

Cyflwynwyd yr ymateb hwn i ymchwiliad y Pwyllgor Plant, Pobl Ifanc ac Addysg i weithredu diwygiadau addysg

This response was submitted to the Children, Young People and Education Committee inquiry into Implementation of education reforms

IER 13

**Ymateb gan: Comisiwn Cydraddoldeb a Hawliau Dynol
Response from: Equality and Human Rights Commission**

Nodwch eich barn mewn perthynas â chylch gorchwyl yr ymchwiliad. | Record your views against the inquiry's terms of reference.



The Equality and Human Rights Commission (the Commission) is a statutory body established under the Equality Act 2006. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. We welcome the opportunity to provide evidence to the Children Young People and Education Committee's consultation on the implementation of education reforms.

This response focuses on the implementation of the Curriculum for Wales. **Is Wales Fairer? 2018**

Central to the Curriculum for Wales is that every learner is enabled to make progress to their full potential, regardless of their different need and backgrounds. In designing and implementing the Curriculum for Wales, it is key for head teachers to be taking into account the protected characteristics of learners, to be able to begin to address long-standing educational inequality.

Our state of the nation report [‘Is Wales Fairer? 2018’](#) explored to what extent the right to an education was met in Wales.

We found:

- Attainment gaps at school-leaving age persist for children with ALN and those eligible for FSM.
- Poorer children, children with ALN, White children and children of Mixed ethnicity have higher than average exclusion rates.
- Certain groups of children are more at risk of being bullied than others. Sexist bullying tends to be targeted at girls, while lesbian, gay, bisexual and transgender (LGBT) children, and children with ALN are also more likely to be victims of bullying.
- Subject and career choices remain highly gendered, with girls being much less likely to continue studying science and maths after school.

Our [‘How Coronavirus has affected equality and human rights’](#) report found the response to the coronavirus pandemic has created gaps in the education of most children. The evidence also suggests that inequality in the home-learning environment, particularly access to technology, align with and potentially compounded the inequality already being experienced in education for boys,



some ethnic minorities, including Gypsy, Roma and Traveller pupils, pupils with Additional Learning Needs and those who are socio-economically disadvantaged. In 2023 we will be publishing an updated state of the nation report. It will report on education progress and in doing so use the indicators set out in our Measurement Framework such as educational attainment, school exclusions and bullying. We will share the report and key findings with the Committee in due course.

We would recommend scrutiny of the equality impacts of the implementation and effects of the curriculum reform.

We would recommend a focused thematic check-in on equality.

Public Sector Equality Duty

When designing and implementing the Curriculum for Wales schools have a legal responsibility to comply with the Public Sector Equality Duty (PSED). The PSED requires schools (and other public bodies) to eliminate discrimination, advance equality of opportunity and foster good relations between people. It is made up of general and specific duties.

The PSED can be used to enable education providers in Wales to tackle areas of greatest inequality, make a curriculum accessible to all and raise aspirations of learners. This will be key to ensure that every school's curriculum is able to fulfil the [four purposes](#) of supporting learners. Embedding the PSED will also help schools in delivering the cross-cutting themes of the Curriculum for Wales such as relationships and sexuality education, diversity and human rights.

We are concerned about the number of schools in Wales that are effectively using the PSED and have a published Strategic Equality Plan. Having a strategic equality plan and equality objectives are both legal requirements of the PSED which enables schools to set out the steps they will take to promote equality.

Last year we commissioned desk based research to review the Strategic Equality Plans published by secondary schools, special schools and Pupil Referral Units



(PRUs) in Wales. We found the overall proportion of schools with a strategic equality plan accessible on their website currently stands at about a quarter. Just over half of this number were out of date, having expired and not being reviewed from the autumn term 2021 onwards. Therefore, in total 33 schools, 12.4% of the total appear to have a current Strategic Plan accessible on their website.

We are developing a resource for schools in Wales to promote the PSED and how it can be used by schools when implementing the Curriculum for Wales. This is in addition to [guidance](#) we have developed on the PSED.

We would recommend the Children, Young People and Education Committee explore how schools have used the PSED in designing and implementing the Curriculum for Wales.

We would recommend the Children, Young People and Education Committee explore why there appears to be low numbers of schools using the PSED and scrutinise the effectiveness of the Welsh Government's guidance and support for local government and schools to understand their obligations under the Public Sector Equality Duty.

Review and refinements

We raised [concerns](#) about the quality of the Welsh Government's Equality Impact Assessment of the Curriculum for Wales, with your predecessor committee. Any equality impact assessment the Welsh Government completed prior to the implementation of the Curriculum for Wales should have set out any anticipated likely effects of the legislation on people with protected characteristics.

However, assessing for impact on the Welsh Government's ability to comply with the general duty does not end with the introduction of the Curriculum for Wales. The legal requirement of the PSED includes a requirement to monitor impact. It is necessary to use monitoring, evaluation and review processes to ensure that the actual impact matches with the impact which was anticipated, and that relevant actions have been implemented. To do this the Welsh Government needs to



gather, disaggregate, use and embed equality related evidence into its work. This is critical to Welsh Government complying with their own legal requirements of the PSED and to ensure the needs of diverse learners are being met.

We are aware that the Welsh Government is establishing a cycle for ongoing review and refinements of the curriculum for Wales's framework. Equality considerations and implications across protected characteristics need to be embedded into these processes. This will enable the Welsh Government to fully understand and assess the impact on children and young people with protected characteristics.

We would recommend the Children, Young People and Education Committee seek clarification from the Welsh Government as to how they are monitoring the impact of the curriculum for Wales on learners with protected characteristics and building this information the cycle for ongoing review and refinements.

Human Rights and Human Rights Education

The Curriculum and Assessment (Wales) Act creates a duty on head-teachers, school governors and those in charge of other relevant education provision in Wales to promote knowledge and understanding of the United Nations Convention on the Rights of the Child (CRC) and the United Nations Convention on the Rights of Persons with Disabilities (CRPD) among teachers and staff. Human rights education and the CRC will be integrated across all areas of learning and experience.

Welsh Government [Guidance](#) highlights that school leaders must make sure that practitioners and other school staff providing learning and teaching gain knowledge and understanding of human rights, as set out by the CRC and CRPR. Much of this is left to the discretion of the school increasing the possibility of inconsistency in how it is embedded.



We would recommend the Children, Young People and Education Committee explore how well this duty is being implemented, whether schools need more support, how teachers are trained to develop this knowledge and what impact the duty is having on children's outcomes.

Human Rights Education encompasses education:

- a) About human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- b) Through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
- c) For human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

Our report '[Respecting, equality, participation: exploring human rights education in Great Britain](#)' demonstrates what good practice in Human Rights Education looks like, how it is benefiting learners and includes case studies from schools in Wales.

We would recommend the Children, Young People and Education Committee scrutinise how effectively schools are implementing human rights education and the impact this has on schools and pupils.

Human Rights Tracker

Our [Human Rights Tracker](#) provides an assessment of Welsh Government's progress on human rights education, training and awareness raising. For education it looks at educational attainment, harassment and bullying in schools, inclusive education and schools exclusions and managing challenging behaviour. The status for Welsh Government on these areas ranges from limited progress, no progress as well as regression.

We would recommend the Children, Young People and Education Committee use the evidence within the Tracker when scrutinising Welsh Government.

