

**Children, Young People and Education Committee  
Stage 1 Scrutiny of the Curriculum and Assessment (Wales) Bill  
September 2020**

1. The NASUWT welcomes the opportunity to submit written evidence to the Children, Young People and Education Committee (CYPEC) Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.
2. The NASUWT – The Teachers' Union – represents teachers and headteachers in Wales and across the United Kingdom.

**SPECIFIC COMMENTS**

3. The NASUWT offers the comments and observations which follow on the Curriculum and Assessment (Wales) Bill under scrutiny by the CYPEC.

**The Bill's general principles**

- 1.1. Do you support the principles of the Curriculum and Assessment (Wales) Bill?

The NASUWT acknowledges that the principle set out by the Welsh Government that the 'vision for Wales is for a fully inclusive education system where all learners have equity of access to education that meets their needs and enables them to participate, benefit from and enjoy learning' meets the tests that the Union has set out. Nevertheless, the NASUWT maintains that, in order to bring this about, it is a requirement for teachers, headteachers and all staff in schools to be properly supported.

The NASUWT notes that the Welsh Government accepted the recommendations in *Successful Futures - Independent Review of Curriculum and Assessment Arrangements in Wales*, which were subsequently enshrined

in *A Curriculum for Wales – a curriculum for life* and *Education in Wales: Our National Mission*. This is also maintained to an extent in the draft Curriculum and Assessment Bill. These were generally welcomed by the NASUWT and the profession, but the Union has warned that the implementation plan risks excluding the profession from meaningful engagement in the development of policy, in direct contradiction to the key principle set out in the Review that the new curriculum should be ‘built for the profession, by the profession’.

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)*

It is clear that *Successful Futures* recommended significant reforms to current arrangements in line with many of the principles that the NASUWT has set out, which were first published in the NASUWT report *Maintaining World Class Schools* in 2013.

In that report, the NASUWT maintained that securing high outcomes for all children and young people means that action is needed to: ?

- provide a broad, balanced and relevant curriculum experience fit for the 21st century;
- ensure parity of esteem between academic and vocational pathways and the cognitive, emotional, cultural, creative, ethical and social dimensions of learning;
- require all state-funded schools and colleges to work together to secure a comprehensive curriculum entitlement for all 14 to 19 year olds;
- equip children and young people to be research-driven problem solvers;
- extend entitlements for all children and young people to high-quality academic and vocational education, coupled with equality of access to high-quality, practical, hands-on, work-based learning opportunities;
- refocus the accountability system to reflect and support the expectation that all young people should remain in education and training until the age of 18;

- restore the morale of the teaching profession by tackling poor employment practices, including workload, securing professional entitlements and respect for teachers, and refocusing the efforts of teachers and headteachers on their core responsibilities for teaching and leading teaching and learning;
- establish a Masters-level profession and raise the pay of teachers in recognition of the increased knowledge and skills that they bring to the job; and
- ensure access to high-quality professional development for all teachers throughout their careers.

In the view of the NASUWT, public education is a cornerstone of democratic society; it is an essential element in the framework of social rights of children, young people and adults. Public education, in our view, must also be defined by its universality. Public education should encourage personal fulfilment, social responsibility, knowledge, cultural acquisition and skills for life. It should deliver for society's needs for social and economic development, political participation, environmental responsibility and international solidarity.

The world's best-performing education nations value having a broad and balanced curriculum for their pupils. In Britain, pupils are less likely, once they get to secondary school, to participate in active and creative pursuits compared with pupils in other countries. Poor access to stimulating educational activities particularly impacts on children from less well-off families.

The curriculum entitlement of pupils should equip all children and young people with a broad base of knowledge, experience and skills for life. In the UK, children and young people enjoy a lower quality of life and happiness compared with their peers in other economically advanced countries. This has consequences for children's educational outcomes and therefore for their future life chances.

The NASUWT has also welcomed the direction of travel of the Welsh Government to address the pressures in the existing high-stakes accountability system.

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)*

In order to bring about the changes necessary to implement the new curriculum and assessment measures, it is clear that new legislation is required to amend the current provisions in the Education Acts.

### **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)*

The NASUWT is concerned that the principles set out in *Successful Futures* regarding subsidiarity, encouraging local ownership and responsibility within a clear national framework of expectation and support have been dissipated.

The Union wishes to ensure that the voices of teachers and school leaders are at the heart of developments around curriculum and assessment policy.

The NASUWT believes that the majority of teachers are currently feeling disenfranchised from the process of building the new curriculum. In many schools, the so-called 'co-construction' is being undertaken by a small select group of staff, usually at a senior level, and education 'experts'. The majority of other staff in the school have not been involved, are not engaged and have little information as to any of the work being undertaken.

If the principles set out in *Successful Futures* mean that the whole of the wider education workforce should be involved, particularly classroom practitioners, then the current developments are evidently failing the test.

The NASUWT restates the point that one of the key values articulated in *Successful Futures* and by the Welsh Government is that the curriculum would be professionally led. However, a great deal of power over the way in which the curriculum will be designed and implemented in schools will rest

with headteachers and governing bodies. While many schools will want to adopt an approach in which the curriculum is co-produced by all its teaching staff, there is no requirement or expectation on them to do so. Teachers may find that they are still working in highly prescriptive environments with no greater scope to use their professional agency and discretion to design learning experiences that best meet the needs of the pupils they teach.

The NASUWT is a UK-wide union and is therefore well placed to make comparisons of curriculum design in other jurisdictions. The Union would not wish to see the mistakes made in Scotland and England, where there was insufficient engagement with the profession, repeated in Wales.

In Scotland, significant workload implications have resulted at school level due to the lack of clarity in structures, programmes and engagement at a higher level.

In England, despite the close involvement of the NASUWT and other trade unions at stakeholder level, with detailed information on progress, the lack of ability to influence curriculum design and content had a serious impact on schools and staff.

The NASUWT reiterates the view set out in previous evidence to the CYPEC that such a situation can be avoided in Wales if the design of new curriculum and assessment arrangements is workload impact assessed at every stage.

The lack of sufficient and adequately distributed resources will also be a significant barrier to the successful implementation of the new curriculum. This will also be adversely impacted on if the costs of dealing with the COVID-19 epidemic are not covered.

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)*

The NASUWT is not aware that anything in the Bill will ensure that school staff are better engaged. The Union does not believe that the calculations in

the 'Explanatory memorandum' properly take account of the professional learning needs of classroom teachers. The sample sizes were very small and, in any case, as with much of the work on this, responses were restricted to headteachers and senior staff, with little consultation with teachers themselves. The NASUWT has not been consulted.

It is also difficult to understand how headteachers have suggested that the central estimates of the number of days required for development on the curriculum are between 11 and 16, but only 2-4 days of supply cover are required for teaching staff. This appears to be headteachers playing fast and loose with teachers' working time. Furthermore, headteachers have identified that they themselves will require 16 days of professional learning (central estimate) but no cover is needed. This implies that on one hand they are already doing nothing else but preparing for the new curriculum, and on the other that there will be no impact on any other staff due to their absence.

The NASUWT insists that full workload impact assessments are carried out, with the involvement of all stakeholders.

The NASUWT is concerned about the inflexibility of the Welsh Government's intended approach in respect to the timescale for the implementation of the new curriculum. As the Senedd's Bill Summary confirms, the Education Minister has remained clear that she intends to proceed with full roll-out by 2026/27, with implementation beginning with primary age and Year 7 children from 2022/23.

The NASUWT was clear that this timetable was ambitious prior to the COVID-19 outbreak but it seems even more implausible now. The Minister's refusal to acknowledge that the disruption experienced by the education system since the outbreak of the public health crisis has been significant, and is likely to continue into the next academic year, is alarming. The NASUWT maintains that pressing ahead with the original implementation timescale in these circumstances risks creating substantial turbulence and pressure in the system at a time when it will need to focus its attention on mitigating COVID-related disruption and securing educational recovery.

The Union notes that the Welsh Government has admitted in its own Regulatory Impact Assessment that as a result of the pandemic, it has not been able to engage on the new curriculum with 'key stakeholders', including the Welsh Local Government Association (WLGA), the Association of Directors of Education in Wales (ADEW) and Estyn. These organisations will each have a critical role to play in supporting the implementation of the new curriculum and it is concerning that the timescale has not been amended to ensure that consultation with these bodies can be undertaken in a timely way.

### **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)

The NASUWT is extremely concerned that the Impact Assessments only take account of pupils and not the workforce. The Union has raised this matter in several other consultations, but the Welsh Government continues not to include any assessment on how these measures will impact on the staff in schools, in local authorities or across the education sector as a whole.

As such, the consequences of the implementation of the Bill, the introduction of the new curriculum, the workload on school staff and the adequacy of resources has not been considered.

As the education workforce is predominantly female, there may well be adverse impacts in relation to gender that have not been assessed. There may also be issues relating to age discrimination, as the Union is aware that older staff may face discrimination in role reassignments and potential redundancy brought about by staffing structure transformations as a result of implementation of the curriculum.

The NASUWT therefore insists that comprehensive Equality Impact Assessments on the workforce are carried out without delay.

## Financial implications

- a) 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 above, the NASUWT has significant concerns that the costs of supply cover, based on headteachers' assessment of what is required, is much lower than the indicated need. This implies that the workload of school staff is being taken for granted. Workload remains a concern across the system and will be severely impacted on by the issues regarding COVID-19, the need to plan for any local lockdowns, the continuing need for blended learning, and the Accelerated Learning Programme.

Credible concerns can also be identified in respect of the anticipated costs of the new curriculum. As the Welsh Government acknowledges, many of the implementation costs will be met by schools. As a minimum expectation, it is essential that the Welsh Government has reasonably accurate estimates of the extent of these costs, when they will need to be met, the capacity of schools to meet them from their budgets, and the implications of the opportunity costs that will arise from schools diverting financial and human resources away from other activities. It should also be noted that such projections of the nature of these costs that have been made available are based on very limited and unrepresentative experience gained from Innovation Schools. As a result, the Welsh Government is proceeding on an unacceptably uncertain basis in respect of the resource implications of the new curriculum.

The NASUWT has raised concerns regarding the levels of funding of schools in Wales over many years. The Union also has concerns regarding the funding methodology.

The NASUWT maintains that the current system, which is based primarily on pupil numbers rather than the needs of the curriculum and the designated



needs of specific groups of pupils, does not enable either schools or local authorities to retain staffing complements to ensure that these needs are catered for effectively.

The NASUWT maintains that the education funding should be hypothecated so that it can be targeted to areas of need through the provision of dedicated funding to schools and the retention of central local authority services where specialist staff can be deployed to areas of need.

The NASUWT is also aware that, contrary to the view expressed in the Explanatory Memorandum, there has been a significant impact on school staff due to school restructuring on Teaching and Learning Responsibilities (TLRs). The Explanatory Memorandum does not provide any substantive evidence to support this assertion. The Union, on the other hand, has entered into several disputes where staff have raised concerns regarding the nature, purpose and impact of school staffing restructures brought about by managements' belief that these were necessary to match their structures to the Areas of Learning and Experience (AoLEs).

The Union believes that the Welsh Government should work with all key stakeholders, including unions, to ensure that there is sufficient funding, so that staffing levels can be improved to address the workload concerns and ensure that the curriculum can be properly delivered.

### **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 specific regard to the legislative framework underpinning the new curriculum, the NASUWT maintains that there are serious issues about the ways in which some statutory guidance and regulations will be issued and amended in future. In all statutory curriculums across the UK, it is a common

feature that the broad framework is established in primary legislation and that specific requirements in respect of content, delivery and assessment are set out in Orders or Regulations.

The NASUWT maintains that it is, nevertheless, important that these aspects of the curriculum and any subsequent changes to them that might be proposed are subject to scrutiny and meaningful consultation with stakeholders. For this reason, it is right that the powers in the Bill for Welsh Ministers to make regulations on amending AoLEs, mandatory elements or cross-curricular skills, or suspending pupil choice in Years 10 and 11, are to be subject to the Senedd's affirmative procedure. Other matters, such as the *What Matters Code*, will be subject to the 'enhanced negative procedure' which still includes a duty to undertake meaningful public consultation.

However, there are a range of powers reserved to Ministers where there is no clear duty on them to consult. These include the power to issue statutory guidance in respect of the four purposes, the six AoLEs and the three cross-curricular skills. These are fundamental elements of the curriculum and will have significant implications for the quality and scope of the educational experience of learners and on the professional activities of teachers and school leaders. The NASUWT asserts that, as a minimum expectation, these elements of the curriculum must be subject to a duty to consult and to the scrutiny and oversight by the Senedd and its relevant Committees before they are put into effect.

### **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 NASUWT continues to have concerns that a coherent approach to curriculum reform would seek to address the implications of reform for qualifications at the same time. This is not happening in Wales as these implications were not addressed in any meaningful way in *Successful Futures*

and attention has only turned to qualifications after many of the proposals for the curriculum have been published.

In particular, there is a serious risk of incoherence between a curriculum framework that eschews a subject-based approach and a qualifications framework that is entirely subject-based and is widely understood by employers, parents, learners and education providers both within and beyond Wales. Addressing the qualifications-related implications of reform as an afterthought does not represent a credible plan for reform. It should be noted that elsewhere in the UK, curriculum and qualifications reform have always been taken forward in a way that recognises the fundamental connections between both of these elements of the education system and has usually been undertaken simultaneously.

The NASUWT also maintains that the proposals on the provision of Religion, Values and Ethics (RVE) in schools with a religious character still do not seem to have been thought through sufficiently in terms of their manageability for schools. The proposals, as they currently stand, would require such schools to organise two parallel RVE curricular offers, one based on the local Agreed Syllabus and the other based on the religious affiliation of the school. This would create significant organisational challenges for schools, particularly if parents were able to change their preferences between one form of RVE and another at will. These issues have not been evaluated effectively in any of the impact assessments published by the Welsh Government.

For further information on this written evidence, contact Neil Butler, National Official for Wales.

NASUWT Cymru  
Greenwood Close  
Cardiff Gate Business Park  
Cardiff  
CF23 8RD  
029 2054 6080  
[www.nasuwt.org.uk](http://www.nasuwt.org.uk)

**NASUWT Cymru**  
**Undeb yr Athrawon/The Teachers' Union**

[nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)

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