

Welsh Language Commissioner's response to the consultation on Welsh in Education Strategic Plans – the legislative framework that supports Welsh-Medium education provision

Question 1: In December 2015, the Fourth Parliament's Children, Young People and Education Committee published recommendations in its report on the 'Inquiry into Welsh in Education Strategic Plans'. Has the legislative framework for Welsh in Education Strategic Plans improved since then?

Undoubtedly, the legislative framework for Welsh in Education Strategic Plans has improved from the previously existing system. Moving towards longer term plans and requiring local authorities to proactively expand Welsh medium education in accordance with specific targets are substantial and significant changes. However, it is far too early to know with any certainty what impact these legislative changes will have on the development of Welsh medium education in the longer term.

At the end of 2021, we provided detailed feedback on each local authority's draft plans. Although there were obvious weaknesses in many of the draft plans at that time (we should note that we did not see the final plans submitted to the Welsh Government by the end of January 2022), our overall conclusion was that the new WESPs framework had led to much more ambitious and far-reaching strategic plans. One of the most positive messages that emerges from the strategic plans is the evidence that Welsh medium education thrives when local authorities plan carefully and establish quality and accessible provision. The demand for Welsh medium and bilingual education exists across Wales, and it is encouraging to see more local authorities planning proactively to enable more parents to choose Welsh medium education for their children. Despite these positive messages, there is still some way to go to ensure that all local authorities embrace the new WESPs framework, and even more importantly that all local authorities implement their plans fully over the next ten years.

Although the new WESPs framework is an improvement, it is clear to us that the legislative basis of planning Welsh medium and bilingual education needs to be strengthened further. Our response below will highlight the current weaknesses and gaps in the planning system, as well as how the WESPs framework could be strengthened and enhanced by introducing legislation and other policies.

Question 2: To what extent do the Welsh in Education Strategic Plans contribute to the outcomes and targets set out in the Welsh Government's Strategy for the Welsh language – Cymraeg 2050?

The need to introduce further legislation and policies in order to strengthen and support the WESPs

The reason for introducing changes to the WESPs framework was the unequivocal evidence that the previous system was not sufficient to meet the Cymraeg 2050 targets.

It is far too early to draw any clear conclusions on the extent to which the new framework will contribute to the outcomes and targets of the Cymraeg 2050 strategy. Naturally, it will be a matter of some years until it will be possible to look at objective data and statistics to draw firm conclusions to this end. We must also bear in mind that the WESPs is only one part of the picture, and that the impact of the wider work already taking place in related areas needs to be recognised and considered.

Although we therefore do not know exactly what impact the new WESPs framework will have on the Cymraeg 2050 targets, it is clear to us that there is a need to further strengthen elements of the legislation and policy that support the WESPs and the growth of Welsh medium and bilingual education. As we set out below, it is clear to us that the WESPs framework, as it stands, will not be sufficient to achieve the challenging outcomes and targets of Cymraeg 2050. This is not a criticism of the work done in terms of changing the WESPs framework; indeed, it was recognised at the time that there was more work to be done to strengthen the legislative and planning policy base for Welsh medium and bilingual education.

Scrutinising the main education targets and objectives of the Cymraeg 2050 strategy

In order to discuss the gaps and weaknesses in the Welsh medium education planning system, careful consideration needs to be given to the specific education objectives of the Cymraeg 2050 strategy.

Clearly, the Cymraeg 2050 strategy and associated action plans contain a range of different objectives and targets. However, there are three primary objectives/targets regarding the development of the education sector over the next 30 years:

- Increase the proportion of all school year groups taught through the medium of Welsh from 22% (7,700 seven-year-old learners in 2015) to 30% (10,500 learners) by 2030, and then 40% (14,000 learners) by 2050.
- Transform how Welsh is taught to learners in the English medium sector so that 50% of those learners, by 2050, will be able to say that they can speak Welsh by the time they leave school.

- In achieving both above objectives, at least 70% of all learners in Wales will be able to say that they speak Welsh by 2050.

The first target, namely the number/percentage of 7-year-olds receiving Welsh medium education, is clear and easy to measure. As a result, the task is also clear – to increase the number/percentage of primary education children receiving education through the medium of Welsh.

The second target is slightly more vague. There are two reasons for this. Firstly, it is not entirely clear how progress against this target will be measured nor what the current baseline is. We assume that it will be possible to scrutinise the achievement of this target by measuring the number of Welsh speakers in more general surveys (for example, the census). Secondly, it is not entirely clear how this target will be achieved. For example, is the intention to introduce significant changes to the way in which the Welsh language is taught and used in all English medium schools in Wales? Or does this target also involve shifting a significant number of schools that are currently following an English medium education model to a bilingual education model? Although both strategies above flow into one another to some extent, it is unclear to us whether the real intention is to transform the English medium sector, or to reduce the English medium sector (by increasing the number of schools moving along the language continuum towards being Welsh medium schools in accordance with the [Guidance on school categories according to Welsh medium provision](#)). Of course, it is possible that a combination of the two strategies above is needed, but the Government needs to be clear about this in order to plan accordingly.

The third target effectively combines the two previous objectives. For example, if the size of an annual cohort in Wales is 35,000 pupils, the target is that 14,000 (40%) will attend Welsh medium primary education. Of the remaining 21,000, 50% of these (10,500) will be Welsh speakers by the time they leave school. This gives a total of 24,500 pupils (70% of the annual cohort) that will be Welsh speakers by the time they leave school. The above analysis oversimplifies a situation that is slightly more complex. Although it is possible to split the contribution of the Welsh medium sector and the non-Welsh medium sector fairly easily in the primary sector, this is less distinct in the secondary sector. Pupils who have received Welsh medium primary education will transfer to various models of Welsh medium and bilingual secondary education (categories 3p, 3 and 2 in the new categorisation system).

In accordance with the above analysis, it appears that there are 3 main strategies in order to achieve the main education targets of Cymraeg 2050:

1. **Establish new Welsh medium provision and expand existing Welsh medium provision:** This is particularly true in relation to Welsh medium primary education, where there is greater potential to establish new provision because of school re-organisation and so on.
2. **Move schools along a language continuum:** This includes moving bilingual schools towards being Welsh medium schools, moving bilingual schools along

the continuum (offering a higher proportion of the curriculum through the medium of Welsh and ensuring that a higher proportion of pupils take advantage of this provision), and moving English medium schools towards being bilingual schools. In the case of primary schools, movement along the language continuum could take place on a stream basis (rather than a school-wide basis). Although the secondary categories do not include different language streams as a concept, this is likely to be the case in practice (i.e. that English medium schools offer a bilingual class/stream to begin with). It ought to be emphasised here how crucial moving schools along the language continuum will be in achieving the 2050 education targets.

- 3. Raise the expectations put on all English medium schools in Wales in terms of the teaching and use of the Welsh language:** This has already begun as part of introducing the new curriculum, but it is inevitable that expectations will now need to be substantially raised if challenging targets regarding the contribution of the English medium sector are to be achieved.

In considering the possible content of a proposed Welsh Education Bill, it is essential to consider the robustness of existing frameworks (including the WESPs) in facilitating the 3 processes above.

The extent to which the WESP contributes to the above objectives and targets

Of the above three strategies, we only have confidence that there is a robust and effective strategy and procedure in place for the first one. In our view, the new WESPs framework sets out an effective planning system for establishing new Welsh medium education and expanding existing Welsh medium provision. Clear targets have been agreed upon between the Government and local authorities, and local authorities are required to submit detailed plans on how they will achieve these targets over the next ten years. Whilst there is more that could be done to further support this work (see our response to question 4), this part of the strategy is generally clear and robust. Clearly, achieving these targets will not be easy by any means, but we believe that there is broad agreement and understanding among all relevant stakeholders with regards to the aims and objectives, and how this can be achieved.

In relation to the second strategy of moving schools along a language continuum, we do not believe that the current arrangements are sufficient to achieve the kind of progress envisaged in the Cymraeg 2050 strategy. We therefore believe that this is one obvious area in which further work is required and in which local authorities and schools need further support.

Most local authority strategic plans discuss the intention of moving schools along a language continuum. It should also be noted that the guidelines on categorising schools by language medium provide a clearer framework for achieving this. However, we believe that there is much work to be done to support local authorities

and schools to undertake this challenging task, and to facilitate the whole process of moving schools along a language continuum. This won't be an easy task, and we are concerned that the vision and intentions of local authorities will not come into fruition unless the Government carefully considers ways of supporting and facilitating the whole process. It is revealing that a range of local authorities have for decades harboured commitments in their WESPs to move schools along a language continuum. Nonetheless, little progress has been made in most of these cases. To avoid repeating this situation, a bold and dedicated strategy is needed that paves the way by enabling schools and local authorities to move schools along a language continuum. Our response to questions 3 and 4 of the consultation suggests the types of policies and changes to legislation that have the potential to significantly strengthen this element of the strategy, thereby significantly strengthening this aspect of the WESPs.

In relation to the third strategy regarding the contribution of the English medium sector, it is not yet clear to us what exactly the strategy is. It should be noted that the trajectory towards a million speakers anticipates that the English medium sector has a key contribution to make. According to the statistical model, by 2050, English medium schools will contribute 10,500 Welsh speakers per school year, compared to the 14,000 that will come from the Welsh medium sector (and the bilingual sector in secondary education).

The WESPs discuss the use of the Welsh language in the English medium sector, specifically in relation to the new curriculum for Wales, as well as the language charter. However, the kind of commitments made do not equate to the huge challenge of ensuring a significant increase in the number of pupils in English medium schools who become Welsh speakers.

This target regarding the contribution of the English medium sector is usually discussed in the context of the new curriculum. An important part of introducing the new curriculum was to raise the expectations put on English medium schools in terms of the Welsh language, including abolishing the Welsh as second language teaching programme, and introducing a single continuum for teaching Welsh. The Commissioner has on many occasions raised concerns about the extent to which the new curriculum truly delivers these objectives. It does not appear to us that there is any clear and robust strategy in place to achieve this. It is therefore fair to say that the Government has not yet explained with any conviction how it intends to reach a situation where 50% of those learners who have attended English medium schools say that, by 2050, they can speak Welsh by the time they leave school.

As we have already mentioned, part of the answer may be that a significant number of schools currently offering English medium education will begin the journey along the language continuum by offering a more bilingual curriculum to some or all of their pupils. As we expand upon in our response to question 4, perhaps one effective way of encouraging more schools to do this is by being clearer and more ambitious in prescribing the Welsh language provision that every school needs to provide. That is, that there are clear and robust requirements on all schools in Wales in terms of the Welsh language, and a clear framework for gradually raising these expectations

over time. In our view, the curriculum as it stands does not provide the clarity or ambition required.

To summarise our response to question 2, the Welsh in Education Strategic Plans make an important contribution to the outcomes and targets of the Cymraeg 2050 Strategy. However, associated elements of the Welsh education planning system need to be significantly strengthened to complement the WESP framework. This is particularly true in relation to moving schools along a language continuum, as well as the contribution of the English medium sector.

Question 3: How do local authorities respond to changes to guidance on school categories according to Welsh medium provision, and do they meet the Welsh Government's ambition to increase Welsh medium provision in English medium and dual stream schools?

We have no information or evidence on how local authorities are responding to the new guidance. We would imagine that it is too early to fully understand how local authorities are responding, and that most of them are currently working on trying to interpret and implement the new requirements. The new regime will take some time to embed, and we are currently in that period between two frameworks.

Publishing new guidance on the categorisation of schools was an important step in terms of developing Welsh medium and bilingual education. For the new guidance to fulfil the Welsh Government's ambition, we believe that two critical issues need to be addressed:

- 1. Practical issues around implementing the new regime:** although detailed guidance has already been issued, local authorities will need further guidance and support in implementing the new regime. For example, the secondary categories are quite complex in that they are based on the percentage of the curriculum that is available through the medium of Welsh, the percentage of Welsh medium extra-curricular activities, and the percentage of pupils studying a minimum percentage of the curriculum through the medium of Welsh. There exists a range of relevant variables here in terms of how to interpret and calculate the percentages that underpin these categories. A clear and consistent methodology is needed to avoid inconsistency and a lack of transparency in Welsh medium and bilingual provision of schools. This is essential to ensure clarity for parents and pupils. A key part of this will be to ensure that local authorities and schools publish clear and detailed information for parents regarding the school's language provision.

One of the main reasons for introducing the new guidance was that the previous categories had not been interpreted correctly or consistently, and there were shortcomings in terms of detailed monitoring to ensure that the provision of schools was in line with the category in question. This resulted in confusion and a lack of clarity for parents, as well as a lack of effective

planning at school and local authority levels. There is little detail to date as to what the new monitoring and accountability procedures will be. Whilst the inspection work of Estyn – as well as the evaluation, improvement, and accountability framework – will be relevant in this context, we believe that a specific and bespoke monitoring process will need to be developed, particularly during the initial transition to the new framework.

2. The planning process and moving schools along a language continuum:

It seems the new categorisation framework has been designed to facilitate the movement of schools along a language continuum (especially secondary schools). However, we do not consider that there is a consistent understanding of exactly what this means, and how to achieve this effectively. We therefore believe that there is a need to develop a clearer understanding of the process of moving schools along a language continuum. That is, a national model needs to be developed for schools in different categories, which maps the typical process of moving a school along the continuum step by step. Alongside providing the above clarity, careful consideration could be given to which legislative and policy changes would support and facilitate this process (see our response to question 4 for more detail on this).

One thing that is clear to us is that the [*Independent review report to re-define schools according to their Welsh medium education provision*](#) includes a more far-reaching vision than simply offering new categories. After reading the report carefully, it is evident that it offers the new categories within a wider statutory and strategic system. For example, the report emphasises the need for a statutory basis for the categories, the need to revisit consultation requirements in accordance with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, the need for more robust monitoring and accountability procedures, and refers to specific ways of facilitating the movement of schools along a language continuum. The definitions themselves are only one aspect of a wider framework, and consideration needs to be given to all the associated issues that are vital for the system to flourish. The guidance issued by the Government does not really address these related issues that are crucial to the success of the new categories. We therefore consider that the proposed Welsh Language Education Bill presents a clear opportunity to develop this wider planning system, and to set it up on a statutory basis. This would significantly strengthen the whole process of moving schools along a language continuum.

Question 4: What challenges will arise in terms of planning and developing Welsh medium provision, ahead of a proposed Welsh Education Bill?

As our response to the previous questions highlights, there are many challenges in terms of planning and developing Welsh medium and bilingual provision. However, it

is important to recognise all the positive developments that have taken place over recent years. We therefore strongly believe that the proposed Welsh Education Bill is a golden opportunity to build on this work and strengthen elements of the strategy.

In this context, we would urge the Government to ensure that the Bill reflects the extent of the ambition of Cymraeg 2050. As we stated in our [5-year report on the position of the Welsh language 2016-20](#), if the Government is serious about achieving the Cymraeg 2050 targets, then actions and investments cannot continue to be made in the same way as the last twenty years. There is a need to go further by introducing bold policies and legislation that will lead to the kind of progress envisaged in the Cymraeg 2050 strategy. Making minor adjustments to the present system will not lead to kinds of growth in Welsh medium and bilingual education that is central to the Welsh Government's Cymraeg 2050 strategy. An important principle that underpins our suggestions below is that this Bill must go beyond just setting targets and focus on facilitating the achievement of those targets.

There will be further opportunities to discuss the possible content of the Welsh Education Bill in more detail. There is a wide range of issues worthy of attention, all of which would be beyond the scope of this response. This is especially true in relation to the pre-school and post-16 phases, which deserve considerable attention as they are vital in developing new Welsh speakers and ensuring the continuity of Welsh language skills from the statutory sector to the workplace. As a result, the suggestions below focus on the issues that are most relevant to the WESPs framework and the statutory sector, and therefore the achievement of the main education targets of Cymraeg 2050.

When considering legislating in some of the areas below, it should be emphasised that changes will also be needed in terms of policy and strategy. Legislation is just one part of the picture. Indeed, legislation may not be appropriate in some areas, but rather what is required is changes to policy, strategy, or budget.

- 1. Raising the status of the education commitments and targets of Cymraeg 2050:** The introduction of the Bill will in itself raise the status of the Government's vision, but the Bill may set out in statute the Welsh Government's commitment to expanding Welsh medium and bilingual education. There are probably several ways of doing this, for example, by placing a duty on Welsh Ministers to encourage and expand Welsh medium education, or enabling Welsh Ministers to set targets regarding the expansion of Welsh medium and bilingual education. It should be noted that the targets provided for the WESPs do not currently have any statutory basis.
- 2. In relation to the education targets of Cymraeg 2050, strengthening funding processes and approving education reconfiguration projects:** although we believe the WESP is an effective framework for establishing and expanding Welsh medium provision, one problem is that local authority schemes are most often dependent on receiving capital funding from the

Government. Local authorities are unable to fully commit to future developments as they rely on Government approval and capital funding.

There is currently a mixed economy where local authorities take advantage of specific and occasional Welsh medium education capital grants, the 21st Century Schools Capital Programme, and opportunities through housing construction projects and the Local Development Plans. Although this system works to some extent, we believe that there is merit in considering developing more coherent and stable arrangements to support the growth of Welsh medium and bilingual education. Rather than introducing occasional capital funding pots for Welsh medium education, we believe there is potential to more effectively and directly co-ordinate the 21st Century Schools Capital Programme and the WESPs. This is true in terms of local authority planning and Government awarding processes. The simple point is that Welsh Government and WESPs targets need to be central to the whole process of applying and approving education reorganisation projects more generally. In doing so, it would be possible to much more effectively and directly ensure that Government funding facilitates the achievement of the WESPs. This would also provide a means of ensuring that no funding decisions are made with the unintended consequence of undermining the development of Welsh medium and bilingual education.

3. Setting school language categories and definitions on a statutory basis: this may be the area of greatest legislative potential. This work could cover a wide range of related issues:

- *Setting the definitions and categories themselves on a statutory basis:* It is likely that the best way to do this would be to refer to the categorisation procedure on the front of the Bill and include the detail in regulations. The benefit of this would be to enable more flexibility to adapt and amend the categories in future if necessary.
- *Setting more robust accountability procedures:* including reporting and publishing requirements, as well as external monitoring
- *Publishing statutory guidance on moving schools along a language continuum:* This guidance could explain and illustrate how this should be done and offer support to schools and local authorities. There is a need to support and develop the planning capacity of local authorities by offering a national model for moving schools along the language continuum.
- *A statutory procedure for managing the movement of schools along a language continuum:* The *Independent review report to re-define schools according to their Welsh medium education provision* mentions

the idea of requiring local authorities to work in collaboration with schools to create and publish a school transition plan (a plan that covers the timetable, strategy, and approach for moving from one category to another over time). The Bill could set this out on a statutory basis, explaining how this would interlink with duties to form WESPs, and also how this relates to budgetary issues, support and consultation (see below).

- *Power for ministers to provide specific funding and support to schools in a transitional period (moving category):* For example, the statutory procedure for moving a school along a language continuum could include a Welsh Government responsibility to approve a school transition plan. This could then lead to dedicated financial support and specific resources, including staff training etc. This could, for example, lead to much more strategic use of the Welsh Language Sabbatical Scheme's funding.
- *Reforming 'regulated alterations' consultation processes:* The requirements of section 42 of the School Standards and Organisation (Wales) Act 2013, as well as the School Organisation Code, need amending to enable and facilitate the movement of schools along a language continuum. It is appropriate that there is a consultation process on the proposed movement of a school along the continuum, but it is unclear whether the 'regulated alteration' framework in relation to the language medium of schools (see table 1 of paragraph 7, or table 2 of paragraph 8 of Schedule 2 to the School Standards and Organisation (Wales) Act 2013) is suitable. One option would be to require local authorities to consult once at the beginning of the process of moving a school along a language continuum (based on a school transition plan), rather than several times along the way.
- *Giving power to Welsh ministers and/or local authorities to ask schools to introduce changes to Welsh medium/bilingual provision:* The movement of schools along a continuum needs to take place based on school support, and more importantly the support of parents and pupils. However, it may be necessary to provide this discretion to Welsh ministers and local authorities in case schools do not respond to parent and pupil demand.

4. Setting a legislative mechanism for raising standards in English medium schools over a period of time: A clear strategy is needed in terms of encouraging more Welsh medium provision in English medium settings. The curriculum as it stands does not correspond to the intention to abolish Welsh as a second language and introduce a single continuum for teaching Welsh. The proposed Bill could address these shortfalls by:

- *Developing a single Welsh language continuum for mapping, describing, and assessing pupils' Welsh language skills:* This continuum would also apply to other aspects of the strategy, including facilitating the planning of Welsh medium provision across the statutory sector, and measuring pupil attainment more generally.
- *Based on the Welsh language continuum, giving Welsh Ministers the power to set clear and detailed expectations and delivery outcomes for English medium schools:* This would enable the Welsh Ministers to raise expectations over a longer period, working towards the Cymraeg 2050 targets.
- *Giving Ministers the power to issue statutory guidance on developing the Welsh language curriculum in English medium schools:* The guidance would effectively provide schools with direction on how to develop a curriculum that is likely to meet the expectations set in terms of the Welsh language. This may include time in the curriculum allocated to the Welsh language, using the Welsh language across the curriculum, expanding Welsh medium/bilingual provision, and issues relating to the use of the Welsh language beyond the curriculum.
- *Raising the status of the Welsh language as a key part of schools' self-evaluation and external inspection and monitoring processes.*

5. Strengthen the statutory basis of planning a Welsh medium and bilingual education workforce: Ensuring a significant increase in the proportion of the education workforce able to teach through the medium of Welsh is fundamental to the strategy as a whole. We are pleased to see that the Government has recently published a *Welsh in Education: workforce plan*. Although publishing this plan is an important step in the right direction, we believe that it will be necessary to go further if the Cymraeg 2050 education targets are to be achieved. The introduction of a Welsh Education Bill is a clear opportunity to consider introducing legislative changes to support this work. Part of this may be to provide a statutory basis for the workforce plan, and specific requirements within that for Welsh Ministers to comprehensively model the need for Welsh medium teachers and report consistently on achievement against these targets.

In the longer term, we believe it is inevitable that the Welsh Government will have to consider integrating Welsh language training as part of the teacher training and qualification process for a significant proportion of Welsh trainees. One important aspect of this would be to set out in legislation a mechanism to raise the expectations and linguistic requirements of teachers over time. The second aspect of this would be the effective planning of this language training provision. One way of achieving 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 linguistic training. The principles of existing programmes such as Work Welsh and the Sabbatical Scheme could be integrated into the training from the outset. There is potential here beyond initial teacher training courses, focusing on other priority areas, for example childcare, additional learning needs, and elements of care and health. There is an opportunity here therefore for Wales to innovate by developing expertise in creating a bilingual education workforce and the pedagogy of bilingual education/training.