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Welsh Government  
Consultation – summary of responses

## Draft Welsh in Education Strategic Plans Regulations (Wales) 2019 and Guidance

Date of issue: 7 November 2019

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

## **Draft Welsh in Education Strategic Plans Regulations (Wales) 2019 and Guidance**

<b>Audience</b>	Education bodies involved or interested in Welsh in Education Strategic Plans, including, schools, local authorities, regional education consortia, teaching unions, ESTYN, awarding bodies, practitioners, public bodies and others with an interest.
<b>Overview</b>	This document summarises views on a consultation on proposed changes to the Welsh in Education Strategic plans as set out in draft Welsh in Education Strategic Plans (Wales) Regulations 2019
<b>Action required</b>	For information only
<b>Further information</b>	Enquiries about this document should be directed to: Welsh Language Division Education Directorate Welsh Government Cathays Park Cardiff Wales CF10 3NQ Email: UnedlaithGymraegWelshLanguageUnit@gov.wales



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**Large print, Braille and alternative language versions of this document are available on request.**

<b>Related documents</b>	Cymraeg 2050: A million Welsh Speakers Strategy (2017) Welsh in Education: Action Plan 2017 – 2021 (2017) Rapid Review of the Welsh in Education Strategic Plans 2017-20, (2017) Improving the Planning of Welsh-Medium Education – Recommendations of the Welsh in Education Strategic Advisory Board (2019)
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## Introduction

### About this consultation

The Welsh Government published a 15-week consultation, between 30 May and 13 September 2019, to seek views on the draft Welsh in Education Strategic Plans (Wales) Regulations 2019 and Guidance<sup>1</sup>. This document summarises the responses received, the Welsh Government response and Next Steps. A full list of respondents is included at annex 2. Some respondents asked to remain anonymous and this wish has been respected throughout this summary report.

During this consultation period, Welsh Government also held four public consultation events in schools in Ceredigion, Conwy, Newport, and Rhondda Cynon Taf. Approximately 100 people attended the engagement events, which also included discussions on the promotion of Welsh-medium education and the benefits around bilingualism. Furthermore, a young people's session was held on 1 June 2019 during the Urdd National Eisteddfod with members of Bwrdd Syr IfanC, Urdd's national youth committee.

The consultation asked a total of 10 questions regarding proposals to make changes to the Welsh in Education Strategic Plans (Wales) Regulations 2019 and Guidance. These include:

- **Proposal 1:** Extending the duration of a Plan from its current 3-year implementation cycle to 10 years. This change is introduced by Regulation 4 of the draft regulations.
- **Proposal 2:** Removing the current duty on local authorities to plan their provision of Welsh-medium education based on the results of a parental assessment of demand (as specified in Schedule 1 of the 2013 Regulations). Requiring local authorities to set their own targets in their Welsh in Education Strategic Plans and include provision in the regulations requiring local authorities to have due regard to Welsh Government guidance when calculating their targets.
- **Proposal 3:** New provisions to deal with matters that must be dealt with in a Plan (Regulation 5).
- **Proposal 4:** New provision in relation to the review and revision of a Plan (Regulation 6).

The Welsh Government is grateful to all those who responded to the consultation and who attended the engagement events. The Welsh Government would also like to express its gratitude to the Head teachers of the following schools, Ysgol Bro Teifi, Ysgol y Creuddyn, Ysgol Gwent Is-Coed and Garth Olwg Lifelong Learning Centre, for hosting the events.

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<sup>1</sup> <https://gov.wales/draft-welsh-education-strategic-plans-regulations-wales-2019-and-guidance>

Welsh Government received a total of 72 responses to this consultation:

- 25 responses were submitted through the online consultation (9 of which were of No Response)
- 47 responses were submitted via e-mail

## **Methodology**

The questions were posed as open questions, with no requirement for respondents to note whether they agreed or disagreed with the proposals. A thematic analysis of the qualitative data in the consultation responses was undertaken. The thematic analysis categorised the opinions, comments, statements and issues raised by respondents into overarching themes. The analysis aimed to identify the themes into which the consultation responses most frequently fall. The process for undertaking this analysis was as follows:

1. The responses were recorded against each question and were coded thematically, to identify the themes arising most frequently.
2. One of the researchers then reviewed all the remaining responses to each question to ensure that the identified themes remained constant and to identify new themes arising.

This process ensured that all consultation responses were thoroughly reviewed during the analysis.

## Summary per question

It is important to note that not all respondents provided answers to every question. The number of written comments varied significantly between questions. The number of responses to each question is presented in relevant sections of this report.

### Welsh Government asked responders to consider the following:

**Question 1:** We would like to know your views on proposals to:

- (a) extend the implementation period of a Welsh in Education Strategic Plan to 10 years
- (b) commence the next Plan in 2021 and for progress to be reported according to the academic school year

There was a total of 52 responses to this question

There was a total of 20 no responses to this question

## Summary

Overall, responses were supportive of proposals to extend the implementation period of a WESP to 10 years and to commence the next Plan in 2021 according to the academic school year. Many agreed with Welsh Government that a longer-term Plan could encourage more ambitious planning.

Many responses expressed views around the current three-year timeframe which was felt to be too short a period to implement meaningful change. Frustration around the time spent currently updating the three-year Plan instead of developing and implementing the commitments within them were expressed. This was often followed by comments around the need to allow school and language planning proposals sufficient time to come to fruition, which the current cycle does not allow. Others referred to the opportunity a 10-year Plan brings in terms of improved strategic planning and the benefits around working towards a long-term goal and vision. For example, some responses noted:

*'A 10 year planning cycle can facilitate and support implementation over a long term period, ensuring a longer-term commitment that would allow authorities to anchor the plan in the context of other relevant programmes such as 21st Century Schools, Flying Start etc. and facilitate planning in partnership with other organisations. This should allow for a more strategic approach'*

Alignment of the Plan with the key milestones set in our National Welsh language Strategy, *Cymraeg 2050: A million Welsh speakers* and national Census cycle, were considered

sensible. Many, but not all, also saw benefits in a longer term Plan that enabled various Welsh Government funding streams to be incorporated, specifically the 21<sup>st</sup> Century Schools Capital Programme, as well as other planning or policy requirements, such as childcare or Welsh language promotion strategies.

Where there was disagreement on this point, it was mainly around the challenges faced by local authorities to commit to long term plans without firm indications that additional financial support would be provided. A large number of responses, particularly from local authorities, sought assurances from Welsh Government that additional grant funding (capital/revenue) to support Welsh-medium education planning in line with the proposed changes would be made available. It was suggested that the level of detail needed to make the plan meaningful could only span a few years, 5 at most, with the remainder of the Plan only able to provide an outline vision.

By moving to a 10-year Plan, several responses also referred to the need to set clear milestones along the way in order to keep progress on track. One response noted:

*In the absence of additional powers of enforcement and incentive, we believe that it would be preferable to move to 5-year plans or 10-yearly plans with a formal review in the fifth annum that would provide a definite opportunity for the government to intervene.* [Translation]

Moving from the current financial year period to academic year was generally supported as long as it did not lead to a requirement to report twice. Several responses noted that the reporting requirements around grant and capital funding continue to work within a financial year. Commencing the new cycle of WESPs in 2021 was also generally welcomed.

References were made also to the political uncertainty we are all facing and the impact this may have on school planning over the coming years.

## **Welsh Government Response**

We are satisfied that the responses received reflects our position that moving to a longer term plan supports an improved strategic approach to Welsh-medium school planning. This view was reiterated in all four engagement events held during May-July. WESPs have been criticised for not demonstrating sufficient ambition and drive and a move to a 10-year plan will enable authorities, and the stakeholders supporting them, to plan with an eye to the future. We accept the challenges around committing to long term Plans at a time of such significant change, including a national education reform, increasing financial pressures and political uncertainty. We can see that setting specific milestones or phases of implementation would be helpful and are considering various approaches to address this.

## Question 2:

We would like to know your views on proposals to:

(a) remove the duty for local authorities to Plan their provision of Welsh-medium education based on the results of a parental assessment.

(b) replace this duty with a new provision in the regulations for local authorities to set their own targets in their Plans to increase the percentage of Year 1 learners taught through the medium of Welsh.

(c) require local authorities to have due regard to Welsh Government guidance when calculating the targets to be included in a local authority Plan.

There was a total of 54 responses to this question

There was a total of 18 no responses to this question

## Summary

The proposal to repeal the duty to undertake parental demand assessments as the basis for their strategic planning of Welsh-medium education received general approval. Many responses alluded to the fact that assessments had a very low response rate making the data unreliable and unusable. Some responders believed the duty to undertake this assessment hindered the growth in Welsh-medium education provision. Despite strong support for this proposal, a small number of responses outlined reservations around potential discrimination against parental choice if the duty to assess parental demand was removed.

Several responses agreed with the position outlined in the consultation paper that the Cymraeg 2050 strategy has shifted expectation towards proactively creating demand as opposed to measuring the demand. One response noted that the current practice often leads to authorities/communities responding in a *'reactive rather than pro-active manner to an increase in demand for Welsh-medium education and provision has to catch up with demand as a result'*, going on to say that *'undertaking parental demand assessments has not, on the whole, led to significant improvements in the way that local authorities plan their Welsh-medium provision... It is reasonable to expect local authorities to plan their Welsh-medium education provision in a much more proactive way.'*

On a positive note, some responses highlighted some benefits in continuing to gather information about parental need, others agreeing this could form part of knowledge



gathering exercises related to Welsh-medium education promotional strategies or campaigns. This is seen in the following response:

*'We welcome the removal of the duty to plan based on the outcomes of a demand assessment. This will remove an element of unnecessary bureaucracy. That said, we recognize the value of collecting data and information about parents' intentions and requirements in relation to Welsh-medium education. In the planning process, having accurate knowledge is absolutely necessary. Effective planning for the provision of Welsh-medium education should be based on aspiration and information.'*

A further response added:

*'The removal of the required questions in the regulations would free local authorities to design their own demand surveys / data collection systems to understand local parent intentions and requirements as and when needed.'*

The proposal to replace the duty to assess parental demand with targets to increase the percentage of Year 1 learners taught through the medium of Welsh has also been broadly welcomed. Using Year 1 pupil level annual school census data as the baseline for calculating the target was considered sensible in the main, as well as grouping authorities into different categories demonstrating the differences (whilst also acknowledging similarities) between the 22 local authorities. However, it is clear that this shift in focus also comes with some reservations. Some responders felt more time was required to disseminate the proposal and methodology and another felt the rationale for grouping authorities should be more transparent.

There seems to be general agreement that if the aim of a million Welsh speakers by 2050 is to be achieved, then more young learners need to be offered the opportunity of becoming proficient Welsh speakers. Responses around the approach taken to calculate the individual contribution per local authority over a 10 year period included words such as 'sensible', 'reasonable', 'to be welcomed' and 'beneficial'. Even so, several responses also wished to note that although they had no fundamental objection to the requirement to set a target for the lifespan of the plan, there was a need to recognise the factors that are out of a local authority's control. Factors such as the current political climate, workforce capacity issues and financial insecurities were referenced.

Other responses referred to the potential risk that the targets were overtly focussed on growing Welsh-medium provision through the Welsh-medium immersion route, with insufficient attention directed towards the contribution of the English-medium sector. This point is reiterated in another response which references the Cymraeg 2050 target of 70% of learners (from both the Welsh-medium and English-medium settings) reporting that they can speak Welsh by the time they leave school. They go on to make a further point that the suggested long-term target range per local authority is too low.

## Welsh Government Response:

We are confident following analysis of these responses and the support for this proposal in the engagement events, that we are taking the correct and appropriate action in removing the duty to undertake parental demand assessments as the starting point for Welsh-medium education planning. That is not to say that parental views should not be sought at all. As many responders noted, there are benefits to a demand survey that can be tailored to suit the need.

The proposal that WESPs are based on an overarching 10-year target has been generally well-received. We are also satisfied that the methodology for determining each local authority's contribution to the Cymraeg 2050 milestone targets has been deemed fair and sensible. Welsh Government will need to agree the proposed targets with each authority individually, which will be done at the start of the WESP preparation process.

As several responses noted, the Welsh Government's *Cymraeg 2050* strategy is clear that full Welsh immersion education, by which we mean education that is provided within a Welsh-medium or predominantly Welsh-medium setting, provides the most reliable model for creating fully bilingual individuals. The Welsh Government's vision is to enable all learners to develop their Welsh language skills and to use the language confidently in everyday life. In order to achieve this vision, we must ensure that all learners benefit from a world-class curriculum. As the new curriculum is introduced, the role English-medium settings play in producing learners with the confidence to use their Welsh language skills and the desire to continue their learning in their further education or careers will become clearer. We envisage that role to be an important one with opportunities for Welsh-medium and English-medium settings to develop strong partnerships, sharing good practice and knowledge. The WESP provides the forum to support and encourage those new approaches around the delivery of Welsh as a subject and as a medium of teaching in English-medium, bilingual and Welsh-medium settings.

**Question 3:** We would like to know your views on:

(a) the new statements included in the Schedule to the Welsh in Education Strategic Plans (Wales ) Regulations 2019

(b) setting out in statutory guidance what supporting information local authorities should be including in their Plan.

There was a total of 52 responses to this question

There was a total of 20 no responses to this question

## Summary

The responses suggest a general consensus that the statements setting out what information a Welsh in Education Strategic Plan should contain are reasonable. Comments in favour of utilising data derived from other reporting duties, such as from the Childcare Sufficiency Assessments and review under the Additional Learning Needs and Education Tribunal (Wales) Act 2018<sup>2</sup>, to inform school planning were received. Many welcomed the focus on working in partnership with other organisations (in particular through the Welsh in education planning forums) and local authorities, although one response expressed frustration at the legislative limitations hindering direct reference to the regional education consortia. In addition, the issue of partnership working raised questions around where the ultimate responsibility lies. One response, which was mirrored in several individual local authority responses, noted that some work streams no longer lie within a local authority's control. Matters such as school standards, Initial Teacher Education and workforce planning now sit with the regional education consortia and Welsh Government.

Whilst many respondents approved of the manner in which the statements were set out, a few were critical of the wording, stating that clear targets were needed instead of statements, particularly around matters relating to learner progression and increasing provision of Welsh-medium teaching and learning in English-medium schools. Some responses included specific suggestions to strengthen the wording of statements. One other response noted that there was a need to clarify how the statements contributed to the overarching 10 year target.

The question of adequate funding to support the implementation of these statements featured heavily. All responses from local authorities and/or bodies representing local authorities made the case for increased, or specific funding to support the implementation of WESPs. Funding such as the Education Improvement Grant, and grants to support the Welsh language Charter are currently distributed via the regional education consortia. One response notes that *'although the accountability and the statutory responsibility sit with local authorities...[this]... presents an unacceptable risk as local authorities have to compete at regional level for those consortia resources, leading to winners and losers in the context of resources to implement each county's WESP priorities and outcomes'*.

One response stated that given school funding in Wales was already stretched to the limit, that requirements to undertake additional unfunded objectives would place unmanageable strain on the school system. Concerns around resources and the support needed to deliver on these changes also featured heavily in the engagement events.

Many felt the draft guidance was a useful tool to prepare and implement a WESP. There were a few, however, that called for greater clarity around the methodology for introducing the main 10 year target, specifically around the criteria for grouping authorities. Others felt

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<sup>2</sup> <http://www.legislation.gov.uk/anaw/2018/2/contents/enacted>

the requirements to be too onerous citing concerns that demanding local authority education budgets could not support the actions.

## **Welsh Government Response**

We are satisfied that there is general agreement that the statements cover a broad spectrum of considerations – all necessary to enable strategic planning of Welsh-medium education. However, we must acknowledge that responses received from local authorities and other education stakeholders felt that their ability to respond to the requirements in the Schedule could be hindered by lack of direct funding, questions around accountability and challenges around partnership working.

With regard to the statements themselves, it is worth noting that the new draft regulations propose that a Plan contains a reduced number of statements than what is currently required.

We will consider very carefully all suggestions and options of alternative wording relating to specific statements. We are grateful to those who have provided an alternative approach. Where there have been calls for greater clarity regarding the interpretation or scale of some statements, these will be addressed by amendments either in the Schedule to the draft regulations, the guidance or both.

We appreciate that a local authority is not able to respond to all elements of Welsh in education planning by itself, and that there is a need for other stakeholders to support this work. The shift in focus in some statements relating to authorities working in partnership instead of being the sole deliverer is recognition of this fact.

As a government, we are fully aware of our place in that partnership. We are clear that it is Welsh Government's responsibility to lead the national response to matters such as initial teacher education, workforce and resource issues. However, we need local authorities and other stakeholders to support us in identifying the gaps that need addressing. This is why these matters continue to be included in WESP requirements. We appreciate that working in partnership comes with its challenges. However we are in no doubt that local authorities are best placed to facilitate these discussions and to bring the different parties to the table.

In response to some concerns around the guidance, it should be noted that the guidance is there to aid preparation and implementation of a WESP. We know that the guidance is often used by local authorities as well as other stakeholders to help identify the different roles and responsibilities when preparing as well as implementing a Plan. Suggestions made in the 'planning consideration' sections should be viewed as planning aids and are often good practice examples collated from local authorities over the years. The use of 'must' refers directly to legal requirements whereas the use of 'should/could' offers a suggested approach to planning.

We will review the guidance over the coming weeks and months to ensure the right balance and tone between legislative requirements and practical outcomes are set.

**Question 4:** We would like to know your views on proposals to:

(a) require local authorities to review their Plans annually and submit an annual progress report to the Welsh Ministers based on the review.

(b) the requirement that local authorities to submit their revised Plan to the Welsh Ministers for approval within 4 months of the review if the local authority deems it necessary to revise the Plan.

There was a total of 42 responses to this question

There was a total of 30 no responses to this question

## Summary

Responses generally supported the introduction of a concise, annual progress report, although several responses indicated to some confusion as to whether an annual review and an annual progress report were two separate documents. With regard to the progress report, several responses asked for clarity around the type of information that would be required, and the level of detail expected.

There was general consensus that the focus should be on carrying out the actions of a Plan instead of adding any unnecessary bureaucracy. The majority of responses felt this was particularly relevant given the current climate of reduced resources and financial uncertainty. Several responses queried whether the proposed approach would, in fact, lead to increased bureaucracy and if this were the case, would be a cause of concern if not supported by additional funding. The number of responses citing similar concerns suggest that the regulations and/or the guidance document was not sufficiently clear on this point.

Several responses, submitted by local authorities in the main, noted that in moving to a long term Plan, clear implementation milestones should be set at 3 year or even 5 year intervals with the monitoring of a Plan taking place in line with these implementation milestones. Others, however, felt that the focus on regular monitoring and evaluation of a Plan was a sensible and pragmatic approach to planning.

## Welsh Government Response

Section 84 of the School Standards and Organisation Act 2013<sup>3</sup> states that a local authority must keep its plan under review, and if necessary, revise it'. Interpretation of the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 has led to the resubmission of a fully revised WESP by local authorities every year. We are acutely aware of the increasing demand on resources faced by local

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<sup>3</sup> <http://www.legislation.gov.uk/anaw/2013/1/section/84>

authorities and for exactly that reason, it was our intention to propose a reporting structure that reduced this bureaucracy. We do not want local authorities spending their time re-drafting WESPs when that time could be better spent.

It seems this was not adequately communicated in our consultation documents and/or in the regulations themselves. We wish to clarify that the proposed reporting structure does not include a requirement for LAs to revise the plan each year (as is current practice).

For accountability purposes, we believe that an annual update, in the form of a concise progress report is reasonable and commensurate and based on the consultation responses, we are satisfied this approach is the right one. This is the only annual report that would be submitted to Welsh Government.

With regard to submitting a revised Plan, provisions are included in the draft regulations to revise the Plan only if, after having submitted the annual progress report, it is clear that a revised Plan is necessary. We will consider whether or not this provision needs further clarification.

We support views made around education not being the only route to reach the Cymraeg 2050 ambition of a million Welsh speakers. There also needs to be focus on adult education and other routes to becoming a Welsh speaker. The statutory requirement for a local authority to prepare a WESP, however, sits under the School Standards and Organisation Act 2013 and the draft regulations discussed in this consultation must focus on statutory Welsh-medium education provision. For clarity, this also includes post-16 provision available in schools.

We would encourage authorities to monitor progress of a Plan throughout the year and to work with their Welsh in Education Planning forums to support them. Although it is the local authority that is under a duty to prepare a WESP, we know that it is unrealistic to expect such a task to be achieved alone. The majority of authorities already have established Welsh in Education Planning forums that typically meet 2 - 4 times a year. We also know that forums are at their most effective and proactive when clear actions and targets have been agreed and shared amongst WESP partners for the year ahead. The new reporting requirements should lead to forums working better together, with greater focus and direction.

We take on board comments regarding the need for Welsh Government to improve the sharing of good practice amongst local authorities. A suggestion was made during the engagement events that an annual/bi-annual national WESP forum to share good practice was needed. Please refer to the external factors section of this report which provides information about the WESP conference scheduled for early next year.

**Question 5:** Do you have any other comments on the draft 2019 Regulations and statutory guidance?

There was a total of 37 responses to this question

There was a total of 35 no responses to this question

## Summary

Concerns over funding to support WESP implementation by local authorities were reiterated here. Specifically, funding relating to supporting Welsh-medium education that is distributed by Welsh Government via regional consortia. One response said:

*If the whole plan is to succeed then the authority's capacity to operate must be increased. We need a fair, secure and sustainable funding regime over the 10-year period for this local authority to operate successfully on the scheme as a whole'*

[Translation]

Another response queried how changes to the WESP would work with duties under the School organisation code and visa-versa. Other responses included specific suggestions or requests to strengthen the guidance document. One such suggestion focussed on the need to review the guidance to reflect more accurately provisions in the regulations relating to learners with additional learning needs and workforce planning. Another response called on Welsh Government to 'clearly define its expectations in relation to section 10 of the *Learner Travel (Wales) Measure 2008*'. This matter is also raised in several other responses stating that the current WESPs do not acknowledge that learners wishing to continue their post-16 studies through the medium of Welsh often have to travel greater distances in order to access such provision. One response goes on to remind the Welsh Government that ensuring young people continue with their studies through the medium of Welsh is crucial if we are to attract more students able to teach Welsh and through the medium of Welsh back into the teaching profession.

Comments around the need to be clear in the statutory guidance about what is meant by a language continuum were made. Responses stated that this lack of clarity, heightened by the ambiguity around what is considered a Welsh-speaking school or what the linguistic outcome learners attending English with significant Welsh or bilingual schools could be.

Some responses felt that planning considerations around childcare workforce planning were not present in the statements and called for this to be rectified post-consultation.

## Welsh Government Response

Discussions are underway to ensure the School Organisation Code is revised to reflect changes to the WESP. This, however, needs to coincide with policy developments around

the review of the language designation of schools according to their provision of Welsh. These definitions are required under the School Organisation Code for school planning purposes. Clarity around the definition of a Welsh-speaking school is also required for the purposes of differentiating achievement/progress outcomes when the new curriculum is introduced. An external review has been formally underway since January 2019 and a draft report submitted that includes options for simplifying the current definitions and categories of schools. We are considering various options for delivering this policy aim.

The Childcare Act 2006 and the statutory childcare guidance stipulate that local authorities are required to undertake a full assessment of childcare provision in their area and to produce a childcare sufficiency assessment. Local authorities must consider Welsh-medium provision when compiling these assessments, including consideration of workforce development and training needs.. Local authorities will be expected to demonstrate that both the childcare sufficiency assessment and the Welsh in Education Strategic plan support each other effectively to encourage and facilitate long-term growth in Welsh-medium education.

We will review the draft guidance in response to the specific recommendations made during the course of this consultation and amend as appropriate to ensure clarity with regards to these matters.

### **Summary of questions relating to impact assessments, including the draft Regulatory Impact Assessment (Question 6- 9)**

**Question 6:** We would like to know your views on our approach for the Regulatory Impact Assessment. Do you have any comments regarding the costs outlined for the options, or any comments regarding the benefits and dis-benefits identified for both options?

**Question 7:** Do you agree with our approach for the Impact Assessments? We would particularly value your view on the proposed impacts on groups with protected characteristics.

**Question 8:** We would like to know your views on the effects that the draft 2019 Regulations would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?



**Question 9:** Please also explain how you believe the proposed policy for the draft 2019 Regulations 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

Question 6

There was a total of 37 responses to this question

There was a total of 35 no responses to this question

Question 7

There was a total of 38 responses to this question

There was a total of 34 no responses to this question

Question 8

There was a total of 34 responses to this question

There was a total of 38 no responses to this question

Question 9

There was a total of 35 responses to this question

There was a total of 37 no responses to this question

## Summary

There was a general consensus that the changes proposed to the draft regulations would increase opportunities for all young people to learn and use the Welsh language and would not lead to adverse effects on the language. Several responses noted that they did not feel these proposals would negatively affect groups with protected characteristics, adding that they would likely have a positive impact on learners of all characteristics as the acquisition of two or more languages is a learning activity that can benefit all pupils.

It should be noted that a few responses stated that the draft impact assessments lacked detail in areas, specifically around learners with additional learning needs and the requirements under the new Additional Learning Needs and Education Tribunal (Wales) Act 2018.

Where there were concerns, they laid predominantly with the draft Regulatory Impact Assessment (RIA). All local authority responses, including those from 4 other education organisations and unions, expressed strong opinions on the draft assessment. Responses alluded to additional costs associated with planning Welsh-medium provision (capital, revenue as well as staffing resource) that were not adequately reflected in the draft RIA included as part of this consultation.

However, one response noted that the benefits of making new regulations outweighed the dis-benefits. Another response felt the main benefit of introducing new regulations is that they respond robustly to the challenges presented by the Cymraeg 2050: A million Welsh speakers strategy stating that *'It recognises the pivotal role of education in achieving this aim and the way in which the education sector needs to be transformed in certain ways'*. Another response however, noted that *'... It cannot be assumed that this shift incurs no costs. And as other funding pressures bite, it must not be assumed that local authorities can simply switch funding from other areas.'*

### **Welsh Government Response**

Whereas the proposals set out in this consultation do not, as the majority of responses seem to agree, have negative effects on groups with protected characteristics overall, we appreciate some areas may need reviewing. Reference has been made to the need to strengthen sections around new arrangements for learners with additional learning needs in line with the Additional Learning Needs and Education Tribunal (Wales) Act 2018. We commit to addressing these concerns, as well as specific sections of the Regulatory Impact Assessment, before proceeding to lay the Regulations. We remain confident that the proposals introduced by the draft regulations will lead to better planning, reduced bureaucracy and greater efficiency.

**Question 10** – 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.

There was a total of 48 responses to this question.

There was a total of 24 no responses to this question

### **Summary**

Matters already raised as part of the response to questions 1-5 were reiterated here. These include matters relating to uncertainties around funding, workforce recruitment and retention, as well as matters relating to other policy areas including capital funding, school organisational code, and learner travel arrangements.

### **Welsh Government Response**

Please refer to Annex 1 of this summary response.

## **Overall Summary and Next steps**

The Welsh Government would like to take this opportunity to thank everyone who took the time to respond to this consultation. The Government also wishes to thank the WESP Advisory Board for their work between May 2018 – March 2019 in scrutinising our proposals to reform the planning framework through the WESP. Having considered all responses carefully, we remain fully committed to laying a revised set of regulations enabling a fresh approach to planning Welsh-medium education provision through the Welsh in Education Strategic Plans.

We are satisfied the proposals outlined in the consultation document and introduced in the draft regulations are welcomed overall. We know that a 3 year planning cycle and the duty to undertake a costly and ineffective demand assessment is detrimental to our national commitment to develop Welsh-medium education provision and future bilingual citizens. The regulatory framework is not fit for purpose. It will not provide the regulatory infrastructure that is needed to realise our ambitions for the Welsh language. The consultation responses reaffirm this view.

We take on board recommendations to clarify certain requirements around the review and monitoring of a Plan and its form and content. We will address this by proposing amendments to the schedule to regulation 3 and also potentially, to regulation 7. The guidance to the regulations will also be reviewed and amended as appropriate.

With regard to concerns around the support needed to implement the new WESPs, we need to be open and honest about the fact that there are no quick answers to the national and local challenges faced. Our aim in revising the arrangements around producing a Plan will ease the administrative burdens attached to the current framework. As a result of this consultation, we hope that clarifying our expectations in relation to the review and monitoring of a Plan will alleviate pressure around the challenge of longer term planning even further.

We will continue to work towards laying the amended draft Welsh in Education Strategic Plans (Wales) Regulations 2019 before the National Assembly for Wales in December 2019. The regulations would come into force end of January 2020, with the guidance published in February 2020.

Publishing the guidance in February 2020 will allow sufficient time to prepare the new WESPs. The draft regulations make provisions enabling the next cycle of WESPs to commence in September 2021 with current Plans remaining in place during the transition to the new WESP arrangements.

## Annex 1

### **External factors**

This consultation has brought to the forefront a wide range of views around effective Welsh-medium education planning through the Welsh in Education Strategic Plans (WESP). Support for the proposed changes as well as the external factors effecting delivery has already, and will continue to impact cross-cutting policy areas within Welsh Government. Cross-ministerial working demonstrated through the Welsh-medium education capital grant and Childcare capital grant is one recent example of how this alignment can lead to positive outcomes. That is not to say that we do not recognise areas where crossover policy areas need greater attention.

A number of specific key themes were identified during analysis of the consultation responses. Although outside of the scope of the consultation itself, it is only right that appropriate attention is given to these matters and as such, we feel it prudent to address these matters here.

#### Financial implications

Some responses identified the need for additional financial investment to enable full and effective implementation of the new WESP. Welsh Government cannot be certain of its funding beyond 2020, although funding to support school modernisation and organisation will always be a necessary part of the Government's delivery programme for Wales.

The total investment from Welsh Government and delivery partners for Band A, 21<sup>st</sup> Century Schools and Colleges Capital Programme currently stands at £3.7 billion, with over £1.4 billion invested over the last five years, and a further £2.3 billion investment planned for the next phase. In the first five year wave of investment, our aim was to rebuild or refurbish 150 schools and colleges across Wales, which we have achieved. We have surpassed the target with 170 projects already approved. To date 151 projects have been completed and a further 19 projects are under construction. The primary aims of the programme are to:

- Reduce numbers of poor condition school buildings
- Reduce surplus capacity
- Reduce running costs so as to maximise resources available to target improvements to learner outcomes
- Address specific demand for places in Welsh medium and Faith Based provision.

£110 million additional grant funding has been allocated to local authorities and colleges via the Childcare Offer Capital Grant, Community Hubs Grant, Reducing Infant Class Sizes Grant, VA Urgent Repairs Grant, and Digital 2030 Grant.

Despite views expressed during this consultation that short-term grant funding does not sufficiently address long-term planning needs, we know that addressing gaps in provision with a one-time injection of funds can have far-reaching effects. During 2018 a combined Welsh medium Capital and Childcare offer grant fund of £46m was established to support the growth in Welsh medium education provision. This enabled Welsh Government to support some 46 projects across 20 local authorities which will, when all projects are realised, lead to an additional 2818 school and childcare places for Welsh medium learners. This funding boost will go some way to support the increase in provision needed to respond to the Cymraeg 2050 ambition and the new WESP arrangements.

WESPs are not all about planning school buildings. They are also about maintaining, supporting and strengthening already established Welsh-medium education provision reflecting our vision for Wales as a bilingual country. Members of the Bwrdd syr IfanC youth forum felt strongly there was a need to do more to celebrate the benefits of a Welsh-medium education and the doors it opens to experience new opportunities, opportunities with the Urdd and opportunities to expand young people's horizons. We recognise that communicating the benefits of a bilingual or predominantly Welsh-medium education provision requires resources. The engagement events included lively discussions around the promotion of Welsh-medium education, such as what it means, what works, what the challenges are.

We will be launching a WESP Support Programme early next year which will include a suite of resources to support WESP planning and implementation. Focus will be on providing a tailored approach to language planning practices; Supply of digital resources and web content based on east framework (how to make choices easy, attractive, social and timely) and choice architecture research; Opportunity to apply for concentrated consultancy support around individual WESP implementation needs; Training around the benefits of being bilingual, and more. For the first time, we will also facilitate a WESP conference early in the new year providing opportunity for anyone involved in the implementation of a WESP to share good practice, learn more about language planning principles and promotion nationally, regionally and locally, so that a better understanding of, and support for, bilingualism and the needs of all Welsh learners can be achieved. More information will be provided about the conference in due course.

#### Welsh-medium education workforce, including Initial Teacher Education (ITE)

Welsh Government is aware of the challenge to recruit teachers in Wales. For the Welsh-medium sector, we already know what our short, medium and long-term targets are, as outlined in *Cymraeg 2050*<sup>4</sup>, and the need to make better use of data and intelligence to maximise the impact of our actions.

Early indications of progress against the 2021 targets suggest that we are heading in the right direction, but that there needs to be a specific focus on increasing the number of

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<sup>4</sup> <https://gov.wales/sites/default/files/publications/2018-12/cymraeg-2050-welsh-language-strategy.pdf>

secondary teachers who can teach Welsh or other subjects through the medium of Welsh. Some of the current actions in place to address this shortfall include:

- the continuation of the *Iaith Athrawon Yfory* incentive targeting secondary PGCE student teachers training to teach all subjects through the medium of Welsh or bilingually. The incentive is in addition to other incentives available for student teachers, and is a total of £5,000.
- Close working with the Education Workforce Council (EWC) and new ITE providers to complement and support recruitment across Wales and the implementation of a digital media campaign marketing to specific groups of potential teachers, including Welsh-medium graduates.
- The development of alternative routes into teaching via part-time and in-service routes. We will consider the Welsh-medium sector as these pathways are implemented.
- A programme of activities aimed at increasing the number of learners studying Welsh at A Level and promoting a pathway into teaching Welsh as a subject.

Meeting the target for increasing the number of Welsh-medium teachers will require effective collaboration between a number of stakeholders, including local authorities. The 'Education (Supply of Information about the School Workforce) (Wales) Regulations 2017' will enable us to collect better data information on Welsh language skills, teaching ability and time commitment. The first School Workforce Annual Census will be held in November 2019 and will allow for more effective planning of the school workforce to better understand Welsh-medium teaching capacity.

In addition to using data sources, we need to make better use of intelligence that we have from the WESPs, 21<sup>st</sup> Century Schools Business Plans and School Organisation Proposals to understand where new Welsh-medium schools will be opened or additional Welsh-medium education capacity will be created over the next 10 years, in order to inform workforce planning. This intelligence will help us to understand where we will need to increase teaching capacity to help inform ITE intake or alternative routes provision.

The Welsh in Education Strategic Plans need to provide valuable intelligence from a local level to inform future workforce planning. Local authorities should be providing information under the specific outcome in the WESP on workforce planning that projects the number of teachers/leaders required during the planning period, using school-level and local authority level data.

The new Professional Standards for Teaching and Leadership places an expectation on all practitioners to continuously develop their Welsh language skills throughout their careers. The delivery of high quality professional learning to improve practitioner skills is essential. Provision to support Welsh language skills development is currently delivered via the Sabbatical Scheme and regional consortia, working in partnership with local authorities. Welsh Government currently invests in excess of £5million per financial year in this provision.

This specific provision should be seen within the context of the wider developments for Professional Learning. In the autumn of 2018 the new National Approach to Professional Learning was launched, this “made in Wales” approach to professional learning marks a key point in the reform journey. Integral to the National Approach is ensuring that professional learning for our practitioners is adequately resourced including both financial resources and time for teachers and leaders to engage with high quality development opportunities. The National Approach aligns with the new professional standards, the Schools as Learning Organisations approach and professional learning model, to create a vision fit for the evolving education system in Wales for all educational practitioners, not just teachers. We are committed to ensuring that all practitioners receive the support they need to deliver our new transformational curriculum.

We have also made available an enhanced funding package of an additional £24m (available to March 2020) to ensure all practitioners are prepared for the roll-out of a new curriculum in Wales. The funding has been passed in its entirety to schools and can be used flexibly to allow schools to work together in ways that suit their own circumstances. The funding is to create the time and space for practitioners and leaders to work together in their own settings and across networks to prepare for the new curriculum, we also consulted on proposals to extend existing INSET arrangements to introduce an additional INSET day in 2020 for a three year period.

As outlined above, the School Workforce Annual Census will provide better school level information about the Welsh language skills of practitioners. This data needs to be used on a local and regional level to inform school development plans and professional learning offer to ensure that provision can meet the needs of practitioners.

The e-sgol project was launched in 2018 to provide new opportunities for students in rural areas of Wales to access an increased choice of subjects, taught through the medium of Welsh and English at the higher levels of study to GCSE/A level. The project has enabled students from different schools to access teaching electronically from qualified and experienced teachers. Teachers can provide the pupils with live feedback instantly and pupils can contribute orally to the lesson as if the teacher were in the same room. The system can also create links with other providers such as Universities to provide enrichment sessions for AS and A Level. The e-sgol project is based on the Scottish e-sgoil scheme.

A pilot programme for the e-sgol project was undertaken in Ceredigion during 2018/19. The second pilot year planned for 2019/20 will expand the e-sgol provision to include schools in Powys and Carmarthenshire. This project could be further expanded to create a national platform for the e-sgol so that schools from all over Wales could make use of this model and support partnerships between schools and enrich provision for pupils in years 10-13.

#### School designations according to their provision of Welsh

Welsh Government is aware that the current system for designating and defining schools according to their provision of Welsh-medium education needs reviewing. Our monitoring of WESPs confirm there is growing disparity between how a school is designated; the

information given to parents, local authorities and Welsh Government about the linguistic category of the school; and the actual linguistic day-to-day provision available to pupils.

This creates a potentially inaccurate picture of Welsh language teaching and learning in Wales. More importantly however, it does not provide parents and guardians with clear information around the medium of instruction at schools in their area in order for them to make an informed choice for their child.

An independent advisory board was established in May 2018 to take forward recommendations made in the Rapid Review of WESPs in 2017. Issues relating to the complex arrangements and process around designating and changing the designation of a school according to its provision of Welsh was raised as a concern and as such, was included in the advisory board's summary report recommendations<sup>5</sup>.

The Minister for Education approved the commissioning of a review of the current system for designating schools in terms of the medium of learning and instruction.

Meirion Prys Jones, former Chief Executive of the Welsh Language Board has been formally leading the review into language designation since January 2019. A draft report has been submitted and is currently being considered by Welsh Government. Colleagues across several policy areas including Welsh Language, Curriculum, Legislation, School organisation and School information are involved in this work.

The aim is to consult on high level options to redefine school designations according to the provision of Welsh over the coming months. This may lead to revision of the School Organisation Code and potentially new guidance around school designations.

### School transport policy

The Learner Travel (Wales) Measure 2008 <sup>6</sup> sets out the duties on local authorities, Welsh Government and head teachers to provide safe transport for learners. With respect to local authorities they must;

- Assess the travel needs of learners in their authority area up to the age of 19
- Provide free transport for learners of compulsory school age attending primary school who live 2 miles or further from their nearest suitable school (as determined by the local authority)
- Provide free transport for learners of compulsory school age attending secondary school who live 3 miles or further from their nearest suitable school
- Promote access to Welsh medium education when exercising their functions under the Measure
- Promote sustainable modes of travel when exercising their functions under the Measure

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<sup>5</sup> <https://gov.wales/sites/default/files/publications/2019-05/improving-the-planning-of-welsh-medium-education.pdf>

<sup>6</sup> <http://www.legislation.gov.uk/mwa/2008/2/contents>



- Must give any information or other assistance to other local authorities that is reasonably required to assist them in their performance of their functions under the Measure
- Must give information and assistance to head-teachers about the behaviour of learners being provided transport through the Measure.

Since the Learner Travel (Wales) Measure 2008 was made, other legislation and strategies have been introduced that impact on learner travel including, Additional Learning Needs and Education Tribunal (Wales) Act 2018; Well-being of Future Generations (Wales) Act 2015, Welsh language Measure 2011 and Cymraeg 2050: A million Welsh speakers strategy, amongst others.

This is a matter that requires a cross-ministerial approach. Discussions have been taking place between the relevant Ministers to address concerns around home to school transport policies in relation to the Learner travel Measure 2008. An announcement will be made around this in due course.

## Annex 2

<b>List of respondents</b>
ADEW
Aneurin Jones, Cymdeithas yr Iaith
Angharad Dafis
Bwrdd Syr IfanC, Urdd Gobaith Cymru
Caerphilli County Council Borough
Cardiff Welsh Education Forum
Central South Consortium
Children's Commissioner for Wales
Cllr. Richard John, Cabinet Member for Education, Monmouthshire County Council
CYDAG
Cymdeithas yr Iaith
D Eifion Wynne
Denbighshire Council
Dewi Morris, Cymdeithas yr Iaith
Dyfodol i'r Iaith
Education Department, Gwynedd Council
Education Department, Newport City Council
Education Directorate, Swansea Council
Education Service, City of Cardiff Council
Education Workforce Council
Estyn
Fitzalan High School

Flintshire County Council
Graham Berry, Newport City Council
Gwerfyl Price, Cymdeithas yr Iaith
Gwyn Roberts
Ian Smith
Joanne Boycott
Kirsty Usher
Meic Haines, Cymdeithas yr Iaith
Merthyr Tydfil County Borough Council
Mudiad Meithrin
NAHT Cymru
National Deaf Children's Society Cymru
National Education Union Cymru
Neath Port Talbot County Borough Council
Peredur Williams, Cymdeithas yr Iaith
Prifysgol Bangor
Qualifications Wales
RhAG
SNAP Cymru
The Catholic Education Service
UCAC
Vale of Glamorgan Council
Welsh Language Commissioner
WLGA
Y Coleg Cymraeg Cenedlaethol

The remaining respondents asked to remain anonymous

