
Ymateb i Ymgynghoriad / Consultation Response

Enw / Name:	Meilyr Rowlands
Rôl / Role:	Her Majesty's Chief Inspector of Education and Training in Wales
E-bost / Email:	ChiefInspector@estyn.gov.uk
Rhif Ffôn / Tel No:	02920 446 446
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Pwnc / Subject:	The draft Welsh in Education Strategic Plans Regulations (Wales) 2019 and Guidance

Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

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

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

Supporting comments

(a) Extend the implementation period of a Welsh in Education Strategic Plan to 10 years

Estyn stated in its report (Local authority Welsh in Education Strategic Plans September 2016) that the Welsh in Education Strategic Plans (WESPs) provide a useful framework for local authorities to plan their Welsh-medium education provision. Estyn’s report also noted that there were weaknesses in the way many of the plans were developed and implemented at the time and that this contributed to the slow progress being made against many of the targets in the Welsh Government’s Welsh-medium education strategy.

Estyn agrees with the recommendation made in the urgent review of the WESPs made by Aled Roberts (2017) which emphasised the need to change the regulations and guidance arising from government legislation in order to strengthen the strategic priority given to the WESPs by local authorities. A review of the WESPs timetable in the way proposed would be in line with Welsh Government’s capital schemes, in particular the 21st Century Schools programme. The most reliable data source for measuring the number of Welsh speakers is the Census which is held every ten years. It is therefore reasonable that we reconcile the contribution of education to Welsh Government’s strategy for creating a million Welsh speakers by the year 2050 with this. At the same time, local authorities must realise that increasing the planning period from three to ten years places expectations on them that their long-term planning for Welsh-medium education is more strategic, proactive and ambitious than it has been in the past.

(b) Commence the next Plan in 2021 and for progress to be reported according to the academic school year

It is reasonable that the next plans should be operational from 2021 to ensure consistency with the 2031 milestone within *Cymraeg 2050 : A million Welsh speakers* and that progress is monitored by school year. This additional year

gives authorities more time to promote Welsh-medium education and to consult with a wider range of stakeholders in preparing their revised plans.

Question 2 – We would like to know your views on our proposals to:

- (a) remove the duty for local authorities to Plan their provision of Welsh-medium education based on the results of a parental assessment
- (b) replace this duty with a new provision in the regulations for local authorities to set their own targets in their Plans to increase the percentage of Year 1 learners taught through the medium of Welsh.
- (c) require local authorities to have due regard to Welsh Government guidance when calculating the targets to be included in the local authority Plan.

Supporting comments

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

Estyn noted in its report (Local authority Welsh in Education Strategic Plans September 2016) that some authorities do not have systematic methods of measuring the demand for Welsh-medium education. These authorities tend to respond in a reactive rather than pro-active manner to an increase in demand for Welsh-medium education and provision has to catch up with demand as a result. We therefore agree that undertaking parental demand assessments has not, on the whole, led to significant improvements in the way that local authorities plan their Welsh-medium provision. It is reasonable to expect local authorities to plan their Welsh-medium education provision in a much more proactive way. However, it is essential that promotion, engagement and open consultation with parents/guardians should be considered as part of the consultation process with key stakeholders.

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

In order to achieve the targets of the *Cymraeg 2050* strategy (one million Welsh speakers nationally), there is a need for a change of direction and consideration of alternative approaches to achieving this ambitious goal. The contribution of the education sector to achieving this target is well understood. It is therefore reasonable that local authorities set their own targets over a ten year period and

that they are ambitious and consistent with Welsh Government guidance. Local authorities should plan their Welsh-medium education provision on the basis of that one clear target.

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

We accept that requiring local authorities to set their own targets could lead to less ambitious targets. We note that Welsh Government is introducing a methodology for calculating targets in the statutory guidance which is compatible with the milestones of *Cymraeg 2050*. This approach recognises the different contexts and challenges facing the 22 local authorities. In order to ensure that this is an effective system, the relationship between Welsh Government and the local authorities must be open and challenging. A rigorous approach will be required to ensure that authorities set ambitious targets and monitor progress consistently and regularly. Flexibility will also be needed in order to respond to any local and/or national changes that are bound to occur over a ten year period.

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

- (a) the new statements included in the Schedule to the Welsh in Education Strategic Plans (Wales) Regulations 2019
- (b) setting out in statutory guidance what supporting information local authorities should be including in their Plan

Supporting comments

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

Overall, Estyn welcomes the revisions made to the statements that local authorities will be required to make in their WESPs from now on. The statements cover a broad and relevant spectrum of responsibilities. In particular, we welcome the emphasis on early years' provision and the target that will outline the expected increase in Year 1 children who are taught through the medium of Welsh over the lifetime of the scheme. Although there has been an increase in the number of Year 1 pupils being taught through the medium of Welsh between 2011/12 and 2017/18, there has not been an increase in the proportion of this cohort of pupils at a national level (around 23%). *Cymraeg 2050* includes a target for increasing the proportion to 30% by 2031 and then 40% by 2050.

However, there is reference to only one target in the proposed regulations – the number of pupils at the end of Year 1 taught through the medium of Welsh.

Despite noting the need for statements from the authority setting out how it will continue to provide Welsh medium education for learners, the regulations do not currently ask for targets to help drive this process. Consequently continuity and progression of Welsh medium education will be difficult to measure. We consider this to be a loophole in the proposed regulations.

The requirement for local authorities to work increasingly in partnership with other organisations in shaping the WESP and monitoring its implementation is also welcomed. Estyn stated in its report (Local authority Welsh in Education Strategic Plans September 2016) that Welsh medium education forum meetings are not held frequently enough and that the roles and expected contributions of stakeholders are unclear. This schedule clearly sets out the importance of working with other organisations including other fora and local authorities and other regional organisations, for example, the education consortia, in planning and developing their plans for 2021-31 so that responsibilities are set out clearly from the beginning.

It would be helpful to include a requirement for local authorities to set targets in relation to youth work provision which would support the aim in the Welsh Government's Youth Work Strategy to 'develop a better understanding of the role and availability of Welsh language provision across Wales, and develop a programme of work to increase opportunities for youth work in the medium of Welsh'.

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

The WESPs guidance is a useful and comprehensive document that sets out the task of developing the new WESPs in a clear and relevant context. We welcome the clear emphasis on Welsh Government's duty to promote and facilitate the use of Welsh, the need to plan proactively on the basis of targets and the expectation for local authorities to work in partnership with other organisations in contributing to the national priority of creating a million Welsh speakers. The guidance directs local authorities towards important planning considerations and provides valuable assistance to help them plan strategically for broadening opportunities for pupils to receive Welsh-medium education. For example, ensuring that Welsh-medium education is accessible to all regardless of their linguistic background and guidance in relation to the authority's learner transport policy.

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

- (a) require local authorities to review their Plans annually and submit an annual progress report to the Welsh Ministers based on the review.
- (b) the requirement that local authorities to submit their revised Plan to the Welsh Ministers for approval within 4 months of the review if the local authority deems it necessary to revise the Plan.

Supporting comments

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

We welcome that local authorities will not have to consult and re-publish their WESP in order to submit it to the Welsh ministers annually. However, progress should be monitored annually in a manageable way. We agree that this should be an ongoing process and not an annual 'event'. The annual progress report should be a concise summary of progress against the ten year target and represent the views of all stakeholders who contributed to formulating the WESP, particularly the members of the local authority Welsh in Education planning forum.

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

To ensure that this is an effective system, the relationship between Welsh Government and local authorities must be open and challenging. All stakeholders will need to be flexible in responding to the local and national changes that are bound to occur over a ten year period. It is reasonable to expect Welsh Government to challenge and question the progress made against the ten year target and overall progress against each of the seven intended outcomes and that authorities will need to amend their plans accordingly. The expectation for authorities to do this voluntarily is reasonable but the rigour of this process will have to be monitored closely.

We consider this proposal (3.27 in particular) to be ambiguous. It is not clear whether or not it is possible for Welsh Government to require authorities to amend their plans in certain cases – *'Welsh Government feedback following the local authority's annual report would strongly influence a local authority's decision to submit a revised scheme'*. If Welsh Government does not state this explicitly, it may be the case that some authorities may decide not to amend. The need to amend the scheme is likely to arise, for example, in responding to significant demographic changes.

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

Supporting comments

We welcome the continued inclusion of Estyn as a statutory consultee in the development of the WESPs by local authorities.

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

Supporting comments

Estyn has considered both options and we agree with the conclusion to recommend option 2 (Introduction of the Strategic Plans in Education (Wales) Regulations 2019). We agree that the main benefit of introducing the proposed regulations is that they respond robustly to the challenges presented by the *Cymraeg 2050: A million Welsh speakers* strategy. It recognises the pivotal role of education in achieving this aim and the way in which the education sector needs to be transformed in certain ways. The advantages of changing the plans from a three year cycle to ten years are noted above. The proportion of pupils who receive their education through the medium of Welsh has not increased quickly enough in recent times. Removing the statutory duty on local authorities to assess the demand among parents for Welsh-medium education means that authorities will have to set their own targets leading to more proactive ways of planning that will be consistent with the strategic aims of *Cymraeg 2050*.

Question 7 – We would like to know your views on our approach for the Impact Assessments. We would particularly value your view on the proposed impacts on groups with protected characteristics.

Supporting comments

Overall, Estyn agrees with the approach taken to the impact assessments and that the proposals have a positive impact on groups with protected characteristics. In particular the proposals for amendments to the Welsh in Education Strategic Plans

(Wales) Regulations 2019 are compatible with the Well-being of Future Generations (Wales) Act 2015 which requires public bodies in Wales to work towards the achievement of seven well-being aims, including 'Wales with a vibrant culture where Welsh is thriving'.

We agree that the most positive impacts may be on the following:

- **Children's rights:** more children and young people could develop their Welsh language skills during their compulsory education. They would benefit from the advantages of bilingualism and this in turn should qualify them for a wide range of jobs and strengthen their chances of success after leaving education. All children should have the right to meaningful access to Welsh-medium education in their own community and in a way that does not treat Welsh in a less favourable way than the English language.
- **Equality:** this proposal could ensure that more children and young people have equal access to Welsh-medium education and in time this educational provision should lead to an increase in the bilingual skills of children and young people. This in turn should have a positive impact on them in terms of the tackling poverty agenda by providing them with lifelong language skills that they could apply in the workplace - opportunities that would not otherwise be available to them.
- **The Welsh language:** the proposals could have a positive impact on cultural well-being and the Welsh language. *Cymraeg 2050* seeks the assistance of local authorities in responding to the ambition of securing a million Welsh speakers and the education system is key to ensuring that we achieve that aim. The outcomes for the Welsh language within the education system could improve as a result of this proposal and the following aspects in particular, namely, improving the planning of provision, raising standards in Welsh-medium education and improving the quality of Welsh-language teaching, both as a subject and as the medium of teaching for other subjects.

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

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

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

Supporting comments

These regulations clearly link to Welsh Government's strategy for the Welsh language, namely *Cymraeg 2050 : a million Welsh speakers*. The statutory

education system in Wales has an important contribution to make in achieving that aim and Welsh local authorities' plans are a core part of that process.

Estyn agrees that this proposal will have a positive impact on Welsh-medium education and Welsh learners of all ages. However, the regulations and guidance could be strengthened by emphasising the need for local authorities to ensure that Welsh-medium education is increasingly at the heart of local communities and accessible to all regardless of linguistic background. The growth in Welsh-medium education has not been rapid enough in recent times and not all authorities have considered carefully enough the medium of education when opening new schools and/or estimating population growth following the construction of new housing estates. Similarly, local authorities should ensure that they plan for learners to develop their Welsh language skills on an ongoing basis throughout their education. This is not happening in many secondary schools and authorities are not planning sufficiently collaboratively with further education institutions in order to contribute to this process as learners leave school at the age of 16.

In offering guidance to local authorities over the next decade Welsh Government must co-ordinate all aspects that currently influence Welsh-medium education in Wales. For example, Estyn would support moves to extend provision for immersion education across Wales. A few local authorities implement very effective arrangements for pupils joining Welsh-medium or bilingual schools with little or no prior competence in Welsh. They offer opportunities for new cohorts of pupils to develop their skills in Welsh and provide a sound linguistic basis for them to be able to participate fully in their bilingual education and to take advantage of the experiences offered.

Estyn welcomes the emphasis in the guidance on the important contribution that English-medium schools make to realising the aim of increasing the number of Welsh speakers. Nevertheless, we feel that a national consensus needs to be established on that which constitutes effective teaching and learning methods for the acquisition of Welsh as a second language. In turn, this consensus should inform professional learning for teachers in Wales. Improving the language skills and teaching methods of Welsh teachers is key to ensuring that English-medium schools contribute appropriately to the target of a million Welsh speakers 2050 and that learners from all backgrounds develop strong skills in Welsh.

Question 9 – Please also explain how you believe the proposed policy for the draft 2019 Regulations could be formulated or changed so as to have:

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

Supporting comments

We feel that any changes referred to in our answers to previous questions are likely to strengthen the proposed policy.

We consider that the policy is likely to broaden access to Welsh-medium education and to increase the choice available to parents as they choose the language medium of their children's education.

In addition, the policy should ensure that more young people develop their Welsh language skills robustly. As a result, there should be more human resources in the workforce of the future who will be able to offer meaningful Welsh-medium services of the same standard as those available in English.

Only by increasing the numbers of those who speak the language and confident enough to use them in a proactive and natural way will it be possible to achieve a truly bilingual society based on the principles of linguistic equality

Question 10 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.