

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.

