

WELSH GOVERNMENT INTEGRATED IMPACT ASSESSMENT

CURRICULUM FOR WALES 2022 – CONSULTATION-LEGISLATIVE PROPOSALS TO SUPPORT RELIGION, VALUES AND ETHICS

APRIL 2020 V.1

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SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

1.1 Background

Religious education (RE) is a mandatory part of the current curriculum for all registered pupils at a school except for nursery classes. It will continue to be mandatory in the Curriculum for Wales, but now for all learners 3 - 16, as a part of the Humanities Area of Learning and Experience.

In our increasingly complicated and rapidly changing world, the children and young people of Wales have a need and a right to expect state education to offer critical, pluralistic and developmentally appropriate learning which does not seek to indoctrinate about the issues covered in Religion, values and ethics. This is important as part of the development of a more inclusive and tolerant society.

Our expectation, based on the current case law, is that the teaching of agreed syllabus RE, must be pluralistic in nature. This means it must be balanced in its content and manner of teaching. It should reflect the range of different religions, non-religious philosophical convictions or worldviews which are held by people in Wales and Great Britain. Ensuring the legislative framework supports this appropriately is a key consideration in designing the arrangements for the new Curriculum.

Currently, each local authority is required to convene an Agreed Syllabus Conference (ASC) if any representative group on its Standing Advisory Council on Religious Education requests it to do so. The ASC then determines the content of the agreed syllabus or agreed syllabi for RE to be taught in schools maintained by that local authority.

Schools without a religious character are required to teach religious education in accordance with an agreed syllabus adopted for those schools or for their pupils.

For schools with a religious character there are slightly different arrangements for the application of an agreed syllabus, or of denominational syllabus, and these arrangements vary depending on the type of school.

The Welsh Government recognise that historically the state has embraced various faiths into the provision of education. In drafting the Bill Welsh Government have endeavoured to respect this, and to balance parents' existing right in the Welsh and indeed UK school system to choose a religious education for their child with a recognition that it will not be appropriate for all pupils who attend such schools.

In respect of voluntary aided schools with a religious character their default under Schedule 19 of the School Standards and Framework Act 1998 is that they teach the denominational RVE. It is possible that those schools are required by their trust deed to provide education in a particular way which may not be pluralistic. In respect of foundation and voluntary controlled faith schools Schedule 19 to the 1998 Act provides that they must teach the agreed syllabus unless a parent requests the denominational RVE be provided. The Welsh Government does not see those trust deeds and so we cannot be certain on

that point. In light of that the Bill provides that if a parent does not want that denominational RE they can require the school to provide the agreed syllabus RE. These provisions would apply to all voluntary aided schools with a religious character irrespective of what the faith of that school was. The School Standards and Organisation (Wales) Act 2013 allows for new schools of other faiths to be established. It would be for the particular faith to bring forward such a proposal.

Proposed changes

We are proposing making the following changes to legislation in relation to RE (Religion, values and ethics RVE):

The Scope of RVE

Amendments to existing legislation to make it explicit that any agreed syllabus for RVE must reflect both religious beliefs and also non-religious beliefs which are philosophical convictions within the meaning of Article 2 Protocol 1 of the European Convention on Human Rights (A2P1). These include beliefs such as humanism or atheism. These changes do not necessarily reflect a material change in the law. We consider that these changes make explicit what the law already requires.

Guidance for Agreed Syllabus Conferences

New provision requiring the local authority, SACRE and ASC to have regard to guidance issued by the Welsh Ministers in relation to the curriculum in developing and adopting an agreed syllabus. It will be for the Agreed Syllabus Conferences (ASCs) to determine what should be included in the agreed syllabus. We will be providing guidance and ASCs to help them with this task.

Agreed syllabi and denominational syllabi, and expectations from different types of schools

The new Curriculum is intended to be less prescriptive and, importantly, creates new duties for schools to design their own curriculum and then implement the curriculum they have designed and adopted. This requires us to consider the appropriate status of agreed syllabi. We have concluded that it will be more appropriate for most schools to be required to have regard to an agreed syllabus rather than to teach in accordance with it. The proposed arrangements for different types of school are:

- i. **Community schools and foundation and voluntary schools without a religious character** will be required to *have regard* to an agreed syllabus in designing and implementing RVE as part of the Humanities Area of Learning and Experience. These schools will no longer be required to teach in accordance with an agreed syllabus. We also intend to remove the right to request alternative RVE in these schools.
- ii. **Voluntary controlled schools with religious character** will be required to design their curriculum so that it provides both for two alternatives:
 - RVE which has been designed *having regard* to an agreed syllabus
 - RVE which has been designed in accordance with the trust deeds of the school or the tenets of the faith of the school.

In implementing their curriculum, the default for these schools will be for learners to receive the RVE which has been designed having regard to an

agreed syllabus but, as now, RVE in line with the trust deeds or tenets of the faith must be provided where a parent requests it.

- iii. **Voluntary aided schools with religious character** will be required to design their curriculum so that it provides both for two alternatives:
- RVE which has been designed in accordance with the trust deeds of the school or the tenets of the faith of the school
 - RVE which has been designed *in accordance* with an agreed syllabus

In implementing their curriculum, the default for these schools, as now, will be for learners to receive RVE in line with the trust deeds or tenets of the faith of the school. However, where a parent requests RVE in accordance with an agreed syllabus, it must be provided. The schools will have no discretion as to whether to accept this request.

In all of the above schools there will be no right to withdraw from RVE itself.

In respect of 6th form pupils the Bill will not make RVE mandatory. However, pupils may request RVE and if so requested the governing body must provide it. In that case the Bill provides that the RVE provided must reflect the fact that religious traditions in Great Britain are mainly Christian, while taking account of the teaching practices of other principal religions and must also reflect the fact that a range of non-religious philosophical convictions are held in Great Britain. The reference to philosophical convictions means philosophical convictions within the meaning of A2P1. This is designed to help ensure the RVE will be pluralistic. However, that does not amount to a ban on RVE unless it is requested by the pupil. A school may still as a matter of school rules make RVE compulsory for its 6th form pupils. In addition, a faith school could still teach its denominational RVE if it wished. That would be a matter for the school.

1.2 Long term

The new curriculum and assessment arrangements are being developed to ensure they are fit for a rapidly changing world.

The learning provided in RVE is important in supporting learners so that they can navigate an increasingly complex society.

The proposal for the legislative changes will ensure that learners will benefit from a broad and balanced and pluralistic curriculum, with access to all parts of the curriculum and we are proposing that the legislative changes will ensure this. Together with some short-term challenge and pressure in order to support the long term goal of a more inclusive society.

1.3 Prevention

The provision of high quality RVE from an early age supports children and young people to stay safe, to respect each other and to build healthy relationships. This will benefit their mental, physical and emotional well-being and therefore have important implications for their successful progression through adult life.

Mandatory RVE together with the removal of the parental right to withdraw from religious education within the new curriculum directly contribute to prevention by ensuring learners receive learning about their rights and the rights of others. Access to high quality information and strategies for understanding pressures they may face will equip them better in facing those pressures: from recognising healthy and unhealthy relationships to understanding the perspectives of people with different beliefs and values to them. This will support the prevention of the negative outcomes that would arise as a result of negative relationships and behaviours

It is questionable whether learners would be able to fully meet the four purposes of the curriculum especially being ethical, informed citizens; and healthy confident individuals if they are not taught RVE in a broad, balanced and pluralistic way.

1.4 Integration

The new curriculum is based on a much greater level of integration across subjects and creating the opportunity for reinforcement through different approach. The intention is that RVE should be integrated within the curriculum. By not including the parental right of withdrawal makes this aim easier to achieve.

Not including the right to withdraw from RVE together with the aim to provide a broad, balanced and pluralistic approach to the subject both of these changes will contribute to each of the seven well-being goals outlined in the Well-being of Future Generations (Wales) Act 2015 shown below:

A prosperous Wales	<ul style="list-style-type: none"> The provision of a broad, balanced, and pluralistic Humanities curriculum will better enable all young people leaving school to have a full understanding of the importance of respect for all faiths, religions and groups and enable a future workforce to be tolerant and integrated enabling young people to be ready to play a full part in work and life'.
A resilient Wales	<ul style="list-style-type: none"> RVE within the Humanities Area will contribute to social resilience, and helps learners to recognise the dignity and respect due to others in the living world around them.
A healthier Wales	<ul style="list-style-type: none"> Ensuring that all learners receive high quality RVE will benefit their mental, physical and emotional well-being.
A more Equal Wales	<ul style="list-style-type: none"> The legislative proposals will ensure that learners will receive information about different beliefs and attitudes, and learn to respect and treat others with dignity.
A Wales of cohesive communities	<ul style="list-style-type: none"> One of the four purposes of the new curriculum is to enable 'healthy, confident individuals, ready to lead fulfilling lives as valued members of society' and RVE contributes to this purpose by enabling all learners to gain insight into a broad range of cultures and philosophical perspectives. Including religious and non-religious worldviews.
A Wales of vibrant culture and thriving Welsh Language	<ul style="list-style-type: none"> In developing respect and understanding, ensuring access to RVE curriculum that is broad, balanced and pluralistic will have a positive cultural impact on all learners.

A globally responsible Wales	<ul style="list-style-type: none"> One of the four purposes of the new curriculum is to enable learners to become ethical, informed citizens of Wales and the World'; ensuring access to RVE will contribute to this purpose.
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1.5 Collaboration

The proposed legislative proposals and the policy to ensure access to RVE will have an impact on parents, learners, practitioners (in different schools and settings), governing bodies, local authorities, regional education consortia and Estyn. More widely, they will also impact on third sector organisations, cultural institutions, further and higher education, and businesses.

Co-production has been key to the development of the curriculum with Pioneer Schools leading on developing the new curriculum which includes RVE.

During development of these proposals we have:

- Discussed the potential implications of this proposal with a range of people with an interest.
- Undertaken a White Paper consultation about the parental Right to Withdraw from religious education and the change of name for religious education.

It is clear that RVE does give rise to particular sensitivities and, of the issues covered in the curriculum, they are the areas where the tension between the role of the state and the role of parents in educating and informing children and young people is most sensitive – and, arguably, most pressing.

Work has been undertaken on the development of a draft statutory framework guidance to support the teaching of RVE. This new framework will provide further detail on how RVE can be taught within the Humanities Area. It has been drafted by practitioners and religious education experts. The ethos and philosophy of the framework corresponds to the Curriculum for Wales.

The draft framework outlines the contribution that RVE makes to the Curriculum for Wales and emphasises the integral nature of religious education within the Humanities Area and how it contributes to the rest of the curriculum, and benefits from it.

The draft framework stresses the importance of designing and delivering an objective, critical and pluralistic approach which will provide learners with the opportunity to develop a variety of vital skills and knowledge, as well as have opportunities for rich experiences, that will support them in developing a conceptual framework which helps them to understand religion and the worldviews they will study in RVE.

We will be consulting supporting framework for RVE later this year.

1.6 Involvement

The whole curriculum has been built on a co-construction approach. There has been extensive engagement on the policy area of RVE and the work on the drafting of the new supporting framework for RVE. However, this policy proposal on the legislative changes is deemed necessary and will be particularly challenging because it evokes strong opinion.

The Minister for Education announced in January the setting up of a BAME/Faith Communities Involvement Group – this group will be involved in the development of resources and guidance for both RSE and RVE.

SECTION 2. WHAT WILL BE THE EFFECT ON SOCIAL WELL-BEING?

2.1 People and Communities

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect people and communities?

The impact of the changes will ensure all young people are able to access a pluralistic RVE syllabus that fits in with the Humanities AoLE.

Following consultation, it has been determined that there will be no right to withdraw from RVE in the Curriculum for Wales. By removing that right the Bill must enable children to have access to education that satisfies the requirement for RVE which is pluralistic. We consider that can be achieved by providing that all children have access to the agreed syllabus.

Schools of a religious character, including both voluntarily aided and voluntarily controlled schools, will have mechanisms to offer both denominational RVE and RVE in line with the agreed syllabus. We do not believe this will require a change in trust deeds of these schools. The Bill includes a number of provisions which help ensure the agreed syllabus RVE is pluralistic:

Re-naming of religious education to Religion, Ethics and Values (RVE):

The purpose of the change in name is to reflect the expanded scope of religious education (RVE) and to ensure that it was clear from the legislation itself that the new subject should include non-religious views. That was done by linking the Bill provision to the term “philosophical convictions” in A2P1. In other words the RVE provided pursuant to the Bill must be compatible with A2P1 in that it must include teaching on philosophical convictions within the meaning of A2P1. The Bill also amends the Education Act 1996 (see Schedule 2 of the Bill) to insert references where appropriate to philosophical convictions into the provisions dealing with religious education in the Education Act 1996. Please see the following:

- a. inserts a new section 375A (provision about the agreed syllabus) which requires that the agreed syllabus must reflect a range of non-religious philosophical convictions are held in Great Britain. As with section 62 of the Bill the term is defined in reference to A2P1;
- b. amends section 390 (constitution of Agreed Syllabus Conferences) including reference to philosophical convictions a defined above;
- c. amends section 392 (supplementary provision on the constitution of Agreed Syllabus Conferences) including reference to philosophical convictions a defined above.

- d. amends Schedule 31 (provision in respect of the type of RVE that must be provided at each category of school) including reference to philosophical convictions as defined above.

Agreed Syllabus Conferences (ASCs):

Whilst the Government has chosen to retain ASCs the Bill amends the constitution of ASCs so as to require a local authority to include in its ASC, a group of persons to represent such non-religious philosophical convictions as, in the opinion of the authority, ought to be represented. This reflects current guidance issued by Welsh Ministers to LAs and Agreed Syllabus Conferences. That guidance was revised following a legal challenge to the Vale of Glamorgan Council in 2017. The Vale of Glamorgan Council was challenged by way of judicial review in respect of its refusal to appoint a person with non-religious beliefs to Group A of its SACRE. It was a challenge to the Council's decision to refuse 'full' membership (i.e. membership with a right to take part in a group vote) of the SACRE to a Humanist representative on the basis that Humanism is not a religion. Subsequently the Council decided to retake its decision and the case did not proceed to a full hearing. The guidance states that:

- e. "to ensure compatibility with the Human Rights Act 1998 the provisions relating to the constitution of SACRES and ASCs in the 1996 Act are to be interpreted as permitting the appointment of persons who represent holders of non-religious beliefs in the same way as they permit the appointment of persons who represent holders of religious beliefs; (section 390(4)(a) of, and paragraph 4(2)(1) of Schedule 31 to, the 1996 Act). However, we consider the non-religious beliefs adhered to by the person to be appointed must be analogous to a religious belief, such as humanism. To be "analogous" we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights;
- f. an appointment is dependent on the relevant local authority's opinion as to whether such a representative would help ensure that the relevant traditions in the local authority's area are appropriately reflected in Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.
- g. The same principle applies in relation to appointments to Agreed Syllabus Conferences (ASCs)."

An ASC may not recommend to its LA the adoption of an agreed syllabus unless it meets the requirements of the Bill including that in section 62 that the agreed syllabus must reflect a range of non-religious philosophical convictions are held in Great Britain. As with section 62 of the Bill the term is defined in reference to A2P1. Therefore unless the

agreed syllabus included philosophical convictions as defined by A2P1 it could not adopt the recommended agreed syllabus.

Statutory Guidance:

The Bill includes a power for the Welsh Ministers to publish statutory guidance to LAs and the Agreed Syllabus Conferences must have regard to guidance published by the Welsh Ministers in respect their functions in regard to the adoption of an agreed syllabus. Please see the amendments to the Education Act 1996 (i.e. the insertion of new section 375A and Schedule 31) set out in Schedule 2 to the Bill.

Also there is a power in section 66 of the Bill to issue statutory guidance to a range of persons who have functions in respect of the curriculum in the Bill (including local authorities, governing bodies, head teachers, providers of funded non-maintained nursery education). That guidance will enable those person/bodies to adequately discharge their functions in way that satisfies the pluralistic requirement. That guidance will be the subject of consultation. It is anticipated that the guidance will aim to provide practical guidance to the above bodies on how to discharge their obligations in this regard, for example, on possible matters to include or not include and on what may be good practice in the teaching of those issues in the classroom. For example the aim would be to make clear that schools should provide a range of views on any given topic and that the information should be conveyed non-doctrinally.

The above fits with the new approach to the curriculum set out in the Bill. That approach confers on schools more freedom to design, adopt and implement their own curriculum. That does come with some risk that a school may get it wrong. However, the guidance will help schools get it right in terms of satisfying the pluralistic requirement.

2.2 Children's Rights

The development of the new curriculum has had regard to the United Nations Convention on the Rights of the Child. The proposals within this consultation also meets the Children's Rights.

2.3 Equality

An Equalities Impact Assessment is attached at Annex B.

2.4 Rural Proofing

How (either positively or negatively), and to what extent (significant/moderate /minimal impact), will the proposal impact on rural individuals and communities?

The curriculum is designed to apply to every learner in every classroom in Wales. There are no implications for rural communities or individuals living in rural communities.

2.5 Health

2.5a How (either positively or negatively), and to what extent (significant/moderate /minimal impact), will the proposal impact health determinants?

RVE makes an important and distinctive contribution to supporting learners in achieving the four purposes across all Areas of Learning and Experience, as well as in the broader curriculum for Wales.

By discussing and reflecting on their own perspectives and those of others, on a range of ethical challenges and social issues can help learners to build their mental, emotional and spiritual well-being by developing confidence, resilience and empathy. The teaching of Religion, values and ethics through an objective, critical and pluralistic approach will support the development of healthy, confident individuals.

2.5b. Could there be a differential health impact on particular groups?

The proposals relate to learners of statutory school age from age 3 - 16. The policy proposal should reduce the likelihood of differential health impacts by ensuring that all learners have access to high quality learning on the topics covered within Religion, values and ethics.

2.6 Privacy

A privacy impact assessment is not required for these proposals as they do not relate to the collection or use of personal information.

SECTION 3. WHAT WILL BE THE EFFECT ON CULTURAL WELL-BEING AND THE WELSH LANGUAGE?

3.1 Cultural Well-being

3.1a How can the proposal actively contribute to the goal to promote and protect culture and heritage and encourage people to participate in the arts sports and recreation? (for Welsh Language see section 3.2)

The proposal has no direct impact on culture apart from improving tolerance and the embracing of diversity across society.

Through RVE, learners explore the range of spiritual, philosophical, moral, social and cultural beliefs within their community, across Wales, and throughout the world and allows for the exploration of a range of religious and philosophical beliefs, as well as other beliefs and world-views, including non-religious world views

Our responsibility as a government is to ensure that all children and young people, through state education, have access to learning that supports them to develop knowledge of their own communities and country, as well as knowledge, empathy and understanding of different people, cultures and communities

3.1b Is it possible that the proposal might have a negative effect on the promotion and protection of culture and heritage, or the ability of people to participate in arts, sport and recreation? If so, what action can you take to avoid or reduce that effect (for example by providing alternative opportunities)?

We have not identified a negative effect.

3.2 Welsh Language

A Welsh Language Impact Assessment is attached at Annex C.

SECTION 4. WHAT WILL BE THE EFFECT ON ECONOMIC WELL-BEING?

4.1 Business, the general public and individuals

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact business and the public?

The policy would have no direct impact on businesses.

4.2 Public Sector including local government and other public bodies

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact the public sector?

The proposals set out will have a minor impact on the public sector in Wales, primarily in schools.

4.3 Third Sector

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact third sector organisations and what they do?

The proposals should not have any impact on third sector organisations and what they do

4.4 Justice Impact

43. A draft Justice Impact Assessment has been prepared. The Ministry of Justice confirmed on 8 January that: “Based on the assumption that there will be no impact on the Justice system resulting from this proposal a full Justice System Identification process is not required.”

SECTION 5. WHAT WILL BE THE EFFECT ON ENVIRONMENTAL WELL-BEING?

5.1 Natural Resources

5.1a How will the proposal deliver one or more of the National Priorities in the Natural Resources Policy (NRP)?

The new arrangements will not have an impact on this area.

5.1b Does the proposal help tackle the following national challenges and opportunities for the sustainable management of natural resources?

Not applicable

5.2 Biodiversity

Not applicable

5.3 Climate Change

5.3a Decarbonisation

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect emissions in Wales?

Not applicable

5.3b Adaptation

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect ability to adapt to the effects of climate change?

Not applicable

5.4 Strategic Environmental Assessment (SEA)

The proposals will not have an impact on any of the key areas listed as part of the regulations (agriculture, forestry, fisheries, energy, industry, transport, waste management, water managements, tourism, town and country planning or land use). Consequently, an SEA is not required.

5.5 Habitats Regulations Assessment (HRA)

The proposals will not affect any of the listed sites under the 'Natura 2000 European protected site network.' As a result, a HRA is not required.

5.6 Environmental Impact Assessment (EIA)

The proposals will not have an impact on the listed areas. As a result, an EIA is not required.

SECTION 6. RECORD OF FULL IMPACT ASSESSMENTS REQUIRED

Impact Assessment	Yes/No
Children's rights	Yes
Equality	Yes
Rural Proofing	No
Health	No – screening done
Privacy	No
Welsh Language	Yes
Economic / RIA	No
Justice	No
Biodiversity	No
Climate Change	No
Strategic Environmental Assessment	No
Habitat Regulations Assessment	No
Environmental Impact Assessment	No

SECTION 7. CONCLUSION

7.1 How have people most likely to be affected by the proposal been involved in developing it?

The curriculum design and development has been undertaken through a model of co-construction with representatives from the education system in Wales (Estyn, Regional Consortia, Qualifications Wales and practitioners). At the heart of this process is a national network of Pioneer Schools, who have engaged with their learners and their cluster and network schools to gather views throughout the process. In addition, an extensive programme of stakeholder engagement is underway.

The content of RVE within the new curriculum has also been co-constructed. For RVE a new supporting framework has been developed and written by practitioners, religious experts, Pioneers, academics and representatives from Standing Advisory Councils on Religious Education and the National Advisory Panel for Religious Education.

We have also formally consulted on the proposals for RVE in the new curriculum as part of the White Paper consultation.

7.2 What are the most significant impacts, positive and negative?

The most significant positive impact would be the delivery of an objective, critical and pluralistic curriculum for the teaching of RVE within the Humanities Area. RVE incorporates a range of disciplinary approaches that can be used by all learners to critically engage with a broad range of religious and non-religious concepts.

The most negative impact may be from voluntary aided schools with a religious character as the religious education delivered in these settings is determined by governors in accordance with their trust deed and will reflect the religious foundation of the school. These schools currently follow a denominational syllabus.

The consultation on specific RVE legislative proposals is the third formal consultation on matters relating to RVE. In addition to this, we have also formally consulted on aspects of RVE, twice, in the recent legislative development process. The consultation on the Curriculum and Assessment White Paper asked a number of questions on the intention for the subject. And the recent consultation “Ensuring Access to the Curriculum” provided a second formal opportunity specifically for stakeholders and partners to identify implications

of removing the right to withdraw, and views on the necessity to change the name of the subject.

We continue to engage with partners and stakeholders throughout the development of the draft statutory guidance (the Supporting Framework for RVE), the Curriculum for Wales framework and Humanities AoLE development, and continue to do engage with these partners. There have been, and continue to be, many opportunities for stakeholders and partners to contribute to this area and development of proposals, intentions, and guidance materials.

7.3 In light of the impacts identified, how will the proposal:

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

The four purposes, as the starting point for all teaching and learning and supported by legislation, contribute to the Welsh Government's well-being objectives by developing children and young people as: ambitious capable learners; enterprising, creative contributors; ethical, informed citizens; and healthy, confident individuals. Compulsory RE have a significant part to play in allowing learners to achieve these purposes, and maximise the new curriculum's contribution to the well-being goals.

7.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

We are publishing this impact assessment as part of a consultation asking for views on the implications of the proposal. We will carefully review all feedback received before a final decision is made.

FULL IMPACT ASSESSMENTS

A. CHILDREN'S RIGHTS IMPACT ASSESSMENT

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

In line with the four purposes it is 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 proposal will affect this age group.

Through an objective, critical and pluralistic approach proposed by the suggested legislative changes learners will have opportunities to develop a variety of vital skills and knowledge that will support them in developing a conceptual framework which helps them to understand religion and the worldviews they will be studying in RVE within the Humanities Area. Also, having removed the parental 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 Religion, values and ethics.

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 proposal consideration has been given to compatibility with the UNCRC.

We recently established a BAME/Faith Communities Involvement Group to help consider and take forward developments for both RVE and RSE.

One of the key roles of the Involvement Group is to consider how to best engage with children and young people. Part of this is to ensure that as we co-construct the guidance the voice of children will be heard, which will be done through a range of focus groups across our communities.

As with the development of the wider Curriculum for Wales we are mindful that participation is a key principle of the UNCRC. In developing their curricula we expect schools to involve learners, parents, carers, partner agencies and the local community. This is an important means of ensuring the curriculum meets learners' needs and is authentic to their context within the national framework. Schools and practitioners also play a critical role in ensuring learners, parents, carers and communities understand the vision and ethos underpinning the curriculum.

The 'Designing your Curriculum' section of the Curriculum for Wales specifically refers to schools 'Working with parents, carers and stakeholders' as well as with learners themselves to develop their curriculum within the Curriculum for Wales framework. Subject to enactment of the Bill, the framework will comprise of statutory codes, statutory guidance and non-statutory guidance.

The following links provide guidance for parents, children, and young people to engage with the Curriculum for Wales:

- Education is changing website aimed at parents - <https://gov.wales/education-changing>. This helped inform parents meaning that they could respond to the consultation on the draft curriculum in April 2019.
- A guide for children, young people and families is also available to help involve them in this process: <https://hwb.gov.wales/curriculum-for-wales/a-new-curriculum-in-wales-a-guide-for-children-young-people-and-families/>

Additionally, throughout the previous consultation on "ensuring access to the curriculum", a number of focus and community group events were held, including specific sessions with children and young people to discuss, for RVE, the name, and the right to withdraw. The report of the outcome of these sessions can be found here:

<https://gov.wales/sites/default/files/consultations/2020-01/children-and-young-people-analysis-ensuring-access-to-the-full-curriculum.pdf>

We are satisfied that the Welsh Ministers have had due regard to the rights of the child protected by Article 12 of the UNCRC. We will continue to do so.

Religion, values and ethics 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 13 – Children have the right to get and share information as long as the information is not damaging to them or others
- 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

Religion, values and ethics will be taught through an objective, critical and pluralistic approach which will ensure that learners do not miss out on core curriculum content which is important for their development.

The learning provided through Religion, values and ethics will be provided sensitively and inclusively to complement it. Professional learning and resources (as part of a £24 million package to support implementation of the new curriculum) will be provided to support this.

There is a possibility for parents to withdraw their children entirely from maintained schooling to avoid them receiving education on the issues covered in Religion, values and ethics. This would have a potentially negative impact on those children as they will not receive the benefits of mainstream schooling. If we decide to go ahead with the proposal, this will need to be monitored.

B. EQUALITY IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

Ensuring access to RVE

The new curriculum, including RVE has been designed and developed to apply and be accessible to every learner in every classroom from ages 3 to 16.

The aim is to ensure that learners receive high quality, impartial teaching about different beliefs (religious and non-religious) and respect for the rights of others.

There will be a need to work closely with all schools, in particular faith schools which are able to provide learning in line with the tenets of their religion (providing it is pluralistic), to ensure the learning offered in RVE is taught through an objective, critical and pluralistic approach and is therefore non-discriminatory. Where a child is being provided with the denominational RVE that will be a matter of choice. That will be provided in accordance with the trust deeds and as such the Welsh Government does not see those trust deeds and cannot be certain they are pluralistic. If that is not wanted the parents may request the agreed syllabus RVE.

The proposals do not give rise to unlawful discrimination contrary to the Equality Act 2010.

Record of Impacts by protected characteristic:

Age (including children up to the age of 16)

The proposed legislative changes would apply for learners in school or funded non-maintained settings from 3 to 16. These arrangements will equip learners with the skills and knowledge they need for later life, supporting them to develop in line with the four purposes and associated characteristics. Therefore, it is expected the arrangements will have a positive impact on learners. Due to the phased introduction from 2022, the new curriculum will be rolled out fully for learners currently in Year 7 and below.

The statutory supporting framework for RVE will assist with the design and development of an objective, critical and pluralistic approach for teaching the subject and the learning will be developmentally appropriate. This will require schools and individual teachers to make judgements about the matters that should be explored with learners of different ages. This will be explored in more detail in the RVE supporting framework and there will need to be associated professional learning and resources to support practitioners.

Most schools will offer pluralistic RVE. That will include a range of views on any given topic within RVE. In schools of a religious character will still be able to offer their denominational RVE, but must also offer RVE in line with an agreed syllabus when requested by a parent in a voluntary aided faith school. The detail and application of this proposal for different schools is set out in the consultation document.

Learning, including progression, in RVE is described in the Humanities Area of Learning and Experience and in the statutory supporting framework for RVE, this will make the link between the Humanities Area of Learning and Experience and the Agreed (or denominational) Syllabus.

In both cases, this is about more than simply age but also an assessment of the development and maturity of the learner so that their engagement with these issues is done in a way that is appropriate for them. It will also need to recognise the cultural background of the child and acknowledge the different perspectives on issues in different communities. This is part of ensuring teaching is pluralistic.

Reasons for decision and mitigating actions

We will need to ensure that the RVE supporting framework is clear on the issue of progression.

Disability

The policy will require practitioners to adapt their provision of RVE to support the needs and interests of their learners and communities, including disabled learners and those with Additional Learning Needs (ALN).

We have not identified evidence of specific impacts in relation to RVE but that does not mean that there are none. This will need to be explored further as proposals develop.

More generally in relation to the overall approach to the curriculum, the design principles for the new arrangements is that they are appropriate for every learner in every classroom which ensures that learners with Additional Learning Needs (ALN) have access to the curriculum. This criteria means the curriculum is developed to be inclusive, easily understood by all, encompassing an entitlement to high-quality education for every learner

and taking account of their views in the context of the UNCRC, and those of parents, carers and wider society.

Special schools have been able to input the needs of their learners into the design through their representation on all AoLE groups, Curriculum and Assessment Group, Coherence Group, and Manageability Group.

The AoLEs have been designed with the input of Special Schools to ensure they are applicable to all learners. The ALN sub-group is developing guidance for ALN in mainstream schools to ensure inclusivity of the curriculum. In addition, a specific work stream has been set up to take account for 'Routes for Learning' during the curriculum the development process to ensure the curriculum is accessible for all. The ALN sub-group is supporting this by developing resources to support learners to progress from 'Routes for Learning' to Progression Step 1.

Gender Reassignment (the act of transitioning and Transgender people)

We have not identified specific issues in relation to RVE but this will require further consideration as the policy is developed.

Most schools will offer pluralistic RVE. That will include a range of views on any given topic within RVE. In schools of a religious character will still be able to offer their denominational RVE, but must also offer RVE in line with an agreed syllabus when requested by a parent in a voluntary aided faith school. The detail and application of this proposal for different schools is set out in the consultation document.

Pregnancy and maternity

The study of Humanities, and RVE may have a positive impact on the prevention of teenage pregnancies. It should also provide learners with factual information about their rights, including their rights as someone who is pregnant.

Most schools will offer pluralistic RVE. That will include a range of views on any given topic within RVE. In schools of a religious character will still be able to offer their denominational RVE, but must also offer RVE in line with an agreed syllabus when requested by a parent in a voluntary aided faith school. The detail and application of this proposal for different schools is set out in the consultation document.

Reasons for decision and mitigating actions:

We have no specific evidence of impacts on learners who are pregnant.

Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)

For RVE as there is no right to withdraw, there are potential implications if a school fails to provide pluralistic education in these subject areas. While RVE must be provided through an objective, critical and pluralistic approach there is some risk that they may in practice be delivered in a way which in some respects does not meet that requirement. That failure may be entirely inadvertent. If that happened, it could give rise to negative impacts for learners who would have to remain in class and attend the lessons. The issue should be addressed through guidance and the role of the consortia and Estyn.

In the case of voluntary aided faith schools they teach the denominational syllabus as a default. In these cases where a child is being provided with the denominational RVE that will be a matter of choice. If that is not wanted the parents may request the agreed syllabus RVE.

Religion, belief and non-belief

We feel that this proposal will ensure all learners have the opportunity to learn about the variety of religions, beliefs, and non-religious world views, via the availability of pluralistic RVE.

However, schools of a religious character will still be able to offer their denominational RVE, but must also offer RVE in line with an agreed syllabus when requested by a parent in a voluntary aided faith school. The detail and application of this proposal for different schools is set out in the consultation document.

Sex / Gender

These changes will have no effect.

Sexual orientation (Lesbian, Gay and Bisexual)

These changes will have a positive effect on not only learners who are LGBT, but also in all learners developing understanding, respect, and acceptance of the sexual orientation of others.

Ensuring agreed syllabus for RVE is available for all learners, including those at schools of a religious character, ensures learners have the opportunity to have an objective view of sexuality which may not necessarily be supported by religion.

It would allow learners greater opportunity to explore issues around sexual orientation, and LGBT matters in a more objective manner.

This will require ongoing monitoring and consideration of impact.

However, schools of a religious character will still be able to offer their denominational RVE, but must also offer RVE in line with an agreed syllabus when requested by a parent in a voluntary aided faith school. The detail and application of this proposal for different schools is set out in the consultation document.

Marriage and civil partnership

These changes will have a positive effect by developing understanding, respect, and acceptance of the variety of different ways marriage and civil partnership work, in different, religions, countries, and cultures.

It would allow learners greater opportunity to explore issues marriage and civil partnership, including LGBT matters in a more objective manner.

This will require ongoing monitoring and consideration of impact.

However, schools of a religious character will still be able to offer their denominational RVE, but must also offer RVE in line with an agreed syllabus when requested by a parent in a voluntary aided faith school. The detail and application of this proposal for different schools is set out in the consultation document.

Low-income households

These changes will have no affect

Human Rights and UN Conventions

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
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Article 2, Protocol 1 – The right to an education. Article 9 – right to freedom of thought, conscience and religion Article 14 – prohibition of discrimination	The proposals actively support a child or young person’s right to an education including high quality and comprehensive information about the issues covered in and RE.	By not including a right to withdraw in the new curriculum, all learners will now be able to participate in this important part of the curriculum. The guidance on these subject areas will make it clear that the information covered must be conveyed in an objective, critical and pluralistic manner	There will be a need to work closely with all schools, in particular faith schools which are able to provide learning in line with the tenets of their religion (providing it is pluralistic), to ensure the learning offered in RE is pluralistic and non- discriminatory.
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We have considered whether the proposals for RE are compatible with the rights protected by the Human Rights Act 1998 (“the Convention Rights”). The relevant Convention rights are Article 2 Protocol 1 (“A2P1”) (taking into account the UK reservation), Article 9 (“A9”) and Article 14 (“A14”).

A2P1:

In terms of A2P1 (Right to education) the second sentence of that Article provides “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”. The European Court of Human Rights (“the ECtHR”) has conventionally approached cases involving religion in schools by focusing on A2P1, holding that it, rather than A9, is the governing Article in the area of education and teaching.

Whilst that second sentence of A2P1 is phrased as an absolute right that is not how the courts have interpreted it. Instead the courts have found that the parental rights in the second sentence of A2P1 will be appropriately respected if the religious education provided does not involve indoctrination and complies with the Pluralistic requirement.

The ECtHR has held that the setting and planning of school curricula is a matter primarily for the state, and that A2P1 does not prevent the state from imparting through teaching knowledge of a directly religious or philosophical kind; in particular it does not enable parents to object to the inclusion of such teaching in the school curriculum. However, the ECtHR has also held that A2P1 is aimed at safeguarding pluralism in education and that

the state must take care to ensure that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner; in particular, the state is not permitted to pursue an aim of indoctrination that might be considered as not respecting parents' religious beliefs and philosophical convictions.

The European Commission on Human Rights has held that A2P1 governs complaints about the organisation of instruction in religious knowledge and that, in the context of religious education at school, A9 affords protection against religious indoctrination.

There is clearly a tension between the rights of the child to receive an education as expressed in the first sentence of A2P1, and the rights of the parent as expressed in the second sentence of A2P1 to have their child educated in accordance with their religious and philosophical convictions. The Welsh Government considers that in providing mandatory RE ensures that learners receive a comprehensive education that will fit them for a modern and complex society where these issues permeate all walks of life. The Welsh Government further considers that providing legislation and statutory guidance that enables such education to be provided pluralistically appropriately respects the parental right in the second sentence of A2P1.

A9:

A9 protects the right to freedom of thought, conscience and religion of individuals including children. The ECtHR has held that teaching which only provides information about religion, and which does not amount to indoctrination, does not constitute an interference with A9 rights. It follows that if the legislation is capable of being implemented in a way that ensures that religious education is delivered in a way that does not amount to indoctrination, then it is highly unlikely that the legislation would give rise to an interference with A9 rights, and therefore no breach of A9 could arise. The Welsh Government considers that the proposals are capable of being implemented in that way and as such there is no incompatibility with A9.

A14 (when read with another substantive Article):

The question of whether there is a breach of A14 when read together with another substantive article such as A9 is often approached by reference to four questions: (a) do the facts fall within the ambit of one or more of the substantive Convention rights, (b) is there a difference in treatment in respect of that right between the complainant and others put forward for comparison, (c) are those others in an analogous situation, and (d) is the difference in treatment objectively justifiable? The first question arises because A14 is not free-standing and, in order for there to be a breach of A14, the discrimination complained of must fall within the ambit of another substantive article of the Convention. The Welsh Government does not consider the proposals are incompatible with a substantive article and therefore does not consider that there is any incompatibility with A14.

The Welsh Government considers that the proposals will satisfy the pluralistic requirement because:

- There will be a requirement that curriculum will be broad and balanced and that it achieves the 4 purposes;
- Whilst faith schools will still be able to teach according to their denomination they will still be required to offer RVE in line with the agreed syllabus, and to teach a broad and balanced curriculum that achieves the 4 purposes and will be subject to the duty to teach RE in a pluralistic manner (in compliance with the ECtHR case law). It will be a matter of parental choice as to whether the pupil received denominational RVE or pluralistic agreed syllabus RVE.

In summary, in relation to Convention rights, the Welsh Government concludes that:

- a) whilst the second sentence of A2P1 is phrased as an absolute right that is not how the courts have interpreted it;
- b) the parental rights in the second sentence of A2P1 will be appropriately respected if the religious education provided does not involve indoctrination and complies with the pluralistic requirement;
- d) The proposals are compatible with A2P1 and. Accordingly the Welsh Government is of the view the proposals are compatible with A2P1, A9 and A14 when read together A2P1 or A9;

C. WELSH LANGUAGE IMPACT ASSESSMENT

Welsh Language Impact Assessment reference number 07/07/2020

1. **Does the proposal demonstrate a clear link with the Welsh Government's strategy for the Welsh language? – *Cymraeg 2050 A million Welsh speakers* and the related Work Programme for 2017-2021?**

The only link between the policy and the Welsh Government's strategy for the Welsh language is that it will apply equally to Welsh-medium and bilingual settings within the maintained education system as to English-medium ones.

2. **Describe and explain the impact of the proposal on the Welsh language, and explain how you will address these impacts in order to improve outcomes for the Welsh language:**

No impact on the Welsh language has been identified. There is a separate issue of ensuring there are appropriate resources and professional learning in relation to RE in the Welsh Language. However, this is being addressed through the wider development work on the new curriculum and will not be directly impacted by the policy and final decision on the right to withdraw.