

WELSH GOVERNMENT INTEGRATED IMPACT ASSESSMENT

CURRICULUM FOR WALES CURRICULUM AND ASSESSMENT BILL

July 2020

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SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

1.1 Background

As outlined in *Education in Wales: Our national mission*, the Welsh Government is working to develop transformational curriculum and assessment arrangements in Wales. We want to enable young people to have higher standards of literacy and numeracy, become more digitally and bilingually competent, and to develop as enterprising, creative and critical thinkers. The new arrangements have equity and excellence at their core and help to develop confident, capable and caring citizens.

Education is our national mission. Nothing is so essential as universal access to, and acquisition of, the knowledge, skills and experiences that our young people need for employment, lifelong learning and active citizenship. As a nation, we need to equip our learners for the world ahead. They face a future of rapid technological, social and economic change where adaptability, creativity and digital skills will be the key.

In collaboration with practitioners, the guidance published in January 2020 was drafted as a clear statement of what is important in delivering a broad and balanced education. The four purposes of the curriculum are the shared vision and aspiration for every child and young person in Wales, that they become:

- ambitious, capable learners, ready to learn throughout their lives;
- enterprising, creative contributors, ready to play a full part in life and work;
- ethical, informed citizens of Wales and the world; and
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

Schools will be required to develop a curriculum which enables learners to progress towards these four purposes.

In fulfilling these, we set high expectations for all, promote individual and national well-being, tackle ignorance and misinformation, and encourage critical and civic engagement.

The Bill is intended to provide legislative support for the Curriculum for Wales framework. It ensures that every school will have the opportunity to design and implement their own curriculum within a national approach that ensures a level of consistency.

The guidance is intended to be at the heart of teacher, school and national efforts which seek to raise standards for all, tackle the attainment gap and ensure an education system that is a source of national pride and enjoys public confidence.

The Curriculum for Wales will contribute to our goals as a nation as set out in the Well-being of Future Generations (Wales) Act. Providing an education for our children and young people led by the four purposes is central to improving the social, economic, environmental and cultural well-being of Wales. It is also an important vehicle for embedding in the United Nations Convention on the Rights of the Child in the experience

of learning and teaching for our children and young people and in giving them an understanding of their rights.

Published in 2015, *Successful Futures: Independent Review of Curriculum and Assessment Arrangements in Wales* set out practical and fundamental issues with the existing curriculum and assessment arrangements in Wales, including:

- levels of achievement not as high as they should be (as evidenced by PISA and Estyn);
- an Organisation for Economic Co-operation and Development (OECD) review in 2014 which concluded the current assessment and evaluation arrangements are unsatisfactory in improving performance amongst a high proportion of Welsh young people;
- lack of continuity within education and during transition between stages;
- poor educational experience for young people at Key Stage 3; and
- a national curriculum devised in 1988 does not reflect the world that young people are living in now and the implications of a changing world on what and how young people need to learn.

1.2 Long term

The new curriculum and assessment arrangements have been developed to ensure they are fit for a rapidly changing world, and to ensure education delivers its priorities and addresses the potential needs of business and the economy in the future. A nation's prosperity, cohesion and well-being are built upon a successful education system.

The four purposes for the curriculum provide the starting point for all teaching and learning, providing expectations for learners to develop the skills, knowledge and approaches to learning that will form the basis for what they need throughout their lives.

1.3 Prevention

Disadvantage, in many forms, has an effect on the educational achievement of children and young people. The curriculum framework forms the basis of statutory education and has been designed to engage the interest of all learners to enable them to make progress. This has important implications for their adult lives. The four purposes of the curriculum contribute to breaking multiple negative cycles by supporting children and young people to develop as: ambitious, capable learners; enterprising, creative contributors; ethical, informed citizens; and healthy confident individuals.

Education in Wales: Our national mission sets out the Welsh Government's aim to create strong and inclusive schools committed to excellence, equity and well-being to support the development and implementation of transformational curriculum and assessment arrangements. Another key action outlined in the strategy is to expand the Pupil Development Grant (PDG), building on its success in narrowing the attainment gap and breaking barriers to learning.

Underpinning this work is a belief that someone's ability to benefit from education should not be determined by where they live or what their income is. The Framework is designed to support schools to develop their curricula for all learners with a focus on a more personalised approach to progression in learning. The refined guidance provides that schools should consider gaps in attainment when developing their curriculum. A critical part of raising aspirations for all learners and addressing different gaps in attainment is ensuring that all learners are supported to realise the four purposes through a broad and balanced curriculum. This includes gaps influenced by different socio-economic backgrounds but may be far wider. The flexibility of the new arrangements allows schools and funded non maintained settings to provide different support to different learners to meet high expectations and to tackle different gaps in attainment.

Guidance in respect of the Health and Well-being Area of Learning and Experience (AoLE) draws on subjects and themes from mental, physical and emotional well-being. All six AoLEs in the new arrangements will have parity, making mental health and supporting well-being key elements of the curriculum. While the new curriculum will be instrumental, developing positive health and well-being in learners is a wider issue, which is highly dependent on a whole-school approach. This is supported by Relationships and Sexuality Education (RSE) which seek to nurture and develop learners' understanding of the influences that can affect them, both positively and negatively, to support them to develop respectful, healthy relationships. This helps learning on supporting the prevention of negative outcomes as a result of negative relationships and behaviours.

1.4 Integration

The new curriculum is designed so it maximises its contribution to each of the seven well-being goals outlined in the Well-being of Future Generations Act 2015 shown below:

A prosperous Wales	<ul style="list-style-type: none"> • One of the four purposes of the new curriculum is to enable 'enterprising, creative contributors, ready to play a full part in work and life' and schools' curricula will be required to enable learners to progress towards this. • Learning about careers and work-related experiences is embedded throughout the guidance to help ensure learners gain insight into work and careers and build employability skills across the curriculum • The cross curricular skills of literacy, numeracy and digital competence will be mandatory across the curriculum to ensure learners are grounded in these skills which are fundamental for success in throughout life and for a prosperous Wales. • The guidance includes renewed focus on skills integral to the four purposes, including personal effectiveness and creativity and innovation.
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A resilient Wales	<ul style="list-style-type: none"> • The characteristics which underpin the four purposes contribute to raising awareness of biodiversity and ecology: Under ethical, informed citizens all learners show their commitment to, and recognise their dependence on, the sustainability of the planet; understanding and considering the impact of their actions when making choices and taking action. Schools' curricula will need to ensure that learners progress towards these purposes. • The new curriculum guidance allows and encourages teaching to emphasise biodiversity and ecology in learners' local environments (Science and Technology AoLE), whilst also facilitating a broader world view (Humanities AoLE). • Guidance on local, national and international contexts for all learning provides that learners should develop local, national and international citizenship and can respond to environmental challenges in each.
A healthier Wales	<ul style="list-style-type: none"> • One of the four purposes of the new curriculum which will be provided for in legislation is to enable 'healthy, confident individuals, ready to lead fulfilling lives as valued members of society' and each AoLE contributes to this purpose. • The proposals for Relationships and Sexuality Education (RSE) are intended to raise the profile and quality of the learning experience in this area and ensure it receives proper emphasis. • Schools will be required to include the Health and Well-being Area of Learning and Experience statements of what matters and progression in their curriculum, providing significant focus on learners' health and well-being.
A more equal Wales	<ul style="list-style-type: none"> • One of the four purposes of the new curriculum which will be provided for in legislation is to enable 'ambitious, capable learners, ready to learn throughout their lives' and each AoLE contributes to this purpose. • Schools' curricula will be studied up to the age of 16, ensuring a continuum of experience through compulsory education and ensuring breadth of learning is maintained. The new curriculum Framework removes 'phases and key stages' and instead includes a continuum from age 3 to 16 with learning progression as a fundamental principle. There are principles of progression, supported by descriptions of learning, providing more detailed guidance on progression across the curriculum. These descriptions articulate what it means for a learner to progress along the continuum of

	<p>learning and provide reference points for the pace of that progression.</p>
<p>A Wales of cohesive communities</p>	<ul style="list-style-type: none"> • One of the four purposes of the new curriculum which will be provided for in legislation is to enable 'healthy, confident individuals, ready to lead fulfilling lives as valued members of society' and each AoLE contributes to this purpose. • The guidance provides clear focus on the importance of learners developing an understanding of the diverse range of values, identities and perspectives which form part of contemporary Wales. The guidance also provides that schools' curricula should look to embed diversity as a cross cutting theme. • Religion, Values and Ethics forms part of the Humanities AoLE and will be compulsory from 3 to 16, enabling learners to gain insight into a broad range of cultures and philosophical perspectives.
<p>A Wales of vibrant culture and thriving Welsh Language</p>	<ul style="list-style-type: none"> • The proposals include mandatory learning of Welsh and English for all learners up to 16. • The new arrangements include guidance that learners should have the opportunity to develop their identity through exploring questions of culture, language and belonging in their locality and in Wales. It emphasises the importance of developing a curriculum which reflects and values Wales. • The proposals will enable schools and settings to fully immerse learners in the Welsh language. • In the new Curriculum for Wales, Welsh forms part of the Languages, Literacy and Communication AoLE, along with English and other international languages. Progression in Languages, Literacy and Communication is based on a continuum of learning. This starts with little or no language and develops towards proficiency/fluency. Schools and practitioners will use this to develop Welsh in the curriculum and learners aged 3 to 16 years old will be expected to make progress in Welsh along this continuum.
<p>A globally responsible Wales</p>	<ul style="list-style-type: none"> • One of the four purposes of the new curriculum is to enable 'ethical, informed citizens of Wales and the World' and learning across a school's curriculum will need to contribute to this. • The guidance emphasises the importance of drawing international contexts into learning across the curriculum,

	<p>offering opportunities for learners to reflect their roles and responsibilities as global citizens living in a culturally and linguistically diverse society, and respond to the challenges of working towards a sustainable and equitable future.</p> <ul style="list-style-type: none"> • The guidance in respect of the Humanities and Science and Technology AoLEs support learners to be informed, self-aware citizens engaged with the challenges and opportunities that face humanity, and are able to take considered, ethical and sustainable action.
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As our nation's economic prosperity, social cohesion and well-being are built on the foundations of a strong and successful education system, this work is designed to support directly the delivery of 'Ambitious and Learning' theme in *Prosperity for All* (2017). There is also a distinct link between all the key themes in the national strategy (Prosperous and Secure; Healthy and Active; Ambitious and Learning; and United and Connected) and the four purposes of the curriculum. Consequently, the proposals reinforce or contribute to multiple policy areas within Welsh Government and the Government's vision for Wales.

Education in Wales: Our National Mission (2017) contributes to Ambitious and Learning theme, and has a 'Transformational Curriculum' at the core of its enabling objectives.

1.5 Collaboration

The new curriculum arrangements will have an impact on learners, practitioners (in different schools and settings), governing bodies, local authorities, regional education consortia, Estyn and Qualifications Wales. More widely, they will also impact on third sector organisations, cultural institutions, further and higher education, and businesses.

Co-production has been key to the development of these arrangements, in particular:

- practitioners working in collaboration with officials from Welsh Government, regional consortia, Estyn and Qualifications Wales have worked to develop the guidance
- these practitioners have worked closely within their schools and with their cluster schools to ensure proposals are tested and informed by wider feedback and input
- the governance of the Curriculum Reform Programme includes key educational partners as members of the main decision groups
- wider stakeholders and experts with particular interests or specialist knowledge have been involved in the development of the guidance as well as the curriculum structure as a whole
- during the feedback phase, a detailed programme of stakeholder engagement was undertaken to ensure effective engagement with learners, interest groups representing the protected characteristics, and non-school stakeholders such as Youth Workers, specific interest organisations, business and Higher and Further

Education and groups representative of different ethnic and religious backgrounds; sexual identities and people with disabilities.

1.6 Involvement

The White Paper, *A Transformational Curriculum*, helped to inform the provisions of the Bill. Later the feedback phase (summer term 2019) helped to further understand how the curriculum arrangements will work in schools and settings. The analysis of this feedback directly informed the refinement of the guidance published during autumn term 2019. In addition to this a Strategic Stakeholder Group (SSG) was established as part of the governance arrangements to ensure the engagement of representatives from a broad range of interest groups throughout the curriculum development phase. Membership includes representatives from Higher Education, Further Education, business, third sector, faith organisations, WLGA etc. A key role of members is to ensure that updates are shared with their networks and to provide feedback.

SECTION 2. SUMMARY INTEGRATED IMPACT ASSESSMENTS

- 2.1 As our nation's economic prosperity, social cohesion and well-being are built on the foundations of a strong and successful education system, this work is designed to support directly the delivery of 'Ambitious and Learning' theme in *Prosperity for All* (2017). There is also a distinct link between all the key themes in the national strategy (Prosperous and Secure; Healthy and Active; Ambitious and Learning; and United and Connected) and the four purposes of the curriculum. Consequently, the proposals reinforce or contribute to multiple policy areas within Welsh Government and the Government's vision for Wales.
- 2.2 *Education in Wales: Our National Mission* (2017) contributes to Ambitious and Learning theme, and has a 'Transformational Curriculum' at the core of its enabling objectives.
- 2.3 A number of other potential impacts of the new Curriculum for Wales and the potential impacts of ensuring access to the full curriculum have been considered, and, where necessary, full impact assessments carried out.
- 2.4 A summary of the impact assessments is set out below. The full impact assessments have been published and can be found at:

<https://gov.wales/sites/default/files/consultations/2020-01/welsh-government-integrated-impact-assessment.pdf>

<https://gov.wales/sites/default/files/consultations/2020-01/impact-assessment-ensuring-access-to-the-full-curriculum.pdf>

CURRICULUM FOR WALES

Children's Rights Impact Assessment

- 2.5 A full Children's Rights Impact Assessment (CRIA) was conducted in relation to the new Curriculum for Wales and we expect the impact to be positive.
- 2.6 The development of the new curriculum has had due regard to the UNCRC and we have worked closely with the Office of the Children's Commissioner. The proposed curriculum and assessment arrangements contribute to the following articles in the United Nations Convention on the Rights of the Child (UNCRC):
- Article 28 - Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

- Article 29 - Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

2.7 Although the Bill will not affect Article 28 as it does not make any fundamental change to a child's right to an education, we do expect that the new curriculum brought about by the Bill will have a positive effect against Article 29. This is due to the focus of the new curriculum being to develop learners that embody the four purposes of the curriculum. Learners will be:

- ambitious, capable and ready to learn throughout their lives
- enterprising, creative contributors, ready to play a full part in life and work
- ethical, informed citizens of Wales and the world
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

2.8 Provisions ensure that children, regardless of their abilities and stage of development will benefit from the basic concepts underpinning the curriculum, securing better, fairer and more equal education.

2.9 By legislating for a framework curriculum that will be designed and implemented locally by schools and settings means that it will be better attuned to the needs of children and better meet the Article 29 rights than the current National Curriculum.

2.10 Developing an understanding of human rights helps a child to develop respect for others and themselves. It helps them to understand how they fit into their communities and the wider world. All of which will have a positive effect against Article 29.

2.11 With this in mind, the overarching curriculum guidance published in January 2020 provides guidance for schools on:

- Learning about human rights: understanding human rights, and the sources of those rights including the UNCRC
- Learning through human rights: the development of values, attitudes and behaviours that reflect human rights values
- Learning for human rights: the motivation of social action and empowerment of active citizenship to advance respect for the rights of all.

2.12 A guide for children and young people was also published January 2020.

2.13 Children's rights are part of the guidance for the Health and Well-being AoLE and the Humanities AoLE. Rights are included in the mandatory statements of what matters and in the descriptions of learning.

2.14 In terms of evidence and consultation, a recurring concern of learners was their perception that the curriculum was out of date in relation to digital technology. In

response to this the development of the Digital Competence Framework (DCF) was fast tracked and made available in September 2016 to support digital competence in schools.

- 2.15 Learners in particular, but not exclusively, also wanted to see a greater focus on general social competences (life skills and personal confidence, personal and social education (PSE)), basic skills (i.e. literacy and numeracy), and more vocational education and careers guidance. Stakeholders felt that '*... schools should be doing more than simply imparting knowledge*'. General social competences, life skills and personal confidence were seen by all as important things to be gained from school. These views have been reflected in the proposals for statutory cross-curricular skills (Literacy, Numeracy and Digital Competence); and the embedding of integral skills into the guidance. The inclusion of an AoLE dedicated to Health and Well-being and equal in status to the other AoLEs also reflects the emphasis learners placed on personal and social education.
- 2.16 Through the design process, there has been full consultation with a range of schools and settings. Different settings have been engaged to ensure the new curriculum arrangements are accessible for all learners, including Foundation Phase settings and groups with an ALN focus. For instance, the Pioneer School Network had representation from different language medium schools, special schools and Foundation Phase practitioners.
- 2.17 During the feedback phase (April – July 2019), learners were invited to give their views and feedback on the new curriculum arrangements. The analysis of the feedback phase directly informed the refinement of the curriculum guidance and has been published.

Equality Impact Assessment

- 2.18 An Equality Impact Assessment has been undertaken in relation to the new Curriculum for Wales.
- 2.19 A record of impacts by protected characteristics has been undertaken on the following, including the reasons for decisions and mitigating actions:
- Age (including children up to the age of 16): no significant impact.
 - Disability: positive impact as the curriculum framework allows practitioners more flexibility in tailoring a curriculum to meet learners' needs.
 - Gender Reassignment (the act of transitioning and transgender people): positive impact due to the mandatory nature of Relationships and Sexuality Education raising awareness about diversity.
 - Pregnancy and maternity: positive impact on young mothers attending EOTAS, including PRUs, who will benefit from learning more tailored to their needs and abilities and make it easier for them to reintegrate into mainstream education where practical.

- Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees): positive impact as a tailored curriculum provides the opportunity to improve outcomes for those with ethnic backgrounds that underachieve in the current curriculum.
- Religion, belief and non-belief: limited but positive impact as religious understandings of the world will remain in the curriculum. This will be extended to include non-religious understanding in every school and setting. The removal of the right to withdraw is covered by a separate consultation and dealt with below.
- Sex/Gender: positive impact as a tailored curriculum provides the opportunity to improve outcomes for those that underachieve in the current curriculum.
- Sexual Orientation: positive impact due to the mandatory nature of Relationships and Sexuality Education raising awareness about diversity.
- Marriage and civil partnerships: no significant impact
- Low income households: positive impact as a tailored curriculum provides the opportunity to improve outcomes for those that underachieve in the current curriculum.
- Human Rights and UN Conventions: The new curriculum actively supports a child or a young person's right to an education.

Welsh Language Impact Assessment

- 2.20 A full Welsh Language Impact Assessment has been undertaken and we expect a positive impact.
- 2.21 The new Curriculum fully supports the Welsh Government's strategy for the Welsh Language. We want to see all learners in Wales able to use the Welsh language when they leave school. The aim is to transform how we teach Welsh in order that by 2050 at least 70% of learners can speak Welsh by the time they leave school.
- 2.22 Under the new arrangements Welsh language learning will remain compulsory to the age of 16. There will be a renewed focus on learning Welsh with an emphasis on listening and speaking.
- 2.23 *One language for all: review of Welsh second language at Key Stages 3 and 4* (2013) recommended that one continuum of learning for Welsh should be developed with clear expectations for learners of Welsh in English-medium, bilingual and Welsh-medium. Developing such a continuum would mean that all learners in Wales would follow the same curriculum and be assessed against one framework, thus removing the term Welsh second language and the programme of study. A single continuum for learning languages, including Welsh, is reflected in the Languages, Literacy and Communication AoLE.
- 2.24 *Cymraeg 2050* states that immersion education is our principal method of ensuring that our education system contributes to reaching the aim of a million Welsh

speakers. The proposals support immersion and head teachers will have flexibility to limit the use of, or not teach English to learners up to the age of seven, where parents have opted for their child to attend a Welsh-medium school.

- 2.25 Legislation will remove the distinction between Welsh and Welsh Second Language. This will allow for one continuum of learning for languages, including Welsh, in all schools and settings.
- 2.26 Schools and settings will be encouraged to support the development of learners' Welsh language skills across the curriculum and through extra-curricular experiences and activities as part of a whole-school approach in order for learners to use their language confidently. Professional learning will be available to support practitioner deliver the new curriculum.
- 2.27 The Descriptions of Learning at each Progression Step in the Languages, Literacy and Communication AoLE express progression in important aspects of learning. They take account of the ways in which learners' progress based upon research, including practitioners' understanding from their experience in the classroom. They also recognise what learners need to know and be able to do in order to move to the next stage. Descriptions of Learning for Welsh in English medium settings, schools and streams have been developed based on a common progression framework which starts with beginner learners and moves gradually towards fluency. These will be reviewed periodically with the intention in the long term of removing this scaffold and having all schools use the same Descriptions of Learning for Welsh in order to realise the ambition of 1 million Welsh speakers by 2050.
- 2.28 Also, the potential impacts to the Welsh Language were explored during the formal consultation of the proposed legislation in January 2019. The mandatory Welsh Language question explored the positive and adverse effects of the proposals on the opportunity to use the Welsh Language. Many responses did not refer to effects on the Welsh language. They provided views on Welsh-medium education more generally and on the principle of 'treating the Welsh language no less favourably than the English language', echoing issues raised in response to question 14 of the White Paper which asked *What are your views on the proposed approach for ensuring that the learning and teaching of Welsh is an integral component of the curriculum for Wales?*
- 2.29 Among respondents who were supportive of the proposals, the themes raised most frequently were as follows:
- The proposals will extend opportunities for people to use the Welsh language.
 - The proposals could foster more positive attitudes to the Welsh language.
 - The proposals will help support greater equality between the English and Welsh languages.
 - Respondents who were supportive of the proposals overall voiced concern regarding the 'duty on all schools and funded nursery settings to teach English as a compulsory element of the new curriculum'. A clarification was

subsequently issued setting out the intention is to ensure immersion can continue.

2.30 Among respondents who expressed opposition or concern about the effects of the proposals, the themes raised most frequently were as follows:

- Parents should have a right to choose to study Welsh and learning Welsh should not be imposed on pupils.
- Imposing Welsh language learning will lead to resentment, resulting in negative effects on the public's perception and use of the language.
- The Welsh language is already treated favourably, and the proposals could have the effect of disadvantaging English speakers.
- There was concern that there are insufficient teachers able to teach Welsh.
- Moving to a single continuum of language learning could discourage learners in English-medium schools.
- The proposals will have a negative effect on standards in education.

2.31 Respondents also questioned how effective the proposals would be in helping learners move towards fluency and increase the use of the language.

Biodiversity Impact Assessment

2.32 A full Biodiversity Impact Assessment has been undertaken in relation to the new curriculum and there may be a positive impact.

2.33 Biodiversity has been included in the development of the curriculum and is included in statements of what matters in the Science and Technology AoLE, which will be included in statutory guidance.

2.34 The framework requires schools and practitioners to become curriculum designers adapting the statutory requirements to take into account their learners and local contexts.

2.35 The flexibility of the proposed legislation will allow for teaching to emphasise biodiversity and ecology in learners' local environments indoors and outdoors (Science and Technology AoLE), whilst also facilitating a broader world view (Humanities AoLE).

2.36 There are opportunities to raise / include biodiversity issues in the experiences elements of the new curriculum, especially if they are pertinent to the locality.

2.37 The four purposes form the basis of the curriculum and provide the foundations for teaching and learning. The characteristics which underpin the four purposes can contribute to raising awareness of biodiversity and ecology: Under ethical, informed citizens: all children and young people show their commitment to, and recognise their dependence on, the sustainability of the planet; and understand and consider the impact of their actions when making choices and taking action.

2.38 None of the species or habitats of principle importance published under Section 7 of the Environment (Wales) Act 2016 will be adversely affected by the proposals. It is worth noting that the Science and Technology AoLE proposes experience of natural

habitats throughout the 3 to 16 learning continuum, with the aim of developing greater responsibility, concern and respect for all living things and the environment in which they live.

- 2.39 All actions and decisions to maintain biodiversity have been recorded as part of the curriculum documentation. This will be published and used by practitioners to support the development of the curriculum in their schools.

Rural Proofing Impact Assessment

- 2.40 At present it is not envisaged a full Rural Proofing Impact Assessment is needed and there is no significant impact due to these proposals. This is because the flexibility within the new curriculum will suit different schools and settings. This will be kept under review. The new Curriculum is designed to apply to every learner in every classroom in Wales, and schools are intended to have flexibility in deciding how they develop a curriculum which contributes to the four purposes. Statutory guidance has been specifically designed to be accessible to a wide range of schools and learners from different backgrounds. This will ensure that schools in rural areas can develop curricula that reflect:

- the services, experiences and opportunities which are readily accessible in and unique to rural areas; and
- the local needs and issues that may affect learners in rural communities.

- 2.41 For example, the draft guidance in respect of Health and Well-being includes supporting learners to have an understanding of harmful situations and how to respond appropriately. In a rural setting, this could examine water safety in the context of reservoirs or waterfalls.

- 2.42 Underpinning this work is a belief that someone's ability to benefit from education should not be determined by where they live or what their income is. This is a curriculum for all learners with a focus on a more personalised approach to progression in learning.

Justice Impact Assessment

- 2.43 The potential impacts on the justice system of the proposals have been considered, including on:

- courts (criminal and civil);
- non-devolved tribunals;
- devolved tribunals;
- legal aid;
- the judiciary;

- prosecuting bodies; and
- prisons, youth justice and probation services.

2.44 The impact on the justice system in Wales and England is likely to be minimal. The proposals do not require the introduction of a new offence or the use of an existing offence to realise the policy intentions.

2.45 A copy of the Justice Impact Identification (“JSII”) form is available and a link will be provided on introduction.

Health Impact Assessment

2.46 A health impact screening assessment was conducted in relation to the new curriculum and we expect an overall positive effect. The Health and Well-being AoLE draws on subjects and themes from mental, physical and emotional well-being. In addition, in developing the new curriculum, practitioners have considered how the school environment supports learner’s social, emotional, spiritual and physical health and well-being. While the new curriculum arrangements will be instrumental, developing positive health and well-being in learners is a wider issue, which is highly dependent on a whole-school approach.

2.47 The statements of What Matters in health and well-being focus on supporting learners to:

- develop and maintain their physical health and well-being
- support their mental health and emotional well-being through their experiences and how they respond to them make healthy and positive decisions engage positively with different social influences form and maintain positive relationships.

2.48 Through the Four Purposes, the Health and Well-being AoLE and other AoLEs, learners will be provided with a range of learning which supports them to develop and maintain positive health affirming behaviours.

2.49 The flexibility of the new curriculum may result in a variation of provision across different communities which may place some learners at risk because of their background or geography. The guidance is intended as a common framework to mitigate against this, while schools and practitioners will be supported by Estyn and regional consortia. It will be essential that practitioners are supported to develop learning in this area in a sensitive, high quality way. If this is not the case, learners could be impacted negatively.

2.50 This policy will directly impact on children and young people, including those with Additional Learning Needs and specific health conditions. The proposals represent a significant improvement in the approach of curriculum towards health and well-being.

2.51 The potential negative impacts of this policy area are dependencies on other policy areas, rather than issues relating to the content of the guidance itself: specifically professional learning and accountability. Officials across these areas will continue to

work together to support positive, equitable education around health and well-being for all learners.

ENSURING ACCESS TO THE FULL CURRICULUM

2.52 With regard to ensuring access to the full curriculum, full impact assessments have been undertaken on the Rights of the Child Equality and the Welsh Language. A Health Screening assessment has also been undertaken. The findings of these assessments are summarised below.

<https://gov.wales/sites/default/files/consultations/2020-01/impact-assessment-ensuring-access-to-the-full-curriculum.pdf>

Children's Rights Impact Assessment

2.53 A full Children's Rights Impact Assessment (CRIA) was conducted in relation to ensuring access to the full curriculum and we expect the proposals to have an overall positive effect.

2.54 All children have rights under UNCRC. Religion, Values and Ethics (RVE) and RSE within the new curriculum will encourage children and young people to respect their own rights and culture and those of others. They aim to equip children and young people with knowledge, skills, attitudes and values that will empower them to realise their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and understand and ensure the protection of their rights throughout their lives. Therefore, ensuring access to high quality, comprehensive information on these subject areas, will positively contribute to the following articles in the UN Convention on the Rights of the Child:

- Article 2 – the right to non-discrimination;
- Article 12 – the right to be heard, express opinions and be involved in decision making;
- Article 13 – Children have the right to get and share information as long as the information is not damaging to them or others.
- Article 17 – the right to access information that will allow children to make decisions about health;
- Article 24 – the right to experience the highest attainable health, access to health facilities, preventative health care and family planning education and services;
- Article 28 -Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.
- Article 29 - Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

- Article 33 – The Government should provide ways of protecting children from dangerous drugs.
- Article 34 – The Government should protect children from sexual abuse.
- Article 36 – Children should be protected from any activities that could harm their development.

2.55 In proceeding with the proposal, it is important to note that removal of the right to withdraw is not intended to replace parents' vital role in educating their children and the importance of our guidance to make it clear that the learning provided to children and young people through RVE and RSE must be provided sensitively and inclusively to complement it.

2.56 The effect of the Human Rights Act 1998 and case law is that currently, in an education law context, RE also encompasses non-religious views. RE must be taught in an objective, critical and pluralistic manner; in particular, the state is not permitted to pursue an aim of indoctrination ("the Pluralism Requirement"). In this context, it is important to recall that the Pluralism Requirement does not just apply to the content of the curriculum (in particular, the requirement that it include teaching about non-religious convictions), it also applies to the way in which education and instruction is delivered: it must be delivered in a way that is objective, critical, and does not involve indoctrination or proselytising. This requirement applies to all of the education and instruction at a school and it is not limited to RE or the new RVE.

2.57 To ensure a positive impact and to address concerns raised in the responses on the need for high quality RVE and RSE provision we are heavily investing in professional learning. An enhanced £24m funding allocation to ensure all practitioners are prepared for the roll-out of a new curriculum in Wales. This funding can be used flexibly to allow schools to work together in ways that suit their own circumstances and to create the time and space for practitioners and leaders to work across schools and networks to prepare for the new curriculum. We have also taken forward proposals to implement an additional INSET day from 2020 for three years, to provide additional whole-school time for engagement in professional learning. The additional INSET day and enhanced professional learning funding are integral elements of the National Approach to realise the new curriculum, supported by an additional £15m investment in 2020-21. There is a possibility that parents would prefer to withdraw their children entirely from maintained schooling to avoid them receiving education on the issues covered in RVE and/or RSE. A number of responses raised this risk as a possibility. Withdrawing children from maintained school could have a potentially negative impact on those children in not receiving access to the full curriculum. In proceeding with our proposal, we will need to monitor changes in school registrations and home education.

2.58 In October 2019, the Welsh Government undertook a consultation on the implications of a policy to not include a right to withdraw in the new curriculum and received 1,600 responses. For those broadly in support of the proposals, respondents raised a number of potential benefits of delivering RVE and RSE, including:

- 2.59 Informing children and young people, giving them the knowledge and skills with which to understand and connect with different people, communities, traditions, faiths and worldviews.
- 2.60 Promoting tolerance, that a pluralistic and neutral education would promote positive engagement with, and understanding of, difference.
- 2.61 Improving the well-being of learners, including their social, emotional and physical development.
- 2.62 For those respondents broadly opposed to the proposals, they tended to focus on the appropriateness of the provision, and a significant concern was the perceived erosion of the rights of parents and carers in the proposals. Where there are differences of opinion in the consultation responses, these tended to focus on either:
- Concerns surrounding the **appropriateness and sensitivity of provision**; or
 - The importance of receiving a **broad, balanced and informed** education.
- 2.63 Around the same time, the Welsh Government issued a Children and Young People's consultation and commissioned Dynamix, a specialist research organisation that draws on creative and participatory approaches, to undertake Children and young people's focus groups to explore people's views.
- 2.64 The consistent theme from children and young people was that these changes for RSE could lead to more informed and more tolerant learners and school environment. It was felt that consistent learning for all in this area would result in learners being more informed as they became adults and that it would help to create better understanding and tolerance.
- 2.65 Discussions on RE were more straightforward, with learners having a clear understanding of what it was about and what they currently learn in this area. It was clear that learners saw RE as including learning about all religions with a strong focus on Christianity throughout the responses given. It was felt that learning about religions and people helps to reduce racism and bullying.

Equality Impact Assessment

- 2.66 An Equality Impact Assessment has been undertaken in relation to ensuring access to the full curriculum.

Renaming RE

- 2.67 Our purpose in proposing a name change to RE was to ensure the name of this mandatory element of the curriculum reflected its proper scope accurately. It would provide clarity about our intentions, which is to broaden the focus of what is taught in RE while retaining appropriate focus on learning about religion. At the same time, our intention was to bring as many stakeholders with us in relation to any change,

including the Church in Wales and Catholic Education Service who are responsible for maintained schools provision in Wales.

2.68 It is clear, from the community engagement work undertaken by Re:Cognition, that in proceeding with renaming RE to RVE church groups felt it would have a negative impact. They felt the name should remain Religious Education for primary schools and become Religious Studies for secondary education to reflect the recognised higher education academic discipline. The proposal to change the name to reflect a broader scope was not supported by responses that included the Catholic Education Service, the Church in Wales, the Muslim Council of Wales and Cardiff University's Religious Studies faculty.

Ensuring access to RVE and RSE

2.69 The new curriculum, including RE and RSE has been designed and developed to apply and be accessible to every learner in every classroom from ages 3 to 16.

2.70 Ensuring that learners receive RSE and RE will enable them to explore how laws and policies contribute to equity and human rights regarding sex, gender, sexuality, relationships and beliefs. The aim is that they will receive high quality, impartial teaching about different beliefs and respect for the rights of others.

2.71 There will be a need for continued close working with all schools, in particular faith schools which are able to provide learning in line with the tenets of their religion (providing it is pluralistic), to ensure the learning offered in RSE and RE is pluralistic and non-discriminatory.

2.72 The policy does not give rise to unlawful discrimination contrary to the Equality Act 2010.

2.73 A record of impacts by protected characteristics has been undertaken on the following:

- Age (including children up to the age of 16): positive impact as all will experience the skills and knowledge they need for later life.
- Disability: we do not expect any significant impact.
- Gender Reassignment (the act of transitioning and Transgender people): we expect a positive impact as it raises awareness about respectful relationships, positive behaviour and acceptance of diversity. It also aims to encourage schools to consider how they provide support and learning to LGBTQI+ and aims to engage learners with issues such as gender and inequality and seek to foster a whole school approach to inclusion and tolerance. We have not identified specific issues in relation to RE.
- Pregnancy and maternity: no significant impact.
- Race (including different ethnic minorities, Gypsies and Travellers and Migrants including Asylum seekers and Refugees: there could be negative impacts for some parents who see this area as a sensitive matter.

- Religion Belief and non-belief: there will be a negative impact for some religious groups and parents especially Catholic and humanists in respect of RE and Muslim and Christian groups in respect of RSE.
- Sex/Gender: RSE as a compulsory part of the curriculum will have positive impacts on gender by raising awareness and understanding amongst learners of respectful relationships, positive behaviour and diversity.
- Sexual orientation (Lesbian, Gay and Bisexual): RSE and the Health and Well-being AoLE, may reduce homophobic, biphobic and transphobic (HBT) bullying and subsequently increase in well-being for LGBTQI+ learners. It will also help to challenge gender and sexual stereotypes and increase learners' understanding of safe, healthy and positive relationships.
- Marriage and Civil Partnership: RSE and the Health and Well-being AoLE will help challenge gender and sexual stereotypes and increase children and young peoples' understanding of safe, healthy and positive relationships.

Human Rights and UN Convention

2.74 The Impact Assessment also considered whether the proposals for RVE and RSE are compatible with the rights protected by the Human Rights Act 1998. The proposals will have a positive impact on a child or young person's right to an education including high quality and comprehensive information about the issues covered in RSE and RVE. By not including a right to withdraw in the new curriculum, all learners will now be able to participate in this important part of the curriculum. There will be a need to work closely with all schools to ensure the learning offered in RSE and RE is pluralistic and non-discriminatory.

Welsh Language Impact Assessment

2.75 No significant impact is expected as removing the right to withdraw will apply equally to Welsh-medium and bilingual settings within the maintained education system as to English-medium ones.

2.76 It was noted opting out from these lessons might have an impact on learners receiving a lower percentage of their education through the medium of Welsh. However it is likely that there is minimal impact to the language. One response highlighted the incorporation of any relevant welsh culture, history and language relating to RE and RSE would have a positive effect on opportunities to use the Welsh language.

2.77 There is a separate issue of ensuring there are appropriate resources and professional learning in relation to RE and RSE in the medium of Welsh are available around the same time. However, this is being addressed through the wider development work on the new curriculum and will not be directly impacted by the policy to ensure that there is a positive effect of the opportunities to learn through the medium of Welsh.

Health Impact Assessment

- 2.78 A Health Screening was undertaken in relation to ensuring access to the full curriculum and the effect is expected to be positive.
- 2.79 One of the four purposes of the curriculum is to support learners to become healthy and confident individuals. RSE supports learners to develop their mental and emotional well-being. Therefore, the policy should improve health determinants.
- 2.80 The policy relate to learners of statutory school age. The policy should reduce the likelihood of differential health impacts by ensuring that all learners have access to high quality learning on the topics covered in RSE in particular. There are potentially some differential impacts for some learners if they were withdrawn entirely from maintained schooling as a result of this policy being carried out.