

Statutory Guidance 14-16 Learning in Curriculum for Wales

CHILDREN'S RIGHTS IMPACT ASSESSMENT

1. Policy objectives

What decision are you impact assessing?

The Welsh Government's proposal to publish statutory guidance for 14-16 year olds learning/Year 10 and 11, under Curriculum for Wales. This sets out requirements for schools, to ensure they offer a more effective curriculum for this group of learners, with wider learning opportunities. The guidance is statutory for all maintained schools, and schools will be required to provide a robust evidential basis for any departure.

The guidance is not statutory for Pupil Referral Units (PRUs) and Education Other Than At Schools settings (EOTAS) however the principles can still be applied to support learning in a range of settings.

Why is this guidance needed?

Under the 2008 Curriculum 14-16 learning is centred around formal qualifications. As we reform the entire 14-16 year old qualifications landscape, qualifications remain an important element of 14-16 learning, however, to meet the requirements of Curriculum for Wales and to truly support learners to develop towards the 4 Purposes, the Curriculum Offer at 14-16 must provide for more than just qualifications.

Headteachers must ensure a curriculum is designed for teaching and learning for all registered learners at the school aged 3 to 16. The legal requirements for a curriculum for learners aged 14-16 are however in part different to those for a curriculum for learners aged 3-14; this is to take account of the choices that learners make around some of the courses that they follow in Years 10 and 11 which lead to formal qualifications. The difference for years 10 and 11 (ages 14 to 16) is that whilst learning and teaching must be secured in each Area of Learning and Experience (AoLE), this does not require learning within each statement of what matters. All Areas, however, need to form part of the curriculum for learners in years 10 and 11.

The Curriculum for Wales is designed to support a coherent continuum of progression from 3-16 and it is important that schools' wider curriculum offer is properly planned so that learner experiences feel like a continuous part of the 3-16 journey. It should also include opportunities for learners to demonstrate wider skills and experiences and ensure that they benefit from learning about mandatory parts of the curriculum (including Relationships and Sexuality Education (RSE) and Religion, Values, and Ethics (RVE)), that do not necessarily lead to a formal qualification, but which nonetheless contribute to learners' development, success, and onward progression.

The overarching purpose of this guidance is to support schools to implement the requirements and policy expectations that will ensure learners in this age range, are given the best possible learning experiences and outcomes, whatever their background, thereby **achieving high standards and aspirations for all**. This also

supports delivery of a fundamental part of the Curriculum for Wales, that schools **support every learner to progress** towards the [four purposes](#).

What changes does the guidance propose?

The guidance proposes to:

Introduce a Curriculum for Wales 14 to16 Learner Entitlement

14 to16 learning in Wales will be underpinned by a Curriculum for Wales Learner Entitlement.

A school's curriculum offer in years 10 and 11 must provide learners with a broad and balanced offer of learning and experiences designed with reference to the four components of the Curriculum for Wales Learner Entitlement. With the introduction of the Learner Entitlement, schools will be required to organise their curriculum time and resources around the four components and ensure that all its learners are able to demonstrate their learning, progress, and achievements in respect of all four components when they complete compulsory education at 16. The components are not mutually exclusive; learners will encounter learning and experiences across the curriculum and should be able to draw on all of that as they reflect on their progress and achievements, and plan for post-16 transition.

All learners are individuals, and their entitlement will be made up of a variety of different learning, experiences, and achievements across the four components:

- Qualifications in Literacy and Numeracy – evidence of attainment will support successful onward progression
- Qualifications that encourage breadth of learning– an offer of a wider set of courses of study that includes general and vocational qualifications, from which learners can choose as they begin to specialise, which supports progress and future career pathways
- Wider learning and experiences – an offer of a breadth of learning opportunities that will be meaningful and allow learners to develop knowledge, skills and provide experiences across the curriculum. Not all learner experiences will lead to a formal qualification, and the guidance is explicit about wider learning and how it is vital that this contributes to learner progress towards the four purposes. This component also allows more opportunity for independent study to enhance deeper learning, independence, and communication skills
- Reflection and post-16 planning – continued dedicated curriculum time for learners to reflect on their learning and progress across the curriculum and to plan for their post-16 journey. This will allow learners to be supported with their next steps and will provide opportunity for schools to provide more individually tailored Careers and Work Related Experiences (CWRE)

The guidance will support schools to understand the requirement of the Learner Entitlement so that all learners are able to demonstrate their learning, progress, and achievements for all four of the components, when they complete compulsory education.

Ensure a broad offer of learning and experiences to support learner pathways

It is important that schools allow for appropriate learner progression in accordance with the progression code. The guidance includes advice for schools to 'secure learning' for year 10 and 11 learners in each Area of Learner and Experience and to support the Learner Entitlement.

Enhance school self-evaluation and improvement

Further to the publication of School Improvement Guidance in June 2022, there are already a number of expectations placed on schools and local authorities in relation to carrying out their self-evaluation and improvement process. The statutory guidance offers further explanation and clarity that will ensure successful delivery for year 10 and 11 learners specifically. Schools will be required to:

- Demonstrate that their curriculum for year 10 and 11 learners allows access to learning experiences across all four components of the Learner Entitlement
- Evaluate and reflect on the quality of learning offered to individual learners in years 10 and 11, with particular consideration of those completing their education in year 11 as to whether appropriate progress across all four components has been made
- Report any concerns to their local authority so that the appropriate support can be put in place
- For the conclusions of any of the above to inform school improvement plans

Impact on 14 to 16 / year 10 and 11 learners

The overarching purpose is to provide learners in schools in Wales with the best possible learning experiences and outcomes, whatever their background, thereby achieving high standards and aspirations for all and narrowing the gap between disadvantaged learners and their peers.

The Curriculum for Wales is aimed at helping each school to develop its own curriculum, enabling their learners to develop towards the **four purposes** of the curriculum so 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
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society

The four purposes should be the starting point and aspiration for schools' curriculum design and all learners should be progressing and developing in ways described by

those purposes. A school's curriculum is everything a learner experiences in pursuit of the four purposes. It is not simply what is taught, but how it is taught and crucially, why it is taught.

This statutory guidance is focussed solely on developing 14 to 16 year olds/year 10 and 11 learners towards the four purposes, and we expect that the changes proposed will have a positive impact on this age group in Wales.

The changes proposed will better support learners in a number of ways:

- Learners will be provided with a broad and balanced curriculum that will support them to thrive in their chosen pathways at post-16:
 - the introduction of self-reflection and post 16 planning is intended to support learners with better decision making around learner choices and careers - allowing time for self-evaluation will enable learners to be more informed about their next steps and lifelong learning.
 - the self- reflection element is also intended to support learner effectiveness, with the aim of increasing effective learning in a social and work-related context. As they become increasingly effective, learners will be able to seek appropriate support and independently identify sources of that support. The intention is that this will also support learners to ask more sophisticated questions, that will facilitate decision making and self-regulation. These are all skills that are essential to becoming well-functioning adults.
 - Opportunities for learning and experience that will be more tailored to individual learners, with more choices about learning that will be appropriate for them - choices that are not influenced by school performance, but choices that will support every learner to reach their potential.
 - A broader curriculum offer with a range of options in the level and type of learning, will help to ensure all learners engage positively in their learning and in all aspects of school life. Learners may be less likely to avoid school, resulting in improved attendance rates. This may be particularly beneficial to year 10 and 11 learners, who previously may have become disengaged, due to the level of demand of more academic learning and their aptitude for the subjects offered.
 - The intention is that a clearer focus on the information included in a Learner Entitlement, (and requirements placed on schools to review), will facilitate better and earlier identification of learners at risk of becoming NEET, so that issues can be flagged with local authorities and the necessary support put in place.
- Practitioners will be required to consider assessment arrangements for learners and the potential impact on them. Assessment will be more

considered, with individual learners supported on a day to day basis, to help improve the impact on their mental, emotional, and social well-being.

- The guidance is explicit that the Welsh Government does not support courses that lead to qualifications for learners up to and including year 9. Introducing study for GCSEs in Year 9 risks putting some learners under unnecessary pressure, but also risks narrowing a learner's curriculum offer and may prevent learners in years below year 10, from receiving the broad and balanced curriculum required by legislation. Narrowing a curriculum too early can have impacts on learner choice and eventual impacts on future pathways.
- The guidance encourages schools to work collaboratively with other schools and colleges in developing their Curriculum offer. Working collaboratively should support and contribute to improved pedagogy, raising the standards of teaching and learning, to help best support every learner.

Explain how the proposal is likely to impact on children's rights.

The Welsh Government is proud of our record of promoting children's rights and working to ensure all children in Wales have the best start in life. Our ambition is that the rights of every child and young person in Wales should be promoted and respected to enable them to be the best they can be. The Welsh Government worked closely with the Office of the Children's Commissioner during the development of the Curriculum for Wales to ensure that due regard was given to the UNCRC.

Human rights education

Human rights education is a [cross-cutting theme of the Curriculum for Wales](#) and the requirement to promote knowledge and understanding of Part 1 of the UNCRC and UNCRPD to those providing teaching and learning is on the face of the [Curriculum and Assessment \(Wales\) Act 2021](#) (section 64). This requires that all practitioners involved in delivering the curriculum need to develop knowledge and understanding of children's human rights under two UN Conventions:

- The United Nations Convention on the Rights of the Child (UNCRC)
- The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Human rights education means that adults, children, and young people learn *about* human rights; learn *through* human rights; and learn *for* human rights. This ensures that everyone knows and understands their human rights, that they experience their human rights in their education, and that they are empowered with the skills to advocate for their rights and those of others.

School leaders are responsible for ensuring knowledge and understanding of the UNCRC in schools. Developing an understanding of rights is integrated into the Humanities and Health and Wellbeing Areas of Learning and Experience, as well as other mandatory elements of the curriculum for 14 to 16 year olds including Relationships and Sexuality Education and Religion, Values and Ethics. The 14 to 16 Learner Entitlement further supports opportunities for learning about human rights

through both the *Qualifications to encourage breadth and Wider learning and experiences across the curriculum* components.

The wider requirements of the curriculum set out how learners need to [meaningfully experience their participatory rights](#) in curriculum design. There is a robust legal and policy framework in place in Wales to ensure pupil participation in schools and practical advice for educators in Wales has been published on Hwb which includes case studies for effective learner participation in curriculum design and school self-evaluation.

A full Equality Impact Assessment for the 14 to 16 learner guidance has been produced as a separate Annex, which includes a detailed record of impacts for learners with protected characteristics.

It is important to note that a range of impact assessments were published in preparation for the roll out of the Curriculum for Wales. Further evidence in respect of the Children's Rights Impact Assessment can be drawn from the CfW [integrated impact assessment](#) published in July 2020.

The proposed 14 to 16 learner guidance will form part of the Curriculum for Wales Statutory Guidance Framework and is designed to support implementation of the Curriculum for Wales for Year 10 and 11 learners. The guidance is underpinned by the fundamental principles of Curriculum for Wales and the Children's Rights Impact Assessment for the Curriculum for Wales can be used as further supporting evidence for this guidance.

2. Gathering evidence and engaging with children and young People

A range of qualitative and quantitative data from across a range of sources has been drawn on to support the development of the policy articulated within the 14 to 16 guidance. We have also worked closely with colleagues from across the Education and Skills Directorates to consider the impact of the policy on other policy areas, with the rights and impacts of the child in mind.

The evidence that we have drawn on in developing this policy includes the review by [Dr Hefin David MS on Transitions to Employment](#), and the [review led by Sharron Lusher MBE of Vocational Qualifications in Wales](#). We have also drawn on evidence gathered through the three phases of the Young Person's Guarantee National Conversation. [Phase 1 of the report](#) published in April 2023, brings together qualitative and quantitative findings from conversations with a range of young people from 16 -14. Phase 2 and 3 of the report, [Delivering for young people](#) published on 13 March 2024, delves deeper into learners' lives and looks at the impact of the cost of living crisis. The findings of the latest report focussed on the barriers that young people face in accessing education employment and training, offers further affirmation that our policy around 14 to 16 learners is sound.

In developing the policy, we also commissioned the OECD to undertake independent research by way of a comparative review of international education systems for learners aged 14 to 19 and their impacts on learner transitions. Evidence from this research identified that good practice in respect of careers and work-related advice and supporting transitions, is often closely aligned with learners taking an

increasingly independent approach to understanding their strengths, areas for improvement and goals. The OECD report – [What shapes upper secondary pathways and transitions?](#) was published on 15 February 2024. The report is aligned with findings and recommendations of the Hefin David review, and with the evidence gathered through the Young Person’s Guarantee National Conversation. It clearly shows that Careers and Work-Related Experiences and support for post-16 transition, are significant aspects of 14-19 progression for all learners. The report findings were particularly helpful in terms of reaffirming proposals set out in the formal consultation published on 28 February 2024.

As part of the robust pre-consultation process, there has been extensive engagement with an array of stakeholders, both internal to Welsh Government and with external partners. We have established a 14 to16 learning board, represented by all key stakeholders with an interest in 14 to16 learning in Wales. The board were consulted on an early draft of the guidance document and their views were taken into account, prior to the launch of the consultation. The learning board have been presented with early findings of the consultation and will continue to advise the Welsh Government as we progress towards publication of the final guidance and implementation by schools.

All of this engagement, along with the evidence gathered has helped us to understand the skills gap preventing learners from thriving when they leave compulsory education.

Officials met with the Childrens Rights Advisory Group on 18 January 2024, when the policy was presented, alongside a working draft of this CRIA to discuss the policy intentions and impact on learners. The feedback from CRAG was very positive with representatives welcoming the overall policy focus on the learner, and particularly the focus on learner self-reflection being an embodiment of the right of the child to be heard. Some members offered helpful suggestions for enhancing both the draft guidance as well as enhancements for this final CRIA.

The draft statutory guidance for 14 to16 learning was the subject of a public consultation which ran from 28 Feb 2024 to 8 May 2024. There has also been direct engagement with learners and parents and carers.

The formal consultation process carried out on behalf of the Welsh Government by Miller research, has involved extensive engagement with Children and Young people. A key focus of Miller’s bid for this contract was on developing a learner survey, and whilst complying with procurement rules, this was viewed as an important factor in our decision to appoint Miller to ensure the learner voice was represented and heard.

A learner self-completion tool, comprising a simple explanation of the policy and learner friendly survey questions was developed by Miller and disseminated via Children in Wales.

3. Analysing the evidence and assessing the impact

340 children and young people from years 7 to 11 responded to the learner survey. Of those that responded, a higher proportion of older learners indicated that they had understood the policy and Learner Entitlement.

Almost half of the respondents did not think there was anything missing from the curriculum offer, but we found the free text responses from learners particularly insightful in terms of understanding how young people feel about a range of issues. Whilst some of these were out of scope of this particular consultation, there were a number of interesting comments around the 14 to 16 learning policy that will be considered prior to publishing the final guidance Examples included:

- Some respondents felt that whilst some learners with ALN or whose first language is neither English or Welsh may find the offer more confusing, others suggested that education tailored more to their personal interests and strengths, could make learners feel more recognized, and that they would benefit from additional support.
- Some respondents observed that there are learners who do not want to study Welsh and would prefer to focus on other subjects.
- Some learners felt that the new curriculum may not necessarily offer the same opportunities for higher achieving learners compared with other parts of the UK, with a perception that Wales is more focused on the creation of a manual workforce, rather than an academic one.

In addition to the learner survey, Miller also held a face to face event with children and young people, working with Qualifications Wales and their 'Dysgwyr' Group. Learners at this event felt particularly confident that they understood the 14 to 16 offer (in terms of qualifications and the curriculum) but acknowledged that this may have been due to background knowledge and previous work with Qualifications Wales.

We also produced a parent/carer version of the consultation document and Miller engaged with 'Parentkind' to ensure dissemination. They also held two focus groups with parents and carers. Over half of the responses received to the formal consultation were from parents/carers.

The concerns raised by children and young people were very similar to some of those that emerged from the formal consultation process. There were 103 responses in total, mostly consisting of practitioners, parents/carers, teaching unions and other key stakeholders. In addition to the themes above, there were a number of concerns around issues such as Professional Learning, school resources and workload. As above these are all issues that will be given further consideration prior to publication of the final guidance.

The overarching purpose is to provide learners in schools in Wales with the best possible learning experiences and outcomes, whatever their background, thereby achieving high standards and aspirations for all and narrowing the gap between disadvantaged learners and their peers. The detail of the perceived positive impact of the policy for 14 to 16 learner within Curriculum for Wales is outlined within the policy objectives under Section 1 above. Whilst there may be some negative impact on schools/school workload, (and officials have engaged directly with practitioners and

unions to discuss), there is unlikely to be negative impact for learners. As with any new/revised policy, there will need to be some bedding in time for learners to understand the Learner Entitlement, but ultimately the end results should be positive for learners.

How does your proposal enhance or challenge children’s rights, as stipulated by the UNCRC articles and its Optional Protocols? Please refer to the [articles](#) to see which ones apply to your own policy.

We consider that our proposal contributes to the following articles in the United Nations Convention on the Rights of the Child (UNCRC):

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
Article 2 – <i>The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.</i>	X		14-16 learning will be more supported in schools with a more broad and balanced curriculum offer, and individually tailored opportunities e.g., CWRE. This will help ensure that learners leave school with the right mix of knowledge, skills and abilities to go on to further education or employment.
Article 3 – <i>all organisations concerned with children should work towards what is best for each child.</i>	X		As above and in addition individual learners will have access to a wider range of qualifications/wider learning experiences.
Article 12 – <i>Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.</i>	X		Learners will receive more individual support with more opportunities to think about and discuss their learning, CWRE, and Post-16 journey. 14 to 16 learners can influence delivery of this policy as they have participation rights in curriculum design. Learners also have rights to feedback on the education they receive via their school self-

			<p>evaluation process. The School Improvement Guidance is explicit that ‘the whole school community, that is learners, practitioners, support staff, governors, parents and carers, will contribute to the process’.</p> <p>In accordance with regulations, when revising the School Development Plan, all pupils registered at the school should be consulted.</p> <p>14 to 16 learners (and all learners) are involved in the Estyn inspection process – Estyn have also published thematic reviews and good practice guides around pupil participation.</p> <p>There is potential to enhance opportunities for the learner voice to be heard as we further develop the information ecosystem for schools.</p>
<p><i>Article 14 – Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.</i></p>	<p>X</p>		<p>Whilst Religion, Values and Ethics (RVE) remains a mandatory element of the 14-16 curriculum offer – the guidance serves as a reminder to schools of their statutory obligations in relation to this. Schools must continue to provide learning in RVE for all learners in years 10 and 11 in accordance with the requirements of the Curriculum and Assessment Act 2021 and the RVE guidance.</p>

<p>Article 23 – <i>Children who have any kind of disability should have special care and support so that they can lead full and independent lives.</i></p>	<p>X</p>		<p>The guidance applies to Special Schools where appropriate. Given the sometimes complex needs of learners in these settings, decisions around appropriate application of the principles in respect of individual learners are best made by individual centres. The guidance provides sufficient flexibility so that decisions can be made that in the best interest of the learner.</p> <p>Learners will receive better and stronger, more individual support with enhanced road and balanced learning opportunities. This includes more opportunities to think about and discuss their learning, CWRE, and Post-16 journey.</p>
<p>Article 28 - <i>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.</i></p>	<p>x</p>		<p>The guidance seeks to improve the quality and breadth of learning opportunities that learners in year 10 and 11 receive.</p> <p>A component of the Learner Entitlement – ‘Qualifications designed to encourage breadth’ will encourage positive behaviour.</p>
<p>Article 29 - <i>Education should develop each child’s personality and talents to the full. It should encourage children to respect their parents, their own and other cultures, and the environment</i></p>	<p>x</p>		<p>As learners reach 14, they begin to specialise in certain aspects of learning. This policy recognises that whilst for some this will be a course of study leading to a qualification, for others, learner progression may be achieved through wider learning and experiences. As part of the wider learning, schools will be required to ensure that all learners, irrespective of their chosen studies, secure learning in</p>

			all mandatory elements of the curriculum which includes RSE and RVE. Schools are also required to ensure that learners are supported to reflect on their strengths and areas for improvement as individuals, which may include reflecting on aspects of their lives outside of school, providing opportunities for learners to showcase achievements from outside school.
Article 29 - Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, their own and other cultures and the environment.	x		A wider curriculum offer will support learners to achieve their potential. In addition to the whole school approach to learner well-being, there will be dedicated curriculum time for RSE, RVE and CWRE as well as an offer of support for mental health, emotional wellbeing and relationships and opportunities to learn about and develop positive behaviours.

4. Ministerial advice and decision

The analysis of this impact will be used to inform our advice to the Cabinet Secretary for Education. This CRIA will be signed off by our Deputy Director Georgina Haarhoff, and to inform their decision regarding publication of the final guidance.

5. Publication of the CRIA

Following the Cabinet Secretary's decision on the final guidance the CRIA will be sent to the CRIA mailbox and along with sections 1 and 8 of the IIA, will be published on the Welsh Government's website.

6. Communicating with Children and Young People

We will work with Children in Wales and Qualifications Wales to advise those learners that have engaged with the consultation, of the outcome. Miller research have already provided an overview of findings following the close of the consultation period and presented key outcomes (including those from the learner survey) to the Learning Board on 13 May. We have agreed that a range of communication activities targeted towards parents/carers and learners will be undertaken once the final guidance has been published, so that there is absolute clarity around the policy expectations for these stakeholders.

7. Monitoring and Review

We will revisit this CRIA following publication of the final guidance to consider whether the impacts identified have come to fruition and whether there have been any unintended consequences. Should there be any proposals to amend the 14 to 16 learning policy, the reviewed CRIA will be submitted to the Cabinet Secretary for Education.