



Llywodraeth Cymru
Welsh Government

Curriculum for Wales'
STATEMENTS OF WHAT MATTERS
CODE

Explanatory Memorandum
and Regulatory Impact Assessment

March 2023

Explanatory Memorandum to the Curriculum for Wales' Statements of What Matters Code

This Explanatory Memorandum has been prepared by the Welsh Government's Education Directorate and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Statements of What Matters Code. I am satisfied the benefits justify the likely costs.

Jeremy Miles MS
Minister for Education and Welsh Language
29 March 2023

PART 1 – Explanatory Memorandum

1. Description

- 1.1 The Statements of What Matters Code sets out the key concepts for each Area of Learning and Experience (Area) – the Statements of What Matters. These are the matters that must be taught as part of the Curriculum for Wales (CfW).

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 This Code follows the draft negative procedure. Subject to this Senedd procedure, the Code will come into force on the date it is issued; that is expected to be 31 May 2023. The Committee may wish to note the following regarding updating guidance to schools and settings.
- 2.2 The CfW Framework Guidance published on 28 January 2020 includes the 27 statements of what matters for the six Areas. These were ratified by the preceding version of the statements of what matters Code issued on 15 November 2021.
- 2.3 Welsh Government is updating the online CfW Framework guidance now in line with this revised draft Code to allow schools and settings greater time to draw on that advice to inform their curriculum design and planning through the 2022/23 academic year. The updates to guidance are being made in draft at this stage, and remain subject to the negative procedure until such time as the ratified Code is issued.

3. Legislative background

- 3.1 Section 6 of the Curriculum and Assessment (Wales) Act 2021 (“the Act”) provides that the Welsh Ministers must issue a Code that sets out key concepts for each area of learning and experience – the What Matters Code. It notes that:
- a curriculum does not encompass an area of learning and experience (Area) unless it encompasses those concepts as set out in the What Matters Code (Section 6(2) of the Act)
 - teaching and learning does not encompass an Area unless it encompasses those concepts as set out in the What Matters Code Section 6(3) of the Act)
 - that the Welsh Ministers must keep the What Matters Code under review, and may revise it (Section 6(4) of the Act).

- 3.2 Section 76 of the Act sets out in respect of the Statements of What Matters Code that before issuing or revising a Code, the Welsh Ministers must:
- consult the persons they think appropriate (if any), and
 - lay before Senedd Cymru a draft of the proposed Code (or, in the case of revisions, of the proposed revised Code).
- 3.4 If before the end of the 40 day period the Senedd resolves not to approve a draft Code, Welsh Ministers must not issue that Code. If no such resolution is made before the end of that period, Welsh Ministers must issue the Code in the form of the draft laid.

4. Purpose and intended effect of the legislation

- 4.1 The purpose and intended effect of the Code relates directly to that set out in the [Explanatory Memorandum \(EM\) and Regulatory Impact Assessment \(RIA\)](#) for the Act.
- 4.2 In summary, the statements of what matters in learning set out in the Code form part of the CfW Framework as key organisers and drivers of curriculum development. The CfW framework gives every school and setting the opportunity to design their own curriculum within a national approach that ensures a level of consistency.
- 4.3 The Code forms part of the legislative structure needed to support a purpose-led curriculum with learner progression at its heart. The Act, along with supporting legislation such as this Code and guidance provides for a broad and balanced curriculum, fit for the 21st Century, which defines the 'big ideas' which learners should understand and engage with to prepare them for life. It provides scope within a national framework for schools and settings to shape a curriculum that connects meaningfully to the local community and the experiences of learners.
- 4.4 The key principles for developing the Act in support of the CfW include:
- helping all learners to embody the four purposes;
 - all learners, including those with severe, profound or multiple learning difficulties, are entitled to a high-quality broad and balanced education throughout the period of statutory education;
 - promoting learner progression; and
 - encouraging stimulating and engaging teaching and learning, which supports learners to make connections across different aspects of their learning.
- 4.5 The CfW is now at the heart of teacher, school and national efforts that seek to raise standards for all, tackle the attainment gap and ensure an education system that is a source of national pride and enjoys public confidence. The intended effect of the proposed revised Code is to update part of the legislative framework that underpin these objectives.

Updates to Statements of What Matters

- 4.6 This section explains changes to the statements where they differ from those published as part of the CfW Framework guidance on 28 January 2020 and issued as part of the original Statements of What Matters Code on 15 November 2021.
- 4.7 The Code has been updated slightly at paragraph 2.3.4 to include the clause highlighted below in one of the Humanities statements of what matters.

Human societies are complex and diverse, and shaped by human actions and beliefs.

An appreciation of identity, heritage and cynefin, including the history of Wales and the world, can influence learners emotionally and spiritually, and help build their sense of self and of belonging.

5. Consultation

- 5.1 Section 76(2)(a)) of the Act requires Welsh Ministers to consult the persons they think appropriate (if any) before issuing or revising the Code.
- 5.2 A 5 week formal consultation ran from 30 November 2022 to 4 January 2023 on suggested amendments to the Code and associated guidance. The consultation was promoted to a wide audience of key stakeholders including schools, settings, local authorities, regional consortia, the Children's Commissioner for Wales, children's groups, Estyn, teacher unions and wider stakeholders.
- 5.3 Fifty-three responses to the consultation were received. A number of these were detailed submissions. The consultation documents and the response analysis report (which includes copies of the responses) are available online at: [Curriculum for Wales – Clarifying the Humanities area in relation to the history of Wales and the world | GOV.WALES](#)
- 5.4 In summary, there was broad support for the teaching of Welsh histories and its emphasis within the CfW, though some concerns were raised regarding the need for balance across the breadth of the Humanities Area. That said, the majority of respondents felt the changes proposed for the Humanities statement of what matters would provide greater emphasis and clarity over the teaching of Welsh histories. Further feedback was received in respect of:
- a range of views expressed over the specific wording of proposed changes to CfW guidance
 - some respondents considered the proposed changes to be unnecessary; principally due to either clarity afforded by existing wording, or concerns over further (and what were considered relatively minor) changes while schools were implementing their new curriculum arrangements

- there was broad support for the development of a new timeline resource; a range of views were presented on its content and development, as well as risks on how it might be viewed as prescriptive by schools and settings
- the majority of respondents considered a clearer and more in depth understanding of Welsh histories with learners would likely have some benefit on the Welsh language. Others were either unclear on impacts or considered it would become evident as more learners experience the CfW
- there was also a general theme in consultation responses regarding further support for the development of learning and teaching of Welsh histories in schools and settings; views varied on the nature of that support but generally included resources and supporting materials and specific professional learning opportunities.

5.5 Feedback has been taken into account and, consequently, the proposed changes to the Humanities statement of what matters within the draft revised Code remains as proposed, and as set out in paragraph 4.7 above.

5.6 However, feedback is also resulting in further amendments to CfW guidance that do not fall to the Code in respect of:

- adding 'natural environment' to the Humanities guidance introduction
- adding 'Wales' national histories' to the introduction section, as well as a definition of 'nation' as meaning Wales for greater clarity
- adding specific reference to the development of the Welsh language in the context of Wales' histories to the 'designing your curriculum' section of guidance – thus providing stronger links to the Languages, Literacy and Communication curriculum Area in this regard.

5.7 As set out by the Minister for Education and Welsh Language in his [Written Statement](#) on 15 November 2022, the [Co-operation Agreement between Plaid Cymru and the Welsh Government](#) emphasises the importance of Welsh histories, in all of its diversity and complexity, being mandatory in the CfW. Following consultation, the Minister has reviewed the mandatory statements of what matters Code and other supporting guidance to further strengthen this shared commitment. In line with the Co-operation Agreement and having regard to the rich source of advice and recommendations contained within consultation responses, the development of an overarching timeline for Welsh histories will now be taken forward during 2023.

Part 2 – Regulatory Impact Assessment (RIA)

6. RIA Overview

- 6.1 The Code forms an integral part of the CfW Framework which, alongside other duties and requirements placed on schools and settings under the Act, gives clarity and national expectations on how a curriculum must / can be developed.
- 6.2 As recognised in the [Designing your Curriculum](#) section of the CfW guidance, curriculum development is a necessarily holistic process. It needs to reflect a range of considerations, which includes the information in this Code, as well as other duties and mandatory requirements under the Act, wider curriculum guidance, as well as local circumstance. Consequently, separate and distinct analysis and costings relating to apportioned impacts of specific elements of the Framework is not considered feasible; or if attempted, would result in questionable results given the wide range of variables and caveats that would be involved. In short, it would be unrealistic to attempt to unpack, assess and report on the impacts of the specific requirements set out in this Code from the wider process of Curriculum for Wales implementation in schools and settings.
- 6.3 However, detailed information on the costs, benefits and risks associated with the process of curriculum reform both system-wide and for schools and settings has been undertaken. This is set out in the [Explanatory Memorandum \(EM\) and Regulatory Impact Assessment](#) (RIA) for the Act published in April 2021. The Welsh Government is also committed to publishing [Annual Reports](#) in CfW implementation, the first of which was published in July 2022.

Impact Assessments

- 6.4 The process of impact assessment in respect of CfW is ongoing. Consequently there is already a range of published impact assessments relating both directly and indirectly to the requirements on schools and settings set out in this Code. These include:
- In April 2021 detailed information on the costs, benefits and risks associated with the process of curriculum reform both system-wide and for schools and settings was published in the [Explanatory Memorandum \(EM\) and Regulatory Impact Assessment](#) (RIA) for the Act.
 - The [integrated impact assessment on the Curriculum for Wales guidance](#) – which includes the statements of what matters and principles of progression, published in January 2020.
 - An [integrated impact assessment](#) of how proposals for Curriculum and Assessment legislation would impact teaching and learning was published in July 2020.

- [Ensuring access to the full curriculum children's rights impact assessment](#) published in July 2020.
- [Curriculum for Wales children's right impact assessment](#) published in July 2020.
- An [integrated impact assessment on proposals for Religion, Values and Ethics](#) published in April 2020.
- The [justice system impact identification](#) form published in April 2018.

6.5 In addition to the above assessments, in the development of this revised Code the issue of whether specific impacts may arise from the addition of the one clause in this Code was considered. This was also looked at again in the light of consultation feedback. As the proposed additional clause does not represent a change in government policy or intention, but rather seeks to clarify that existing intention, a full and separate integrated impact assessment over and above those already undertaken was not deemed necessary. This remains in line with impact assessment protocol as a tool to support policy development.

6.6 Nevertheless, it is worth noting one aspect of this proposed change in the light of the Well-being of Future Generations (Wales) Act 2015's goal for culture:

'A society that promotes and protects culture, heritage and the Welsh language and which encourages people to participate in the arts and sports and recreation'

As noted by a number of respondents to the consultation, the clarification over the learning and teaching of Welsh histories has potential to support learners in the above area. While this is largely unquantifiable at this stage, as it is dependent on multiple factors including the quality of future learning and teaching at the local level, there remains some potential for this update to support wider understanding of heritage and the Welsh language. No negative effects in this regard are envisaged from the proposed change.

6.7 The full Integrated Impact Assessment (IIA) linked above already notes that:

'Guidance on the Humanities AoLE provides opportunities for all learners to learn about their heritage and sense of place through a study of their cynefin and of Wales. This promotes an understanding of how the people of Wales, its communities, culture, landscape, resources and industries interrelate with the rest of the world.'

The findings of the Welsh Language Impact Assessment within that IIA remain with regard to impacts of CfW implementation across all schools and settings.

7. Options

- 7.1 Options regarding the status of the statements of what matters as set out in the Code, was considered by Ministers (and debated by Members of the Senedd) as part of the passage of the Act in 2020 through to 2021. Consequently this is covered by the EM and RIA for the Act. In summary, options with regard the statements related to their status within the CfW Framework. Options arising from the planned inclusion of the additional clause in one Humanities statement of what matters as set out in the proposed draft Code centred on whether or not to include an update now. The alternative would have been to wait until a more substantive review of the statements of what matters and CfW arrangements is undertaken (in line with the requirements of the Act) as more intelligence from the evaluation and monitoring programme becomes available from practitioner experiences in working with the statements over the years ahead. Commitments made within the Co-operation Agreement aside, not providing this clarification was considered unhelpful to the profession in supporting their curriculum design and development inline with standing intentions and stated government policy regarding the teaching of the histories of Wales.
- 7.2 Feedback on the extensive 2019 consultation on the draft CfW guidance (see: [Curriculum for Wales 2022: guidance | GOV.WALES](#)) reported a degree of concern regarding potential variability in approaches across schools and settings arising from the Curriculum for Wales approach, and the principle of subsidiarity. The decision to place mandatory requirements on schools and settings with regard to the statements of what matters, with the detail of those requirements being set out in this Code, was made in during the passage of the Act in addressing this concern. The update proposed within the draft Code is, therefore, in line with government intentions for the statements of what matters to, in part, provide for that clarity for all school and settings across Wales in respect of national requirements under the CfW framework.
- 7.3 Consequent to the above, Section 6 of the Act requires Welsh Ministers to make this Code. The Minister consulted on their content: in 2019 in terms of earlier draft statements, in 2021 in respect of the initial draft Code, and in late 2022 in respect of this revised draft Code. The draft has been amended in the light of feedback, as set out in the EM above. The requirement set out in the Act that Ministers periodically review and, if necessary, update the content of the Codes was considered helpful in recognition that the experiences of society, learners and the education profession will develop over time.

8. Costs and benefits

- 8.1 As set out in section 6 above, no separate cost and benefit analysis has been undertaken specific to the updated elements of the CfW Framework set out in this Code on the grounds that such analysis is considered unrealistic. However, we do not envisage any additional costs to the education system will arise from this Code. This is due to schools and settings being already required to keep their curriculum arrangements under review and update accordingly in response to their own analysis of impact, emerging needs and the CfW Framework. We recognise that some schools or settings may decide to undertake specific curriculum work regarding Welsh histories, however any which have not yet clearly developed such plans can do so as part of their ongoing curriculum development arrangements. Support for schools and settings to continue this process remains in place over the years ahead, as reported in the Curriculum for Wales Annual Report.
- 8.2 The update to the Code provides schools and settings with the necessary clarification regarding a key curriculum organiser providing a degree of consistency and curriculum breadth regarding Welsh histories across the 3 to 16 learning continuum.

9. Competition Assessment

- 9.1 The competition filter test:

Question	Answer Yes or No
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

- 9.2 The provisions within the Code will not affect business, or charities and/or the voluntary sector in ways that raise issues related to competition. The competition filter has not been applied.
- 9.3 The provisions in the Code are not expected to have any impact on competition or place any restrictions on new or existing suppliers. As set out in the RIA referenced at paragraph 6.3, the majority of the costs associated with the legislation are expected to fall on public bodies, who already meet these costs.
- 9.4 The legislation is not expected to have any negative impact on small and medium sized enterprises (SMEs) in Wales.

10. Post implementation review

- 10.1 Implementation of the Code in schools and settings will take place through to 2026/27 academic year as the CfW is rolled out across schools and settings. Review of their implementation forms part of the wider implementation review set out in the RIOA referenced at paragraph 6.3 above.
- 10.2 The wider programme of evaluation of the curriculum reforms (see: [Curriculum for Wales: Implementation plan - Hwb \(gov.wales\)](#)) is not designed as a single backward-looking assessment of impacts but rather an ongoing process of learning, of which an evaluation of impacts will form an important part. A formative evaluation is being conducted in the early years of implementation to understand early successes and challenges, and whether the curriculum reforms are having the intended consequences. This will enable changes to be made to policies to increase their effectiveness. Initial findings from implementation will be reported in the summer term and will be included in the curriculum Annual Reporting process. An impact evaluation will look at the consequences of reforms as they take their effect and after a sufficient period to allow longer term outcomes to emerge. As part of this process work will be prioritised through the National Network for curriculum implementation to both support schools and settings work on learning progression and to develop system-wide understanding and review of the associated principles over time.

Glossary

Act	For the purposes of this document, refers specifically to the Curriculum and Assessment (Wales) Act 2021
Areas of learning and experience (Area)	<p>The Curriculum for Wales' organising structure comprises six Areas, which encourage strong and meaningful links across different disciplines. The Areas listed in the Act are:</p> <ul style="list-style-type: none"> • Expressive Arts • Health and Well-being • Humanities • Languages, Literacy and Communication • Mathematics and Numeracy • Science and Technology
Cross-curricular skills	Literacy, numeracy and digital competence. These are lifelong skills essential for learning and for being able to function successfully in the modern world. They enable learners to access the breadth of a school's curriculum and the wealth of opportunities it offers to realise the four purposes.
Curriculum	Establishes all the teaching and learning experiences planned in pursuit of agreed purposes of education.
Education other than at school (EOTAS)	Education funded by the local authority which is designed to meet the specific needs of pupils who, for whatever reason, cannot attend a mainstream or special school.
Estyn	Is the office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru. It is the education and training inspectorate for Wales. 'Estyn' – Welsh word meaning 'to reach out'/'to stretch'.
Four purposes	<p>These are the starting point and aspiration for every child and young person in Wales. The curriculum and assessment arrangements support children and young people to develop as:</p> <ul style="list-style-type: none"> • Ambitious, capable learners ready to learn throughout their lives • Enterprising, creative contributors ready to play a full part in life and work • Healthy, confident individuals ready to lead fulfilling lives as valued members of society and • Ethical, informed citizens ready to be citizens of Wales and the world

	Within these headline purposes a range of more detailed characteristics are expressed in Curriculum for Wales Framework guidance.
Funded non-maintained nursery setting	Private provision, including playgroups and childminding, for children under the age of 5.
Governing bodies	Are established pursuant to section 19 of the Education Act 2002 and are responsible for the governance and conduct of the schools.
Learner	A child or young person between the ages of 3 to 16. This includes 'pupil'.
Maintained schools	Schools that a local authority has a duty to maintain. They include: <ul style="list-style-type: none"> • Voluntary schools • Community schools and community special schools • Foundation schools and foundation special schools • Any maintained special school not set up in a hospital¹
Maintained special schools	Schools providing a special education needs funded by a local authority.
Professional Learning	Opportunities to develop and enhance education providers' professional knowledge and practice, in order to progress the quality of learning and teaching and school improvement.
Pupil Referral Unit (PRU)	A type of school established and maintained by a local authority pursuant to section 19 of the Education Act 1996 ² that caters for children who aren't able to attend a mainstream school. Pupils are often referred if they need greater care and support than their regular school can provide.
Subordinate Legislation	Legislation made by a Minister, or occasionally by a public body, under powers given to them by Acts of Parliament, Assembly Measures and Acts of the Senedd in order to implement and administer the requirements of primary legislation.
Statement of what matters Code	Subordinate legislation under the Act. The code is made up of the statements of What Matters within the Curriculum for Wales Framework. These statements ensure a level of consistency in curriculum design across settings and schools, as learners must develop an understanding of the learning expressed within all statements.

¹ A local authority also maintains Pupil Referral Units (PRUS) but these are listed separately. By "maintain" we mean that wholly or substantially funds that school.

² The Bill makes section 19 an England only provision and inserts a new provision for Wales only in section 19A of the Education Act 1996.