



Welsh Government

Consultation – summary of responses

The draft Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013

Date of issue: January 2014

The draft Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013

Overview	<p>The Schools Standards and Organisation (Wales) Act 2013 received royal assent on 4 March 2013. This Act requires local authorities to prepare and submit a Welsh in Education Strategic Plan for approval or modification by Welsh Ministers.</p> <p>A Welsh in Education Strategic Plan (WESP) is a plan containing a local authority's proposals on how it will carry out its education functions for, as well as its targets for, improving:</p> <ul style="list-style-type: none">• the planning of the provision of education through the medium of Welsh• the standards of Welsh-medium education• the teaching of Welsh <p>in its area.</p> <p>WESPs also comprise a report on the progress made to meet the targets contained in the previous plan or previous revised plan.</p>
Action required	<p>None – for information only.</p>
Further information	<p>Enquiries about this document should be directed to:</p> <p>The Welsh in Education Unit (WEU) Welsh Language Division Department for Education and Skills Welsh Government Tŷ'r Afon Bedwas Road Bedwas Caerphilly CF83 8WT</p> <p>Tel: 01686 620255 e-mail: welsh.education@wales.gsi.gov.uk</p>
Additional copies	<p>This document can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations</p>
Related documents	<p>The Schools Standards and Organisation (Wales) Act 2013</p>

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Background

The draft Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 (“the Regulations”) were subject to an 8 week consultation between 28 June 2013 and 23 August 2013.

The consultation document included questions regarding the following 7 matters raised in the Regulations:

1. Assessing the demand for Welsh-medium education.
2. Duration of the WESP.
3. Form and content of the WESP.
4. Submission of the WESP to Welsh Ministers.
5. Timing and manner of publication of the WESP.
6. Consultation of the WESP.
7. Review of the WESP.

The consultation document gave respondents the opportunity to comment upon the 7 specific matters raised above but it also included the opportunity to provide feedback on other related issues.

49 responses were received to the consultation and a list of respondents can be found at the end of this document. Of the 49 responses received 3 of those wished to remain anonymous.

Summary of responses to the consultation

Question 1 – Are you content with the circumstances under which Local Authorities will be required to measure the demand for Welsh medium education?

The vast majority of responses were positive or provided no response on this matter. Two respondents commented on the complexity of the wording in the section which deals with Welsh-medium education assessment.

One Local Authority commented that neighbouring authorities should measure the demand for Welsh-medium Education at the same time as neighbouring authorities and analyse the results using the same method. This authority also noted that parents need to be aware of the implications of the 21st Century schools spend on schools as information regarding school improvement could impact the numbers wishing to attend. This information should be noted in the assessment for measuring the demand.

Another organisation noted that the development of a consistent assessment tool for use in the early years could provide an opportunity to incorporate measures to assess the demand for Welsh language education among the parents of children under 2. Further, clarification is needed regarding what is envisaged by local authorities being able to assess the whole Local Authority area or areas within the authority. Another respondent also stated that there is a danger in assessing the demand in one area as this could reflect a situation of no demand and prevent development in other areas of need.

Questions 3, 4 and 5 regarding impact of distance in determining the choice of school were welcomed in principle, however, one respondent thought that there is a need to reconsider whether identifying a 2 mile threshold is appropriate in all settings. Further, including information which explains the benefits of bilingualism and of Welsh-medium education within the survey packs would be useful to some families to assist them to make informed decisions about the language of education for their children.

One respondent questioned how the questionnaires targeting parents of children under 2 years would be distributed to the target audience especially in view of the difficulties some Local Authorities have experienced problems accessing data regarding births from Local Health Boards. The Information Commissioner's Office highlighted a potential data protection issue. They noted that the data necessary for conducting surveys of parental preference will have been collected originally for health-related purposes, not educational purposes. Therefore there would need to be an understanding that particular processes should be developed when passing personal data to a different organisation when the individuals concerned may have no expectation of that happening.

Other comments recorded about assessing the demand for Welsh-medium Education included making it a requirement for:

- Local Authorities to undertake the first assessment within a specific period after following the publication of the first plan.

- Local authority to interpret the results of the assessment adding that some LA have accepted poor response rates as a reason to delay action whilst others have been happy to accept relatively low response rates as being representative and opened Welsh-medium schools.

One group noted their complete opposition to the concept of measuring the demand for Welsh-medium education in those areas of Wales where Welsh-medium education is the norm for everyone in local communities especially in the primary sector.

Response by Welsh Ministers

Where individual local authorities or groups of local authorities decide on their own initiative to measure the demand for Welsh-medium education the detailed arrangements should be left for local determination. However, in exercising powers under the School Standards and Organisation (Wales) Act 2013 and the Regulations requiring local authorities to undertake a Welsh-medium education assessment Welsh Ministers will consider the case for contemporaneous surveys. As regards awareness of an authority's 21st Century Schools Programme this could be covered in the background information accompanying a survey questionnaire over and above that which is provided for in Part 2 of the Regulations. There may well be other issues which it could be argued should be included in Part 2 e.g. information about standards but Welsh Ministers are minded not to be overly prescriptive and to keep the issues listed in Part 2 to a core minimum.

Where respondents have referred to the need for further clarification e.g. the assessment of a whole local authority area or part of it, such issues can be dealt with in the context of guidance issue by Welsh Ministers and/or in the written notification to conduct a Welsh-medium education assessment.

Experience of surveys undertaken to date suggests that questions about distance with a 2 mile threshold have not given rise to any issues which require amendment to the Regulations.

Welsh Ministers acknowledge that there have been difficulties in the past in terms of access to data although this is not universally the case. Possible solutions are being examined but the solution does not lie with an amendment to these Regulations.

The Information Commissioner's Office highlighted a potential data protection issue. They noted that the data necessary for conducting surveys of parental preference will have been collected originally for health-related purposes, not educational purposes. However, the Regulations do not require local authorities to use personalised data in order to undertake surveys to assess demand.

Welsh Ministers do not accept the need to include a specific time period within which local authorities should undertake a Welsh-medium education assessment following publication of the Plan. The timing of assessments is

one of the issues which Welsh Ministers will consider in the exercise of the powers under paragraph 3. Welsh Ministers do not propose to amend the Regulations to include a requirement to interpret the results of an assessment since it would be unreasonable for a local authority not to do so after conducting one. In addition, section 84 of the School Standards and Organisation (Wales) Act 2013 already requires local authorities to take the results of an assessment into account when it next prepares or revises its Plan. However, insofar as such provision is required this can be effected through the written notification provided for in paragraph 3(c).

These Regulations do not have the effect of requiring a Welsh-medium education assessment to be undertaken “in those areas of Wales where Welsh-medium education is the norm for everyone in local communities especially in the primary sector”.

Question 2 – Are you content with the duration period of the plan?

All respondents were either content or had no comment to offer on this section of the consultation.

Response by Welsh Ministers

In the light of the nature of the responses to the consultation no further comment is required from Welsh Ministers.

Question 3 – Are you content with the form and content of the plan?

Again, the vast majority of responses were positive or provided no response on this matter. However, the following comments were received:

- the need to reconsider Schedule 2, part 21 and to require local authorities to consider Welsh-medium access to specialist support, including support for hearing impaired children.
- the need to undertake a review of the childcare Welsh language definitions, ensuring that the descriptors of the definitions are clear and understood by the early years and childcare sector.
- the plans need to stipulate that local authorities should provide more information about how they are developing opportunities for all learners to practise using their Welsh outside the classroom. The plans should specify how these aspirations will be measured and evaluated. Current local authority responses to this aspect tend to be too nebulous and general.
- the additional information noted in Schedule 3 was not defined clearly enough to ensure that the information would be published in the same format by each Local Authority. Local Authorities need to compare data in order to compare performance. Further, it is not clear if the information required in Schedule 3 will be available on a Local Authority basis or a school basis. The information

needs to be available for each school within the LA in order to show regional variation.

- two respondents suggested the possibility of adding 'Welsh second language' to Schedule 2 (22).
- two respondents noted that Section 2 Schedule 3 does not define the data which is most appropriate especially with regard to linguistic progression.
- Section 3 Schedule 3 should publish the number of pupils assessed in addition to data regarding the results. This should be available on a school basis and include results for the GCSE short and full course so that the performance of the whole school is disclosed.

One Local Authority noted that more consideration should be given to the fact that school improvement services are now operating on a regional basis and that the plan could be redesigned so that residual LA functions and more consortia based functions could be reported on more effectively.

One respondent noted that the major thrust of Welsh Government policy focuses on regional working and collaboration e.g. with the requirement for a regional submission for the WEG. They felt that it, therefore, made little sense to have individual LA WESPs when services to support school improvement have been regionalised

One respondent commented that for the purpose of clarity, if the Welsh Government's intention is that Welsh-medium education forums be established, the wording under Schedule 2 regulation 5 (7) should be changed to how the local authority will set out to establish the forum and the membership of that forum.

Response by Welsh Ministers

Since the majority of the responses were positive or made no specific points, no general response is required from Welsh Ministers. However, on the specific points raised:

- **paragraph 21 of Schedule 2 is deliberately widely drawn and does not identify separately individual specific needs. Local authorities are required to explain how they will "improve Welsh-medium education for pupils with additional learning needs". Access to specialist support is implicit in that. Insofar as further clarification may be needed this is best provided through guidance rather than in the Regulations.**
- **whether to undertake a review of childcare Welsh language definitions is not dependent on these Regulations.**
- **information about supporting opportunities to develop language skills outside the classroom is already provided for in guidance under section 87 of the Act to which local authorities must have regard.**
- **Welsh Ministers propose to amend Schedule 3 to clarify the extent of the additional information required. Consistency of presentation among local authorities will be achieved through guidance. However,**

Welsh Ministers do not propose to require the information to be submitted at school level.

- as regards regional/consortium based working Welsh Ministers conclude that since the main focus of the Welsh-medium Education Strategy is the effective planning of school places remains the responsibility of local authorities rather than consortia the Plans should continue to be submitted on an individual authority basis. Effective input from consortia on the school improvement/standards aspects of Plans is a matter best addressed between the consortium and its member authorities.**
- Welsh Government's Welsh-medium Education Strategy includes an expectation that local authorities to establish a Welsh-medium Education Forum but does not wish to require local authorities to do so.**

Question 4 – Are you content with the submission date for the plan?

All respondents were either content or had no comment to offer on this section apart from 4 respondents.

Two local authorities mentioned issues with the timeline for submitting the WESP due to internal processes and the need to consult on the draft for a period of no less than 12 weeks. One consortium suggested that a mid-January deadline would be helpful. Another respondent noted that the submission date was appropriate but that consideration should be given to making provision for the application of an extension to the submission date in certain, prescribed circumstances.

One respondent noted that the Regulations should mention the need to avoid less favourable periods of the year, for example, school holidays or the weeks before or immediately following school holidays.

Response by Welsh Ministers

Welsh Ministers propose to amend the Regulations to reduce the minimum consultation period from 12 weeks to 8 weeks.

Local authorities have already had two years of experience of preparing and submitting Plans on a non-statutory basis. Processes and timescales should, therefore, be well established and the need for an extension to the deadline for submission a remote possibility. In any event, it would be difficult to capture in Regulations all the prescribed circumstances in which an extension might be deemed appropriate.

Excluding school holidays from consultation periods is a reasonably well established matter of good practice and does not need to be included in the Regulations.

Question 5 – Are you content with the timing and manner of publication of the plan?

The majority of respondents were either content or had no comment to offer on this section. However, one organisation suggested that each school and relevant organisation should receive a copy of the published Plan. This would improve awareness, participation and accountability. In the same way, the annual report which reviews the plan's implementation should also be widely available when published. The Regulations need to clearly state that Local Authorities need to send copies of the plan and annual report to each school and relevant organisation within the authority.

One Local Authority noted that the timeline is very tight for the required processes to submit to WG, engage in consultation and then to corporately adopt the new WESP 2014-17. There will need to be a swift response from WG to the draft submitted on Dec 20th – early February – for changes to be included in the final version and for this to proceed to Council. The same applies to responses from consultees – hence the suggestion to shorten the consultation period to 8 weeks. The corporate meetings are Cabinet on March 11 (deadline for preparation of the report would be Feb 28) for Council on April 15th. The next Council would be on an unspecified date in June after the publication deadline

Another organisation acknowledged that the proposals for the timing of the publication presented an appropriate way forward but suggested that consideration should be given to making provision for the application of an extension to the publication date in certain, prescribed circumstances. The same organisation noted that it may be helpful to include a definition of what constitutes an appropriate place in the interpretation section of the Regulations, for instance, schools and colleges.

One organisation suggested that local authorities should be required to inform consultees when their plan is published on their website. Another respondent suggested that to ensure further use of the published data that the information should be published as 'open' data according to the following recommendations: <https://www.gov.uk/service-manual/technology/open-data.html>.

Response by Welsh Ministers

Welsh Ministers believe that the publication requirements as set out in the Regulations are appropriate. The Plan will be freely available on the authority's website. The Regulations place no restrictions on local authorities wishing to send copies to individuals and/or organisations which it considers appropriate or who request it.

Welsh Ministers propose to amend the Regulations to reduce the minimum consultation period from 12 weeks to 8 weeks (see above).

In the absence of any suggestion about what the "certain, prescribed, circumstances" might be such that they would warrant an extension to the publication date Welsh Ministers do not propose to amend the Regulations.

Welsh Ministers are content to leave the judgement as to what is “an appropriate place” to local authorities

Question 6 – Are you content with the list of consultees?

The majority of respondents were either content or had no comment to offer on this section. However, 8 individuals noted that the WESP consultation needed to involve parents and it was said that Governing Bodies were not necessarily representative of the school community.

Other suggested additions to the list of consultees included:

- parents and children.
- the business community.
- the trade unions representing the education workforce within the local authority and its schools.
- the wider teaching staff, not just head teachers.
- all local authorities within a local authority’s particular consortium in order to promote a more consistent approach to developing and implementing the WESPs across the region.
- the Regional Transport Consortia.
- national umbrella childcare organisations such as NDNA Cymru and Mudiad Meithrin. The present list of consultees eg. The Early Years Development and Childcare Partnership do not cover these national umbrella childcare organisations due to the different Early Years and Childcare Partnership structures in each local authority.
- organisations representing parents and teachers should be consulted.

The Children’s Commissioner for Wales has asked for clarity as to the rationale for being included as a statutory consultee and feels it will be necessary to consider whether this is appropriate and consistent with the Commissioner’s statutory framework and the role and remit envisaged within that legislative context.

One respondent noted that accessing all School Councils, especially in English-medium primary schools would be difficult as the format of the WESP would not be meaningful to young children.

<u>Response by Welsh Ministers</u>

<p>The issue of consultation with parents was debated during the passage of the School Standards and Organisation (Wales) Bill in January 2013. The then Minister for Education and Skills took the view that consultation with all parents would impose a significant logistical and financial burden on local authorities. Welsh Ministers remain of the view that the consultation arrangements set out in the 2013 Act and these Regulations provide an</p>
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appropriate balance between the wish to consult widely and not making the Process too burdensome for local authorities. The same applies in regard to the list of additional consultees suggested by respondents

In the light of comments from the Children's Commissioner for Wales Welsh Ministers propose to amend the Regulations to remove his Office from the list of consultees

Question 7 – Are you content with the arrangement to review the plan?

The majority of respondents were either content or had no comment to offer on this section. One organisation suggested that a copy of the report which reviews the plans should be provided to each school and relevant organisation within the local authority.

Another organisation noted that it would be useful to list the people and organisations that need to be consulted when reviewing the plan. The list would not necessarily need to be as long as the list in part 9(1). The review process as it currently stands in the draft Regulations could be a very closed process with very little scrutiny for three years. Another respondent noted that in the interest of transparency and consistency of review processes, there should be an explicit obligation to publish the findings of the review in line with the requirements placed on local authorities with regards to the plan itself (under regulation 8).

One consortium questioned the need for a full annual review each year of a 3-year plan. They comment that if the first plan is published in June 2014, it would mean that a review of standards/outcomes etc. Would have to take place almost immediately after publication for a meaningful review to take place, with appropriate consultation, by December 2014. They note that the timescales do not appear to be logistically possible, especially if they are taking a regional approach to the WESP, with appropriate consultations. It would seem to be more logical to build flexibility into the system so that a particular LA could build in revisions to the plan as and when they arise e.g. with an increase in demand for secondary places that is going through statutory consultation. They also question that if there is a substantially revised plan, does that mean that the 3 year timescale recommences from the new approval date?

Another organisation believed that the wording in regulation 10(2) was difficult to gauge "the local authority must consult such persons as they consider appropriate" and that the regulation should list those expected to contribute e.g. schools, Welsh Education Forum, Governing Bodies etc.

One respondent noted that the revised plan should be a public document and consistent with the requirements to publish the original plan (regulation 8)

Response by Welsh Ministers

Welsh Ministers propose to amend the Regulations in order to simplify the review process. The review will consist of reporting on progress against the targets in the original Plan and amending the Plan as a result

of the review. Subject to the approval process by Welsh Ministers provided for in legislation this amended Plan will be published in accordance with the Regulations. Welsh Ministers propose to dispense with the requirement to publish a report by deleting paragraph 11 since the policy intent can be achieved by publication of the amended Plan.

Welsh Ministers do not propose to prescribe the list of those individuals and organisation which should be consulted when the Plan is reviewed but will make it clear to local authorities that they should include most, if not all, those individuals and organisation consulted on the original Plan.

As with any plan of a strategic nature, Welsh Ministers would expect progress to be monitored on an ongoing basis over its 3 year life. They do not consider it burdensome or logistically difficult for local authorities to report progress annually.

Question 8 – 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.

One respondent felt that it should be made compulsory for WESPs to include a statement noting the LA's strategy to promote access to education and training through the medium of Welsh in accordance with the Learner Travel (Wales) Measure 2008. They also said that in relation to Matter 9 in Schedule 2 refers to providing information about the availability of Welsh-medium education. The Regulations should make it clear who is responsible for promoting the advantages of Welsh-medium and bilingual education and how this will be achieved.

Another respondent commented that he would like to see targets for deaf people to be on par with non-deaf people and more support given to parents of deaf children to aid them with communication and acquiring a language.

One group wanted to see the elimination of the concept of "Welsh second language" and favoured a move towards a situation where every pupil received a portion of their education through the medium of Welsh so that they can achieve fluency.

One organisation commented that it was not clear whether or not a child rights impact assessment has been undertaken in line with the Welsh Government's Child Rights Scheme. Another organisation was of the opinion that the Regulations need to be considered in light of the basic principles of the United Nation's Convention on Children's Rights.

One parent praised the Welsh-medium education system and appreciated the huge benefits which it brings. However, she objected to the language being given priority over the needs of individual children.

One respondent noted that standards, expectations and achievement needs to improve continuously. It is essential that every primary school in Welsh speaking areas teach to Welsh first language standards. Appropriate teacher training will be

essential to ensure that teachers have the required linguistic skills to teach Welsh as a subject and to teach through the medium of Welsh.

Response by Welsh Ministers

Local authorities' duty to promote access to education and training through the medium of Welsh is already set out in the Learner Travel (Wales) Measure 2008. There is no need for a specific provision in the Regulations. Guidance issued to local authorities already asks for each Plan to describe how it discharges that duty.

The purpose of these Regulations is to circumscribe the content of local authority Welsh in Education Strategic Plans and the processes for preparing and reviewing them. Responsibility for promoting the advantages of Welsh-medium and bilingual education goes wider than that and is not, therefore, appropriate for these Regulations.

It would not be appropriate for the Regulations to prescribe targets for specific interest groups (in this case, deaf pupils). The Regulations make appropriate provision for Welsh in Education Strategic Plans to cover additional learning needs.

The Minister for Education and Skills has already received the report on Welsh Second Language and has yet to respond to its recommendations. Whatever his response, these Regulations are not the vehicle.

List of respondents to the consultation

1. Association of Transport Coordinating Officers
2. Welsh Language Commissioner
3. Cronfa Glyndŵr yr Ysgolion Cymraeg
4. CYDAG (Society of Schools for Welsh Medium Education)
5. City and County of Swansea
6. Estyn
7. National Botanic Garden of Wales
8. NASUWT
9. NDCS (National Deaf Children's Society)
10. NDNA (National Day Nurseries Association)
11. Bridgend County Borough Council
12. Powys County Council
13. Information Commissioner's Office
14. UCAC
15. NUT Cymru
16. Neath Port Talbot CBC
17. Caroline Roberts
18. Dafydd Eveleigh
19. Dale Krause
20. Diana Chandler
21. Diane Fontenoy
22. Giovanni Jacovelli
23. Hywel Stanton
24. James Saxon
25. Jennifer Pearce
26. Lisa Wolfe
27. Mary Horrobin
28. Michaela Walker
29. Mike Stevens
30. Morwen Rowlands
31. Mr and Mrs B. Giffiths
32. N. Jones
33. Siân

34. Richard Lee
35. Terry Green
36. Andrew Barker
37. Bridget Hiser
38. Cymdeithas yr Iaith Gymraeg
39. Children's Commissioner for Wales
40. Bill Pritchard
41. Brian Hodnett
42. EAS/South-east Wales Consortium
43. Rhag
44. Mudiad Addysg Gymraeg Gogledd Ddwyrain Powys
45. Claire Edwards
46. Clive James

3 respondents wished to remain anonymous.