

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: Audit Wales

1. The Bill's general principles

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

Don't have a view

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)

We consider that it is currently difficult to assess the need for, or the value for money of, the Bill because the Explanatory Memorandum does not consider whether the Government's aims could be met by any other route or reform. The explanatory note considers two options: do nothing and continue with the current arrangements or implement the Government's proposals in the Bill. Without consideration of any other option for achieving all or some of the Government's stated aims for education reform, we cannot assess whether the proposals are likely to provide value for money.

We believe that understanding the financial implications of the Bill requires a fuller understanding of the cost of curriculum and assessment reform (including opportunity costs) than can be gained from the Explanatory Memorandum.

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)

Yes. Based on our reading of the Bill and Explanatory Memorandum and drawing on other audit work, early scoping work for auditing curriculum reform and some wider analysis, we have identified several potential barriers to implementing the Bill:

Availability of primary and secondary Welsh language teachers:

WG proposes to make significant changes to the teaching of Welsh with the aim that all learners will have a level of proficiency by the end of compulsory education. This will help to deliver its goals for its Cymraeg 2050 strategy. WG accepts that achieving these goals requires a lasting increase in the number of teachers able to teach Welsh and teachers able to teach other areas of the curriculum through the medium of Welsh.

The Cymraeg 2050 2017-21 work programme included targets to increase the number of people secondary and primary teachers for the Welsh medium sector. The Welsh Government has introduced incentives to train in Welsh-medium and a sabbatical scheme for teachers to improve their Welsh language skills. However, to date the number of applicants for both types of training has not increased sufficiently.

Availability of staff to cover teachers' absence for professional learning:

For 2020-21, the Explanatory Memorandum estimates that schools will incur direct costs of £10.76 million. This is the cost for supply teachers so that substantive staff can be released to do training and preparatory work related to the new curriculum. We estimate that this equates to 63,294 days of supply teachers or 325 full-time equivalent (FTE) supply teachers. This considerable requirement is in addition other demands for temporary staff in 2020-21:

- a. The 'Recruit, Recover, Raise standards' initiative to provide support for years 6, 7 11 and 13 whose education has been most disrupted by the coronavirus pandemic. WG believes that headteachers are best placed to decide how to provide staffing support but envisages that they will be drawn from the existing cohort of supply teachers, supply learning support workers as well as unemployed newly qualified teachers and youth workers;
- b. Cover required because staff are unable to work because of coronavirus or because they are self-isolating or shielding; and
- c. Schools' 'normal' requirements for supply teachers to cover sickness or other absence.

It is not clear to us whether there are enough supply teachers or learning supply workers available to meet the demand for cover related to the curriculum on top of other demands.

Pressure on budgets could restrict schools' ability to deliver the Welsh Government's ambitions for the curriculum:

Currently a sizeable proportion of head teachers and governors are reporting pressures on school budgets. In 2018-19 - the last year for which figures are currently available – 39% of secondary schools and 12% of primary schools had negative reserves. We note that innovation schools did not envisage savings from the new arrangements.

We therefore see a risk that schools already facing budget pressures may not be able to deliver arrangements that meet some of the requirements of the Bill without additional funding, especially as the cost of new requirements such as teaching skills development in modern foreign languages, computation and careers education in primary schools is unknown. The Committee considered this in its July 2019 report on school funding. The Welsh Government commissioned a review of school funding, led by Luke Sibieta, which is due to report later in 2020.

Staffing shortages in the Welsh Government:

The Committee has already questioned staffing gaps in within WG in relation to the curriculum reform programme. In January 2020, WG assured the Committee that key posts had been filled. Since then the WG's workforce has had to respond to significant

challenges from COVID-19. Key posts have been vacant for at least some of this period. Continued staffing shortages would risk the success of the programme.

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)

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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)

More information is required to understand the full costs associated with the Bill

The Explanatory Memorandum acknowledges that it 'does not represent the costs and benefits of all the work being undertaken to support the new curriculum and assessment arrangements, or indeed the wider educational reforms, but only those that will arise from legislative requirements.' (It does, however, also identify sunk costs.)

In practice, it is not straightforward to separate costs and benefits that arise just from legislative requirements, as opposed to other aspects of the broader policy. For example, the WG excludes costs associated with changes to the teaching of Welsh as it considers these to be associated with Cymraeg 2050, the Government's Welsh language strategy.

In addition, other areas of likely cost attributable to the Bill are not identified because difficulty of estimation leads to large degrees of uncertainty. We believe that the summary tables in the Memorandum should show some amount for all reasonably likely

attributable costs (other than de minimis items) for transparency, even if the amount is only an indication of the expected order of magnitude. Where costs really cannot be estimated at all, we think that they should be explicitly identified within the summary tables as 'unknown'.

It is right that the Memorandum acknowledges the limitations and uncertainties of estimates, but not including any attempt at an estimate tends to distort the overall picture.

There is no allowance made for costs currently unknown:

In addition to costs it attributes to other policies, WG has not included costs for the period 2021-22 to 2030-31. In part we accept that it is difficult to know how individual schools will need to spend on new resources or training for example. But we believe that these omissions should be clearly recognised in the document so that reasonable allowance can be made for them.

A full reading of Explanatory Memorandum shows some areas where costs are currently unknown, for example:

- a. Resources to support the curriculum/assessment and Areas of Learning and Experience – Innovation schools stated that schools would need new materials and resources to support learners across the Areas of Learning and Experience. This is not known because it will depend on the choices of individual schools in designing their curriculum and their current position.
- b. Costs associated with new expectations for Welsh language - Experience from pioneer and innovation schools suggests there is additional work to accommodate the new expectations for teaching Welsh language. The cost is unknown, partly because it depends on each school's current Welsh language teaching and the language skills of existing staff. The Welsh Government has not included this cost because it believes this change is not directly attributable to curriculum reform (Para 8.292). We consider this should be included because the Bill is the legislative means of enabling this change and it is not included elsewhere.

Estimates of direct costs to schools seem likely to be under-estimated:

Estimates of direct costs to schools vary significantly. The Memorandum explains that they are based on data collected retrospectively from a small number of innovation schools, but it appears to us that the costs are likely to be underestimated because:

- a. Costs for schools that were not innovation or pioneer schools may be higher than for innovation schools because they have more work to do to reach the same state of readiness. Also, innovation schools had received additional funding over several years and so may have been more able to absorb costs than non-pioneer schools.
- b. Estimates of direct costs for schools do not allow for real-terms increases in the cost of supply teachers.

The Memorandum includes an assessment of opportunity costs. For schools, opportunity costs are based on estimates from innovation schools of the time spent by staff preparing for curriculum reform that the schools absorbed without external cover. In 2020-21 opportunity costs for schools are estimated at between £40.68 million and £122.04 million. We think that it is important to understand what this means in practice for schools in terms of the time they may need to absorb.

It appears to us that estimated opportunity costs mean that schools will be required to absorb almost 480,000 days of staff time in 2020-21 (estimates range from 239,294 to 717,882). There is a question of whether schools can absorb this amount of time without affecting the progress of current learners and/or staff, particularly in the light of the additional work that is planned to mitigate the impact of COVID-19 disruption on learners and the on-going additional learning needs transformation programme.

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)

We provide more detail of our financial analysis of the bill in our email submission.

