

This response was submitted to the [Children, Young People and Education Committee inquiry into Implementation of education reforms](#)

IER 57

Ymateb gan: Comisiynydd y Gymraeg
Response from: Welsh Language Commissioner

Children, Young People and Education Committee

SeneddChildren@senedd.wales

11/06/2024

Dear Chair,

Open inquiry on the implementation of education reforms

I wish this letter to be considered as a response to your open inquiry on the implementation of education reforms during the Sixth Senedd. As you know, I have responded to this open inquiry on a number of occasions in the past, focusing on different aspects of the implementation of the Curriculum and Assessment (Wales) Act 2021 and the Additional Learning Needs and Education Tribunal (Wales) Act 2018. This response focuses on the implementation of the new curriculum, and in particular issues relating to the teaching of Welsh to 14-16 pupils and the Welsh language qualifications that will be available to these learners.

I attach three documents for your attention:

1. A letter to Qualifications Wales noting concerns about the proposal to develop a Foundation Welsh qualification as part of the full 14-16 qualification offer
2. Our response to the Welsh Government's recent consultation on 14 to 16 learning under the Curriculum for Wales: 14 to 16 statutory learner guidance
3. Related to the response to the above consultation, a letter to Qualifications Wales stating our view that specific entry requirements need to be imposed on some of the Welsh language qualifications currently being developed.

The above issues are all connected and relate to ensuring that the delivery of the new curriculum realises the objective of moving schools and learners along a linguistic continuum. I hope that the information contained in these documents will be useful as you continue to monitor the process of implementing these key education reforms.

Caernarfon
LL55 1TH

0345 6033 221
post@comisiynyddygybraeg.cymru
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

comisiynyddygybraeg.cymru

Caernarfon
LL55 1TH

0345 6033 221
post@comisiynyddygybraeg.cymru
Correspondence welcomed in Welsh and English

welshlanguagecommissioner.wales

02/02

Yours sincerely,

A handwritten signature in black ink, reading "Efa Gruffudd Jones". The signature is written in a cursive style with a long horizontal stroke at the end.

Efa Gruffudd Jones
Welsh Language Commissioner

Philip Blaker
Chief Executive
Qualifications Wales

22/05/2024

Dear Philip,

Entry requirements for Welsh language qualifications

I am writing to you following the Welsh Government's consultation on the draft guidance for 14 to 16 learning under the Curriculum for Wales – guidance which aims to provide clarity on the Government's policy for 14 to 16 learning specifically, and also to inform its policy vision for successful 14-19 pathways.

One of the Welsh Government's policy objectives is to move schools and learners along a language continuum, with the long-term aim of having one Welsh language qualification for all learners. To achieve this, it is essential that the curriculum and qualifications framework facilitates progress along the Welsh language continuum and avoids the risk that learners and schools regress.

At present WJEC's second language Welsh GCSE qualification specification places restrictions on registration that mean that the exams are not available to candidates who have followed the Welsh first language programme of study throughout Key Stage 3. We strongly believe that a similar procedure is needed for the new qualifications.

As the body that is responsible for setting education policy in Wales, we believe that it is appropriate for the Welsh Government to set a clear policy directive regarding the proposed procedure. Although the draft guidance referred to the qualifications likely to be suitable for schools in different language categories, we noted in our response to the consultation that more robust and detailed guidance was needed.

In the absence of any firmer guidance, we are concerned about the risk that learners' progress could be impeded. Our concern is that learners might consider applying for an easier qualification to earn seemingly higher marks, but which would not develop their Welsh language skills to their full potential. Strengthening the guidance would ensure that the cohort of learners who have followed the curriculum mainly through the medium of Welsh or bilingually would study for the Welsh Language and Literature double award.

Comisiynydd y Gymraeg

Uned 2, Bloc C
Doc Fictoria
Caernarfon
LL55 1TH

0345 6033 221
post@comisiynyddygybraeg.cymru
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

comisiynyddygybraeg.cymru

Welsh Language Commissioner

Unit 2, Block C
Victoria Dock
Caernarfon
LL55 1TH

0345 6033 221
post@comisiynyddygybraeg.cymru
Correspondence welcomed in Welsh and English

welshlanguagecommissioner.wales

As well as strengthening the guidance, we believe that Qualifications Wales, as independent regulator of qualifications in Wales, has an important role to play here. The Qualifications Wales Act 2015 gives you the statutory power to set and publish criteria to be applied when deciding whether or not to approve a form of a qualification¹. Further to that, you have the means, in accordance with section 22 of that Act, to set conditions to which a form of a qualification would be subject when granting approval. Those conditions may make different provision, including among other things by reference to the circumstances in which a qualification is awarded, or the persons or descriptions of persons to whom a qualification is awarded. Condition B7 of your Standard Conditions of Recognition² – conditions with which any recognised awarding body is expected to comply – makes it compulsory to comply with any requirement in a regulatory document to take, or refrain from taking, action.

When developing Approval Criteria for the new Made-for-Wales GCSE qualifications, you decided that these qualifications could be developed and provided by one or more recognised awarding bodies on the open market. We do not believe that it would be appropriate for an awarding body to be able to take a unilateral decision to restrict access or not, without a clear requirement by the regulator. Such a situation would create a risk of varied and contrasting expectations in terms of access requirements if another awarding body decided to enter this market in future.

We have already recommended that the Welsh Government should make it clearer in the guidance for 14 to 16 learning which qualifications should be available to different learners and schools. As the body with the statutory power to ensure that recognised awarding bodies act in accordance with the Welsh Government's wider policy aims, and to mitigate the risks outlined above, we ask you also to take specific regulatory action to ensure that a similar procedure for the new qualifications is in place, and that it is possible for WJEC, and any other relevant awarding body, to respond positively and opportunely to that.

We look forward to receiving your response.

Yours sincerely,



Efa Gruffudd Jones
Welsh Language Commissioner

Copy to:

Owain Lloyd, Director of Welsh Language and Education, Welsh Government
Bethan Webb, Deputy Director, Welsh Language Unit, Welsh Government
Ian Morgan, Chief Executive, WJEC

¹ Section 20 Qualifications Wales Act 2015 - [Qualifications Wales Act 2015 \(legislation.gov.uk\)](https://legislation.gov.uk)

² [standard-conditions-of-recognition.pdf \(qualifications.wales\)](https://www.qualifications.wales/standard-conditions-of-recognition.pdf)

The Welsh Language Commissioner's response to the Welsh Government's consultation on the 14 to 16 statutory learner guidance

Question 7 – What, in your opinion, would be the likely effects of the 14 to 16 Learning Guidance on the Welsh language in Years 10 and 11? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

**Do you think that there are opportunities to promote any positive effects?
Do you think that there are opportunities to mitigate any adverse effects?**

We welcome the fact that the draft statutory guidance strongly advises schools to consider how they will 'ensure all learners are making suitable and challenging progress in their skills along a Welsh language continuum'. However, we believe that the guidance could be strengthened in order to offer more instruction to schools regarding what they should do to ensure that learners make genuine progress along the continuum, and that they as schools also move along the Welsh language continuum.

Although the guidance refers to the qualifications that are likely to be suitable for schools in different linguistic categories, we would like to see more robust and detailed instruction here. The guidance does not currently refer to category 3p schools, nor does it reflect reality in a number of category 3 schools (and possibly some in category 2). In the short/medium term, many category 3 schools will effectively operate as dual stream schools. That is, there will be a cohort of learners who follow a Welsh-medium/bilingual curriculum, and another cohort who study mainly through the medium of English. It is necessary to ensure that the group of learners who have followed a curriculum mainly through the medium of Welsh or bilingually study for the Welsh Language and Literature double award. We are concerned about the risk of learners slipping back in a situation where they would consider trying for an easier qualification in order to gain apparently higher marks, but that would not develop their Welsh skills to their full potential. It is necessary to ensure that the concept of the Welsh language continuum facilitates raising standards, and does not lead to slipping back as well.

Clear and firm instruction is needed to avoid a situation where an increasing proportion of pupils who should be sitting the GCSE Language and Literature qualification are sitting a core Welsh qualification. At the moment, the WJEC second language Welsh GCSE qualification specification places restrictions on registration that mean that the exams are not available to candidates who have followed a first language Welsh Study programme throughout Key Stage 3. We strongly believe that a similar system is needed for the new qualifications, and the guidance should refer to that. Clarity is needed regarding who is responsible for ensuring that such a procedure is implemented. The Welsh Government is responsible for setting the education policy agenda and we believe therefore that it is appropriate for the Government to set clear instructions regarding the proposed procedure, enabling Qualifications Wales and awarding bodies to act in accordance with the instructions. If the Government does not take that responsibility, it should announce which other organization will be responsible, and its reasons for its decision.

It should also be noted that Qualifications Wales have delayed their decision regarding foundation qualifications in the Welsh language. It is possible that the guidance may need to be modified depending on the final decision of Qualifications Wales.

Linked to the points above, we do not believe that the draft guidance really reflects the Government policy's ambition in relation to moving all schools along the Welsh language continuum. That is, part of the Government's policy is to close the gap between the achievement level of pupils in the English-medium and Welsh-medium sectors in relation to Welsh language skills. In order to do this, the Cymraeg 2050 Strategy states that it will be necessary to '*transform how we teach Welsh to learners in those schools (English-medium schools)... and embed the whole process of acquiring skills in the Welsh language across the curriculum over time.*' The ultimate aim is to move towards one common qualification for all schools in Wales. This concept of moving schools along a linguistic continuum, especially in terms of English-medium schools, is also central to the Government's white paper proposals on the Welsh Language Education Bill.

The guidance needs to better reflect the above policy context, making it clear to schools that they should be planning proactively for raising standards over a period of time. This should include encouraging schools to increase the number of learners studying for a level 2 award in additional core Welsh, and also the numbers studying GCSE Welsh Language and Literature. In order to achieve this the guidance should make it clear to schools that it is necessary to consider issues such as the amount of time they allocate to the Welsh language in their timetable, not only as a subject but as a medium for areas of learning and experience across the curriculum. There is another opportunity here to link the guidance with the proposed Welsh Language Education Bill, which is expected to be published in the coming months. For example, the Welsh Language Education Bill's white paper proposes that every school will be required to draw up a delivery plan specifying how it will increase its Welsh language provision. This is an opportunity for every school to announce its intention and ambition in terms of the level of Welsh language qualification or qualifications it expects its learners to achieve and to set development targets for the future in the same context. This should contribute to ensuring that learners make genuine progress along the Welsh language continuum.

According to the Welsh Language Education Bill's white paper, it is expected that all delivery plans will be linked to the Local Authority's Welsh in Education Implementation Plan (WEIP), and that every school will discuss its plan with the authority on a regular basis. This is particularly relevant to Outcome 4 of the Local Authorities' Welsh in Education Strategic Plans. The guidance should encourage schools to be ambitious and proactive in responding to this challenge. There will be an opportunity for Estyn to consider the delivery plans when inspecting schools and we consider that Estyn has an important role in this context. A method is needed to ensure that learners make the suitable and challenging progress referred to above and Estyn could monitor and report on that within its remit. The guidance should encourage schools to consider this in the context of its advice on self-evaluation and improvement.

The guidance advises schools to ensure that learners are motivated, that they set high standards for themselves, and that they receive careers education and work-related experiences in accordance with the requirements of the Curriculum for Wales framework guidance. Those requirements include ensuring that learners 'appreciate the increasing range of opportunities in the workplace where an ability to communicate in Welsh is important'. By meeting that goal, schools should motivate learners to develop their Welsh language skills to the best of their ability and by doing so, learners would be in a strong position to use their Welsh when moving on to further education, training and the workplace. As part of this, the guidance should make it clear to stakeholders in the field of education and to the public, including parents and employers, what the different Welsh language qualifications entail in terms of learners' achievement and their skills.

Question 8 – In your opinion, could the 14 to 16 Learning Guidance be formulated or changed so as to:

- **have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English, or**
- **mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?**

Our response to question 7 is also relevant here. In summary, we believe that the guidance needs to be modified in order to:

- give clearer instruction to category 2, 3 and 3p schools that pupils who have followed a predominantly Welsh-medium or bilingual curriculum are expected to study for GCSE Language and Literature
- make it clear to English-medium schools that the bar is expected to be raised gradually and that proactive planning is required to ensure that pupils move higher and further along the Welsh language continuum
- reflect the important role that every school has in drawing up a delivery plan to contribute to the local authority's WEIP
- make it clear that the above issues are all a key part of schools' self-evaluation processes, and also external inspection processes

Question 9 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

As stated in our response to the Government's consultation on its proposals for the Welsh Language Education Bill, the education system plays a key role in maintaining and developing the skills of Welsh speakers who want to use the Welsh language on a daily basis in all aspects of their lives. The statutory guidance should reinforce that role, encouraging schools to go past the stage of reflecting their learners' current skills through qualifications and setting an ambition for developing and strengthening

those skills. This should reflect the Government's aim, presented in the Welsh Language Education Bill's white paper, that all pupils reach at least level B2 of the Common European Framework of Reference for Languages (CEFR) and leave statutory education able to speak Welsh confidently.



David Jones
Chair Qualifications Wales

13/12/2023

Dear Chair,

Proposal to develop a Foundation Welsh qualification

I am writing to share my concerns regarding the proposal to develop a Foundation Welsh qualification as part of the full offer of 14-16 qualifications. We have already shared our concerns in responding to the consultation on the full proposal in June. My officials have since then discussed these concerns further with your officials.

I accept the need to develop a full offer of qualifications that meets the needs of all 14-16 learners in Wales. This includes the need for entry level qualifications in areas such as the Welsh language. However, I am also concerned that one of the unintended consequences of developing a level 1 Foundation Welsh qualification is that it will undermine the Welsh Government's policy of moving schools and learners along a language continuum, and the long-term intention of having one Welsh language qualification for all learners. This policy is central to the Welsh Government's recent proposals on the content of a Welsh-medium education bill. One of the core proposals in the white paper was to ensure that all learners reach a specific linguistic outcome by the time they leave school, as a minimum at a level equivalent to B2 of the Common European Framework of Reference for Languages (CEFR). These are policies to which Qualifications Wales has publicly committed on more than one occasion.

The obvious danger is that a growing number of learners who would otherwise have studied GCSE will choose to study the foundation qualification instead. This option is also likely to be attractive to many schools, where there are already huge pressures on the timetable and on pupil workloads. The result will be the situation of the Welsh second language short course re-appearing. It is only five years since the decision was made to remove the short course because pupils' level of attainment was low, and too many learners were choosing the short course at the expense of the full qualification leading to many students missing out on the opportunity to achieve acceptable levels of Welsh language skills. Although the policy of the Welsh Government and Qualifications Wales is to facilitate the movement of pupils along a language continuum and to raise standards,

Comisiynydd y Gymraeg
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

0345 6033 221
post@comisiynyddygyymraeg.cymru
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

comisiynyddygyymraeg.cymru

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff CF10 1AT

0345 6033 221
post@welshlanguagecommissioner.wales
Correspondence welcomed in Welsh and English

welshlanguagecommissioner.wales



there is a danger that offering a level 1 Foundation Welsh qualification will militate against this. Rather than moving closer towards one Welsh qualification for all, this proposal widens the gap and reinforces the concept of differentiated pathways for learning Welsh in Welsh schools.

Whilst I accept the desire for consistency in developing the full offer of 14-16 qualifications, there are several obvious reasons for treating the Welsh language differently:

- The Government has a specific vision for the Welsh language, and as part of that, very specific policies regarding the education sector and the role of the qualifications system within this. These are policies to which Qualifications Wales is also committed.
- It is not a level playing field in relation to Welsh and English in Wales, and there are obvious differences in the situation of both languages which justify different treatment in terms of policy.
- The Welsh language is already treated differently to other subjects, with the decision to develop a GCSE Core Cymraeg qualification and a Welsh Language and Literature qualification continuing with the system of having differentiated pathways for learning Welsh.
- The failure of the second language pathway to create confident Welsh speakers in the past, as witnessed in Professor Sioned Davies' report back in 2013. This is what has led the Welsh Government to develop the policy direction of a linguistic continuum.
- The empirical evidence that exists in relation to the Welsh second language short course qualification regarding what the likely consequences of introducing a Foundation Welsh qualification at level 1 will be.

I am therefore not convinced that the proposal to introduce a level 1 Foundation Welsh qualification is consistent with national policy direction, nor therefore with commitments that Qualifications Wales has made to this end in the past. I therefore ask you to consider these matters carefully before reaching any final decision on the full offer of 14-16 qualifications. It is essential that a full impact assessment of these proposals is made on the achievement of the Welsh Government's vision and policy for the Welsh language in education. Although Qualifications Wales is not yet subject to the Welsh language standards, which means that Qualifications Wales would be required to carry out an impact assessment on policy decisions in accordance with the requirements of policy making standards¹, we recommend that you consider the recent determination of the

¹ In the context of the Welsh Language (Wales) Measure 2011, the 'policy making standards' are intended to ensure that the person making the policy decision considers what effects the policy decision would have on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language.



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Commissioner

Welsh Language Tribunal in this context. A recent [seminar on analysing and explaining the decision of the Tribunal](#), has been held, and we would encourage you to take this advice into account when carrying out a full impact assessment of the proposals.

Yours truly,

Efa Gruffudd Jones
Welsh Language Commissioner

Copy to:

Phillip Blaker, Chief Executive Qualifications Wales

Owain Lloyd, Director of Welsh Language and Education, Welsh Government

Bethan Webb, Deputy Director Welsh Language Unit, Welsh Government