

**Children and Young People Committee  
School Standards and Organisation (Wales) Bill  
SSO20 – Response from Rhieni dros Addysg Gymraeg**



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Children and Young People Committee, National Assembly for  
Wales

**School Standards and Organisation (Wales) Bill**

Response from RhAG

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RhAG is grateful for the opportunity to submit evidence on the general principles of the School Standards and Organisation (Wales) Bill. We wish to expand on some aspects of the Bill that are of specific interest to us as an organisation, namely those that would affect the work of increasing places in the Welsh-medium sector. These are included in Part 4 (sections 85-88), along with the relevant pages of the Explanatory Memorandum.

## **1. General comments**

**1.1** In general, RhAG welcomes the advent of the Bill, which fulfills the education Minister's commitment to including provisions that would put the Welsh in Education Strategic Plans on a statutory basis. This is in accordance with the statement in the Welsh-medium Education Strategy that the next Government of the National Assembly for Wales would 'keep in view further levers for influencing strategic direction for Welsh-medium education, including possible legislation'.

**1.2** When the Welsh-Medium Education Strategy was published in 2010, RhAG expressed concern about the deficiencies regarding statutory requirements. Our concern was that a situation could arise where the strategy would exist but that the Government would not have the powers to ensure that it would be implemented properly, and as a result, local authorities would continue not to deliver. This, therefore, calms those fears.

**1.3** It is now acknowledged that Welsh-medium education is the main instrument in turning the tide in the number of Welsh speakers. The only model that consistently succeeds in creating citizens who have equal bilingual language skills and are fully literate in both languages is that of Welsh-medium schools. It is clear that the future of the Welsh language is dependent on ensuring the best conditions for Welsh-medium education to thrive and develop. This is crucial if we are to increase the number of pupils and students who have full linguistic skills in the Welsh language and move toward the vision set out in *Iaith Pawb* and endorsed by *A Living Language: A Language for Living* of creating a truly bilingual Wales.

**1.4** The advent of the Welsh-medium Education Strategy has already been welcomed by RhAG, a development that shows central government taking the reins for the first time in responding to the need for Welsh-medium education. Despite this, the publication of that strategy was only the first step in the process.

**1.5** The recent arrangement of local authorities putting together Welsh-medium Education Schemes to be presented to the Welsh Language Board was often laborious and slow. There was often delay with these schemes, and it appears that the board had insufficient statutory powers to require compliance. The result is that we continue to await the second wave of three-year Welsh-medium education development schemes since 1993. In

our opinion, it is of crucial importance, therefore, to ensure that the Welsh in Education Strategic Plans have greater legal powers than the previous regime of the Welsh-Language Education Schemes.

We therefore welcome and agree entirely with the provisions in the Bill to give the Welsh in Education Strategic Plans a statutory basis to ensure compliance and consistency at a national level.

## **2. The School Standards and Organisation (Wales) Bill**

### **Section 4**

#### **85. Preparation of Welsh in Education Strategic Plans**

**2.1** In scrutinising the sections that are relevant to Welsh-medium education in the Bill and Explanatory Memorandum in greater detail, in RhAG's opinion it becomes clear that there are inconsistencies between the two.

**2.2** Clause 85(1) defines the contents of the Welsh in Education Strategic Plans and claims that they contain (i) measures to improve planning for Welsh-medium education and (ii) measures to improve standards in Welsh-medium education. Despite this, no mention is made of ensuring that the provision is sufficient to meet the needs that come to light through the measuring of demand.

**2.3** It could be argued that reference is made to making regulations that are to be implemented under the Bill, which is to be expected, of course, but these regulations will be restricted to expressing the intentions of the main clause in greater detail, namely improving planning and standards. We argue, therefore, that this fundamental principle should be clearly incorporated into the main legislation.

**2.4** Reference can be made to Clause 87, which talks about assessing demand, to say that this is a sign that provision should correspond to need, but RhAG is of the opinion that the main section, namely 85(1), should contain a sub-clause before (1)(a)(i), which would read:

“improve the PROVISION of education through the medium of Welsh in its area to meet the demand as assessed in accordance with Clause 87 (1)”

**2.5** Therefore, it is not improvement in the planning of the provision that is needed, which is a matter relating to processes, but the improvement of the provision itself.

**2.6** On the other hand, the Explanatory Memorandum notes with perfect clarity what is needed (pp.22-26) and expresses what is desirable, namely: responding to the demand  
increasing the number of people who are fluent in Welsh  
more children being taught through the medium of Welsh  
strategic schemes to facilitate growth

improving provision, and so on.

**2.7** In summary, RhAG is of the opinion that legislation "to improve the planning of the provision of education through the medium of Welsh" or "to improve the standards of Welsh medium education" is not required, rather it should "increase (or improve) the Welsh medium provision".

**2.8** RhAG's fundamental concern is that the Bill is not wholly in accordance with the Minister's intentions, as outlined clearly in the strategy. As a result, we are concerned that this is a diluted legislative proposal that will not equip him with the necessary powers to meet the targets laid out in the strategy.

## **Section 4**

### **86. Approval, publication and implementation of Welsh in education strategic plans**

**3.1** As an organisation that represents parents, naturally we agree that it is imperative that the process of producing the Strategic Plans and of monitoring and supervising their implementation is clear and transparent to parents.

**3.2** We agree that the need for accountability and transparency should guide the whole process—on a local and national level. The requirement for local authorities to publish their Strategic Plans to share performance data publicly is a positive development, and we are confident that this will be a means of promoting the credibility of the work towards fulfilling the objectives and targets of the Welsh-medium Education Strategy.

**3.2** RhAG's experience is that the link between central government and local government is a continuing problem. At present, the powers to act in a number of fields lie with local authorities rather than central government. If a local authority drags its feet or refuses to follow guidance, there must be clarity regarding the Welsh Government's powers to intervene. RhAG wishes, therefore, to see the Welsh Government intervening when a local authority does not fulfil the requirements according to the Welsh in Education Strategic Plans. We call for the formulation of provisions that will explain in an unambiguous manner the steps that the Government proposes to take in dealing with a local authority that does not comply with the Bill's requirements.

## **Section 4**

### **87. Assessing demand for Welsh-medium education**

**4.1** RhAG is of the opinion that measuring the demand is of paramount importance and is inextricable from the work of forward planning for Welsh-medium school places. We welcome, therefore, that section 4 of the Bill refers to this exceptionally important work.

**4.2** A significant number of local authorities have not opened new Welsh-medium schools for almost 40 years, and that under the previous regime of the Welsh-medium Education Schemes. The result, of course, is that children

are being lost from the sector. There must, therefore, be a system that is measurable and that can hold the local authorities to account.

**4.3** There is incontrovertible evidence that growth has been hampered to a significant degree in different parts of Wales in recent years, due to the unwillingness of local authorities to measure demand and respond appropriately to that demand by increasing Welsh-medium places.

**4.4** We agree, therefore, that there is inconsistency at present, with some authorities seriously dragging their feet. Some have not measured demand, while others have but have not taken steps to meet the demand that was measured. Where there is an aspiration and demand from parents to drive the growth in Welsh-medium education, we believe that local authorities should respond by meeting that demand appropriately. We urge the Welsh Government to make this a core principle in implementing the Welsh in Education Strategic Plans.

**4.5** With that in mind, we note that the wording of Clause 85 (1) states that “The Welsh Ministers may require a local authority, in accordance with regulations, to carry out an assessment of the demand....”. This suggests that there is an element of choice in undertaking that act and that it is not compulsory. In those counties where there is a clear choice between Welsh-medium and English-medium education, RhAG believes that this should be a statutory requirement and that the words “Must” or “Will” should be used here to make that absolutely clear. We note that ‘must’ is used throughout Section 4, with the exception of Clause 87.

**4.6** There needs to be a nationally-acknowledged method of measuring demand. The adopted approach should include the following:

- (i) Giving parents information on the nature of Welsh-medium education and the linguistic outcomes
- (ii) Asking the following questions, among others:
  - Do parents wish their children to be bilingual?
  - Do they wish their children to attend the nearest Welsh-medium school (naming the school)?
  - Would they wish for their children to attend a Welsh-medium school if one were conveniently located in their community?

**4.7** From time to time, parents in a particular area that does not have a Welsh-medium school demand that such a school be established. Local authorities need to operate with sufficient flexibility to respond to applications of this kind. At present, Swansea has been very stubborn in its response to parents in north Gower, who have collected the names of 45 children between the ages of 4 and 7 who wish to receive an education through the medium of Welsh. The Government needs to produce practical guidelines that will ensure that local authorities respond to applications of this kind.

**4.8** The requirement on the local education authority to demonstrate efficiency by decreasing the number of empty places in schools restricts their

ability to respond to measurements of demand. RhAG is aware of demand for Welsh-medium provision in some areas, but the relevant local authorities are unwilling to create vacancies for the older year groups in schools. It must be ensured that existing policies that work against each other are co-ordinated.

**4.9** There are also serious problems with regard to the co-operation of local health boards, because completing the work is wholly reliant on accessing the data of the relevant parents. Due to Data Protection regulations, some boards are unwilling to release data to external bodies. This frustrates or prevents the ability of local authorities to complete work, which then has significant implications for their ability to plan ahead in a strategic manner in relation to Welsh-medium education.

The unwillingness of health boards to co-operate with the local authorities undermines one of the objectives of the new Welsh-medium Education Strategies. It must be ensured that appropriate protocols have been drawn up that will prevent similar situations arising in future. The Bill should contain provisions that would solve this issue.

## **Section 4**

### **88 Regulations and guidance**

**5.1** RhAG welcomes the inclusion of regulations that would make provisions for two or more local authorities to formulate a joint scheme. RhAG is eager to see more cross-county collaboration between local education authorities in providing Welsh-language provision.

**5.2** County boundaries often do not reflect natural community boundaries, and processes need to be created that allow pupils to attend their closest Welsh-medium school if it is in a nearby county. The catchment areas of the vast majority of Welsh-medium schools are much larger than their English-medium equivalents, and the journey to a Welsh-medium school is, therefore, longer. Catchment areas need to reflect communities rather than county boundaries.

**5.3** Clear guidelines for 16+ education are needed to ensure that full Welsh-medium provision is available as Welsh-medium secondary schools collaborate within their own counties or on a cross-county basis.

**5.4** Some counties are too small to provide Welsh-medium education for those between 3 and 18 years effectively, especially in south-east Wales, and inter-county collaboration is essential in these areas.

**5.5** However, we note that these regulations must operate against the backdrop of the new arrangement of the regional consortia. We note that these new structures do not have a formal legal basis. We believe, therefore, that the Bill needs to make provisions to ensure that this would not constitute any kind of barrier as consortia or a select number of local authorities within those consortia formulate and implement joint schemes.

## **6. Other comments**

**6.1** In addition, RhAG argues that provisions must be made in the Bill that would allow parents to make their own applications to the courts in instances where there has been a failure on the part of a local authority to measure demand or respond to demand.

**6.2** RhAG looks forward to seeing consistency of methodology and results across the counties of Wales where the English language predominates. It would be good to see a greater level of collaboration between counties, as this has been a barrier to the development of Welsh-medium education in the past. It would be good to have systems that allow a greater number of pupils to access Welsh-medium education and that will ensure the improvement of Welsh-language skills. We strongly believe that the way to increase standards in the Welsh-language and increase the number of pupils in Welsh-medium education is by establishing more Welsh-medium schools. We look forward to opportunities to collaborate with the Government and education authorities across Wales to achieve that aim.