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Welsh Government
Consultation – summary of response

The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018

Audience	Education bodies involved or interested in Teacher Assessment in Wales, including, schools, local authorities, regional education consortia, teaching unions, awarding bodies, practitioners and public bodies.
Overview	This document summarises the responses to the consultation on The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: School Effectiveness Division School Information Branch Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 03000 625014 e-mail: IMS@gov.wales



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Additional copies	This document can be accessed from the Welsh Government's website at gov.wales/consultations
Related documents	<i>The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018</i> Welsh Government consultation (2017)

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1. Introduction

The consultation proposed that from 2018/19 Welsh Government will stop routinely publishing Teacher Assessment data and National Reading and Numeracy Tests data below the national level. This would mean that these data will no longer be included in the School Comparative Reports and All Wales Core Data Sets. If the proposals are agreed, the regulations will remove requirements placed on organisations to use Teacher Assessment and Test data.

The consultation sought the views of stakeholders on The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018. The consultation was launched on 14 November 2017; it closed on 30 January 2018 after an eleven week formal public consultation period.

- The consultation document is published on the Welsh Government website and details were circulated to stakeholders with an interest on proposed changes to the way Teacher Assessment data is used.
- All responses were returned using either the online response form or the downloadable response form. All responses have been considered; please see a summary of stakeholder responses below.

2. Overview of responses

There were a total of **89** responses to the consultation from a range of stakeholders. The table below shows a breakdown of respondents by type of organisation:

Type of Respondent	Number of Responses	%
Primary School	57	64.1
Consortium	5	5.6
Educational Professional	3	3.4
Higher Education Sector	1	1.1
Local Government	4	4.5
Parent carer	3	3.3
Secondary School	9	10.1
Teaching Union	2	2.3
Other Public Sector	2	2.3
Other	3	3.3
TOTAL	89	100

A full list of respondents is provided in Annex 1.

3. Common themes

The responses to the consultation raised a wide range of issues, questions and suggestions about the proposed changes. This report summarises the comments on each of the consultation questions, key themes raised by respondents included:

Positive

- This is a good opportunity to move forward and put children first
- There is currently too much emphasis placed on school performance results
- The removal of comparable data will benefit schools
- Offers potential for collaboration/aligning collaboration
- Assessment should now be focused upon the purpose of improving pupil performance and not for improving school data profile
- There must be more emphasis on value added and progress from the learner's starting point rather than levels that are compared stand alone with other schools

Negative

- A risk of loss of ability to measure progress in Welsh in education
- A risk that there will be a loss of ability to track and identify underachievement early
- Potential for an increase in workload for schools in locating comparative information for self evaluation purposes; need to ensure that consortia and challenge advisors will not seek additional information
- Unintended risk of increase in Freedom of Information requests
- A remaining emphasis on the use of Teacher Assessments as a measure may mean that schools/teachers still focus on performance, rather than use to improve learning.

4. Consultation questions and analysis of responses

Question 1

Q1.	Do you think the proposed amendments to existing regulations will ensure that assessment is focused on improving learning?			
	Agree	Disagree	Neither agree nor disagree	Total
	63	10	16	89

Summary analysis

Approximately 71% of respondents agreed that the proposed amendments will ensure that assessment focused on improved learning, 11% disagreed and 18% neither agreed nor disagreed.

Key recurring themes include that currently there is too much emphasis placed on school performance results, schools are unduly concentrating their time ensuring that they are placed in the best quartiles, with not enough focus on the needs of each individual pupil. Many comments stated that removing school comparisons can only benefit and remove pressures from schools.

The respondents who disagreed were mainly concerned about the potential lack of comparative data to evaluate performance and the impact on self evaluation.

Suggestions include engaging with parents/carers to build co-operation and understanding of the information they will receive.

The general consensus was that stopping the routine publication of Teacher Assessment data and National Reading and Numeracy Tests data for schools and local authorities is a step in the right direction. It was felt that not placing unrealistic expectations on children at the end of key stages was fairer on schools with SEN children.

Welsh Government response

Teacher Assessment can be used for information purposes e.g. to develop school improvement policies etc. but not for school accountability purposes below national level. In the long term, the changes will also help pave the way for curriculum reform in Wales, in line with recommendations made by Professor Donaldson in *Successful Futures*.

By refocussing the basis of Teacher Assessment away from school comparison and back to assessment for learning, the proposal should go further to develop the talents and abilities of children. Our objective is to realise the benefits to learners by refocusing assessment back to its primary purpose of providing information that can guide decisions about how best to progress young people's learning and to report to their parents and carers on that progress. When assessment is used for learning purposes, it means that teaching is always adaptive, specific to the learner and supports raising standards for all. It allows schools and other bodies to plan and improve for the benefit of all learners.

By so doing, assessment should improve learners' learning, teachers' teaching and parents' and carers understanding.

As part of our engagement with local authorities and consortia we have been advised that there are already systems used by the data units of each LA to analyse this data, so they would not suffer from lack of summary tables and charts fed back to them from Welsh Government. They further advised that as there is probably already some duplication in the All Wales Core Data Sets provided by Welsh Government it will not cause large issues if it is stopped. A couple of local authorities have demonstrated their analysis systems to us and we can confirm that schools would not need any additional information.

Question 2

Q2.	What are the challenges and opportunities of the proposed changes?
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Summary analysis

25 respondents (28%) did not reply to Q2. 1 respondent replied with 'no comment'.

Opportunities

- The change will lead to a reduction in the emphasis on external accountability and unnecessary competition and will contribute towards an increased emphasis by the regional consortia on supporting schools
- More effective use of assessment, as well as an opportunity to focus on staff learning
- If schools can be given more opportunity to self improve against their own measures, the rationale of the new curriculum may have a real chance to flourish.
- To fully embed 'Successful Futures' and the ethos behind it

Challenges

- Potential for an increased in workload for schools trying to locate and access comparative information required for self-evaluation purposes
- The ability of the public and relevant organisations to analyse the Welsh Government's position in terms of its targets in respect of Welsh-medium education
- FOI requests would not be an acceptable alternative route – one suggestion was to publish a new Statistical Bulletin that encompasses the information needed for monitoring progress in relation to Welsh in education
- There are still over 35 data measuring points. KS4 examination data will be particularly complicated when combined with the new curriculum
- Parents near the borders are already moving their children into schools in England in growing numbers. This is due to a perception that the education system in England is more rigorously tuned into high attainment and an emphasis on the core areas
- The ability to track and identify underachievement - to have no comparative data on education until KS4 will be too late for cohorts of pupils. It will be difficult for parents to identify if the school is providing suitable challenge for pupils

Welsh Government response

- Looking at international examples, further to discussions with education colleagues in Ireland, under similar conditions they received a number of Freedom of Information requests initially but that diminished within the first year. However, a strand of the new proposed evaluation and accountability framework is an 'evaluation snapshot' produced by every school and this will alleviate the public need for data and information at a school level.
- There will be **no change** to the collection process or, therefore, the information that Welsh Government will hold. Teacher Assessment data should be for the primary purpose of formative assessment within the classroom. Ceasing publication at school and local authority level would mean that the progress of individual pupils will become the focus for Teacher Assessments.
- Local authorities will still be required, via their Welsh in Education Strategic Plans (WESPs), to demonstrate how they propose to support and encourage the growth of Welsh-medium education in their areas. The required supporting information will continue to include data relating to the number of pupils receiving Welsh-medium education and the number of pupils assessed in Welsh (first language).
- Welsh Government will assess each FOI according to an agreed process, such as thoroughly assessing the request as to: whether we hold the information; the appropriateness of the request as FOI; and the acceptable time limit in the proper handling of our information assets in order to supply information. If we comply with the request we will gather the information requested and examine it to see which laws apply and then apply them and we will respond within 20 days.
- A strand of the new framework of evaluation and accountability being introduced into schools will be a self-evaluation toolkit and the Welsh Government will ensure that schools will receive the necessary training and all the information to be able to operate this. Linked to this will be a new suite of quality indicators. Teacher Assessments will be for formative assessment i.e. for the purpose of teacher's assessing progress of individual pupils.
- This proposal is one of our key interim changes that indicates the Welsh Government's intentions to hand autonomy to teachers and headteachers in moving to a system with more subsidiarity. However, this will be a long term process of a changing culture and this is a first step in that process.

Question 3

Q3.	Is there anything else Welsh Government can do to ensure assessment is used to inform learning?
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Summary analysis

36 respondents (40%) did not answer Q3, 1 respondent replied with 'no comment'

Common themes

- The need to ensure that consortia and challenge advisers are not asking for additional information; that they accept targets which schools submit as end of FP/KS data, as they are considered as teachers professional opinions, based on knowledge of the pupils they teach
- To place emphasis on attitudes towards learning. Children with negative attitudes towards learning or poor behaviour will always struggle. There needs to be a single approach to assessment that is either teacher based assessment or a test based
- To encourage Assessment for Learning, with a focus on developing highly effective Assessment for Learning teaching practice
- Provide a vehicle for the communication and sharing of good practice as schools develop new systems.

One respondent urged the Welsh Government to use this opportunity in order to secure greater freedom for teachers to use their professional judgement to adopt approaches to assessment that provide them with meaningful information and data about pupils' progress and achievement. They believe that the involvement of Estyn in this process will be required to ensure that any outcomes from the review will be taken forward in schools. In addition the respondent maintains that it will be vital for the Welsh Government to increase the level of planning, preparation and assessment (PPA) time to accommodate timetabled time for reflective practice, and introduce a contractual entitlement to professional learning during the teaching week.

Welsh Government response

- In developing a new assessment, evaluation and improvement framework, we have been working with key stakeholders. Roles and responsibilities are being considered at each level of the education system, this includes Estyn and Consortia. Clearer definitions should avoid duplicate requests for information.
- Research from across the world has shown that Assessment for Learning (AfL) offers us an effective way to meet our goals for high-performance and high-equity, and for providing learners with the means to become lifelong learners. We know that learners who are given high quality feedback, who understand

where they are in their learning, where they need to go next and how they get there, are the most likely to make the most improvement.

- Our future assessment arrangements will give primacy to Assessment for Learning and to using assessment as a means to inform better teaching and learning. AfL is, essentially, responsive teaching. It is the bridge between teaching and the way we discover whether activities and experiences in the classroom have brought about the learning that was intended. It is a powerful tool that can drive progress and raise achievement for all learners.
- We have increased funding to support a programme of work to improve the quality of Teacher Assessment. The programme will appropriately build upon the work of the assessment and progression pioneers and make links with the professional learning pioneer schools to ensure synergy with Assessment for Learning activity delivered as part of the block capacity building grant. We will also include the formative use of tracking information within the classroom to modify practice and promote learning throughout the school, effective marking, planning, peer and self assessment.
- As part of the changes in our assessment arrangements we are making a transition from paper-based reading and numeracy tests to online personalised assessments. As with the paper tests, the personalised assessments will provide information on learner skills and progress that can be used alongside Teacher Assessment. Personalised assessments will offer significant enhancements by providing a tailored, interactive experience to engage learners and the opportunity for schools to use them at a time they consider will have the most impact on teaching and learning. They will provide high quality feedback to learners and teachers, and give teachers a tool to plan next steps for individuals and whole classes.
- One of the key strands of the new assessment, evaluation and improvement framework is the development of a national school self-evaluation and improvement planning toolkit. Estyn, together with OECD are leading on this. They will be working with other key stakeholders, to develop the toolkit based on international examples as well as drawing on existing instruments and tools in Wales.
- Estyn are part of the co-construction with Welsh Government in the reform of education. Also, Professor Donaldson is currently carrying out a review of Estyn and will report in April.

Question 4

Q4.	Regulatory Impact Assessment				
	Are you aware of any challenges or positive effects as a result of the change that you believe to be missing from the RIA, particular to your field of interest?				
	Yes	No	No response/blank	Comment only *	Total
	8	13	68	16	89

*The 16 replies that are counted here are duplicated within the response/blank field as they chose to only respond to part of the question

Summary analysis

Positive effects

- Reduction in workload regarding requests to produce data/duplicate data
- Using assessment as a tool for information purposes rather than accountability and refocusing assessment for the purpose of learning will ease pressure on schools and professionals
- The comparison between local schools can have a very detrimental effect, particularly where there are Complex Learning Difficulties classes which include pupils from a variety of settings because they are unable to make progress in their local mainstream schools. The inclusion of this data in the school's published data creates huge and unnecessary challenges for a school
- There will be less pressure on schools once the changes have been embedded

Challenges

- A disproportionate amount of time spent by teachers marking (when it is not one of the most effective forms of feedback) should be recognised and addressed
- Similar reflective practice needs to be used with the Welsh National Test data - it should be used for its purpose (to support & challenge children) not as an accountability process by Consortia
- It will take time for parents and governors to understand the culture shift. They are used to the comparative and competitive element generated and will desire other comparative information upon which to base their judgements or choices

Welsh Government response

- This is a challenging time for the education system as a whole in Wales and we want to support teachers and head teachers in their work and to raise the esteem in which they are held.
- It is important that teachers and head teachers are not overburdened and have sufficient time to carry out their core role of facilitating teaching and learning. Reducing unnecessary workload and enabling teachers to spend more time supporting pupils' learning is important.
- To recognise this we have worked extensively with our stakeholders, consortia, local authorities, Estyn, Education Workforce Council, Diocesan authorities, head teachers and teachers and their respective associations, to develop guidance on best practice for marking and assessment.
- Teachers have a pivotal role in raising standards in the classroom and our approach has been to engage much more closely with the profession. Our aim is to build capacity and reduce excessive workload leading to improved standards, through reducing bureaucracy, improved policy delivery and better ways of working.
- We know there is no one single solution to reducing unnecessary workload, it is a complex issue. It will require a range of approaches incorporating a number of separate but interlinked actions.
- It's important we get the balance right in terms of trusting the profession and ensuring that the right information, or data, is shared with the right audience, and for the right reasons. For example, it will continue to be important for official statistics to be published to demonstrate our national position, and the response to question 5 describes the official statistics that will continue to be published by the Chief Statistician. Policy teams are currently looking at what additional information could be published at a school and regional level.

Q5.	Do you agree with the Chief Statistician's proposals for official statistics as set out in paragraphs 35 to 39 of this document?			
Agree	Disagree	Neither agree nor disagree	No response	Total
26	8	20	35	89

Question 5

Summary analysis

Out of the 26 respondents that agreed with the Chief Statistician only 2 provided further comments.

One respondent stated that the data isn't always the problem, it's more about the way in which it is used. They believed there would be a potential problem for Welsh Government if someone was to pull together the data in order to demonstrate a 'drop' in standards. The other respondent noted that National data will continue to be available for statistical purposes, but would not be used for accountability at school level.

Of those that disagreed with the proposals, 3 provided further comments relating to the availability of data on the Welsh language, the vagueness of the proposals and whether they were consistent with legislation.

Welsh Government response

The Welsh Government will continue to publish a range of official statistics at a national level and some other geographies in line with the Code of Practice for Statistics. This will support monitoring of national trends and the understanding of performance of different groups of learners.

These proposals only relate to the publication of data on teacher assessments and Welsh National Tests. The Welsh Government will continue to publish data in the following areas for all appropriate geographies:

- Pupil Level Annual School Census
- School attendance and exclusions
- Public examination results at KS4 and above

For teacher assessments and Welsh National Tests the Welsh Government will publish official statistics for the following geographies only:

- Wales
- Upper Super Output Areas, Middle Super Output Areas and Lower Super Output Areas
- Assembly constituency and Parliamentary constituency
- Any other geography not related to the administration of education in Wales.

Publication for these other geographies will support user need in a number of other areas.

And we will not routinely publish teacher assessment or National Test for the following geographies:

- Schools (including the data on My Local School)
- Local Authorities
- Regional Education Consortia.

The only exceptions to this will be data relating to the Welsh language, see question 6 for further details.

Please note that all our data for any geography will continue to be available on request and will be published on our ad hoc statistical requests page. We will also continue to provide data to external bodies for research and evaluation purposes.

Question 6

Q6.	<p>We would like to know your views on the effects the changes and the amendments to regulations would have on the Welsh language, specifically on:</p> <ul style="list-style-type: none">i) opportunities for people to use Welshii) treating the Welsh language no less favourably than the English language. <p>What effects do you think there would be? How the positive effects could be increased, or negative effects be mitigated?</p>
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Summary analysis

50 of the total responses (56%) were unanswered

13 respondents (15%) who provided comments said they believed there would be no impact on the Welsh Language. One stated that there would be an impact on their school but did not provide any additional comments. One respondent, who said that they didn't believe there would be any impact, had concerns about the side effects of the proposals on the ability to measure progress, in relation to the Welsh Government's policies, concerning Welsh in education. They suggested publishing a Statistical Bulletin to address the concern.

It was felt that to ensure there are more opportunities for people to use Welsh the emphasis needs to be on the language being spoken and seen as a living language. It was noted that in primary schools and also across lower KS3, too often pupils from non-Welsh speaking backgrounds spent too much time writing and not enough time using the language in active situations.

Some respondents noted that assessment data is currently included in the Welsh Government's requirement for local authorities to complete Welsh in Education Strategic Plans (WESPs). They felt that without data at local authority level it would not be possible to track progress of targets; that the Plans would be meaningless. It was noted that the data was the basis for the key targets included in the Welsh Government's Language Strategy *Cymraeg 2050: A million Welsh speakers* and that Public Service Boards would be expected to consider the data when developing plans to support the Well-being of Future Generations (Wales) Act 2015.

Welsh Government response

- There will be **no change** to the collection process, and therefore no change to the information that the Welsh Government will have to assess policy effectiveness and progress.
- We will continue to publish nationally and for schools and local authorities:
 - data from the School Census on education through the medium of Welsh and fluency in Welsh
 - public examination results in Welsh first and second language at GCSE level and above

- the number of teacher assessments in Welsh as a subject.
- We will not publish results of teacher assessments in Welsh language as a subject below the national level, other than for the official statistics purposes described in section 5.
- A Welsh Language Impact Assessment has been developed alongside the draft Regulations. Although the publication arrangements will change in respect of Teacher Assessment data below a national level, the Welsh Government will still continue to collect this from local authorities. Officials have worked closely to ensure that data continues to be available and can be used to measure progress towards Welsh Government's commitment to one million Welsh speakers by 2050 to ensure any issues are mitigated. Data on the number of children being assessed in Welsh (first language) will continue to be used as part of the WESP process and data on the language of assessment will continue to be published as official statistics.
- Local authorities are required in their Welsh in Education Strategic Plans (WESPs) to demonstrate how they propose to improve and expand the provision of Welsh-medium education locally. In order to ensure authorities approach this Welsh-medium education planning process in the most strategic way, we expect local authorities to continue to use the data sources available to them to provide baselines and set targets.
- A local authority is required, for example, to demonstrate in its WESP how it is increasing capacity within the Welsh-medium sector by including within it the number/percentage of learners accessing Welsh-medium education or the number/percentage being assessed in Welsh (first language). The Welsh Government requests this information to understand the contextual and background information that forms the basis for the targets. It also provides us with a picture of how local authorities are progressing and moving forward with Welsh-medium and Welsh-language teaching provision and how it feeds through into the national picture. The Welsh Government will therefore continue to need this data to support this aspect of the WESP.

Question 7

Q7.	Please also explain how you believe the proposed policy could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
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Summary analysis

60 of the total responses did not respond (67.4%). Comments from respondents included:

- If amendments to regulations do not inhibit the ability of those using or wishing to use the Welsh language in all the related activities and processes, then the effects upon the language should be positive
- Publications must be available bi-lingually and time scales adjusted to ensure translation time is factored in
- Policy change enables schools to offer a broader curriculum, which includes promoting Welsh. However the success in achieving better standards in Welsh language acquisition is more attributable to improved resources and support for teachers
- Schools and practitioners need to develop levels of Welsh language confidence levels in teachers and learners; there is a need to ensure that people have the adequate training to use the Welsh language
- The compulsory requirement for Welsh language lessons should be removed
- Non Welsh speakers are often treated less favourably than Welsh language speakers. More and better jobs are available for Welsh language speakers due to smaller pools of candidates. This is often at the detriment of other, more suitable candidates
- A need for the Welsh Government to accept that sometimes the best skill sets do not exist in Wales and that outside expertise must be attracted to improve the internal system
- Is the change in policy necessary given that the data will continue to be collected anyway, there appears to be no reason not to continue to publish statistics on the Welsh language at local authority level on an annual basis

- A risk that if Welsh language data is not benchmarked at a national level, but provided by local authorities and regional Consortia, this will result in Welsh-medium schools being compared against just a few schools in some regions
- The consultation document provides a pedagogical rationale for the reforms in question in that it aims to improve the quality of learning in schools, thereby enhancing learners' experience and performance

Welsh Government response

- It is essential that our education system provides sufficient practitioners with high-quality Welsh language skills and competent Welsh-medium and bilingual teaching methodologies.
- The Welsh language Sabbatical Scheme offers methodology and Welsh language training for primary and secondary school teachers, teaching assistants, Further Education lecturers and Work Based Learning providers working in Wales.
- The Scheme gives practitioners the opportunity to improve their Welsh language skills and offers courses at three levels based on proficiency and language of current learning setting. Access to all courses is free of charge. The Welsh Government also reimburses supply costs and participants' travel costs.
- A recent review of the Welsh Education Strategic Plans identified issues with the current legislation in place to support the planning of Welsh-medium education. In response to this, additional work will be undertaken during 2018-19 to review the legislation. This work will be overseen by an independent advisory board.

Question 8

Q.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.
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Summary analysis

65 of the total responses (73%) were unanswered 4 responded 'No', 2 were left blank

Welsh Government response

- As there were no issues raised in response to this question, a response is not appropriate.

Annex: List of respondents by organisation

1. Anon
2. Penygriag Junior School
3. Anon
4. Ysgol Merllyn
5. Maesybryn Primary School
6. Anon
7. Mount Pleasant Primary School
8. Llangedwyn and Llanfechain Church in Wales Primary Schools
9. Anon
10. Anon
11. The Rofft School
12. Anon
13. Llansannor PS
14. Anon
15. Ceredigion Local Authority
16. Anon
17. Anon
18. Anon
19. Anon
20. Anon
21. Anon
22. Anon
23. Anon
24. Gwaunmeisgyn Primary School
25. Ysgol Pont Sion Norton
26. Anon
27. Anon
28. Perthcelyn Community Primary School
29. Anon
30. Ysgol Llanefydd
31. Pencae School
32. Anon
33. N/A
34. Ysgol Maes Y Mynydd
35. Anon
36. Anon
37. YP
38. Anon
39. Comisiynydd y Gymraeg
40. Ysgol Pen Y Bryn
41. Anon
42. N/A
43. Archbishop Rowan Williams CiW Primary School
44. Flintshire County Council
45. NAHT
46. Conwy Primary School
47. Estyn
48. Ysgol Penycae CP School, Wrexham

49. Stafiaith
50. N/A
51. N/A
52. Central South Consortium
53. NASUWT - The Teachers' Union (Wales)
54. Cymdeithas yr Iaith Gymraeg
55. Anon
56. Anon
57. Anon
58. Anon
59. Anon
60. Anon
61. Anon
62. Anon
63. Anon
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67. Anon
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71. Anon
72. Anon
73. Anon
74. Anon
75. Anon
76. Anon
77. Anon
78. Anon
79. EAS
80. ASCL Cymru
81. Anon
82. GwE
83. Anon
84. Anon
85. Swansea Council
86. Anon
87. NEU Cymru
88. Anon
89. UCAC