FULL IMPACT ASSESSMENTS

A. CHILDREN'S RIGHTS IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on children and young people.

Ensuring access to RE and RSE

Two of the four purposes of the proposed new curriculum are that children and young people develop as:

- ethical, informed citizens of Wales and the World; and
- healthy, confident individuals ready to lead fulfilling lives as valid members of society.

It's important that children are educated in a way that contributes to developing ethical informed citizens who 'understand and exercise their human and democratic responsibilities and rights' and 'respect the needs and rights of others, as a member of a diverse society'.

The curriculum is being designed as a continuum for all learners from 3-16 and the policy will primarily affect this age group.

In a world where young people are able to access 'information' instantly online, it is important that accurate and comprehensive information is shared with young people in an age appropriate way supported by discussions with a professional.

The right to withdraw in the current curriculum rests solely with parents and learners are not able to determine whether they learn about the topics covered in RE and RSE or whether they wish to withdraw. By not including a right to withdraw in the new curriculum, all children and young people across the maintained education system in Wales, would for the first time, be able to have access to the full curriculum, including RE and RSE.

Evidence and Consultation

As there is currently no requirement to gather data on the use of the use of the 'right to withdraw', data is limited. However, we have obtained anecdotal evidence from education practitioners that only a small percentage of learners are withdrawn from these subjects, although the pattern across schools can be very different.

A national call for evidence was undertaken as part of the Independent Review of Curriculum and Assessment arrangements in Wales. This received over 700 responses, of which over 300 were from learners themselves. One of the areas that learners in particular, but not exclusively, wanted to see a greater focus on was general social competences (life skills and personal confidence, personal and social education (PSE).

We carried out a White Paper consultation on our legislative proposals - *Our National Mission: A Transformational Curriculum* - which received nearly 2,000 responses and a consultation on *draft RSE guidance* which received 275 responses.

We have also explored the potential implications of this policy with practitioners.

In October 2019, the Welsh Government undertook a further consultation on the implications of a policy not to include a right to withdraw in the new curriculum and we received 1,600 responses to this consultation For those broadly in support of the proposals, respondents raised a number of potential benefits of delivering RE and RSE, including:

- Informing children and young people, giving them the knowledge and skills with which to understand and connect with different people, communities, traditions, faiths and worldviews.
- Promoting tolerance, that a pluralistic and neutral education would promote positive engagement with, and understanding of, difference.
- Improving the well-being of learners, including their social, emotional and physical development.

For those respondents broadly opposed to the proposals, they tended to focus on the appropriateness of the provision and a significant concern was the perceived erosion of the rights of parents and carers in the proposals.

Where there are differences of opinion in the consultation responses, these tended to focus on either:

- Concerns surrounding the **appropriateness and sensitivity of provision**; or
- The importance of receiving a **broad, balanced and informed** education.

Within these two distinct viewpoints, there was considerable diversity in the substantive issues and emphasis of responses. Viewpoints were often strongly held and expressed, highlighting the importance placed by many respondents upon children and young people's social, emotional, spiritual or moral development.

It was felt amongst respondents both broadly in favour of and opposed to the proposals that information and communication were key. It was suggested in responses that fully informing parents of the content of lessons could address concerns that parents may have with regard to the appropriateness of what is being taught. This finding was confirmed in conversations with parents and carers in focus groups. Where parents expressed concerns when they were provided with clarification including practical examples of what might be taught, they tended to soften their opposition to the proposals.

Around the same time, the Welsh Government issued a Children and Young People's consultation and commissioned Dynamix, a specialist research organisation that draws on creative and participatory approaches, to undertake Children and young people's focus groups to explore people's views.

The consistent theme from children and young people was that these changes for RSE could lead to more informed and more tolerant learners and school environment, which could positively affect parents by ensuring that this is talked about in schools which may take the pressure off parents to have the conversations at home. It was felt that consistent

learning for all in this area would result in learners being more informed as they became adults and that it would help to create a better understanding and tolerance.

Implications for certain Faith and BAME communities such as Gypsy, Traveller and Roma parents removing their children from school were raised at the focus groups.

For RE, discussions was more straightforward, with learners having a clear understanding of what RE was about and what they currently learn in this area. It was clear that learners saw RE as including learning about all religions with a strong focus on Christianity throughout the responses given. Learning in RE also included learning about people, history and customs. It was felt that learning about religions and people helps to reduce racism and bullying. One respondent suggested that people with different religious beliefs, cultures and from countries outside of the UK should be invited to speak to learners as part of their education and that RE should include learning about non-religious beliefs.

For both RSE and RE, it was felt to support these changes, it was suggested that parents need to be kept informed of what is going on. This needs to be communicated in a variety of ways including email, text, letters, newsletters and face to face meetings. Information should be provided on what is being taught in RSE and RE and when. Teachers would need the right training and lessons should be customised to meet different needs and abilities. Involving learners and parents in discussions will also help the transition.

2. Explain how the proposal is likely to impact on children's rights.

Pursuant to section 1 of the Rights of Children and Young Persons (Wales) Measure 2011, the Welsh Ministers must when exercising any of their functions have due regard to the requirements of Part I of the UNCRC. Accordingly, in developing this policy, consideration has been given to compatibility with the UNCRC.

All children have rights under UNCRC. RE and RSE within the new curriculum will encourage children and young people to respect their own rights and culture and those of others. They aim to equip children and young people with knowledge, skills, attitudes and values that will empower them to realise their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and understand and ensure the protection of their rights throughout their lives. Therefore, ensuring access to high quality, comprehensive information on these subject areas, will positively contribute to the following articles in the UN Convention on the Rights of the Child:

- Article 2 – the right to non-discrimination;
- Article 12 – the right to be heard, express opinions and be involved in decision making;
- Article 13 – Children have the right to get and share information as long as the information is not damaging to them or others.
- Article 17 – the right to access information that will allow children to make decisions about health;

- Article 24 – the right to experience the highest attainable health, access to health facilities, preventative health care and family planning education and services;
- Article 28 -Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.
- Article 29 - Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.
- Article 33 – The Government should provide ways of protecting children from dangerous drugs.
- Article 34 – The Government should protect children from sexual abuse.

  Article 36 – Children should be protected from any activities that could harm their development.

Providing for a right to withdraw in the new curriculum could have negative impacts on learners as – if their parents chose to exercise that right - they would miss out on core curriculum content, which is important for their development (and in the case of RSE for safeguarding them). Their parents and wider community will provide education on some of the same issues but the focus, message and comprehensiveness will potentially not be the same as provided in school (otherwise there would be no reason to withdraw them from school-based provision).

The responses to the White Paper, the RSE guidance and Ensuring access to the full curriculum consultations have made it clear that there are broader considerations of removing the right to withdraw on the right of a child in ensuring access to the full curriculum. On the supportive side, those respondents who supported the proposals to the consultation emphasised the importance of Articles 12, 13 and 28 in ensuring children are able to access all parts of the curriculum to achieve the four purposes. However there were a number of respondents, particularly those from faith groups had concerns that not including a right to withdraw in the new curriculum would have a negative impact on learners, particularly in relation to Article 13 (i.e. that children will be exposed to issues/concepts that they are not ready for and therefore will damage them) and Article 14 ("Children have the right to think and believe what they want and to practice their religion, as long as they are not stopping other people from enjoying their rights."). These concerns were re-iterated by our work on community engagement activities with Faith and BAME communities.

In proceeding with the proposal, it is important to note that removal of the right to withdraw is not intended to replace parents' vital role in educating their children and the importance of our guidance to make it clear that the learning provided to children and young people through RE and RSE must be provided sensitively and inclusively to complement it.

There were concerns raised in the responses on the need for high quality RE and RSE provision. We are heavily investing in professional learning, with an enhanced £24m funding allocation to ensure all practitioners are prepared for the roll-out of a new curriculum in Wales. This funding can be used flexibility to allow schools to work together

in ways that suit their own circumstances and to create the time and space for practitioners and leaders to work across schools and networks to prepare for the new curriculum. We have also taken forward proposals to implement an additional INSET day from 2020, to provide additional whole-school time for engagement in professional learning. The additional INSET day and enhanced professional learning funding are integral elements of the National Approach to realise the new curriculum, supported by an additional £15m investment in 2020-21.

We also recognise that there is an argument for retaining a right to withdraw but transferring to the learner at an appropriate point in their maturity. However, we have concluded that not having a right to withdraw is a better option.

There is a possibility that parents would prefer to withdraw their children entirely from maintained schooling to avoid them receiving education on the issues covered in RE and/or RSE. A number of responses raised this risk as a possibility. Withdrawing the children from maintained school could have a potentially negative impact on those children in not receiving access to the full curriculum. In proceeding with our proposal, we will need to monitor changes in school registrations and home education.

The effect of the Human Rights Act 1998 and case law is that currently, in an education law context, RE also encompasses non-religious views. RE must be taught in an objective, critical and pluralistic manner; in particular, the state is not permitted to pursue an aim of indoctrination ("the Pluralism Requirement"). In this context, it is important to recall that the Pluralism Requirement does not just apply to the content of the curriculum (in particular, the requirement that it include teaching about non-religious convictions), it also applies to the way in which education and instruction is delivered: it must be delivered in a way that is objective, critical, and does not involve indoctrination or proselytising. This requirement applies to all of the education and instruction at a school and it is not limited to the new RE courses which are directly concerned with teaching about religion.