationship is healthy.(20) The Sex and Relationships Education Expert Panel highlighted that RSE in Wales was rarely inclusive, cautioning that: "without... legislative change SRE will remain a low priority for schools, be narrowly conceived, and children and young people's rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure" (Welsh Government, 2017, p.10)". Welsh Women's Aid reiterates this caution. We believe that legislation is necessary to achieve the four purposes of the new curriculum for all pupils.

2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

Yes - Professional Development

Concern 3

Ring-fenced funding: there is no commitment to providing ring-fenced funding for professional learning for

in-service teachers and teacher training resources for Welsh RSE providers.

Concern 4

Measures of quality: in the absence of detail on what is expected in terms of content and delivery, it is

difficult to envisage how what is delivered can be assessed for quality and progress in achieving the aims of the curriculum.

Concern 5

Specialist services: No detail has been provided about the role of specialist services in the development

and delivery of the curriculum. Failure to involve specialist services will risk poor teaching /

misunderstanding / avoidance of topics which require expertise, and the inadequate provision of specialist

support to staff, parents, and pupils who require it.

Recommendations:

Commit to providing ring-fenced funding for RSE professional development

Commit to implementing all 11 recommendations by the SRE Expert Panel, either by way of the Code or

statutory guidance

Identify key topics that must be taught within the broad thematic areas contained in the Code

Make the role of specialist services in the training and delivering of RSE explicit within the Code and

statutory guidance to draw upon their expertise and what they are already delivering with children and

young people in their local communities.

The SRE expert panel identified an urgent need for teacher training. However, very few teachers access or receive specialist RSE curriculum training. While we welcome the acknowledgement in the EM (para. 8.298) that "professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching", Welsh Women's Aid is concerned that the

commitments to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague. There is no detailed commitment to improving or resourcing the professional learning for in-service teachers and initial teacher training and resources for Welsh RSE providers. There is also no commitment to ensure that, in line with the SRE Expert Panel recommendations, each school and local authority has a trained RSE lead – vital to co-ordinate a cross-curricular whole school approach.

Moreover, there is no commitment or detail on how training on specialist areas of RSE, especially sexual health and well-being, gender-based and sexual violence, LGBTQ+ rights and equity, child protection and abuse, will be informed and supported by those with expertise in these areas from the relevant sectors. The EM (para.8.300) suggests that “specialist external support” should be brought in only with the view to “equipping staff to deliver the curriculum themselves”. While we endorse the aim for all staff to be equipped with the necessary skills and confidence to teach RSE, the importance of specialist input extends beyond this aim. Specialist input is necessary not only to ensure that the subject matters are properly understood by staff and communicated to the pupils, delivered in a trauma-informed approach; but also to build and strengthen schools’ links with specialist services and identify clear and accessible referral pathways to specialist support; and to provide links to support for the staff who are being trained, as there will inevitably be professionals who are affected by VAWDASV attending the training. Specialist services are also experts in working with children and young people in their local community. For example, many of our member services deliver the Safety, Trust and Respect (STAR) suite of services – which already equip children and young people with understanding of healthy relationships, consent, gender equality, online relationships, etc. It therefore makes economic as well as practical sense to equip schools to draw on these expertise and resources already in their communities.

Section 3.132 of the Explanatory Memorandum notes that an enhanced £24m funding allocation for professional learning was made available over the years 2018/19 and 2019/20 “to allow schools to prepare for the new curriculum”, and that further funding will be available in 2020/21 for the same purpose. While this is welcome, given that RSE is intended to be taught across the six AoLEs and employing a whole-school approach, this is going to require all teachers to (a) be able to identify opportunities for bolstering RSE lessons within their own specialisms; and (b) to be confident in discussing a range of RSE topics. The intention for RSE to be cross-cutting makes it an area that will require substantially more investment in training and creating support structures for staff to be able to deliver on this aspect of the curriculum. As such, we believe that it is necessary to have ring-fenced funding for RSE professional development.

Without dedicated funding for specialist training, and continuing access to specialist services (external and in-house), schools may either avoid covering perceived sensitive or challenging topics altogether or provide RSE in a way that fails to adequately safeguard and meet the needs of children and young people.

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

(we would be grateful if you could keep your answer to around 500 words)

Answer: No

See response to question 2.1. Welsh Women's Aid believes that there must be a commitment in the Bill to ring-fenced funding for RSE professional development and for external RSE providers. We further believe that a delivery framework for the curriculum (including the key elements as recommended in the SRE Expert Panel report) should be included in the Bill / subordinate legislation.

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

One likely consequence of successfully embedding high-quality RSE in schools is that pupils, as well as staff and parents, are better able to recognise abusive behaviour; are able to recognise, challenge, and change social norms, attitudes and beliefs that condone VAWDASV; that they know how to get support; and feel more able to disclose experiences of abuse.⁽²¹⁾ While this is a positive outcome, the impact on the child's safety and well-being is dependent on the response they get. Enabling children and young people to recognise abusive behaviour and ensuring that they feel able to disclose experiences of abuse is not enough. We must ensure that they are all offered support, and at the earliest point possible. This requires all school personnel to be trained in how to identify signs and symptoms of VAWDASV, as well as how to respond positively to a disclosure and be proactive about raising concerns about children's safety. Strong links between schools and specialist support services are also imperative, as this can facilitate earlier intervention to prevent abuse from escalating, as well as aiding the process of recovery for children and their families.

However, the outcome of this is contingent on the adequate and sustainable resourcing of the specialist services. With increased disclosures and improved referral pathways to specialist services, the demand on these services is likely to increase. We already know that many children and young people experiencing VAWDASV do not get the support they require: some get no support, while others are supported only once they've reached the 'at risk' safeguarding threshold. This is unacceptable and can be seriously damaging for children and young people. Welsh Women's Aid therefore urge the Welsh Government to commit to additional and longer-term funding for children and young people VAWDASV services in anticipation of an increase in disclosures / referrals with the introduction of the RSE curriculum in 2022.(22)

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

As stated in Q.3.1, Welsh Women's Aid welcomes the acknowledgement in the EM that professional learning will be required to enable teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching. However, despite the allocation of funds for generic 'professional development', we are disappointed that we have yet to see a commitment to dedicated funding for professional development on RSE. Failure to adequately resource schools with the funding necessary to equip their staff with the skills and confidence to deliver RSE across the curriculum – supported by specialists – could seriously undermine the ambitions of the curriculum reform. Welsh Women's Aid believes that the Welsh Government must commit to providing ring-fenced funding for professional learning on RSE if the ambitions of the curriculum reform are to be realised.

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

No.

6. Other considerations

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

(we would be grateful if you could keep your answer to around 1000 words)

Yes.

Concern 6

Post-16 provision: the Bill makes no provision for post-16 RSE.

Recommendation:

Include provision in the Bill for post-16 RSE, in line with the provision for post-16 RVE.

Welsh Women's Aid understands that the remit of this Bill primarily relates to the provision of education for those of compulsory school age. However, section 62 of the Bill requires head teachers of maintained schools to "ensure that teaching and learning in Religion, Values and Ethics is provided at the school for pupils [of post-compulsory school age] who request it". We are highly concerned that the Bill makes no similar provision for teaching and learning in RSE for pupils in post-compulsory education. This is a critical time for young people's relationships. This age group is at a higher risk of experiencing forced marriage,(23) and studies have shown that 16 to 19-year olds are the age group who are most likely to experience domestic abuse in their relationships.(24) The revision of the statutory definition of domestic abuse by the Domestic Abuse Bill to include 16 and 17-year olds makes it even more important that the 16+ age group have an understanding of domestic abuse and of their right to support. This is also the age when they are likely to be having their first sexual relationships and therefore it is crucial that they have an understanding of consent and how to have positive sexual relationships.(25)

Concern 7:

That teaching will be inconsistent due to lack of shared understanding of key RSE concepts.

Recommendation:

Make provision in the Code for the inclusion of the glossary produced by the RSE Expert Panel in the statutory guidance.

RSE is a specialist area. In order to improve consistency of teaching, there needs to be a shared understanding across Wales of the key concepts used in the forthcoming Code and guidance. Welsh Women's Aid would recommend using the glossary produced by the RSE Expert Panel, which could be updated if and when required, in recognition of the fact that the RSE is to be a "living" curriculum. We believe that the Code should make a provision for this Glossary to be included in the statutory guidance.

Concern 8:

Health and Well-being Area of Learning and Experience: Some of the phrasing in the guidance suggests

that it is children's responsibility to keep themselves safe. This view can lead to victim-blaming and can

deter survivors of abuse from disclosing and seeking support.

Recommendation:

Ensure that the curriculum guidance and legislation focuses on the rights of children to be safe, removing

any reference that could be interpreted as placing the responsibility on the child for being abused.

It is imperative that survivors of any form of abuse are never blamed, or made to take responsibility, for being abused. Research has shown that victim-blaming is prevalent, even among organisations whose responsibility is to safeguard children, and that often, the attitudes held by practitioners prevent them from seeing that the way they talk to / about the child attributes blame to the child.(26) This can discourage children and adults from coming forward to seek support.(27) Tackling these attitudes and looking at the way language can be used to reinforce / challenge victim blaming should be part of professional development for RSE; but this also needs to be reflected in all publications on the curriculum.

The following phrase in the "What Matters Statements" for the Health and Well-being AoLE – that children "need to be aware of how to keep safe" – suggests that personal

safety is something that children have a responsibility to ensure. Although we do not believe that this is the intended meaning, it is possible that it will be interpreted as such. To avoid any risk of misunderstanding, we would advise rephrasing the sentence to something like: children “need to be aware of their right to safety”.

Concern 9:

Findings and Recommendations by the SRE Expert Panel: It is not clear how the recommendations of the

SRE Expert Panel, which the Minister for Education accepted, are informing the development of the Code

and statutory guidance.

Recommendation:

Publish a ministerial update on the progress made in delivering on these recommendations.

Make a commitment in the RSE Code to implementing of all these recommendations.

Sections 3.28 to 3.31 of the EM summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. Some of the findings and recommendations are highlighted in these sections. Section 4.16 of the EM states that these “recommendations have informed the approach to developing the relationships and sexuality education curriculum”.

While it is clear that some of these recommendations have been taken on, no explanation has been provided for why other recommendations - e.g. for a dedicated RSE lead with protected hours in each school, and for a dedicated RSE local authority lead to work with the consortia – appear not to have been addressed. We believe that the RSE Code would be strengthened by committing to implementing all the recommendations made by the expert panel.

Concern 10:

The process of developing the Code and statutory guidance: There is a lack of clarity around the

involvement of children and young people and those with experience of creating and delivering RSE in the

development of the Code and statutory guidance.

Recommendation:

That Ministers draw up and make public an engagement plan that enables pioneer schools who have

already been involved in co-constructing the proposed RSE curriculum with children and young people for

the past two years to share their expertise and experience; and for children and young people to be

meaningfully involved in developing the Code and statutory guidance, using the participatory methods

already successfully trialed by pioneer schools

Welsh Women's Aid welcomes the opportunity to participate in the RSE Working Group to contribute to the development of the RSE Code and statutory guidance alongside other organisations with expertise in different topic areas. We are concerned, however, that there is a lack of clarity around the involvement of children and young people in the process (as is their right under Article 12 of the UNCRC), as well as those with experience of creating and delivering high quality RSE. The Rights of Children and Young Persons (Wales) Measure 2011 requires Ministers to have due regard to Part I of the UNCRC when exercising any of their functions, including provision proposed to be included in an enactment. It is not clear how this has been done in relation to the Bill – in particular the provision for the RSE Code. It is also unclear how those with RSE expertise in curriculum design and implementation are to be involved in the process.

For the RSE curriculum to be meaningful to children and young people and of high quality, we believe that the process of its construction should be an iterative one between the Working Group, the Involvement Group, RSE experts (both academics and practitioners), and children and young people. We would recommend that the Ministers draw up and make public an engagement plan that enables pioneer schools who have already been involved in co-constructing the proposed RSE curriculum with children and young people for the past two years to share their expertise and experience, and for children and young people from a diverse range of backgrounds – including those with lived experience of

VAWDASV - to be meaningfully involved in developing the Code and statutory guidance, using the participatory methods already successfully trialed by pioneer schools.(28)

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(5) NSPCC (2016) 'Childline Annual Review 2015/16: It turned out someone did care'.

(6) School Health Research Network survey of 35,071 students from 87 secondary schools in Wales (SHRN, 2015).

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See also Young et al. (2018)

<https://academic.oup.com/jpubhealth/article/40/4/738/4614416>

(25) Mercer, C. et al. Changes in sexual attitudes and lifestyles in Britain through the life course and over time: findings from the National Surveys of Sexual Attitudes and Lifestyles (Natsal).

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See also Eaton, J. (2016) We need to talk about CSE toolkits, Safe and Sound Group.

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Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Organisation: Relationship and Sexuality Education (RSE) Action Group

1. The Bill's general principles

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

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

Dear Children, Young People and Education Committee,

We are members of a newly formed Relationships and Sexuality Education (RSE) Action Group which fully supports Welsh Government's sustained commitment to introducing high quality mandatory RSE for all learners. We are writing to share our key concerns regarding RSE in the recently published Curriculum and Assessment (Wales) Bill and our recommendations to ensure that all children and young people receive high quality RSE in Wales.

We hope that our letter informs the process as the Bill progresses with insights from those who have been directly involved in the development of the new RSE curriculum.

Background

In December 2017, the Sex and Relationships Education (SRE) Expert Panel made 11 recommendations to ensure the future of high quality, inclusive and relevant Sex and Relationships Education in Wales. In May 2018 these recommendations were accepted by the Minister for Education, Kirsty Williams – a significant turning point for Relationships and Sexuality Education in Wales. The new vision for RSE in Wales is ambitious and progressive and strongly supported by many countries and organisations, including the United Nations. We recognise that implementation will take time and considerable planning, resourcing and collaborations.

The chair (Professor Renold) and members of the expert panel called for the establishment of a policy-practice-research network (recommendation 11) that has sufficient RSE expertise to move forwards with a co-ordinated implementation plan. Since this has not yet happened, a new independent pan-Wales RSE Action Group started up in January 2020 to share, plan and support the process. Members include teachers and head-teachers, RSE external service providers, RSE third sector organisations, RSE policy makers, RSE researchers and RSE youth workers. The group also includes members of the 2017 expert panel and members of the newly formed Welsh Government RSE working group.

Supporting the Bill

The RSE Action group very much welcomes Welsh Government's sustained commitment to introducing mandatory RSE within the new curriculum for all learners. There is an increasingly urgent need for statutory legislation to set out a clear legal and policy framework for delivering the contents of the Bill. Indeed, we fully support the principles of the Bill relating to RSE and its intention to "improve the profile, quality and consistency" of the subject (Section 3.50) in terms of both content and delivery. As the expert panel cautioned, "without this legislative change SRE will remain a low priority for schools, be narrowly conceived, and children and young people's rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure" (Welsh Government, 2017, p.10).

Key concerns:

We do, however, have some concerns. In brief, they are as follows:

- 1) A lack of information on the reason for separating out 'core learning' (as defined by the RSE Code, Section 3.68) from the statutory Guidance (which also includes 'areas of

learning', in addition to supporting practitioners build 'high quality provision' Section 8.296) and how the two will work together.

2) The process of 'co-construction' regarding the RSE Code and statutory Guidance is unclear, specifically regarding children and young people's involvement; the involvement of organisations with expertise in the different topic areas; and organisations with experience in creation and delivery of high quality RSE content.

3) The commitment to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague.

4) There are no provisions of RSE for post-16 learners.

5) There is no glossary of terms for core RSE concepts and topics.

6) Recommendations by the 2017 SRE Expert Panel have not yet been implemented.

We have outlined these concerns below, with a clear indication of how each can be resolved via an accompanying suite of recommendations.

Key recommendations

1) A lack of information on the reason for separating out 'core learning' (as defined by the RSE Code, Section 3.68) from the statutory Guidance (which also includes 'areas of learning', in addition to supporting practitioners build 'high quality provision' Section 8.296) and how the two will work together.

The expert panel's recommendations on what constitutes high quality RSE was accepted by the Minister for Education, and then developed and consolidated by teachers in the pioneer schools during 2017-2019. These included that RSE should be rights and equity based; LGBTQ+ inclusive; holistic, empowering, co-produced, creative, protective and preventative, relevant and developmentally appropriate. It should also be embedded in a whole-school approach. We welcome that the Bill directly states that the 'core learning' in the new 'RSE Code' is designed to be 'explicit' (Section 3.72). However, it offers no information on what the Code will contain. It also separates out content from the 'embedding principles' as outlined in the Curriculum for Wales Guidance (page 39-40). As the SRE expert panel report has outlined in full, how we deliver RSE is as important as what we deliver.

Recommendation 1: that the RSE Code include the established 'embedding principles' as set out in the Curriculum for Wales Guidance. They have been successfully informing practice as they have evolved and are the bedrock of high quality RSE.

While the six thematic headings, and their accompanying summaries in the Curriculum for Wales Guidance (see page 39-40) are a vital foundational starting point, they are too broad and will inevitably lead to high levels of inconsistency and unequal provision. Providing no further substantive detail on what should be covered and when makes the Bill incomplete, and the consultation process only partial.

Recommendation 2: That the RSE Code includes further detail on the content, with clear developmentally appropriate progression pathways and a clear statement in the Bill on how the RSE Code will be supported by the statutory Guidance.

2) The process of 'co-construction' regarding the RSE Code and statutory Guidance is unclear, specifically regarding children and young people's involvement; the involvement of organisations with expertise in the different topic areas; and organisations with experience in creation and delivery of high quality RSE content.

There is a lack of clarity as to how exactly children and young people will be meaningfully consulted and involved in co-constructing the RSE Code and Guidance (Article 12, UNCRC) despite the significant number of teachers in pioneer schools who have been co-constructing the proposed new RSE curriculum (both in terms of content and pedagogy) with children and young people, for the past 2 years (e.g. see the findings from the bespoke professional learning programme pioneered by central south consortia across 23 primary, secondary and special schools). There is also a lack of detail on how those with RSE expertise in curriculum design and implementation are involved in the process of co-construction regarding the statutory Code and Guidance.

Recommendation 3: that the Welsh Ministers draw up an engagement process that enables schools who have already been co-constructing the proposed new RSE curriculum to share their expertise and experience.

Recommendation 4: that children and young people are meaningfully involved in the process of co-constructing both the Code and the Guidance, using the participatory methods that have already been successfully trialled.

Recommendation 5: that there is an explicit and meaningful role in the co-creation of the Code and Guidance for organisations with expertise in the different topics addressed by RSE; and those with experience of creating and delivering high quality RSE content.

3) The commitments to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague.

The expert panel identified an urgent need for teacher training on RSE. However, very few teachers access or receive specialist RSE curriculum training. RSE is also not included in current Initial Teacher Education (ITE) and not a requirement for in-service teachers providing RSE. While we welcome the Bill's acknowledgement that "professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching", there is no detailed commitment to improving or resourcing the professional learning for in-service teachers and initial teacher training and resources for Welsh RSE providers. There is also no commitment, as set out by the expert panel, that each school and local authority must have a trained RSE lead – vital to co-ordinate a cross-curricular whole school approach. Training on specialist areas of RSE, especially sexual health and well-being, gender-based and sexual violence, LGBTQ+ rights and equity, child protection and abuse, needs to be informed and supported by those with expertise in these areas from the relevant sectors.

Without specialist training, and access to specialist services (external and in-house) schools may either avoid covering perceived sensitive or challenging topics altogether or provide RSE in a way that fails to adequately safeguard and meet the needs of children and young people. Indeed, given that RSE is intended to be taught across the six AoLEs and employing a whole-school approach, this is going to require a key RSE lead/co-ordinator, and all teachers to (a) be able to identify opportunities for bolstering RSE lessons within their own specialisms; and (b) to be confident in discussing a range of RSE topics. The intention for RSE to be cross-cutting makes it an area that will require substantially more investment in training and creating support structures for staff to be able to deliver on this aspect of the curriculum. Despite Welsh Government's statement (Sections 8.296 – 8.300) that innovation schools have been unable to set out the numbers of staff who will require training in RSE, or how much training they will require, some excellent progress has been made by a number of pioneer schools and schools that have explicitly mapped out their RSE professional learning needs over the last two years. This learning and experience could be more thoroughly utilised.

Recommendation 6: that the Welsh Government provide further detail on the professional learning required by individual schools, and how local authorities and the four educational consortia will co-ordinate to develop coherent and consistent all Wales provision.

Recommendation 7: that the Welsh Government fulfil their commitment to set-up a research-practice-policy Hwb for the development of bespoke and evidenced-based professional learning needs and high quality resources.

Recommendation 8: that the Welsh Government provide ring-fenced funding for RSE professional learning for teachers (including bespoke SEND RSE professional learning) and external RSE service providers

4) There are no provisions of RSE for post-16 learners

Part V of the Bill provides for the “teaching and learning in Religion, Values and Ethics is provided at the school for pupils who request it.” We are concerned that there is no similar provision for teaching and learning in Relationships and Sexuality Education for pupils in post-compulsory education. This is a critical time in young people’s learning and experience .

Recommendation 9: that the Bill makes provision for post-16 learners (including those with special educational needs and disabilities) to be able to access RSE

5) There is no glossary of terms for core RSE concepts and topics

RSE is a specialist area. To increase consistency of teaching across Wales, all schools need to have a shared understanding of these concepts in any forthcoming RSE Code and Guidance. We would recommend using the glossary produced by the SRE Expert Panel, which could be updated when required, in recognition of the fact that the RSE is to be a “living” curriculum.

Recommendation 10: that both the Code and the Statutory Guidance is supported by a glossary of key concepts.

6) Findings and Recommendations by the SRE Expert Panel have not been implemented

Sections 3.28 to 3.31 summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. Some of the findings and recommendations are highlighted in these sections. Section 4.16 of the EM states that these “recommendations have informed the approach to developing the relationships and sexuality education curriculum”. While it is clear that some of the recommendations have been taken on, as we have outlined above, no explanation has been provided for why other recommendations – e.g. provision for a dedicated RSE lead, a dedicated RSE local authority lead to work with the consortia and a

policy-practice-research network (see also Section 8.183) – appear to have not been addressed.

Recommendation 11: To commit to implementing all the recommendations by the expert panel – either by way of the Code, or the Statutory Guidance.

To conclude, it is the view of the RSE action group, that unless these concerns are further clarified and expanded upon in the Bill/Explanatory Memorandum, the unintended consequences may be the reinforcing of the current status quo of unequal provision resulting in a significant barrier to achieving high quality RSE provision for all children and young people in Wales.

Making RSE statutory in schools is the first step towards universal and equal provision. We have full confidence that all of the recommendations above can be achieved within the proposed time frame so that all children and young people's needs can be met and their health and well-being safeguarded and supported.

If you require any further information on the detail above, please contact xxxxx xxxxxx x
xxxxx xxxxxxxxxxxxxxxx xx xxxxx xxxxxx xxxxxx xxxxxxxxxxxxxxxxxxxxxxxx

Yours sincerely,

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Brook / Brook Cymru

Gwyn Daniels, Acting Deputy Head, Greenfield School, Merthyr Tydfil.

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Service

Dr. Josh Heyes, University of Birmingham, Convenor of the British Education Research
Association's (BERA) Gender and Sexualities Special Interest Group.

Kate Marston, PhD Student, School of Social Sciences, Cardiff University

Alex Milton, Health and Well-being/RSE Co-ordinator, Pencoed Comprehensive, Bridgend.

Dr. Ester McGeeney, RSE practitioner, researcher and youth worker

NSPCC/NSPCC Cymru

Stonewall Cymru

Dr. EJ Renold, Professor of Childhood Studies, School of Social Sciences, Cardiff University

Zoe Richards, Learning Disability Wales

Umbrella Cymru

Welsh Women's Aid

Dr. Honor Young, Senior Lecturer, DECIPher (Public Health Research Centre), Cardiff University

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

(we would be grateful if you could keep your answer to around 500 words)

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2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

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

(we would be grateful if you could keep your answer to around 500 words)

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3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

-

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

-

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

-

6. Other considerations

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

(we would be grateful if you could keep your answer to around 1000 words)

-

At: Cadeirydd y
Pwyllgor Plant, Pobl
Ifanc ac Addysg ac
aelodau'r Pwyllgor

Trwy ebost yn unig

21 Medi 2020

Annwyl gydweithiwr,

Rwy'n ysgrifennu i'ch rhagrybuddio ynghylch fy mhenderfyniad i ddefnyddio'm pwerau statudol i adolygu camau gweithredu Llywodraeth Cymru mewn perthynas â dau fater polisi addysg: dewis addysgu gartref a rheoleiddio ysgolion annibynnol.

Wrth wneud hynny, fe fyddaf yn defnyddio pwerau statudol y Comisiynydd Plant i adolygu gweithredu gweithrediadau gan Weinidogion Cymru, yn unol â Rhan 72B o Ddeddf Safonau Gofal 2000.

Rydym wedi penderfynu cynnal Adolygiad yn dilyn cadarnhad ysgrifenedig gan y Gweinidog Addysg bod y Llywodraeth wedi penderfynu peidio â symud ymlaen i gyflwyno canllawiau a rheoliadau statudol mewn perthynas â'r ddau faes yma yn ystod y tymor Senedd hwn.

Er fy mod i'n deall ac yn gwerthfawrogi bod y pandemig wedi cael effaith sylweddol ar waith y Llywodraeth ar draws pob adran a swyddogaeth, mae dyletswydd arnaf fi i ddiogelu hawliau a lles plant a phobl ifanc. Bydd elfennau o'r adolygiad hwn yn canolbwyntio ar benderfyniadau a chamau gweithredu cyn y pandemig.

Nid wyf yn disgwyl, nac yn dymuno, i'r adolygiad hwn lesteirio unrhyw waith polisi sy'n parhau mewn adrannau perthnasol o'r Llywodraeth.

Byddwch chi'n gwybod fy mod i wedi cymryd camau sylweddol dros flynyddoedd lawer i weithio gyda'r Llywodraeth i symud y materion hyn ymlaen, ond mae rhai o'n pryderon sylfaenol yn parhau. Y nod yw llunio argymhellion ynghylch camau nesaf y dylai'r Llywodraeth hon neu Lywodraeth Cymru yn y dyfodol eu cymryd i ddiogelu hawliau plant sy'n cael eu haddysgu gartref neu mewn ysgolion annibynnol.

Wrth adolygu, byddwn ni'n canolbwyntio ar swyddogaethau sy'n ymwneud â diogelu ac addysg, er y gall materion ehangach cysylltiedig â llywodraethu, gwneud penderfyniadau, llesiant plant a hawliau plant godi hefyd.

Dwi wedi gwneud hyn yn glir i'r Prif Weinidog nad yw'n fwiad gen i daro bau neu gam-farnu unrhyw swyddog neu Weinidog yn bersonol am benderfyniadau neu weithredoedd. Yn hytrach, bwriad yr adolygiad yw i



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Tudalen y pecyn 141

Croesaw'n ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

edrych ar effeithiolrwydd Llywodraeth Cymru i ymgymryd â'u swyddogaethau mewn dau ardal o faes polisi addysg yn benodol. Drwy wneud hyn, mae'n debygol y fydd yna sylwebaeth ar sut mae Llywodraeth Cymru wedi mynd ati i gyflawni ei rhwymedigaeth gyfreithiol ar hawliau dynol plant.

Byddaf yn ymdrechu i sicrhau eich bod chi'n cael gwybodaeth yn gyson am unrhyw ddatblygiadau. Yn y cyfamser, bydd tudalen wedi'i neilltuo ar gyfer hyn yn mynd yn fyw ar ein gwefan yfory, a bydd yn cynnwys yr wybodaeth ddiweddaraf am yr adolygiad. Bydd yn cynnwys gwybodaeth benodol ar gyfer pobl ifanc sy'n cael eu haddysgu gartref neu sydd mewn ysgol annibynnol yng Nghymru.

Byddwn hefyd yn cysylltu â chi os bydd angen i chi wneud cyfraniad i'r adolygiad statudol hwn.

Yn y cyfamser, os bydd gennych chi unrhyw gwestiynau am y gwaith hwn, mae croeso i chi gysylltu â'm Pennaeth Polisi, Rachel Thomas, sy'n rheolwr prosiect ar y gwaith hwn ar fy rhan. Dyma ei manylion cyswllt: rachel.thomas@complantcymru.org.uk / 01792 765600

Gyda diolch,



Sally

Sally Holland
Comisiynydd Plant Cymru
Children's Commissioner for Wales

CYPE(5)-23-20 - Papur i'w nodi 2

Senedd Cymru

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Welsh Parliament

Children, Young People and Education Committee

Meilyr Rowlands, Prif Arolygydd Ei Mawrhydi, Estyn

Dyddiad | Date: 23 Medi 2020

Pwnc | Subject: **Bil Cwricwlwm ac Asesu (Cymru)**

Annwyl Meilyr,

Diolch am ddod i [gyfarfod y Pwyllgor wythnos diwethaf](#), ynghyd â'ch cydweithiwr Claire Morgan, i roi tystiolaeth ar ran Estyn ynghylch egwyddorion cyffredinol y Bil Cwricwlwm ac Asesu (Cymru).

Nid oedd amser i drafod rhai cwestiynau yn ystod y sesiwn. Rwyf wedi cynnwys y cwestiynau hyn yn yr atodiad i'r llythyr hwn a byddwn yn ddiolchgar pe gallech anfon ymateb ysgrifenedig iddynt erbyn 8 Hydref 2020 i helpu i lywio ein gwaith craffu yng nghwmni'r Gweinidog yn nes ymlaen y mis hwnnw.

Yn gywir,



Lynne Neagle AS

Cadeirydd

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



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ATODIAD

Y BIL CWRICWLWM AC ASESU: Y GYMRAEG

Yn ystod cyfarfod y Pwyllgor ar 17 Medi, pan ofynnwyd i chi am ddarpariaethau'r Bil ynghylch trochi yn y Gymraeg, gwnaethoch ymateb fel a ganlyn:

"I think that most people agree that we do need the ability to have full immersion in the Welsh language, but we've said in our response to the consultation that it's worth reconsidering whether there's a better way of achieving that in legislation than the proposed opt-out. I mean, I'm not an expert in drafting legislation, but you could imagine that Welsh and English could be mandatory after the age of seven, and it could be for the school or the local authority then to choose which of the two languages was used before then."

- A allwch roi rhagor o fanylion am yr awgrym hwn? Er enghraifft, a allwch gadarnhau a ydych yn awgrymu na ddylai Saesneg fod yn elfen orfodol cyn 7 oed ac y dylai awdurdod lleol allu dewis a ddylid addysgu Saesneg cyn yr oedran hwn? A fydddech yn awgrymu bod y Gymraeg yn elfen orfodol o 3 oed ymlaen? A fyddai unrhyw ganlyniadau anfwriadol i'r datrysiad amgen hwn?

Y BIL CWRICWLWM AC ASESU: CYLLIDO

Yn ystod cyfarfod y Pwyllgor ar 17 Medi, pan ofynnwyd i chi am y wybodaeth a ddarparwyd gan Estyn i helpu i lywio'r asesiad effaith rheoleiddiol ar gyfer y Bil, gwnaethoch ymateb fel a ganlyn:

"... I have to admit that these calculations, estimates, are incredibly difficult to undertake. It's partly because it's very difficult to distinguish between an activity that's directly related to the curriculum, or to a particular set of legislation around the curriculum, and more general ones. [...]"

It's also difficult to distinguish between what we are doing now, compared to what we would have done anyway, because, clearly, we always have done work on things related to curriculum and subjects and so forth. So, we found it difficult even to do it in retrospect; calculating it in future is really, really difficult. For example, I don't know what my budget is for next April, and I don't know what the remit letter is for next April. So, it's quite difficult to calculate what proportion of that is going to go towards work related to the curriculum."

- A allwch roi sicrwydd i'r Pwyllgor, yn ngoleuni'r datganiad uchod, eich bod yn hyderus bod darpariaethau'r Bil yn fforddiadwy o safbwynt Estyn?

CYPE(5)-23-20 - Papur i'w nodi 3



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Lynne Neagle AS
Cadeirydd
Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Senedd Cymru
Bae Caerdydd
CF99 1SN

30 Medi 2020

Annwyl Lynne

Diolch i chi am eich llythyr dyddiedig 23 Medi ac am y cwestiynau ychwanegol. Nodir ein hymateb yn yr atodiad isod.

Yn gywir

A handwritten signature in blue ink that reads 'Meilyr Rowlands'.

Meilyr Rowlands

Prif Arolygydd Ei Mawrhydi dros Addysg
a Hyfforddiant yng Nghymru

Estyn, Llys Angor/Anchor Court, Heol Keen/Keen Road, Caerdydd/Cardiff, CF24 5JW
Ffôn/Telephone 02920 446446
ymholiadau@estyn.llyw.cymru • enquiries@estyn.gov.wales
www.estyn.llyw.cymru • www.estyn.gov.wales

Mae Estyn yn croesawu gohebiaeth yn Gymraeg a Saesneg. Bydd gohebiaeth a dderbynnir yn y naill iaith neu'r llall yn cael yr un flaenoriaeth. | Estyn welcomes correspondence in both English and Welsh. Correspondence received in either language will be given equal priority.

Atodiad

BIL CWRICWLWM AC ASESU: Y GYMRAEG

A allwch chi rannu unrhyw fanylion pellach o ran eich awgrym? Er enghraifft, a allwch chi gadarnhau p'un a ydych yn awgrymu na ddylai Saesneg fod yn elfen orfodol cyn 7 oed, a bod yr ysgol neu'r awdurdod lleol yn gallu dewis p'un ai i'w addysgu neu beidio cyn yr oed hwn? A fydddech chi'n awgrymu bod y Gymraeg yn elfen orfodol o 3 oed? A allai fod unrhyw ganlyniadau anfwriadol yn deillio o'r ateb amgen hwn?

Mae consensws cyffredinol ynghylch pwysigrwydd trochi Cymraeg yn y blynyddoedd cynnar, yn enwedig os yw dyheadau'r polisi iaith Gymraeg cenedlaethol i'w cyflawni. Mae ymdeimlad cyffredinol y gallai'r ddeddfwriaeth arfaethedig gymell rhai ysgolion yn anfwriadol i beidio ag optio allan o Saesneg gorfodol. Yn y sesiwn dystiolaeth, awgrymais y gallai'r ddwy iaith fod yn orfodol o 7 oed ac y gallai ysgolion neu awdurdodau gael dewis rhwng Cymraeg a Saesneg cyn yr oed hwn. Bwriad y cynnig amgen hwn oedd hyrwyddo trafodaeth a dangos y gellir dirnad atebion deddfwriaethol gwahanol, ac ar ôl hynny mae cynigion amgen pellach wedi'u gwneud. Yr hyn sydd gan y cynigion amgen yn gyffredin yw nad yw Saesneg yn orfodol i blant dan 7 oed mewn ysgolion lle defnyddir Cymraeg ar gyfer trochi. Nid ydym yn rhagweld canlyniadau anfwriadol gyda'r awgrym yma, a chaiff effaith gyfwerth â'r cynnig optio allan arfaethedig. Nid ydym yn ffafrio unrhyw rai o'r opsiynau o'r math hwn, a theimlwn y dylent gael eu harchwilio ymhellach.

BIL CWRICWLWM AC ASESU: CYLLIDO

A allwch chi sicrhau'r Pwyllgor, yng ngolau'r datganiad uchod, eich bod yn hyderus bod darpariaethau'r Bil yn fforddiadwy o safbwynt Estyn?

Mae Estyn yn hyderus fod darpariaeth y Bil yn fforddiadwy o'n safbwynt ni. Rydym wedi gweithio gyda swyddogion ac wedi cyfrannu at yr asesiad effaith rheoleiddiol. Yn ystod y sesiwn dystiolaeth, eglurais pam mae'n anodd cyfri cost y cyfryw waith yn union. Fodd bynnag, mae gwaith arolygu statudol a gwaith thematig, a nodir drwy'r llythyr cylch gwaith blynyddol, yn darparu digon o gyfle i ni fonitro datblygiadau'r cwricwlwm, ac mae'n rhaid i Weinidogion Cymru ystyried y cyllid sydd ei angen ar Estyn i gyflawni'r swyddogaethau hyn yn effeithiol. Un o'r argymhellion yn yr adroddiad annibynnol 'Arolygiaeth Dysgu' (2018) oedd y dylai trefniadau cyllido Estyn gael eu hadolygu i alluogi cynllunio tymor hwy ac i gydnabod goblygiadau o ran adnoddau weithgareddau ychwanegol sy'n gysylltiedig â diwygio addysg.

CYPE(5)-23-20 - Papur i'w nodi 4

Senedd Cymru

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Welsh Parliament

Children, Young People and Education Committee

Philip Blaker, Prif Weithredwr Cymwysterau Cymru

Dyddiad | Date: 23 Medi 2020

Pwnc | Subject: **Y Bil Cwricwlwm ac Asesu (Cymru)**

Annwyl Philip,

Diolch am ddod i [gyfarfod y Pwyllgor wythnos diwethaf](#), ynghyd â'ch cydweithiwr Emyr George, i roi tystiolaeth ar ran Cymwysterau Cymru ynghylch egwyddorion cyffredinol y Bil Cwricwlwm ac Asesu (Cymru).

Nid oedd amser i drafod rhai cwestiynau yn ystod y sesiwn. Rwyf wedi cynnwys y cwestiynau hyn yn yr atodiad i'r llythyr hwn a byddwn yn ddiolchgar pe gallech anfon ymateb ysgrifenedig iddynt erbyn 8 Hydref 2020 i helpu i lywio ein gwaith craffu yng nghwmni'r Gweinidog yn nes ymlaen y mis hwnnw.

Yn gywir,



Lynne Neagle AS

Cadeirydd

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



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ATODIAD

Y BIL CWRICWLWM AC ASESU: CREFYDD, GWERTHOEDD A MOESEG

Mae'r darpariaethau yn y Bil ynghylch Crefydd, Gwerthoedd a Moeseg yn golygu ei bod hi'n debygol y bydd dwy fersiwn wahanol o wersi Crefydd, Gwerthoedd a Moeseg yn cael eu haddysgu mewn ysgolion ledled Cymru. Mae disgwyl i ysgolion cymunedol ac ysgolion nad ydynt yn grefyddol eu natur addysgu Crefydd, Gwerthoedd a Moeseg gan dalu sylw i'r maes llafur cytunedig. Bydd disgwyl i ysgolion gwirfoddol a reolir sy'n grefyddol eu natur addysgu Crefydd, Gwerthoedd a Moeseg gan dalu sylw i'r maes llafur cytunedig oni bai bod rhiant yn gofyn bod ei blentyn yn dysgu am Grefydd, Gwerthoedd a Moeseg yn unol â gweithredoedd ymddiriedolaeth yr ysgol neu ddaliadau'r ysgol o ran ffydd (hynny yw, Crefydd, Gwerthoedd a Moeseg enwadol). Bydd ysgolion gwirfoddol a gynorthwyr yn addysgu Crefydd, Gwerthoedd a Moeseg ar sail enwadol yn ddiogel oni bai bod rhiant yn gofyn bod ei blentyn yn dysgu am Grefydd, Gwerthoedd a Moeseg mewn modd sy'n cyd-fynd â'r maes llafur cytunedig.

- Beth yw goblygiadau y ddarpariaeth debygol o fwy nag un math o wersi Crefydd, Gwerthoedd a Moeseg o ran cymwysterau yn y ddisgyblaeth hon?

Y BIL CWRICWLWM AC ASESU: Y GYMRAEG

Mae'r Bil yn sefydlu un continwmm ar gyfer dysgu'r Gymraeg ym mhob ysgol, gan gael gwared ar y gwahaniaethu presennol rhwng Cymraeg iaith gyntaf a Chymraeg ail iaith.

- Sut y bydd cymwysterau yn y Gymraeg yn cyd-fynd â'r gwahanol gamau y bydd dysgwyr yn debygol o fod wedi'u cyrraedd ar hyd y continwmm o ran y Gymraeg?
- A fydd un cymhwyster o ran y Gymraeg neu a fydd angen dwy lefel o gymwysterau, gan ddibynnu ar hyfedredd y dysgwr yn y Gymraeg?

CYNLLUNIO AR GYFER CYMWYSTERAU YN EHANGACH

Mae eich tystiolaeth ysgrifenedig yn nodi bod y gwaith o ddatblygu a chyhoeddi'r Cwricwlwm newydd i Gymru wedi'ch sbarduno i edrych ar sut y bydd angen i gymwysterau ar gyfer pobl ifanc 14 ac 16 oed newid. Y rheswm am hyn, yn eich barn chi, yw i fodloni nodau ac amcanion y cwricwlwm newydd ac ymateb i anghenion y dyfodol. Rydych hefyd yn amlinellu'r gwaith rydych wedi'i wneud hyd yma ar y broses lefel uchel o lunio cymwysterau'r dyfodol, a'r gwaith sydd eto i'w wneud.

Yn eich tystiolaeth lafar, dywedoch fod y gwaith ymgysylltu rydych wedi'i wneud hyd yma yn awgrymu tueddiad i ffafrio parhau i strwythuro cymwysterau yn bennaf o amgylch disgyblaethau pwnc, yn hytrach na chael cymwysterau unigol sy'n ceisio cwmpasu maes cyfan o ddysgu a phrofiad. Fodd bynnag, gwnaethoch hefyd awgrymu bod cyfleoedd i ddatblygu cymwysterau mwy holistig ac integredig ochr yn ochr â'r cymwysterau sy'n benodol i bynciau arbennig.

- A allwch roi rhagor o fanylion, ar yr adeg hon, am ffurf y TGAU newydd yn ymarferol yn eich tyb chi, gan nodi beth fydd unrhyw ymgynghoriad yn y dyfodol yn ei drafod (hynny yw, a fydd yr ymgynghoriad yn amlinellu'r opsiynau ddylai fod ar gael i bobl ifanc, neu a fydd yn canolbwyntio ar y cysyniadau y bydd unrhyw ddull newydd wedi'u seilio arnynt)?

ASESU DIGIDOL

Yn ystod ein cyfarfod ar 17 Medi, dywedoch yr [hyn a ganlyn](#) ynghylch asesu:

“There are a number of things that we would like to progress. These are things that we were already thinking about, but maybe they should be accelerated in the thinking. Simple things like digital assessment—online assessment through tests that are delivered on screen, can be delivered remotely, can be delivered in schools, can be delivered on demand, so that you don't have the logistical issues of trying to get 200 young people into a room with computers at the same time—are all things that we're starting to think about in a more concerted way. And they're things that we'll be looking to consult on next year.”

- A allwch roi rhagor o fanylion am eich gwaith hyd yma ar rôl asesu digidol yng nghwricwlwm y dyfodol, gan nodi sut y gallai hyn fod yn rhan o'r trefniadau ar gyfer dyfarnu cymwysterau yn 2021 (er enghraifft, fel rhan o'r ymateb i'r anawsterau a achoswyd gan COVID-19)?

Eitem 4.5

CYPE(5)-23-20 - Papur i'w nodi 5

Senedd Cymru

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Welsh Parliament

Children, Young People and Education Committee

At|To: Holl Is-Gangellorion Prifysgolion Cymru

Dyddiad | Date: 29 Medi 2020

Pwnc | Subject: **Trefniadau i gefnogi myfyrwyr yn sgil COVID-19**

Annwyl Is-Gangellorion

Mae **Pwyllgor Plant, Pobl Ifanc ac Addysg** y Senedd yn gwneud **gwaith craffu** ar y camau sy'n cael eu cymryd i reoli effaith COVID-19 ar blant a phobl ifanc, gan gynnwys myfyrwyr mewn addysg bellach ac uwch.

Gan ystyried yr heriau diweddar sydd wedi cael llawer o sylw yn yr Alban a Lloegr, ac o ystyried y sefyllfa bresennol yng Nghymru o ran iechyd y cyhoedd, ysgrifennaf i ofyn am sicrwydd ynghylch y camau y mae eich prifysgolion yn eu cymryd i gefnogi myfyrwyr sy'n astudio yng Nghymru.

Byddwn yn ddiolchgar pe gallech nodi:

- y mesurau COVID-19 rydych chi wedi'u cymryd mewn perthynas â'ch llety eich hun, a sut rydych chi wedi gweithio gyda darparwyr Llety Pwrpasol i Fyfyrwyr (PBSA) a landlordiaid preifat (dalier sylw: cyfeiriwch at y trefniadau ar gyfer y tymor ac yn ystod y gwyliau);
- sut rydych chi'n bwriadu cefnogi – neu wedi bod yn cefnogi – yr holl fyfyrwyr (ar y campws ac oddi ar y campws) sydd wedi gorfod hunanynysu, gan gynnwys sut y byddech chi'n cefnogi niferoedd mawr sy'n hunanynysu ar yr un pryd mewn modd urddasol (h.y. darparu bwyd a diod sy'n bodloni gofynion dietegol, meddyginiaeth, cymorth iechyd meddwl a hanfodion eraill);
- y ddarpariaeth sydd gennych ar waith ar gyfer nodi a mynd i'r afael â chaledi myfyrwyr;
- eich dull o weithio gyda myfyrwyr ar gamau a gweithredoedd COVID-19, gan gynnwys hunanynysu;
- sut rydych chi'n gweithio ac yn integreiddio â'r mecanwaith iechyd y cyhoedd ac argyfyngau sifil yn eich awdurdodau lleol a'ch fforymau gwydnwch lleol (gan gadarnhau hefyd a oes gennych chi gyfleusterau ar y campws i brofi'r myfyrwyr am y feirws);



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Fudalen y pecyn 150

- sut rydych chi wedi ymgysylltu – ac yn ymgysylltu – â'r boblogaeth leol, yn enwedig lle mae gennych chi gampysau mewn awdurdodau lleol gwledig;
- unrhyw argymhellion defnyddiol y credwch y gallai'r Pwyllgor eu gwneud i Lywodraeth Cymru i wella'r gefnogaeth i brifysgolion, staff a myfyrwyr.

O ystyried bod y trefniadau hyn yn rhai brys, mae'r Pwyllgor yn gofyn am ymateb unigol gan bob prifysgol erbyn **hanner dydd ddydd Mercher 7 Hydref 2020**. Mae'r Pwyllgor yn awyddus i gynnal deialog adeiladol a pharhaus gyda chi mewn perthynas â'r materion hyn, a byddem yn croesawu rhagor o ddiweddariadau pan fydd y wybodaeth berthnasol ar gael.

Rwy'n anfon copi o'r llythyr hwn at y Gweinidog Addysg, Cyfarwyddwr Prifysgolion Cymru a Chadeirydd Pwyllgor Iechyd, Gofal Cymdeithasol a Chwaraeon y Senedd er gwybodaeth iddynt.

Yn gywir,



Lynne Neagle AS
Cadeirydd

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

cc.

Kirsty Williams AS, y Gweinidog Addysg

Amanda Wilkinson, Cyfarwyddwr Prifysgolion Cymru

Dr Dai Lloyd AS, Cadeirydd y Pwyllgor Iechyd, Gofal Cymdeithasol a Chwaraeon

Eitem 4.6

CYPE(5) 23-30 - Papur i'w nodi 6

Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education

Eich cyf/Your ref -



Llywodraeth Cymru
Welsh Government

Lynne Neagle AS
Cadeirydd Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Senedd Cymru

5 Hydref 2020

Annwyl Lynne

Y Pwyllgor Plant, Pobl Ifanc ac Addysg – Adroddiad ar addysgu o bell a COVID-19

Diolch am y copi o'r adolygiad a gomisiynwyd gennych o addysgu a dysgu o bell, a gynhaliwyd gan yr Athro Sofya Lyakhova o Brifysgol Abertawe. Rwyf wedi darllen yr adroddiad gyda diddordeb ac wedi'i drosglwyddo i'm swyddogion; y rhai sy'n arwain ar weithrediadau ysgolion a'r rhai sy'n gweithio ar faterion polisi ehangach yn gysylltiedig â chynnal Parhad Dysgu a'n Rhaglen Dysgu Carlam.

Fel chithau, rwyf wedi ymrwymo i sicrhau bod ein dulliau gweithredu'n seiliedig ar dystiolaeth gadarn a'r ymchwil ddiweddaraf, gan dynnu nid yn unig o'n profiadau ein hunain ond hefyd adeiladu ar dystiolaeth ryngwladol ac enghreifftiau o wledydd eraill.

Mae'n bleser gennyf nodi bod canfyddiadau'r darn hwn o waith yn gyson â'r dystiolaeth sy'n dod i'r amlwg o'r gwaith y mae fy swyddogion yn ei wneud ar draws y system gyda'n Sefydliadau Addysg Uwch a phartneriaid eraill a chyda sefydliadau rhyngwladol fel yr OECD.

Mae fy swyddogion hefyd yn gweithio'n agos gyda sefydliadau haen ganol i gyd-lunio Strategaeth Genedlaethol ar gyfer Ymchwil ac Ymholiad Addysgol. Bydd y Strategaeth hon yn cefnogi'r rhaglen diwygio addysg ehangach, gan gynnwys y cwricwlwm ysgol newydd a'r blaenoriaethau a nodir yn Cenhadaeth Ein Cenedl.

Un fenter sydd eisoes ar y gweill sy'n gysylltiedig â'r gwaith hwn yw prosiect i ariannu ymchwil gydweithredol gan ein partneriaethau Addysg Gychwynnol Athrawon (AGA). Bydd y prosiect hwn yn galluogi prifysgolion ac ysgolion i wella'r ddarpariaeth ar gyfer athrawon dan hyfforddiant. Mae'r lleoliadau AGA yn gweithio gyda'i gilydd, ar ôl ffurfio partneriaethau cydweithredol, i edrych ar agweddau penodol o effaith COVID ar AGA a byddant yn defnyddio eu canfyddiadau i ddod i gasgliadau am ei effaith yn ehangach.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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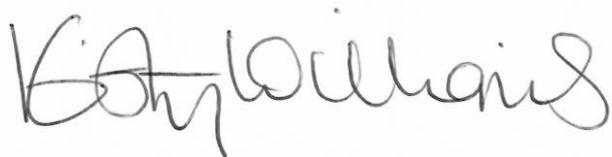
Gohebiaeth.Kirsty.Williams@llyw.cymru
Correspondence.Kirsty.Williams@gov.wales

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.

Tudalen y pecyn 152
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.

Nodaf farn y pwyllgor ar ailagor ysgolion a chytunaf fod cadw ein hysgolion, ein colegau a'n lleoliadau ar agor yn flaenoriaeth allweddol. Byddaf yn gwneud popeth o fewn fy ngallu i gefnogi hyn wrth symud ymlaen.

Yn gywir

A handwritten signature in black ink, appearing to read 'Kirsty Williams'.

Kirsty Williams AS/MS

Y Gweinidog Addysg
Minister for Education

Eitem 7

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon