

## **The Welsh Language Commissioner's written comments on the Welsh in Education Strategic Plans and the legislative framework supporting Welsh language education provision**

### **1. Has the legislative framework for Welsh in Education Strategic Plans improved?**

- 1.1 The legislative framework for the WESP is certainly an improvement on the previous system. The move towards more long-term schemes and asking local authorities to proactively expand Welsh-medium education in line with specific targets are significant and substantial changes.
- 1.2 However, the legislative basis of Welsh-medium education planning needs to be strengthened further. At the moment, there are weaknesses and gaps in the planning system.

### **2. To what extent do the Welsh in Education Strategic Plans contribute to the outcomes and targets set out in the Cymraeg 2050 strategy?**

- 2.1 It is too early to know with any certainty what the impact of the changes to the WESP framework will be on the longer-term development of Welsh-medium education.
- 2.2 The WESPs are certainly an important part of the strategy for achieving the targets and vision of Cymraeg 2050. At the end of 2021, we provided detailed feedback on each local authority's draft plans. Although many of the draft plans at that time had obvious weaknesses (we should note that we did not see the final plans submitted to Welsh Government by the end of January 2022), our overall conclusion was that the new WESP framework had resulted in much more ambitious and far-reaching strategic plans. The main strength of the WESPs is that it is a relatively effective framework for planning the establishment of a new Welsh-medium education provision, and for expanding the existing Welsh-medium provision.
- 2.3 Despite this, we firmly believe that there is a need to further strengthen elements of legislation and policy that support the WESPs and the growth of bilingual and Welsh-medium education more generally. As we detail below, the WESP framework as it stands will not be sufficient to achieve the challenging outcomes and targets of Cymraeg 2050.
- 2.4 In relation to a key part of the strategy, which is to move schools along a linguistic continuum, we do not consider that the current arrangements are sufficient to achieve the kind of progress envisaged in the Cymraeg 2050 strategy. Currently, there is an obvious void in the strategy and the legislative framework for carrying out this policy.
- 2.5 There are also significant shortcomings in the strategy for achieving Cymraeg 2050 objectives and targets in relation to the contribution of the English-medium sector. Cymraeg 2050 sets a target that by 2050, 50% of learners in the English-medium sector will indicate they can speak Welsh by the time they leave school. It is unclear exactly what the intention or strategy is in this context. Is the intention to introduce significant changes to the way Welsh is taught and used in all English-medium schools in Wales? Or does this target also relate to a process of moving a significant number of schools that currently follow an English-medium education model towards a bilingual education model? Although the two strategies above overlap to some extent, the lack of clarity on the policy intent leads to a lack of clarity regarding the strategy to achieve it. One thing that is clear to us is that neither the WESPs nor the vague requirements of the new curriculum are going to lead to the transformation that the Government envisages.
- 2.6 One aspect of the WESPs that is a cause of particular concern is the lack of adequate ALN provision through the medium of Welsh. The WESP drafts are testament to the fact that this is

a national problem that leads to fundamental inequities for learners who need additional support through the medium of Welsh. Although the various suggestions made in this paper (particularly about the education workforce, points 4.17-4.20) are relevant, we believe that the main priority is to fully implement the requirements of the Additional Learning Needs Act and the Education Tribunal (Wales) 2018 from a Welsh language perspective.

2.7 As we explain in our response to question 4, there are several other relevant areas where policy, strategic and legislative changes need to be introduced to support the WESPs and facilitate the achievement of Cymraeg 2050 objectives and targets. The most important of these areas is workforce planning.

**3. How are local authorities responding to the changes made to the guidance on school categories according to Welsh-medium provision, and are they satisfying the Welsh Government's ambition to increase Welsh-medium provision in English-medium and dual-stream schools?**

3.1 We have no direct information or evidence of how local authorities are responding to the new guidance. The Commissioner has no direct role in education planning at a local level and therefore our comments focus on the categorisation framework more generally.

3.2 The introduction of the new guidance was an important step in the development of bilingual and Welsh-medium education. However, the introduction of the guidelines and categories is only one part of the picture. It is now necessary to develop the wider statutory and strategic system that will ensure that the categorisation framework works in accordance with its purpose; namely to increase Welsh-medium provision across Welsh schools. Without the development of this wider system, the guidelines themselves will not meet the Welsh Government's target. As we outline in our response to question 4 (see points 4.8 to 4.14), this is the area with the greatest potential to introduce legislative and strategic changes that will facilitate the achievement of the Cymraeg 2050 education targets.

**4. What challenges will arise when designing and developing Welsh-medium provision ahead of a proposed Welsh Language Education Bill?**

4.2 Our response focuses on the main areas that the proposed Bill needs to address, which is based on our views on the main weaknesses and challenges of the current planning system.

4.3 One of the founding principles for our suggestions below is that the proposed Bill must do more than make minor adjustments to the current system. There is a need to introduce bold policies and legislation that will truly lead to the kind of progress envisaged in the Cymraeg 2050 strategy.

4.4 While our comments below are largely drawn from our recent experience of providing feedback on each local authority's WESP, it should be emphasised that the recommendations consider the WESPs within the wider context of the Welsh-medium education planning system. The proposals do not necessarily relate to changing the WESP framework itself, but rather to that wider statutory and strategic framework that supports and facilitates WESPs, and through that the growth of Welsh-medium education more generally.

4.5 When considering legislating in some of the areas below, it should be stressed that changes are needed from a policy and strategy perspective. Legislating is but one part of the picture, and in some areas, legislating may not be appropriate, and rather changes to policy, strategy or budget must be made.

## Set a clear and ambitious statutory goal and to provide a statutory basis for the education policy targets and objectives of the Cymraeg 2050 strategy

- 4.6 The Bill should include an ambitious statutory aim that Welsh Ministers ensure that, by 2050, the education system in Wales guarantees all learners the opportunity to develop into confident Welsh speakers. This will be achieved by setting statutory targets, commitments, or frameworks in relation to the main education objectives of the Cymraeg 2050 strategy:
- Expanding Welsh-medium education across Wales
  - Moving schools along the linguistic continuum
  - Ensuring that all existing English-medium schools move along the linguistic continuum to ensure learners can develop fluency in Welsh
  - Workforce planning
- 4.7 A duty should be placed on Welsh ministers to exercise their powers in accordance with these statutory objectives.

## In relation to the WESP and the linguistic categories, introduce a powerful statutory and budgetary framework for facilitating the movement of schools along a linguistic continuum

- 4.8 **Setting the definitions and categories on a statutory basis:** one way to do this would be to refer to the categorisation system at the front of the Bill and include the detail within regulations.
- 4.9 **Setting more robust accountability arrangements:** this would include requirements on reporting and publishing information, as well as external monitoring by an education regulatory body to ensure the validity and robustness of the categorisation system in the context of the policy's aims.
- 4.10 **Publishing statutory guidance on moving schools along a linguistic continuum:** this guidance should clarify and exemplify good practice and provide practical support to schools and local authorities. There needs to be national guidance, or a national model on the process of moving schools along a linguistic continuum, including the considerations of curriculum development, resources, staffing, communication with parents, consultation, planning etc.
- 4.11 **A robust statutory framework for managing the movement of a school along the continuum:** [The independent review report to re-define schools according to their Welsh-medium education provision](#) mentions the idea of a 'School transformation plan' – a plan agreed between a local authority and a school that covers the timetable, strategy, and approach for moving a school from one category to another over a period of time. The Bill should develop this idea and create a statutory system for moving schools along a continuum. It would be possible to clarify the requirements of a 'school transformation plan', explaining how this would intersect with duties to shape WESP, as well as the relationship of this to support, budget, and consultation matters (see below). These transformation plans could be viewed as school-level WESP.
- 4.12 **Power for Ministers to provide specific funding and support to schools that are in a transitional period (those who have agreed a school transformation plan):** the statutory procedure for moving a school along the continuum should include a clear link to a purposeful and powerful package of resources and funding for these schools. This should include staff training, support for resources and planning expertise, and much more strategic use of existing Welsh-language Sabbatical Scheme budgets, the Education Improvement Grant, and the Regional Consortia School Improvement Grants.

- 4.13 **Reforming 'regulated change' consultation processes:** the requirements within section 42 of the School Standards and Organisation (Wales) Act 2013 as well as the School Organisation Code need to be amended to enable and facilitate the movement of schools along a linguistic continuum. It's appropriate to have a process of consultation on the intention to move a school along the continuum, but the 'regulated changes' framework in relation to school language mediums (see table 1 of paragraph 7, or table 2 of paragraph 7 in Schedule 2 of the School Standards and Organisation (Wales) Act 2013), is not suitable in the context of current Government education policies. One option would be to require local authorities to have a single consultation on initiating a process of moving a school along the linguistic continuum (based on a school transformation plan), rather than doing so multiple times along the way.
- 4.14 **Power for Welsh Ministers to ask schools or local authorities to introduce changes to Welsh-medium provision in a school:** the process of moving school along the continuum needs to happen based on the support of schools, and more importantly the support of parents and pupils. But we believe that this discretion needs to be provided to Welsh Ministers in case there is evidence (for example arising from external monitoring) that schools/local authorities are not responding adequately to demand among parents and pupils.

#### Set out a legislative mechanism for raising standards in English-medium schools over time to ensure that by 2050 the education system in Wales offers everyone the opportunity to develop fluency in Welsh

- 4.15 Currently, there is no real strategy for achieving the aim of significantly increasing the number of pupils leaving the English-medium sector as confident Welsh speakers. The Bill should address these shortcomings through:
- Setting a requirement for Welsh Ministers to introduce a single Welsh language continuum for measuring, describing, and assessing pupils' Welsh language skills.
  - Based on the Welsh language continuum, place a duty on Welsh Ministers to set clear and detailed delivery expectations and outcomes for English-medium schools.
  - Based on the Welsh language continuum, place a duty on Welsh Ministers to submit a timetable that sets out when and how quickly these expectations placed on English-medium schools will be raised. The timetable needs to detail how and when the 'scaffolding' supporting learners in English-medium and bilingual schools will be adapted and reviewed, with the long-term intention of significantly closing the gap between English-medium school pupils and Welsh-medium school pupils. This work should be linked to Welsh language qualification proposals, setting out how Welsh language qualifications will adapt to the gradual raising of expectations to achieve the long-term goal of a single Welsh language qualification for all Welsh schools.
  - Give Ministers the power to publish statutory guidance on the development of the Welsh language curriculum in English-medium schools. The guidance would effectively give direction to schools on how to develop a curriculum that is likely to meet the expectations placed on them.
  - Linking the above with a bespoke professional learning programme
  - Raising the status of the Welsh language as a key part of school self-evaluation and external inspection and monitoring
- 4.16 The above commitments would therefore include in legislation a requirement for all schools to embark on the journey along the linguistic continuum. Welsh Ministers would have a

statutory duty, through the continuum, to introduce a framework and timetable for ensuring an increasing proportion of Welsh pupils, regardless of the school's linguistic category, reach the upper echelons of the continuum. In addition to the strategies for expanding Welsh-medium education and moving schools along a continuum, the above commitments would be a way of ensuring that the education system in Wales does not exclude large numbers of pupils from the benefits of bilingualism.

#### **Strengthen the statutory basis for Welsh-medium education workforce planning**

- 4.17 This is undoubtedly the most critical part of the whole strategy. Although the publication of [Welsh in education workforce plan](#) is an important step in the right direction, it will have to go further if the education targets of Cymraeg 2050 are to be achieved. The development of the Bill is a clear opportunity to introduce legislative changes to support this work.
- 4.18 Providing a statutory basis for the workforce plan would be an important part of this, as well as including specific requirements within that for Welsh Ministers to review and update the scheme based on data modelling and analysis.
- 4.19 In the longer term, the Welsh Government will have to integrate Welsh language training as an integral part of the process of training and qualifying as a teacher for most Welsh trainees. One part of this would be to set a more robust and high-profile mechanism within legislation for raising the language expectations and requirements for teachers over time. The other key part will be designing effective language training provision. One way to achieve this would be to further draw on the expertise of organisations such as the Coleg Cymraeg Cenedlaethol and the National Centre for Learning Welsh in planning post-compulsory education provision and language training. The principles of existing programmes such as Work Welsh and the Sabbaticals Scheme could be integrated into the training from the outset.
- 4.20 This needs to be developed beyond initial teacher training courses in the statutory sector, while ensuring corresponding plans for other priority areas, for example the childcare and early years workforce, additional learning needs, post-16 education, and elements of care and health. There is an opportunity here for Wales to innovate by developing expertise in creating a bilingual workforce and bilingual education/training pedagogy.

#### **Ensure that education capital project funding and approval processes are aligned with the vision and targets of Cymraeg 2050**

- 4.21 More coherent, stable and direct arrangements need to be developed to ensure that the Government's education capital budget facilitates the achievement of Cymraeg 2050 objectives.
- 4.22 Rather than introducing occasional capital funding pots for Welsh-medium education, we believe there is potential to co-ordinate the 21st Century Schools Capital Programme and the WESP in a more effective and direct way. This is true regarding local authority planning and the Government's awarding processes. The simple point is that the targets of the Welsh Government and WESPs need to be a central part of the whole process of applying and approving education reorganisation projects more generally.
- 4.23 This would also be a way of ensuring that funding decisions do not have the unintended consequence of undermining the development of Welsh-medium education.

### Consider possible ways to strengthen strategic co-planning requirements between pre-school provision, the statutory period, and post-16 provision

- 4.24 Whatever legislative changes are introduced in relation to the statutory sector, consideration needs to be given to how reciprocal arrangements could be introduced for the pre-school sector, and post-16 if applicable. In the context of the proposals contained in this paper, the workforce proposals are one prominent area where the pre-school and post-16 sector could be included. In the case of the pre-school sector, we believe that all the proposals are relevant.
- 4.25 The latest WESP drafts show improved strategic co-planning between the childcare/early years sector and the statutory sector. Although there is some evidence of similar co-planning between the statutory and post-16 sectors in some of the draft WESPs, this aspect of the plans remains weak at a national level. It appears to us that there is clear potential to introduce more specific co-planning requirements between schools and further education colleges at county/regional level to ensure effective continuity in bilingual and Welsh-medium education.

### School transport arrangements

- 4.27 Changes to the Learner Travel (Wales) Measure 2008 need to be introduced to avoid the current vagueness of the act regarding the duty on local authorities and Ministers to promote access to education and training through the medium of Welsh. It is necessary to ensure that the act facilitates access to Welsh-medium education and training, including Welsh language post-compulsory education. It should be noted that the Welsh Government has recently conducted a [review of the Learner Travel \(Wales\) Measure 2008](#), and the conclusion of the review was that a wider programme of work needed to be developed, including the consideration of a complete revision of the Measure. We would support a full review of the measure, with particular attention to issues relating to transport to Welsh-medium and post-compulsory education. It will be necessary to ensure that the proposed Welsh Language Education Bill and the amendment of the Learner Travel Measure are effectively co-ordinated.