

# Our national mission: a transformational curriculum – proposals for a new legislative framework

## Consultation response form

Your name: Professor Simon Murphy

Organisation (if applicable):

### **DECIPHer: Centre for the Development and Evaluation of Complex Interventions for Public Health Improvement**

DECIPHer brings together leading experts from a range of disciplines to tackle a range of public health issues, with a particular focus on developing and evaluating multi-level interventions that will have an impact on the health and wellbeing of children and young people.

**The School Health Research Network** This is led from DECIPHer and is a policy-practice-research partnership between Cardiff University, Welsh Government (both health and education), Public Health Wales and Cancer Research UK. Over a 6-year period SHRN has recruited all maintained secondary schools in Wales and established a data collection and reporting infrastructure that meets health and wellbeing data needs at local, regional and national levels.

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Responses should be returned by **25 March 2019** to:

Curriculum Reform Legislation Team  
Curriculum and Assessment Division  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: CurriculumReformLegislation@gov.Wales

# Our national mission: a transformational curriculum – proposals for a new legislative framework

You can find out how we will use the information you provide by reading the privacy notice in the consultation document.

As a key part of our education reforms, our proposals aim to reset our approach to the curriculum and put Wales at the forefront of what a modern, forward-looking curriculum should look like.

These proposals are about better enabling a forward-looking, pupil-centred and practitioner-led approach.

**Question 1** – Do you agree with our approach to legislating for the new curriculum structure?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons and/or suggestions for improvement:

**Question 2** – Do you agree we should impose a duty on schools and funded nursery settings to provide a curriculum to help most learners to reach, or go beyond the Achievement Outcomes set by the school and to progress children along the continuum for the Progression Steps in accordance with their educational development?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons and/or suggestions for improvement:

**Question 3** – What actions should the headteacher and governing body take to satisfy this duty?

**Question 4** – What support would be required to enable schools to take those actions?

**Question 5** – Do you agree that age-appropriate careers education and work-related education should cover the age range 3–16, in line with the AoLEs?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

**Question 6** – Do you agree with making age and developmentally appropriate RSE compulsory for 3–16 years?

<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

We agree.

All children and young people have the right to high quality, holistic and inclusive education about sexuality and relationships (European Network of Ombudspersons for Children (ENOC), 2017). The UK Government (including Wales) is a signatory to the 1989 United National Convention on the Rights of the Child (UNCRC) and has agreed to uphold the rights of children and young people as outlined in the Convention. In its recent

report to the UK government (UNCRC 2016), the UNCRC noted that ‘Relationships and sexuality education is not mandatory in all schools, its contents and quality varies depending on the school, and LGBT children do not have access to accurate information on their sexuality’ (UNCRC 2016; 63(b) p.16) n (see also the recent ENOC 2017 statements). The UNCRC recommends that the state ensure that meaningful SRE is part of the mandatory school curriculum in all schools (64(b)). In addition, this is also consistent with Objective 2 in the Welsh Government’s National Strategy on Violence against Women, Domestic Abuse and Sexual Violence (2016-2021) which states that the new curriculum must include the importance of safe, equal and healthy relationships.

The compulsory nature of RSE is congruent with international RSE research on the consequences of non-statutory RSE (Renold and McGeeney, 2017). High quality, inclusive RSE is associated with a range of positive and protective outcomes for children, young people and their communities, including i) reduction in homophobic, biphobic and transphobic bullying, and increased wellbeing for LGBTQ+ learners, ii) helping young people make informed decisions about sexual intimacy, sexual consent and sexual and reproductive health, iii) challenge gender stereotypes and increased understanding of safe, healthy and positive relationships.

Making RSE in the new curriculum compulsory is essential for ensuring that all children and young people in Wales have access to high quality RSE. Without this legislative change, RSE will remain a low priority for schools (e.g. Estyn, 2017), be narrowly conceived, will neglect the needs of children and young people, and will continue to create and perpetuate gender and sexual health inequalities (Ringrose, Harvey, Gill and Livingstone 2013; Albury and Byron 2015; Hope 2015; STIR 2016; McGeeney and Hanson 2017). We highlight in question 7 below, the conditions of using the terms ‘age and developmentally appropriate’ RSE.

Compulsory RSE is, however, just a starting point and the process to ensure every child in Wales receives high quality, rights and equity based, inclusive, holistic RSE should follow with the development of comprehensive statutory guidance setting out a core curriculum. It is this core curriculum that all children and young people are entitled to receive. Indeed, the core curriculum should take the form of the ‘whole school approach’ model, as well as the development and delivery of professional training to ensure schools are equipped to deliver high quality RSE. This also is in line with the policy direction initially outlined in England.

**Question 7** – Do you agree with the proposed changes to the guidance-making power so that it is designed to secure that RSE is provided in a way that is age and developmentally appropriate to the children receiving it?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

We agree.

Expectations of what is an age or developmentally appropriate RSE curriculum are not often grounded in and fail to address children and young people’s own learning and

experience. Research has highlighted that much RSE provision is out of touch with children and young people's lived realities and the wider learning. Indeed the 'age appropriateness' of content is often drawn upon by practitioners as reasons to avoid RSE topics, thus failing to address or silencing children and young people's questions and curiosities on RSE topics.

We agree with the provision of age and developmentally appropriate RSE, providing that age and developmentally appropriate RSE is an experience-near curriculum that is needs-led, and recognises and responds to children and young people's own agency, knowledge and experience (UNCRC Article 13, ENOC 2017). This is central to meeting the UNCRC recommendation that the state ensure that *meaningful* SRE is part of the mandatory school curriculum in all schools (64(b)).

In line with the 'whole school approach' the curriculum needs to be co-produced with children and young people to ensure that it connects directly to what children and young people are experiencing around them. This ensures that content is developed with and for young people, attuned to children and young people's evolving capacities, enabling all children and young people to see themselves and each other in what they learn. Working co-productively also offers opportunities and spaces for children and young people to "directly influence decisions about curriculum, pedagogy and assessment" (Successful Futures p.23). Research suggests that SRE is "most effective if it is timed and crafted to suit [children and young people's] developmental needs, including the character of their developing identities and social and sexual relations" (Flood 2009 et al. 2009, p. 47). Current SRE guidance for schools (Welsh Government 2010, para 2.18, p.10) states that "SRE programmes should be relevant to learners and sensitive to their needs". Activities and ethical pedagogies can be used to support children and young people to share their questions in classes where teachers feel they are 'too old' for a pupil or 'inappropriate' to share with the class.

Along with qualitative work with student voice groups, the School Health Research Network (SHRN) can support the co-production of curriculum via their biennial Student Health and Wellbeing Survey which will identify key issues of importance for children and young people within the school.

**Question 8** – Do you agree with our proposals to make RSE optional for learners in sixth forms?

We do not agree.

In line with the core principle to help all children and young people to become 'healthy, confident individuals, ready to lead fulfilling lives as valued members of society,' RSE should not only be compulsory for learners aged 3-16 but also be compulsory for sixth form learners. The rationale for compulsory RSE for sixth form learners is based on the same argument as identified in Question 6; based on the UNCRC, without compulsory RSE, both the contents and quality varies depending on the school.

As outlined in Question 7, age and developmentally appropriate RSE should continue for sixth form learners, especially given that they are at/over the age of legal consent. The challenges and experiences for sixth form learners may very well differ from those pre-

age 16. RSE should therefore continue to be ‘needs-led’ and ‘experience-near’ to incorporate the lives and experiences of sixth form learners.

It is important to note that although this consultation covers sixth form learners, it does not refer to other post 16 learners (e.g. those in FE settings). There is a risk of generating/perpetuating inequalities for those learners attending FE settings who do not receive RSE, but who, in terms of ‘risk’, may benefit the most from this.

**Question 9** – Do you agree with the proposed approach to RE?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

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**Question 10** – Do you agree with our proposals to make RE optional for learners in sixth forms?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

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**Question 11** – Should the right to withdraw from RE and RSE be retained?

<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

<p>We cannot comment on the right to withdraw from RE, and explain our rationale for circumstances where the withdrawal of students from RSE might be appropriate in Questions 12 and 13. Overall, we acknowledge limitations in the parental withdrawal of their children from RSE, however it may be possible for a student to withdraw themselves in certain circumstances in the event of child protection or safeguarding situations. We explain our rationale for this with more clarity in the following questions.</p>
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**Question 12** – If the right to withdraw is to be retained, should it remain with the parent (parent includes those with parental responsibility or those who have care of the child)?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input checked="" type="checkbox"/>
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If yes, please give your reasons. If no, please give you reasons and suggest alternative arrangements:

There will be varied views on this and it will be important to develop a process where perspectives can be addressed and an agreed way forward developed. Areas for discussion include:

First, the right for parents to withdraw their children from RSE negates the decision to make RSE compulsory for learners aged 3-16 (and potentially sixth form learners). The UNCRC recommends that the state ensure that meaningful SRE is part of the mandatory school curriculum in all schools (64(b)). If parents are able to withdraw their child from the curriculum, RSE is not compulsory, and therefore not compliant with the UNCRC. If RSE is to have equal status to other curriculum areas both within the AOLE and across AOLES, then its compulsory status must be upheld. For example, parents do not have the option to withdraw their child from the maths, or science curriculum. Equally, schools are encouraged to deliver a whole school approach to violence against women and girls, domestic abuse and sexual violence (VAWDASV) without the option for parental withdrawal to this topic, despite the association and similarity to 'relationships.'

Second, if parents retain the right to withdraw their child from RSE, there is a possibility that young people with safeguarding concerns and/or vulnerable groups may be excluded from provision. These children and young people could therefore be exposed to abuse as a result of their lack of knowledge and understanding (especially if this abuse is taking place within the home). Similarly, children and young people with Additional Learning Needs (ALN) are of particular concern. As these groups of students may be especially vulnerable to sexual abuse/exploitation, but these are the pupils who may be more likely to be withdrawn by parents because they perceive RSE to be inappropriate for their child. Again, this highlights the importance of 'needs-led' and 'experience-near' RSE provision co-produced by learners, as in line with the whole school approach, developed in consultation with parents.

Finally, there are practical implications for the withdrawal of students from RSE. If, as recommended by the SRE expert panel, a whole school approach is implemented, there are practical challenges to the parental withdrawal of RSE across a school site. While it may be possible to withdraw students from specific lessons, the aim of the new curriculum is to move away from segregated or single issue based curriculum programmes (e.g. lessons on 'pornography', 'consent', 'gender identity'), and instead focus on a holistic RSE curriculum. This type of curriculum offers an inter-disciplinary approach for learning and experience characterized by its capacity to integrate these issues with reference to how they connect with each other (e.g. the biological, cultural, economic, historical, political, psychological, social and digital domains). A holistic and inter-disciplinary RSE can enable children and young people to explore the dynamic and interconnected ways in which RSE topics are shaped across the six core areas of learning and experience, including creative arts and expression; health and well-being; humanities; languages, literacy and communication; mathematics and numeracy; science and technology. As a

result, withdrawing a child from these aspects of the curriculum poses not only practical but also pedagogical challenges and potential adverse consequences.

**Question 13** – If the right to withdraw is removed, what alternative, if any, should be in its place?

What alternative arrangements, if any, would you put in place?

As identified in Question 12, the option for the withdrawal of a pupil from RSE needs to be discussed in relation to the following issues in order to ensure that the appropriate safeguarding and child protection procedures should be in place to protect students.

- Policies surrounding safeguarding and child protection to ensure those students who are vulnerable/at risk are to the fullest extent identified and protected. For example, this might mean withdrawing a pupil/ a pupil self-withdrawing from aspects of the curriculum.
- To ensure that students are comfortable, as identified in Question 7, the content will be age and developmentally appropriate; that is, needs-led and experience near to students own lives to ensure relevance. If students are involved in the design and delivery of curriculum it ensures it is covering topics pertinent to their lives.
- In line with a whole school approach, parents will be consulted on and aware of the content delivered to their children, and ideally have input into the curriculum. Any RSE curriculum can be designed and taught sensitively and inclusively, with respect for backgrounds and beliefs of pupils and parents, but with the core aim of providing young people with the knowledge they need to stay safe and healthy, and make informed decisions about their attitudes, beliefs and behaviours.
- Schools need a supportive infrastructure to ensure that students who might find aspects of the curriculum challenging or upsetting, or need to absent themselves from any lesson are provided with appropriate guidance, support and signposting to additional services.

**Question 14** – 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?



**Question 15** – What are your views on the legislative proposals to enable the new assessment arrangements?

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**Question 16** – Do you agree with the proposed approach outlined for evaluating the effectiveness of curriculum and assessment arrangements?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

<p>The School Health Research Network has recruited all maintained secondary schools in Wales and established a data collection and reporting infrastructure that meets health and wellbeing data needs at local, regional and national levels. We know that schools and local authorities are finding that this data is invaluable to support their self-evaluation of needs in this area.</p> <p>This data infrastructure also has the potential to be used to evaluate the impact of the new curriculum changes on the Health and Wellbeing area of Learning and Experience and the core purpose that all children and young people will be: Healthy, confident individuals who are ready to lead fulfilling lives as valued members of society. It is worth noting that a current Health and Care Research Wales fellowship will be utilising SHRN data to evaluate the integration of health and wellbeing into the school curriculum and it's impacts on health and well-being.</p>
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**Question 17** – What are your views on the proposed approach to the publication of learner assessment data and any risks you foresee?

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**Question 18** – Do you agree with our approach for the RIA?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons and whether there is anything else you think we should take account of:

**Question 19** – 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.

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Please give your reasons:

**Question 20** – We would like to know your views on the effects that the proposals 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?

Supporting comments

**Question 21** – Please also explain how you believe the proposed policy could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on

treating the Welsh language no less favourably than the English language.

Supporting comments

**Question 22** – 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.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: