



Llywodraeth Cymru  
Welsh Government

# **CURRICULUM AND ASSESSMENT (WALES) BILL**

**Explanatory Memorandum**  
incorporating the  
**Regulatory Impact Assessment and**  
**Explanatory Notes**

**September 2020**

# **Curriculum and Assessment (Wales) Bill**

## **Explanatory Memorandum to Curriculum and Assessment (Wales) Bill**

This Explanatory Memorandum has been prepared by the Education Directorate of the Welsh Government and is laid before Senedd Cymru.

### **Member's Declaration**

In my view the provisions of the Curriculum and Assessment (Wales) Bill, introduced by me on 6 July, would be within the legislative competence of the Senedd.

### **Kirsty Williams MS**

Minister for Education  
Member of the Senedd in charge of the Bill

1 September 2020

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# PART 1 – EXPLANATORY MEMORANDUM

## Glossary

<p><b>Additional Learning Needs (ALN)</b></p>	<p>A learner has ALN if they have a learning difficulty or disability which calls for additional learning provision.</p> <p>A child of compulsory school age or person over that age has a learning difficulty or disability if they:</p> <p>(a) have a significantly greater difficulty in learning than the majority of others of the same age, or</p> <p>(b) have a disability for the purposes of the Equality Act 2010 which prevents or hinders them from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.</p> <p>A child under compulsory school age has a learning difficulty or disability if they are likely to (or would be likely to if no ALP were made) have significantly greater difficulty in learning than the majority of their peers when they reach compulsory school age.</p> <p>*Taken from “The Additional Learning Needs Transformation Programme - Frequently Asked Questions (February 2019)”. See section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.</p>
<p><b>Areas of learning and experience (AoLE)</b></p>	<p>The new curriculum’s organising structure will comprise six AoLE, which are designed to encourage strong and meaningful links across different disciplines. The AoLE listed in the Bill are:</p> <ul style="list-style-type: none"> <li>• Expressive Arts</li> <li>• Health and Well-being</li> <li>• Humanities</li> <li>• Languages, Literacy and Communication</li> <li>• Mathematics and Numeracy</li> <li>• Science and Technology</li> </ul>
<p><b>Continuum of learning</b></p>	<p>The progression within each statement of What Matters is arranged in five [progression] steps. These provide reference points for the pace of a child or young person’s progression. The continuum is the same for each learner, though the pace of progress may differ.</p>
<p><b>Cross-curricular skills</b></p>	<p>Literacy, numeracy and digital competence. These are lifelong skills essential for learning and for being able to function</p>

	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.
<b>Curriculum</b>	Establishes all the teaching and learning experiences planned in pursuit of agreed purposes of education.
<b>Education in Wales: Our National Mission</b>	The plan of action setting out how the school system in Wales, including sixth forms, would move forward during the period 2017-2021 to secure the effective implementation of the new curriculum. It highlights actions initiated by the Welsh Government publication, as well as those from partners.
<b>Education other than at school (EOTAS)</b>	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.
<b>Estyn</b>	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. Inspect quality and standards in nurseries, schools, PRUs, further education, colleges, local government education services, teacher education and training, Welsh for adults, work-based learning and learning in the justice sector.  'Estyn' – Welsh word meaning 'to reach out'/'to stretch'.
<b>Foundation Phase</b>	Statutory curriculum for all 3-7 year olds in Wales, originally introduced in September 2010. Designed to encourage children to be creative and imaginative, making learning more enjoyable and effective.
<b>Four purposes</b>	These are the starting point and aspiration for every child and young person in Wales. The curriculum and assessment arrangements will support children and young people to develop as: <ul style="list-style-type: none"> <li>• <b>Ambitious, capable learners</b> ready to learn throughout their lives</li> <li>• <b>Enterprising, creative contributors</b> ready to play a full part in life and work</li> <li>• <b>Healthy, confident individuals</b> ready to lead fulfilling lives as valued members of society and</li> <li>• <b>Ethical, informed citizens</b> ready to be citizens of Wales and the world</li> </ul>
<b>Funded non-maintained nursery setting</b>	Private provision, including playgroups and childminding, for children under the age of 5.
<b>Gender-equity</b>	The process towards achieving gender equality for men and women.

<b>Governing bodies</b>	Are established pursuant to section 19 of the Education Act 2002 and are responsible for the governance and conduct of the schools.
<b>Heteronormative</b>	Term that is used to raise awareness of and challenge the assumption that everyone is, or should be, heterosexual
<b>Immersion</b>	Exposure to surroundings or conditions that are native and pertinent to the object of study. Part of the proposal to make both English and Welsh compulsory in the new curriculum. This is seen as crucial in helping to achieve the ‘Cymraeg 2050’ ambition of having one million Welsh-speakers in Wales.
<b>Maintained schools</b>	Schools that a local authority has a duty to maintain. They include: <ul style="list-style-type: none"> <li>• Voluntary schools</li> <li>• Community schools and community special schools</li> <li>• Foundation schools and foundation special schools</li> <li>• Any maintained special school not set up in a hospital</li> <li>• PRUs</li> </ul>
<b>Maintained special schools</b>	Schools providing a special education needs funded by a local authority.
<b>Organisation for Economic Cooperation and Development (OECD)</b>	An association of 36 member states worldwide with the aim of promoting policies that will improve the economic and social well-being of people around the world.
<b>Parents</b>	In this Bill, parent is defined as in the Education Act 1996: (1) Unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person— <p style="margin-left: 40px;">(a) who is not a parent of his but who has parental responsibility for him, or</p> <p style="margin-left: 40px;">(b) who has care of him,</p> <p>except that in [section 499(8)] it only includes such a person if he is an individual.</p> <p>(2) [repealed]</p> <p>(3) In subsection (1) “parental responsibility” has the same meaning as in the Children Act 1989.</p> <p>(4) In determining for the purposes of subsection (1) whether an individual has care of a child or young person, any absence of the child or young person at a hospital or boarding school and any other temporary absence shall be disregarded.</p>
<b>PISA</b>	Programme for International Student Assessment, part of OECD. Measures 15-year-olds in their ability to use their

	reading, mathematics and science knowledge and skills to meet real-life challenges.
<b>Pluralistic/pluralism</b>	A system in which two or more worldviews, groups, principles, sources of authority, etc., coexist.
<b>Primary education</b>	Early, formative years of a child's education, typically ranging from ages 3-11.
<b>Professional Learning</b>	Opportunities to develop and enhance education providers' professional knowledge and practice, in order to progress the quality of learning and teaching and school improvement.
<b>Programmes of study</b>	Detailed literature of what learners should be taught in schools and education settings.
<b>Progression code</b>	The code will include research-based statements of progression used to develop progression in the Curriculum for Wales. They include overarching statements and statements for each area of learning and experience.
<b>Pupil Referral Unit (PRU)</b>	A type of school established and maintained by a local authority pursuant to section 19 of the Education Act 1996 <sup>1</sup> 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.
<b>Rights of Children and Young Persons (Wales) Measure 2011</b>	Places a duty on Welsh Ministers to have due regard to children's rights when making decisions about new or existing legislation and policies, and also to publish a report on how they and the First Minister have complied with the duty.
<b>Secularism</b>	Is the principle of keeping religion separate from civic and state matters.
<b>Standing Advisory Councils on Religious Education (SACREs)</b>	All Local Authorities are required to constitute a SACRE within their local area. SACREs are an independent body which consider provisions for religious education within their local authority.
<b>Subordinate Legislation</b>	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 Assembly in order to implement and administer the requirements of primary legislation.
<b>United Nations Convention on the Rights of the Child</b>	A legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities.
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation

<sup>1</sup> 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.



**What Matters code**

The code is made up of 'What Matters' statements within the Curriculum for Wales Framework. These statements will ensure a level of consistency in curriculum design across settings and schools, as learners must develop an understanding of all statements.

## Chapter 1 - Description

- 1.1 The Curriculum and Assessment (Wales) Bill (“the Bill”) provides for the establishment of a new and reformed legislative framework to support the implementation of the new curriculum and assessment arrangements as part of a wider programme of education reform in Wales.
- 1.2 In summary, the Bill proposes to facilitate the following:
- i) The design, adoption and implementation of a curriculum for 3 – 16 year olds in maintained schools, maintained nursery schools and in funded non-maintained nursery settings and curriculum provision in Pupil Referral Units and in other settings secured by a local authority in Wales providing education otherwise than at school.
  - ii) Limited provision for post-compulsory education in maintained schools.
  - iii) General requirements a curriculum must satisfy, including cross curricular skills (literacy, numeracy and digital competence), areas of learning and experience and the mandatory elements (Welsh, English, Religion, Values and Ethics, and relationships and sexuality education).
  - iv) The publication by the Welsh Ministers of a What Matters code setting out the key concepts in each area of learning and experience describing the breadth of learning which must be covered.
  - v) The publication by the Welsh Ministers of a statutory code providing a framework for progression in the new curriculum.
  - vi) The publication by the Welsh Ministers of a code setting out core learning in relationships and sexuality education.
  - vii) The implementation of assessment arrangements to support every learner to make progress.
  - viii) Will have the effect of establishing a 3 – 16 continuum of learning and through the removal of the terms key stages 2, 3 and 4, and foundation phase in legislation.
  - ix) The disapplication of English up to age 7 to help support and maintain Welsh language fluency.
  - x) Exceptions for certain pupils (in specified circumstances).
  - xi) Powers for the Welsh Ministers to issue guidance to head teachers, governing bodies and local authorities in respect of their functions.

## **Chapter 2 - Legislative Competence**

- 2.1 The Senedd Cymru (the Senedd) has the legislative competence to make the provisions in the Curriculum and Assessment (Wales) Bill ("the Bill") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017 ("WA 2017").

## Chapter 3 - Purpose and intended effect of the legislation

- 3.1 Education is our national mission. Nothing is so essential as universal access to, and acquisition of, the knowledge, skills and experiences that our young people need for employment, lifelong learning and active citizenship.
- 3.2 The current legislative framework supporting the content and implementation of the curriculum, is based on a model developed more than 30 years ago and is no longer fit for purpose.<sup>2</sup> Whilst the legislation underpinning the curriculum arrangements has been updated and added to periodically since the 1980s, its essential features remain the same. These are out of step with recent and ongoing shifts in technology and the development of our society and economy.
- 3.3 The high degree of prescription in the current curriculum has tended to create a culture where creativity has been diminished. There has been a narrowing of teaching and learning, with the professional contribution of the workforce underdeveloped.<sup>3</sup>
- 3.4 Learners should be supported to develop higher standards of literacy and numeracy, and to become more digitally and bilingually competent. They must be supported to evolve into enterprising, creative and critical thinkers, and confident, capable and caring citizens. In order to do this there is a need to empower schools and teachers by moving away from a narrow, inflexible and crowded curriculum.
- 3.5 Education in Wales: Our National Mission - action plan for 2017-2021<sup>4</sup> makes a commitment to bring forward primary legislation to implement new curriculum and assessment arrangements. This is necessary because provisions for enabling the existing curriculum will not support the new arrangements.
- 3.6 As set out in “Our National Mission”, the Welsh Ministers’ intend to ‘*bring forward legislation for the revised curriculum and assessment arrangements reaffirming the principle of a new national curriculum framework for Wales, which will be defined through a broad set of duties, and will provide the freedom for our practitioners to use their professionalism and creativity to meet the needs of all learners*’.

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<sup>2</sup> Existing legislation and guidance is set out in Annex 4.

<sup>3</sup> Page 10 *Successful Futures* - <https://gov.wales/sites/default/files/publications/2018-03/successful-futures.pdf>

<sup>4</sup> <https://gov.wales/sites/default/files/publications/2018-03/education-in-wales-our-national-mission.pdf>

- 3.7 The Curriculum for Wales framework gives every school in Wales the opportunity to design their own curriculum within a national approach that ensures a level of consistency. A new legislative structure is needed to support a purpose-led curriculum with learner progression at its heart. The Bill, along with supporting legislation and guidance will provide 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 will provide scope within a national framework for schools to shape a curriculum which connects meaningfully to the local community and the experiences of learners.
- 3.8 The key principles for developing legislation to support the new curriculum and assessment arrangements include:
- Helping all learners to embody the four purposes<sup>5</sup>;
  - All children and young people, 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.
- 3.9 The Curriculum for Wales should be at the heart of teacher, school and national efforts which 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 Bill is to establish a legislative framework to support this objective.
- 3.10 In the development of the Bill provisions full consideration has been given to how the legislation and supporting documentation can support children and young people in accordance with the rights as set out in the [United Nations Convention on the Right of the Child](#) (UNCRC).<sup>6</sup> This is in compliance with the duty placed on the Welsh Ministers under section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 to have regard to the requirements of Part 1 of the UNCRC when exercising their functions.<sup>7</sup>

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<sup>5</sup> The four purposes of education are to support children and young people to be:

- Ambitious, capable learners, ready to learn throughout their lives;
- Enterprising, creative contributors, ready to play a full part in life and work;
- Ethical, informed citizens of Wales and the world; and
- Healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

<sup>6</sup> A summary is available on the UNICEF UK website at: <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

<sup>7</sup> The Rights of Children and Young Persons (Wales) Measure 2011 <http://www.legislation.gov.uk/mwa/2011/2/contents>

## Background and context

3.11 The journey of education reform in Wales had its catalyst in 2009 when Wales performed relatively poorly in the Organisation for Economic Cooperation and Development (OECD) PISA survey. The performance of Welsh 15-year-olds was significantly below the OECD average, in particular for reading and mathematics. This, together with concerns about performance in GCSEs relative to England, helped focus political and education profession minds on the need for significant change in the Welsh education system.<sup>8</sup>

### *Fourth Assembly*

3.12 Following the initial announcement of the 'Review of Assessment and the National Curriculum'<sup>9</sup> in 2012 it was decided that a more fundamental revision of the curriculum was needed in Wales. A consultation, '[Curriculum for Wales: Consultation on proposals for revised curriculum and assessment arrangements for Wales](#)'<sup>10</sup>, was published in 2013 to gather stakeholder views on a set of proposals aimed at strengthening and supporting the teaching of literacy and numeracy, as well as introducing 'wider skills' as statutory elements of the existing national curriculum.

3.13 In 2014, by invitation of the Welsh Government, the OECD undertook a policy review of Welsh education. The report, 'Improving Schools in Wales: An OECD Perspective'<sup>11</sup>, identified both strengths to be built upon and challenges to overcome in the Welsh education system.

3.14 Strengths included, the comprehensive nature of the school system and the emphasis on equity and inclusion. It highlighted student performance as being less dependent on a student's school and socio-economic background than the OECD average.

3.15 However, among the challenges identified was a lack of coherence in the totality of assessment and evaluation arrangements, '...Wales has struggled to strike a balance between accountability and improvement'. It identified an inability by schools to respond to the learning needs of all children. Critically it found that the reform agenda lacked long term vision.

3.16 In addition to the OECD review, a second Welsh Government consultation was published in 2014 seeking views on the content of new

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<sup>8</sup> Pisa tests are held every three years. Results in Wales since 2009 have consistently been lower than in England, Scotland and Northern Ireland.

<sup>9</sup> Announcement made in October 2012 by the then Minister for Education and Skills, Leighton Andrews - <https://gov.wales/written-statement-review-assessment-and-national-curriculum-wales>

<sup>10</sup> <https://beta.gov.wales/sites/default/files/consultations/2018-01/131022-curriculum-for-wales-consultation-en.pdf>

<sup>11</sup> <http://www.oecd.org/education/Improving-schools-in-Wales.pdf>

areas of learning (Foundation Phase) and programmes of study; and the announcement of an independent review into curriculum and assessment arrangements.

- 3.17 Professor Graham Donaldson’s independent review, ‘[Successful Futures: Independent Review of Curriculum and Assessment Arrangements](#)’<sup>12</sup> (2015), and the subsequent ‘Great Debate on Education’<sup>13</sup>, were commissioned by the Welsh Government with a view to revisiting the fundamental purposes of education.
- 3.18 The review identified a number of fundamental and practical issues with the existing curriculum and assessment arrangements, including:
- Levels of achievement not as high as they should be (as evidenced by PISA and Estyn);
  - Lack of continuity within primary education and during transition between the key stages;
  - Poor educational experience for young people at key stage 3;<sup>14</sup> and
  - A curriculum devised in 1988 that did not reflect the world that children are living in now and the implications of a changing world on what and how young people need to learn.
- 3.19 On 30 June 2015, the then Minister for Education and Skills, Huw Lewis AM, accepted the report’s recommendations. This was welcomed by all political parties in the National Assembly for Wales at the time.<sup>15</sup>

#### *Fifth Assembly*

- 3.20 In May 2016 the then First Minister, Carwyn Jones AM and the then Cabinet Secretary for Education, Kirsty Williams AM, signed a ‘[Progressive Agreement](#)’, endorsed by the then leader of the Welsh Liberal Democrats, Mark Williams, to enable joint working on key areas of policy, including, education.<sup>16</sup> This recognised a shared ambition to raise standards and ensure equity of opportunity for all learners.
- 3.21 The commitments identified in the agreement were further clarified by the publication of the programme for government, [Prosperity for All](#), in September 2017.<sup>17</sup> One of the key commitments was to:

*“enrich the learning experience for every child through changes to our curriculum that will incorporate the right range of subjects,*

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<sup>12</sup> <https://gov.wales/successful-futures-review-curriculum-and-assessment-arrangements>

<sup>13</sup> <https://gov.wales/successful-futures-report-responses-great-debate>

<sup>14</sup> Key stage three covers ages 11 – 14 years (school years 7-9).

<sup>15</sup> [Statement: The Welsh Government Response to the Donaldson Review](#), Record of Proceedings, 30 June 2015.

<sup>16</sup> [https://d3n8a8pro7vhmx.cloudfront.net/ldwales/pages/1385/attachments/original/1483701500/FM\\_Letter\\_to\\_Kirsty.pdf?1483701500](https://d3n8a8pro7vhmx.cloudfront.net/ldwales/pages/1385/attachments/original/1483701500/FM_Letter_to_Kirsty.pdf?1483701500)

<sup>17</sup> <https://gov.wales/sites/default/files/publications/2017-10/prosperity-for-all-the-national-strategy.pdf>

*flexibility for teachers and develop the wider resilience and well-being of young people, helping young people develop into healthy, confident individuals.”<sup>18</sup>*

- 3.22 A rapid review of policy by the OECD was commissioned in 2017 by the Welsh Government to provide an independent assessment of the progress of reform. The report set out where Wales had acted on the OECD’s 2014 recommendations, where it had achieved successes and identified remaining areas of challenge.
- 3.23 The 2017 report recognised the progress made towards education reform since 2014, including “the steps taken in developing a new, 21st century curriculum”, and it noted progress made “in promoting collaborative learning and working across the Welsh school system”.
- 3.24 Areas identified in the report as needing further development include, improving assessment arrangements, continued focus on professional development and the need to improve leadership standards.
- 3.25 In September 2017 the then Cabinet Secretary, Kirsty Williams AM, published [Education in Wales: Our National Mission](#) (“Our National Mission”)<sup>19</sup>, which set out how the school system will move forward over the period 2017-21 securing implementation of the new curriculum with a focus on leadership, professional learning, and excellence and equity within a self-improving system.
- 3.26 On announcing the publication of Our National Mission, the then Cabinet Secretary set out her intention to move the introduction date for Curriculum Wales back a year from the original date of September 2021. The commitment was made to introduce the new curriculum from nursery to year 7 in 2022, rolling into year 8 for 2023, year 9 in 2024, and so on as the cohort moves through education.
- 3.27 In December 2018 the Welsh Ministers’ reaffirmed the commitment to the Progressive Agreement. The letter signed by the First Minister, Mark Drakeford MS and the Education Minister, Kirsty Williams MS, recognised the progress made to develop the new curriculum framework and pledged to continue with the reform in order to raise standards in schools across Wales.

#### *Sex and Relationships Expert Panel*

- 3.28 The existing curriculum includes very limited requirements for sex education. Cultural and societal developments around how we perceive, measure and value relationships and gender have meant that these requirements have become somewhat antiquated. This led to calls for a review of sex and relationships education.

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<sup>18</sup> Page 16, Prosperity for All, September 2017.

<sup>19</sup> <https://gov.wales/sites/default/files/publications/2018-03/education-in-wales-our-national-mission.pdf>



3.29 In 2017 the Sex and Relationships Expert Panel, commissioned by the Welsh Government Education Directorate, published its report setting out its recommendations on the future of sex and relationships education in Wales.

3.30 The Panel were asked to identify issues and opportunities which could inform decisions around supporting the teaching profession to deliver high quality sex and relationships education in schools more effectively.

3.31 The Panel identified a number of key findings, which included:

- “*The current law and guidance on Sex and Relationships Education is outdated*” – the Panel found that whilst the Welsh Government guidance issued to schools reflects rights and gender-equity based sex and relationships education, the guidance is not statutory and existing legislation does not support this approach (see section B of Annex 4).
- Current provision of sex and relationships education is limited, unrepresentative and inconsistent across Wales. The Panel found that provision was heteronormative<sup>20</sup> and relied on the enthusiasm of individual teachers, with too little focus placed on rights, equity, emotions and relationships.

### **Legislative context**

3.32 The Welsh curriculum requirements, which are provided for in this Bill, are a clear statement of what is important in delivering a broad and balanced education. The four purposes are the shared vision and aspiration for every child and young person in Wales. In fulfilling these, we set high expectations for all, promote individual and national well-being, tackle ignorance and misinformation, and encourage critical and civic engagement.

3.33 The draft Bill is built upon the White Paper ‘[Our National Mission: A Transformational Curriculum - Proposals for a new legislative framework](#)’<sup>21</sup> published by the Minister for Education in January 2019. However, in addition to providing the legislative detail of how the proposals set out in the White Paper might be realised, and in response to engagement with stakeholders, the draft Bill also includes some new provisions. In particular, it places duties on maintained schools and other funded education settings to ensure key concepts of what matters within the areas of learning and experience are delivered, in addition to the mandatory elements. It also sets out new provisions on relationships

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<sup>20</sup> As described in the Sex and Relationships Expert Panel’s report ‘*heteronormativity is a term that is used to raise awareness of and challenge the assumption that everyone is, or should be, heterosexual*’.

<sup>21</sup> Published in January 2019 - <https://gov.wales/our-national-mission-transformational-curriculum>

and sexuality education and Religion, Values and Ethics, as explored in the '[Ensuring access to the full curriculum](#)' consultation<sup>22</sup>.

- 3.34 Following consultation there is no intention to retain existing provisions to allow parents or those with parental responsibility to remove learners from religious education (to be renamed Religion Values and Ethics) and sex education (to be renamed Relationships and Sexuality Education). The intention of the Bill is to enable all learners equal opportunity to receive a broad and balanced education that will support them in developing in the way described by the four purposes.
- 3.35 Legislation currently sets out the required religious education provision that must be made for each category of school. It is intended that we retain the bulk of this provision, making some amendments to ensure the existing framework dovetails with provision for the new curriculum.
- 3.36 The Bill and the new curriculum will apply to all children and young people between the ages of 3 – 16 years who attend maintained schools; those in funded non-maintained nursery education; and those whose schooling is subject to arrangements under section 19 of the Education Act 1996.<sup>23</sup> There will also be limited provision for post-compulsory education in maintained schools. However, the legislation setting the age at which education becomes compulsory will not be amended.<sup>24</sup> The compulsory school age will remain at 5 – 16 years old.

## **Overview of the Bill - what will it mean for teaching and learning?**

### ***Basic Concepts and Key Documents***

- 3.37 The Bill establishes a set of basic concepts and key documents, which underpin the curriculum and assessment arrangements:

#### *The Four Purposes*

- 3.38 The four purposes of the curriculum have a critical role to play when designing and delivering the curriculum. The intention is to support children and young people to be:
- ambitious, capable learners, ready to learn throughout their lives;
  - enterprising, creative contributors, ready to play a full part in life and work;
  - ethical, informed citizens of Wales and the world; and
  - healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

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<sup>22</sup> Published in October 2019 – <https://gov.wales/ensuring-access-full-curriculum>

<sup>23</sup> <http://www.legislation.gov.uk/ukpga/1996/56/section/19>

<sup>24</sup> Compulsory school age is set out in section 8 of the Education Act 1996 - <http://www.legislation.gov.uk/ukpga/1996/56/section/8>

3.39 The key characteristics for each of these is set out in the accompanying documentation<sup>25</sup>.

### *Areas of Learning and Experience*

3.40 It is proposed that the curriculum is structured under six areas of learning and experience, these are listed in the Bill as:

- i. Expressive arts;
- ii. Health and well-being;
- iii. Humanities;
- iv. Languages, literacy and communication;
- v. Mathematics and numeracy; and
- vi. Science and technology.

3.41 It is intended that each of the areas of learning and experience are of equal value and status. They have been designed to operate together as part of a holistic curriculum. The guidance which supports each of the areas has been designed to support learners to realise the four purposes. They encompass existing subjects and disciplines, and are intended to promote collaboration and cross-disciplinary school-level curriculum development and design.

### *Mandatory elements*

3.42 The areas of learning and experience will include the following mandatory elements, which are specified in the Bill:

◆ Welsh

3.43 The intention is to enable all learners in Wales to be able to use the Welsh language when they complete their compulsory education at 16 years old. For this to happen, the teaching and learning of Welsh needs to be recognised and valued as an integral component of the Curriculum for Wales. Welsh will be a statutory element of the Languages, Literacy and Communications Area of Learning and Experience for all learners.

◆ English

3.44 As with Welsh, English will be a statutory element of the Languages, Literacy and Communications Area of Learning and Experience for all learners. The intention is to ensure both languages have equal status in order to signal the importance of bilingualism in Wales.

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<sup>25</sup> Pages 24 and 25 of Curriculum for Wales Guidance at <https://hwb.gov.wales/storage/afca43eb-5c50-4846-9c2d-0d56fbffba09/curriculum-for-wales-guidance-120320.pdf>

3.45 Provision has been made in the Bill to ensure those schools and settings that currently use variable levels of immersion in Welsh to assist development in the language can carry on doing so. The intention is to provide head teachers and providers of funded non-maintained nurseries the discretion to decide that English does not form part of their adopted curriculum, up to the age of 7, in order to enable learners to gain fluency in Welsh.

◆ Religion, Values and Ethics [“RVE”]

3.46 RVE is a field of study in which a range of disciplinary approaches are used by learners to critically engage with a broad range of religious and non-religious concepts. The intention is to ensure all children and young people are provided with the scope to explore Wales’ historical and contemporary relationship to philosophy and religious views, including non-religious beliefs.

3.47 The intention for including Religion, Values and Ethics as a statutory area of study is to ensure learners:

- develop a conceptual framework which helps them to understand and explore worldviews that include religions and other beliefs, and the impact these have on them and others in societies, locally in their area and in the wider world;
- understand the conceptual categories of ‘religion’, ‘secularity’, ‘secularism’ and ‘spirituality’, in order to illuminate debate and support a well-rounded understanding of religion as a force in shaping society;
- understand the nature of reality and their own place in the world, and how their worldview is likely to influence and be influenced by their beliefs, values, behaviours, experiences, identities and commitments; and
- to engage with, and appreciate, the pluralistic society in which they live.

3.48 The following sets out the type of RVE that must be provided for each category of school:

*Community schools, and foundation and voluntary schools without a religious character (i.e. faith schools):*

- a. There is no right to withdraw from RVE
- b. RVE must be designed and taught having regard to the agreed syllabus
- c. RVE must be designed and taught having regard to Welsh Ministers statutory guidance

*Foundation and voluntary controlled schools that have a religious character:*

- d. There is no right to withdraw from RVE

- e. The curriculum must provide for:
- f. RVE which has been designed having regard to the agreed syllabus
- g. RVE in accordance with the trust deeds of the school or the tenets of the faith of the school (“Denominational RVE”);
- h. RVE must be designed and taught having regard to Welsh Ministers statutory guidance
- i. Default position is for learners to receive RVE which has been designed having regard to the agreed syllabus (so, even though the curriculum makes provision for both Denominational RVE and RVE in accordance with the agreed syllabus, the default position is that only RVE in accordance with agreed syllabus is taught)
- j. If parents request it, Denominational RVE can be provided. This is not a right to withdraw from RVE.

Voluntary aided schools that have a religious character:

- k. There is no right to withdraw from RVE
- l. RVE must be designed and taught having regard to the Welsh Ministers statutory guidance
- m. The curriculum must provide for:
- n. RVE in accordance with the trust deeds of the school or the tenets of the faith of the school
- o. RVE which has been designed in accordance with an Agreed Syllabus
- p. Default position is for learners to receive Denominational RVE. The curriculum makes provision for both RVE in accordance with the agreed syllabus and Denominational RVE, but the default is that only Denominational RVE is taught unless a parent requests RVE in accordance with an Agreed Syllabus)
- q. If a parent requests it, RVE must be provided that accords with the agreed syllabus only.

3.49 It is important to note that the Bill provisions ensure that all children in all schools have access to pluralistic RVE – pluralistic as to the content and teaching. By pluralistic we mean it does not seek to indoctrinate. In doing that the Bill recognises the role of schools with a religious character in the provision of state education. The Welsh Government recognise that historically the state has embraced various faiths into the provision of education. In drafting the Bill Welsh Government has 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.

3.50 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 RVE they can require the school to provide the agreed syllabus RVE. 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.

3.51 The study of Religion, Values and Ethics will form part of the Humanities Area of Learning and Experience.

◆ Relationships and Sexuality Education [“RSE”].

3.52 It is intended that RSE will be taught across the curriculum. Teaching and learning explores the interconnected ways in which a wide and diverse range of social, cultural, technological and biological influences affect the ability to form and maintain positive relationships. It is an important element in creating a whole school approach to supporting overall physical, mental and emotional health and well-being.

3.53 The objective is to improve the profile, quality and consistency of RSE so that schools:

- support learners to become healthy, confident individuals who form positive relationships based on mutual trust and respect;
- develop high quality RSE provision which responds effectively to a wide range of issues in response to the lived experiences of their learners; and
- ensure learners have access to a wide range of support and advice.

3.54 The provision of RSE teaching and learning will be supported by a statutory code. Further information on the purpose and content of the code is set out below.

3.55 The mandatory elements listed above are elements or matters identified as fundamental to the teaching and learning of pupils from 3-16 years old.

3.56 Provision has been included in the Bill to ensure the areas of learning and experience, including the mandatory elements, can be amended using subordinate legislation, subject to a draft affirmative process which will require engagement with Members of the Senedd. This is proposed in order to ensure flexibility to keep abreast of societal, cultural and technological developments in the future.

3.57 All schools must set out their RSE policy in their published summary of their curriculum (para. 3.73).

*Mandatory cross-curricular skills*

3.58 The Bill lists the following as skills to be embedded across the curriculum:

- Digital Competence;
- Literacy; and
- Numeracy.

3.59 These are considered to be the foundations for almost all academic learning and are essential to being able to participate effectively in the world of work and in society more widely.

3.60 Provision has been included in the Bill to ensure the cross-curricular skills can be amended using subordinate legislation, subject to a draft affirmative process which will require engagement with Members of the Senedd. This is proposed in order to ensure flexibility to keep abreast of technological and other developments in the future.

3.61 Detailed support for schools and settings is already available via the Literacy, Numeracy and Digital Competence Frameworks.

*What Matters code*

3.62 The Bill will require the Welsh Ministers to publish a What Matters code setting out key concepts for each area of learning and experience.

3.63 The Bill requires all curricula to encompass the key concepts, as these are what must to be studied in order to gain a broad understanding of areas of learning and experience.

3.64 The code will assist curriculum designers to understand the breadth of the areas of learning and experience and support them in drawing together a curriculum fit for their learners.

*Progression code*

3.65 The Bill will require the Welsh Ministers to publish a Progression code setting out the way progression must be reflected in curriculum arrangements.

3.66 In developing their curricula, head teachers of maintained schools and providers of funded non-maintained settings, will be required to ensure that their curriculum provides for appropriate progression for learners in accordance with the code.

3.67 There will be duties placed on the Welsh Ministers to keep the What Matters and Progression codes under review and powers to enable them to modify the codes where required.

*Relationships and sexuality education: core learning code [“RSE code”]*

3.68 The Bill requires the Welsh Ministers to publish a code setting out the core learning to be undertaken in RSE. This means areas that must be covered by schools and funded non-maintained settings in the teaching and learning for this specific mandatory element.

3.69 The six headings to be outlined in the code are:

- i. Rights and Equity
- ii. Relationships
- iii. Sex, gender and sexuality
- iv. Bodies and Body Image
- v. Sexual Health and Well-being
- vi. Violence, Safety and Support

3.70 These are derived from the UNESCO technical guidance for sexuality education<sup>26</sup>, which has directly informed the Curriculum for Wales guidance for curriculum design and implementation, published in January 2020. This is to provide clarity for schools, parents/carers and learners ahead of the Bill and the ability to confirm them in a statutory code.

3.71 The Bill requires schools to encompass the core learning, as set out in the RSE code, in their curricular.

3.72 Provision in the Bill requires the Welsh Ministers to ensure that the core learning set out in the RSE code is to be suitable for pupils at different ages, and stages of their emotional and behavioural development. Whilst there is a general requirement throughout the proposed Bill that teaching and learning should be appropriate to learners’ “age, ability and aptitude”, it is intended that it be explicit in relation to RSE in order to support and reassure teachers, parents/carers and learners that the curriculum will be appropriate.

***Teaching and Learning – day to day***

3.73 The remainder of the Bill puts in place a legislative framework which requires the following:

*Schools and funded non-maintained nursery settings:*

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<sup>26</sup> UNESCO technical guidance for sexuality education - <https://unesdoc.unesco.org/ark:/48223/pf0000260770>



- 3.74 Maintained schools, including maintained special schools, must design, adopt and implement a curriculum which meets the requirements set out below.
- 3.75 A funded non-maintained nursery setting must adopt and publish a curriculum which meets the requirements below. They have the scope to design their own curriculum but the Welsh Ministers will be required to publish a curriculum which the settings can adopt (and which must meet the requirements below) if they wish. This recognises that such settings vary greatly in terms of size and resources and it would not be reasonable to expect a small nursery to design its own bespoke curriculum.
- 3.76 Schools and funded non-maintained nursery settings must publish a summary of their adopted curriculum and keep their curriculum under review.
- 3.77 A curriculum must:
- enable learners to develop in the way described in the four purposes;
  - be broad and balanced;
  - be suitable for learners of differing ages, abilities and aptitudes;
  - provide for appropriate progression for pupils and includes a range of provision to ensure this in accordance with the Progression Code;
  - encompass each of the six Areas of Learning and Experience;
  - encompass the key concepts of what matters in learning set out in the What Matters code;
  - include the mandatory curriculum elements (English, Welsh, RSE and RVE); and
  - include the mandatory cross curricular skills (Literacy, Numeracy and Digital Competence).
- 3.78 For learners up to age 7:
- head-teachers and providers of non-maintained nursery education will have discretion to decide that the mandatory element of English does not form part of the school's or setting's curriculum in order to enable learners to gain fluency in Welsh; and
  - All schools and settings must set out in their published summary of their curriculum their approach to teaching English and Welsh up to age 7.
- 3.79 For learners aged 14-16, a school must design a curriculum so that, in addition to the mandatory curriculum elements and mandatory cross curricular skills which all learners must study:
- it provides choice for learners in the other teaching and learning they will undertake but in such a way that ensures all learners still

undertake some teaching and learning in each area of learning and experience; and

- it may include other elements which the school requires all learners (or some groups of learners) to undertake.

3.80 Additionally:

- The Welsh Ministers may make Regulations which specify further requirements a curriculum must meet for the 14-16 age range. Those Regulations may, amongst other things, specify:
  - provision about what must be made in the curriculum;
  - provision that must not be made in a curriculum;
  - make provision by reference to courses of study and / or other learning; and
  - make provision that for a minimum number of courses of study that a learner are entitled to undertake.

3.81 The head teacher or funded non-maintained nursery provider must implement their school's adopted curriculum in a way that:

- a. enables each pupil to develop in the ways described in the four purposes;
- b. secures teaching and learning that offers appropriate progression for each pupil;
- c. is suitable for each pupil's age, ability and aptitude;
- d. takes account of any additional learning needs that each pupil may have; and
- e. secures broad and balanced teaching and learning for each pupil.

3.82 The governing body of a school must exercise its functions with a view to ensuring the curriculum is implemented in that way.

3.83 Schools and funded non-maintained nursery settings must ensure their curriculum is supported by assessment arrangements which:

- assess the progress made by pupils and children in relation to the curriculum; and
- consider the next steps in the learners' progression and the teaching and learning needed to make that progress.

3.84 In designing, adopting and implementing their curriculum and assessment arrangements, schools and funded non-maintained nursery providers will be required to have regard to guidance issued in connection with the new curriculum framework.

3.85 The Bill will enable the new curriculum and assessment arrangements to be dis-applied in whole or in part or modified in respect of the following:

- Exceptions for development work and experiments;
- Exceptions for children with Additional Learning Needs; and
- Power to allow temporary exceptions for individual pupils.

### ***Post – compulsory education***

3.86 The Bill makes limited provision in relation to teaching and learning of post-compulsory education in maintained schools:

- Duties will be placed on head teachers, governing bodies, local authorities and the Welsh Ministers to ensure that in carrying out their functions they secure that the curriculum provided to learners of post-16 years is broad and balanced.
- The existing requirement to provide religious education to all registered pupils will be replaced with a duty to provide teaching and learning on Religion, Values and Ethics to those in post-compulsory education who request it.

### ***Education otherwise than at school***

3.87 Education otherwise than at school (EOTAS) is provided by local authorities for pupils who for reason of illness, exclusion from school or otherwise may not receive education for a period of time.

3.88 Local authorities provide EOTAS for the following groups of children of compulsory school age and who are:

- permanently excluded from school;
- at risk of exclusion or require support for re-integration to mainstream or alternative provision;
- waiting for a behavioural, emotional and social difficulties placement;
- looked after children and waiting for a school placement;
- out of school due to medical reasons, including school phobia, long term illness; or
- pregnant or young mothers.

3.89 EOTAS provides diverse provision in diverse settings, including in pupil referral units (PRUs), further education institutions, hospital, independent providers, independent schools and home tuition.

3.90 Where a child is placed should depend on need, for example, a pupil who is school phobic is unlikely to be placed in a PRU and is more likely to have home tuition. A person with complex needs requiring considerable support is more likely to be placed in a PRU than a further

education institution, due to the nature of the institutions and the support they can provide. Further education institutions might be ideal for a pupil who is disengaging with academic work but has an interest in vocational study.

*Pupil Referral Units (PRUs) form part of EOTAS provision:*

3.91 PRUs are funded by the local authorities and cater for children and young people who cannot be accommodated in a mainstream school for reasons included in the list above (para. 3.85).

3.92 Some pupils will have all their lessons at a PRU, while others split their time between the school where they are registered and a PRU.

3.93 The local authority, management committee and the teacher in charge must exercise their functions so as to:

- secure curriculum provision which:
  - enables the child to develop in the ways described in the four purposes;
  - is broad and balanced;
  - is suitable for the learners' ages, abilities and aptitudes; and
  - offers appropriate progression.
- secure for the individual learner, learning in relation to:
  - the cross-curricula skills;
  - developmentally appropriate Relationship and Sexuality Education; and
  - the Health and Wellbeing Area of Learning and Experience.
- The curriculum provision must, if it is reasonably possible and appropriate to do so, include teaching and learning in the other areas of learning and experience and the mandatory elements.

*Education provided otherwise than at PRUs*

3.94 The local authority must exercise their functions so as to:

- secure curriculum provision which:
  - enables the child to develop in the ways described in the four purposes;
  - is broad and balanced;
  - is suitable for the learners' ages, abilities and aptitudes; and
  - offers appropriate progression.
- secure, as far as appropriate, for the individual learner, learning in relation to:

- the cross-curricula skills;
  - Relationship and Sexuality Education suitable for the child's stage of development; and
  - the Health and Wellbeing Area of Learning and Experience.
- The curriculum provision must, if it is reasonably possible and appropriate to do so, include teaching and learning in the other areas of learning and experience and the mandatory curriculum components.

*Requirements for PRUs and for education provided otherwise than in a PRU*

3.95 The Bill makes provision to enable the Welsh Ministers to make regulations to require a PRU and a person responsible for EOTAS provision to ensure they put in place assessment arrangements which:

- assess the progress made by pupils and children in relation to the curriculum which has been devised for that learner; and
- consider the next steps in their progression and the teaching and learning needed to make that progress.

3.96 Local authorities, teachers in charge of PRUs and PRU management committees must have regard to guidance published by the Welsh Ministers in respect how they exercise their functions under the Bill to secure education and training.

3.97 The Bill will also place general duties on the Welsh Ministers and local authorities to exercise their functions with a view to facilitating the performance of the following persons of the functions conferred on those persons by the Bill:

- a. the head teacher of a maintained school or a maintained nursery school;
- b. the governing body of a maintained school or a maintained nursery school;
- c. a provider of funded non-maintained nursery education;
- d. the teacher in charge of a pupil referral unit;
- e. the management committee of a pupil referral unit;
- f. a person who provides teaching and learning for a child otherwise than at a maintained school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996.

***Implementing Religion, Values and Ethics***

3.98 In May 2018, a Welsh Government circular setting out guidance in relation to the membership of Standing Advisory Councils on Religious

Education (SACREs) was published setting out the (non-statutory) requirement to include representation from non-religious beliefs.

- 3.99 In order to ensure compatibility with the Human Rights Act 1998 the provisions relating to the constitution of SACs<sup>27</sup> and Agreed Syllabus Conference (ASC)<sup>28</sup> in the Education Act 1996 are to be amended to permit 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.<sup>29</sup> The appointment of such persons is not a mandatory requirement and whether it would be appropriate for so, so as to reflect the local authority area, is a matter for the local authority.
- 3.100 As noted above the final decision on an appointment is dependent on the relevant local authority's determination that such a representative would help ensure the relevant traditions of the area are appropriately reflected.

#### *Agreed Syllabus*<sup>30</sup>

- 3.101 The Bill includes provision to require local authorities, SACs and ASCs to have regard to guidance issued by the Welsh Ministers when developing and adopting their agreed syllabi in light of the new curriculum.
- 3.102 The guidance setting out the framework for RVE has already been developed in partnership with key stakeholders, including representatives of existing SACs and religious organisations.
- 3.103 It is intended that the legislation on agreed syllabi will be amended by the Bill. Schools without a religious character will be required to have regard to the agreed syllabus for their area in designing and implementing their curriculum for RVE.
- 3.104 Foundation and voluntary controlled schools with a religious character will be required to have regard to the agreed syllabus when designing RVE provision in their curriculum. If the agreed syllabus does not accord with the trust deeds or tenants of the school's religion or religious denomination the school will be required to include provision for RVE that does accord.

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<sup>27</sup> The Bill removes "Religious Education" after Standing Advisory Council because in Wales they will advise on RVE, whilst in England they will continue to advise on religious education.

<sup>28</sup> All local authorities are required to constitute a Standing Advisory Council for Religious Education within their local area. Their purpose is to advise the local authority on matters related to religious education and collective worship in maintained schools. Their duties include assembling an Agreed Syllabus Conference to monitor the provision and quality of RE taught according to the agreed syllabus.

<sup>29</sup> Section 390(4)(a) of, and paragraph 4(2)(1) of Schedule 31 to, the Education Act 1996)

<sup>30</sup> Under existing legislation local authorities, as advised by their SACREs, must adopt a locally agreed syllabus which prescribes what must be taught through its implementation in maintained schools in that area. Locally agreed syllabi should be reviewed every five years.

- 3.105 In the case of voluntary aided schools with a religious character the Bill requires RVE provision in the curriculum to be designed in accordance with the school's trust deeds or the tenets of its religion or denomination. If the trust deeds or the tenets of its religion or denomination do not accord with the agreed syllabus the school will be required to include provision for RVE that does accord.
- 3.106 It is intended the requirement that post-compulsory education learners (in year 12 and year 13) must receive religious education will be removed and new provision is made that RVE must be provided for year 12 and year 13 learners who request it. This would make it more consistent with existing requirements in relation to further education institutions.
- 3.107 A school may make the study of RVE compulsory for all pupils if it wishes. As with pupils under 16 there is no right to withdraw. The Bill expressly requires that any RVE be compatible with Article 2 of Protocol 1 of the ECHR. This is to ensure the RVE provided is pluralistic. This will also be underpinned by statutory guidance.

### **Assessment**

- 3.108 The Bill includes provisions requiring schools to design, adopt and implement a curriculum that provides for appropriate progression for learners.
- 3.109 Crucial to learners realising the four purposes is that they progress. Understanding how learners make progress and how to assess this must be at the heart of successful curriculum design and inform learning and teaching. The purpose of assessment is to support every learner to make progress and it requires partnerships among all those involved, including the learner.
- 3.110 The Bill makes provision to enable the Welsh Ministers to make regulations to require schools to ensure their curriculum is supported by assessment arrangements which assess the:
- progress made by learners in relation to the relevant curriculum; and
  - help identify next steps in learners' progression and the learning and teaching needed to make that progress.
- 3.111 The Bill also makes provision to enable the Welsh Ministers to issue directions to schools to take specified steps with a view to promoting and maintaining understanding of progression in the context of a curriculum adopted by the school. This process will replace the current moderation process. It will support schools to consider how effectively their curriculum is supporting learner progression, ensuring equity and a level of consistency for learners in terms of their progression.

## **Supporting documentation**

- 3.112 The Bill enables the Welsh Ministers to produce guidance in relation to the development, adoption and implementation of the curriculum. It also requires certain specified persons to have regard to the guidance.
- 3.113 Curriculum for Wales Guidance for Curriculum Design and Implementation published in January 2020 includes the following:
- a statement explaining how the area of learning and experience supports the four purposes of the curriculum;
  - descriptions of learning, which provide further guidance on progression within an area of learning and experience;
  - guidance specific to each area of learning and experience on the considerations which should inform curriculum design and implementation; and
  - opportunities to develop literacy, numeracy and digital competence in relation to each area of learning and experience. The Curriculum for Wales guidance for curriculum design and implementation provides guidance on these opportunities.
- 3.114 The guidance includes supplementary material to support the statutory codes on What Matters, Progression and relationships and sexuality education.
- 3.115 The proposed content of both the What Matters and Progression codes have been published as part of the Curriculum for Wales Guidance for Curriculum Design and Implementation to enable schools and settings to begin the process of planning their curriculum.

## **Implementation**

- 3.116 The full scope of implications of the COVID-19 crisis to curriculum reform (including the implementation of the Bill) is not yet known. The development and implementation of the Curriculum for Wales continues to be a priority for the Welsh Ministers.
- 3.117 The key components of the new statutory framework are set out on the face of the Bill and will be commenced either on Royal Assent or in accordance with the commencement orders made by the Welsh Ministers.
- 3.118 The Bill will require the Welsh Ministers to prepare, consult on and publish What Matters, Progression and RSE codes. The codes will contain provisions about the exercise of functions made under the Bill. These will have to be laid before the Senedd for its approval. The Welsh



Government will undertake public consultations on and lay a final drafts of the codes during 2020-2021.

3.119 The Welsh Government intends to implement the new statutory framework in 2021 in advance of the start of the 2022/23 academic year. This means that the relevant regulations, codes and guidance will be in place in good time to ensure teachers and other education providers are ready for implementation in 2022.

3.120 As noted above, the draft codes and supporting guidance have already been published as non-statutory documents to enable schools and other settings to plan and prepare their new curriculum.

3.121 The Welsh Government have and will continue to deliver resources and awareness-raising activities to support the implementation of the Act. This includes a suite of interactive materials to support teachers and other education providers to understand, plan and implement the curriculum and assessment arrangements. Awareness-raising activities will also focus on engaging stakeholders about their new legislative duties.

3.122 New evaluation and improvement arrangements are being developed through co-construction with a range of stakeholders including schools, Estyn, local government, regional consortia, and taken international research into consideration. These arrangements will align and support the emerging curriculum framework. These new arrangements will be robust, coherent and transparent, based on four key principles:

- **fair** – they will promote equity, inclusion, choice, individual pathways to learning, never losing sight of the learner
- **coherent** – allowing each part of the system to work together without over-lapping, with clear roles and responsibilities
- **proportionate** – ensuring that the implementation of the new arrangements and the process is manageable and makes a difference. They will be underpinned by the principle of subsidiarity, allowing responsibility for accountability for schools to be local, led by self-aware schools
- **transparent** – recognising the breadth of learning experience across schools and the value added by teachers in class.

3.123 The evaluation and improvement arrangements will include the introduction of national consistency in self-evaluation to support high-quality, school improvement work.

3.124 School improvement priorities in future will need to reflect more widely than attainment and attendance of pupils, not being constrained so as to

exclude factors such as well-being, learner satisfaction, equality and inclusion, and curriculum provision. They will also need to include factors beyond pupil outcomes that are relevant to the effectiveness of schools, such as staff satisfaction, well-being and leadership. These examples are not exhaustive, but demonstrate the rationale for referring to 'school improvement', rather than 'performance of pupils'.

3.125 It is intended that existing provisions for evaluation and improvement will provide the legislative base to ensure the arrangements support the new curriculum framework.

### ***Professional Learning***

3.126 The National Approach to Professional Learning<sup>31</sup>, launched in 2018, marked a key point in the reform journey. It aligns with the new professional standards, the Schools as Learning Organisations approach and professional learning model, to create a vision fit for the evolving education system in Wales for all educational practitioners, including, but not limited to, teachers. Welsh Ministers are committed to ensuring that all practitioners receive the support they need to deliver the new curriculum.

3.127 The National Approach to Professional Learning is based on significant national and international research, and is designed to ensure:

- schools, leaders and teachers are able to access best practice in defining and sharing professional learning at school level, especially through the use of critical enquiry and collaborative learning;
- providers of professional learning – the regional consortia, our universities and others – design professional learning experiences that are high quality, accessible and fit for purpose, for example through designs that include collaborative enquiry and e-learning; and
- the Welsh Government funds appropriate professional learning approaches, that evidence indicates will have an impact on practice in classrooms.

3.128 Integral to the National Approach is ensuring that professional learning for practitioners is adequately resourced, including both financial resources and time for teachers and leaders to engage with high quality development opportunities.

3.129 With the introduction of Curriculum Wales framework practitioners and leaders are already thinking very differently about their professional learning. The Welsh Government is already ensuring that there is

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<sup>31</sup> <https://hwb.gov.wales/professional-development/>

appropriate support for schools to enable them to make this step-change.

3.130 A number of actions are being taken as part of the National Approach to Professional Learning to ensure education practitioners are supported:

- Work with HEI partners to develop a national network of lead enquiry schools to support the transition to a national professional enquiry programme for all schools.
- Launch of a cross-regional programme to help schools plan for short, medium and long term professional learning for the new curriculum.
- Introduction of an additional professional learning INSET day for 3 years from 2020-2022.
- Launch of the Professional Learning Journey (PLJ) Model<sup>32</sup> to complement the new INSET day, providing a route map for schools to plan for the new curriculum and beyond.

#### *Schools as Learning Organisations*

3.131 In 2019, a national Schools as Learning Organisations (SLO) approach was launched.

3.132 The first step was to make the SLO survey available to all schools to help them successfully realise the new curriculum.

3.133 To date over

3.134 The move to a national SLO approach supports the wider transition to a self-improving education system, with all tiers developing as learning organisations, including Welsh Government.

#### *Additional funding*

3.135 An enhanced £24m funding allocation for professional learning was made available over two years (2018/19 – 2019/20) to allow schools to prepare for the new curriculum. An additional allocation will also be available during 20/21 to further support curriculum implementation.

3.136 It is important to allow time and space for practitioners and leaders to work together across schools and networks to get ready for the new curriculum. With this in mind the funding conditions are very flexible to enable schools to work together in ways that suit their own circumstances.

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<sup>32</sup> <https://hwb.gov.wales/professional-development/professional-learning-journey/>

3.137 Examples of how the funding can be used include (but are not limited to):

- releasing and covering staff to be involved in collaborative professional learning and collaborative planning – at a school level, and across clusters and networks;
- incentivising and rewarding staff to investigate the implications of the new curriculum for their own teaching and assessment practice – at individual level, by funded release for critical enquiry;
- creating roles and posts dedicated to the mission, and especially to supporting colleagues, departments and whole schools through critical enquiry, change management and schools as learning organisations activities; and
- development of the role of school or cluster level professional learning coach – this is one of the key findings of the research activity by the universities in looking at the national approach to professional learning, and an area in which we would encourage investment.

3.138 Case studies exemplifying how schools have already benefited from the enhanced professional learning funding are accessible on Hwb.<sup>33</sup>

3.139 Working with regional consortia, progress in our teachers' and leaders' engagement in professional learning will be monitored to ensure that schools are ready to realise the new curriculum at the right time.

### **Cymraeg 2050: A million Welsh speakers**

3.140 Cymraeg 2050: A million Welsh speakers sets out the long-term vision for the Welsh language. Increasing the number of Welsh speakers is one of the three key themes, and one of the key transformational changes that will be required within the statutory education sector in order to achieve the vision is to transform how we teach Welsh to all learners in order that by 2050 at least 70 per cent of those learners report that they can speak Welsh by the time they leave school.

3.141 For this to happen, the teaching and learning of Welsh needs to be recognised and valued as an integral component of the curriculum for Wales.

3.142 The requirement to teach Welsh to all learners up to 16 years old is not new. Welsh was included in the national curriculum following the Education Reform Act 1988, and became a compulsory subject for all learners in Wales in Key Stages 1, 2 and 3 in 1990. From September 1999 onwards Welsh became compulsory for all learners across Wales at Key Stage 4.

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<sup>33</sup> <https://hwb.gov.wales/professional-development/national-approach-to-professional-learning/#school-case-studies---use-of-the-additional-professional-learning-grant>

3.143 The Bill proposes to remove the current distinction between two programmes of study – Welsh and Welsh second language, and allow for one continuum of learning Welsh to be taught in all schools in Wales as part of the Languages, Literacy and Communication Area of Learning.

3.144 Curriculum for Wales cannot be delivered without a well-supported, aspirational education workforce. In order to support practitioners to prepare to deliver the new curriculum from 2022 a programme of professional learning will continue to be available including intensive language and methodology professional learning through the Sabbatical Scheme, and a range of professional learning opportunities delivered by the regional education consortia and other stakeholders, for example, National Centre for Learning Welsh.

### ***Territorial application***

3.145 This Bill applies in relation to Wales. Local authorities, head teachers and governing bodies have existing statutory responsibilities in relation to the provision of education for children and young people aged in their area. In particular this Bill will impact all children and young people in maintained schools, funded non-maintained settings and PRUs and other EOTAS provision in Wales.

## Chapter 4 - Consultation

- 4.1 The Welsh Government has discussed and consulted extensively on reforming the current National Curriculum since 2012, and has adopted a co-construction model of working with partners. The provisions of this Bill have been informed and shaped by those discussions, consultations and publications outlined below.

### Fourth Assembly

#### **Curriculum for Wales: proposals for revised curriculum and assessment arrangements<sup>34</sup> (2013)**

- 4.2 Published in October 2013, it sought stakeholder views on a set of proposals aimed at strengthening and supporting the teaching of literacy and numeracy, as well as introducing 'wider skills' as statutory elements of the National Curriculum. The consultation was supplemented by a youth version of the paper and a series of events, attended by around 200 people.
- 4.3 This consultation was followed closely by the announcement of an independent review by Professor Graham Donaldson.

#### **Curriculum for Wales: revised literacy and numeracy arrangements<sup>35</sup> (2014)**

- 4.4 Published in March 2014, this consultation sought views on proposals to revise two areas of learning (AoL) and three programmes of study (PoS) to complement the National Literacy and Numeracy Framework (LNF). Within the AoL the consultation proposed revised models for Language Literacy and Communication Skills and Mathematical Development. The PoS proposals focussed on revised models for English and Welsh (first language) and mathematics.
- 4.5 In addition to this was a proposal to extend the LNF to cover all ages from 3 to 16.

#### **Successful Futures<sup>36</sup>**

- 4.6 *Successful Futures: Independent Review of Curriculum and Assessment Arrangements in Wales*, published in February 2015, presented a comprehensive review of curriculum and assessment arrangements in Wales.
- 4.7 Drawing on the views, concerns and aspirations of stakeholders the review set out to communicate a vision of the future for education from

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<sup>34</sup> <https://gov.wales/curriculum-wales-proposals-revised-curriculum-and-assessment-arrangements>

<sup>35</sup> <https://gov.wales/curriculum-wales-phase-1-revised-literacy-and-numeracy-arrangements>

<sup>36</sup> <https://gov.wales/successful-futures-review-curriculum-and-assessment-arrangements>

the Foundation Phase to key stage 4<sup>37</sup>. It made a number of practical recommendations outlining how this vision could be achieved in practice.

- 4.8 In order to inform the review, Professor Donaldson and his team met teachers, headteachers, school managers, staff and other professionals from across Wales. They visited around 60 schools including, nursery schools, primary schools, secondary schools, special schools, and talked to children and young people, parents and carers, business and community groups and others. They also considered Estyn reports, Welsh Government policies and other reports. The outcome of these discussions were the recommendations included in Successful Futures.

#### **Statement: The Welsh Government Response to the Donaldson Review<sup>38</sup>**

- 4.9 On 30 June 2015 the then Minister for Education and Skills, Huw Lewis, made an oral statement in Plenary, stating:

*“Professor Donaldson’s report, ‘Successful Futures’, challenges us all to re-think our approach to the curriculum and to focus on the purposes of education. His recommendations are not about adjustments; they require us to rebuild our curriculum from the foundations up. These changes, by their very nature, are fundamental and profound, and the people across Wales who engaged in the great debate agree. It is clear that there is an enormous appetite for change. I am therefore delighted to announce today that we will accept the recommendations set out in ‘Successful Futures’ in full.”*

- 4.10 During the subsequent discussion there was cross-party approval of the recommendations and the Welsh Government’s acceptance of them. Specific issues raised by Assembly Members included, progression, professional development for teachers, digital competence and the role and support of pioneer schools.

### **Fifth Assembly**

#### **Expert Panel Report on Sex and Relationships Education**

- 4.11 A Sex and Relationships Expert Panel chaired by Professor Emma Renold from Cardiff University was established in March 2017 to inform the development of the Sex and Relationships curriculum as part of the Health and Well-being Area of Learning Experience.
- 4.12 The Sex and Relationships Education Expert Panel included representatives from a wide range of organisations that support schools to deliver Sex and Relationships Education, including:

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<sup>37</sup> Key stage four covers ages 14 – 16 years (school years 10-11).

<sup>38</sup> Record of Proceedings - [Statement: The Welsh Government Response to the Donaldson Review](#), 30 June 2015 at 15:58.

- Welsh Women's Aid;
- BAWSO;
- Public Health Wales;
- Barnados Cymru;
- Children's Commissioners Office;
- Youth Services;
- Estyn;
- NSPCC Cymru;
- Stonewall Cymru; and
- Learning Disability Wales

4.13 The terms of reference for the expert panel requested that its members:

- consider the core principles and key areas for 'high quality' comprehensive and inclusive sex and relationships education;
- identify examples of effective and innovative practice for 'high quality' comprehensive and inclusive sex and relationships education;
- identify the barriers to effective and innovative practice for 'high quality' comprehensive and inclusive sex and relationships education;
- identify teaching and learning resources and training opportunities that support schools to create 'high quality' comprehensive and inclusive sex and relationships education;
- identify progression steps for schools to create 'high quality' comprehensive and inclusive sex and relationships education;
- identify effective ways for children and young people to inform the future SRE curriculum, as part of the Health and Wellbeing Area of Learning and Experience;
- identify effective ways for education professionals to inform the future SRE curriculum, as part of the Health and Wellbeing Area of Learning and Experience;
- contribute to the development of the refreshed anti-bullying guidance (Respecting Others); and
- contribute to the development of the future Sex and Relationships Guidance.



- 4.14 The expert panel met five times between March and the end of September 2017. During this time it gathered evidence from a range of stakeholders; including teachers, young people, academics and organisations that support SRE in schools. These organisations engaged young people in SRE using various approaches and pedagogies such as the arts and humanities.
- 4.15 The Panel's report, *Future of the Sex and Relationships Education Curriculum in Wales*<sup>39</sup>, examined the current and future status and development of the sex and relationships education curriculum in Wales. It brought together a range of international research on best practice; demonstrating how high quality sex and relationships education can support young people to develop social, emotional and physical well-being.
- 4.16 The recommendations have informed the approach to developing the relationships and sexuality education curriculum.

### **Our National Mission: A Transformational Curriculum - Proposals for a new legislative framework**<sup>40</sup>

- 4.17 Published in January 2019, the White Paper consultation sought views on the proposals for legislation on the structure of the new curriculum framework, with the four purposes at its core, the six areas of learning and experience, the Welsh and English languages, relationships and sexuality education and Religion, Values and Ethics. It also set out wider intentions for learner assessment and the evaluation of schools.
- 4.18 The document was supplemented by youth and easy read versions, which were also translated into British Sign Language.
- 4.19 Over 2000 responses were received to the consultation from education professionals, the third sector, interest groups and members of the public.
- 4.20 See [link](#) for the report on the summary of responses developed by Arad Research.

### **Draft guidance on relationships and sexuality education**<sup>41</sup>

- 4.21 The consultation sought views on revised guidance for schools in order to provide more comprehensive support for teachers.
- 4.22 The draft guidance, published for consultation in February 2019, put forward proposals to:

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<sup>39</sup> <https://gov.wales/sites/default/files/publications/2018-03/the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf>

<sup>40</sup> <https://gov.wales/our-national-mission-transformational-curriculum>

<sup>41</sup> <https://gov.wales/draft-guidance-relationships-and-sexuality-education>

- Change the name of the area of study from ‘Sex and Relationships Education’ to ‘Relationships and Sexuality Education’ (RSE);
- support schools to structure RSE more closely to the way it will work in the new curriculum; and
- promote a ‘whole school approach’ which links provision, policy, staff and community to RSE.

4.23 See the [link](#) for the report on the summary of responses.

## **Feedback consultation on draft Curriculum for Wales 2022**

4.24 In April 2019 the draft guidance on the new Curriculum was published for public consultation. The guidance was set out in a series of sections outlining the proposed content of guidance on the areas of learning and experience.

4.25 To supplement this process, Dynamix was commissioned to seek feedback from children and young people. They employed three methods to do this: they developed an on-line feedback form; held 24 focus groups, including, primary, secondary and protected characteristic groups; and produced a toolkit for youth leaders to use to gather opinions with their groups.

4.26 The consultation was intended to support and inform ongoing efforts to refine and improve the curriculum before it was rolled out in classrooms from 2022. The focus was on the wider curriculum, in particular the documentation to support it, rather than the legislative framework.

4.27 See [link](#) for the report by Wavehill outlining analysis of the feedback. The report setting out analysis by [Dynamix](#) of the feedback from children and young people is available on the Welsh Government website.<sup>42</sup>

## **Ensuring Access to the Full Curriculum<sup>43</sup>**

4.28 This consultation, Ensuring Access to the Full Curriculum, published in October 2019, sought views on the practical implications on the proposal to ensure access to the new curriculum by not including in the Bill provisions to enable parental right to withdraw from religious education and relationships and sexuality education.

4.29 It also sought views on potential name changes for religious education, which would be more descriptive of the teaching and learning in the subject.

<sup>42</sup> <https://gov.wales/sites/default/files/consultations/2019-10/curriculum-for-wales-2022-feedback-analysis-children-young-peoples-report.pdf>

<sup>43</sup> <https://gov.wales/ensuring-access-full-curriculum>

4.30 Over 1660 responses were received to the consultation from across the education and third sectors and the public.

4.31 See [link](#) for the report on the summary of responses developed by Wavehill.

### **Legislative proposals for Religion, Values and Ethics<sup>44</sup>**

4.32 This consultation, launched on 5 May 2020, seeks views on the proposed changes in the Bill to support the delivery of Religion, Values and Ethics as part of the Curriculum for Wales. It will run for 12 weeks, ending on 28 July.

4.33 The paper was drafted following detailed consideration of responses to the earlier consultation, 'Ensuring Access to the Full Curriculum'. Responses will inform any potential amendments to existing legislation.

### **Reasons for not consulting on the Bill**

4.34 The provisions included in the Bill closely align to the proposals put forward in the White Paper consultation published in January 2019 and refined in light of the responses received. They are the result of the close working and sharing of ideas and expertise with stakeholders under co-construction. Therefore, the draft Bill was not published for consultation.

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<sup>44</sup> <https://gov.wales/legislative-proposals-religion-values-and-ethics>

## **Chapter 5 - Power to make subordinate legislation**

- 5.1 The Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) and Table 5.2 (directions, codes and guidance) set out in relation to these:
- i. the person upon whom, or the body upon which, the power is conferred;
  - ii. the form in which the power is to be exercised;
  - iii. the appropriateness of the delegated power;
  - iv. the applied procedure; that is, whether it is “draft affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.
- 5.2 The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

**Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Curriculum (Wales) Bill**

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
5	Welsh Ministers	Regulations	Powers for Welsh Ministers (WMs) to make Regulations to add, remove or revise the identified areas of learning and experience, mandatory elements and cross-curricular skills.	Draft affirmative	Due to the nature of such power to amend primary legislation.
17	Welsh Ministers	Regulations	Powers for WMs to make Regulations on a) steps to be taken before a curriculum is adopted, including on determining whether proposed curriculum is suitable for adoption; b) the date by which a curriculum must be adopted under this Part (curriculum design and adoption); c) additional circumstances in which an adopted curriculum must be revised.	Negative	The subject matter of the regulations is relatively technical and may necessitate regular updating, therefore the negative procedure is deemed appropriate.
18	Welsh Ministers	Regulations	Enables the Welsh Ministers to make provision— (a) about information that is to be included in the summary of an adopted curriculum	Negative	The subject matter of the regulations is relatively minor and technical and may necessitate regular updating, therefore the negative procedure is deemed appropriate.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			published under this Part (curriculum design and adoption); (b) about publication of the summary (including provision about how publication must take place, and the date by which it must take place).		
25(1)	Welsh Ministers	Regulations	Powers for WMs to make Regulations specifying additional matters that may or may not be included as requirements in the curriculum; and in relation to the provision of courses of study.	Negative	The subject matter of the regulations is relatively technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.
33(6)	Welsh Ministers	Regulations	Powers for WMs to amend the grounds by which head teachers may decide not to apply teaching and learning chosen by a pupil under section 24.	Draft affirmative	Due to the nature of such power to amend primary legislation.
34(5)	Welsh Ministers	Regulations	Powers for WMs to make further provision in relation to determinations under section 33.	Negative	The subject matter of the regulations is relatively minor and technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
43(4)	Welsh Ministers	Regulations	Powers for WMs to specify further conditions to those listed (subsection 43(3)) in relation to the disapplication of the curriculum for learners with additional learning or special educational needs.	Negative	The subject matter of the regulations is relatively minor and technical and may necessitate regular updating, therefore the negative procedure is deemed appropriate.
44(1)	Welsh Ministers	Regulations	Power for WMs to make Regulations in relation to enabling head teachers to temporarily disapply or modify, in whole or in part, the curriculum in relation to specific individual pupils. Section 45 makes further provision about the regulations that may be made under section 44.	Negative	The subject matter of the regulations is relatively minor and technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.
44(2)	Welsh Ministers	Regulations	Power for WMs to make Regulations in relation to enabling funded nursery providers to temporarily disapply or modify, in whole or in part, the curriculum in relation to specific individual children. Section 45 makes further provision about the regulations that may be made under section 44.	Negative	The subject matter of the regulations is relatively minor and technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.
47(8)	Welsh Ministers	Regulations	Power for WMs to make Regulations in connection with appeals about temporary	Negative	The subject matter of the regulations is relatively minor and

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
			exceptions to the curriculum in relation to specific individual pupils.		technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.
48(6)	Welsh Ministers	Regulations	Power for WMs to make Regulations in connection with appeals about temporary exceptions to the curriculum in relation to specific individual children.	Negative	The subject matter of the regulations is relatively minor and technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.
50(1)	Welsh Ministers	Regulations	Power for WMs to make Regulations specifying additional circumstances when the curriculum may be disapplied or modified. Those Regulations may confer a discretion on a person.	Negative	The subject matter of the regulations is relatively minor and technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.
58(1)	Welsh Ministers	Regulations	Power for WMs to make Regulations in relation to assessment arrangements - planning, implementation, evaluation, revision and provision of information.	Negative	The subject matter of the regulations is relatively minor and technical and are likely to necessitate regular updating, therefore the negative procedure is deemed appropriate.
67(1)	Welsh Ministers	Regulations	Power for WMs to make Regulations in relation to educational provision for	Negative	The subject matter of the regulations is relatively minor and technical and are likely to



Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			children receiving education in more than one setting.		necessitate regular updating, therefore the negative procedure is deemed appropriate.
70(1)	Welsh Ministers	Regulations	Power for the WMs to make Regulations in relation to: (a) any supplementary, incidental or consequential provision, or (b) any transitory, transitional or saving provision they think necessary or appropriate for the purposes of giving full effect to, or in consequence of, any provision made by or under the Act.	Negative	Due to the nature of such power to amend primary legislation.
79(2)	Welsh Ministers	Order	Allows the Welsh Ministers to make transitional, transitory or saving provision in connections with the coming into force of a provision in the Act.	No procedure	This Regulation relates to the commencement of provisions considered and passed by the Senedd.

**Table 5.2: Summary of powers to make directions and to issue codes and guidance in the provisions of the Curriculum (Wales) Bill**

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
6(1)	Welsh Ministers	Code	Duty on WMs to issue and keep under review a What Matters code describing the full breadth of the areas of learning and experience. WMs may revise the code.	Negative procedure	Due to the nature of the content of the code and the requirement on all schools and settings to include this in their curriculum.
7(1)	Welsh Ministers	Code	Duty on WMs to issue a Progression Code making provision as to what constitutes appropriate progression for learners.	Negative procedure	Due to the nature and content of the Code and the requirement on all schools and settings to include this in their curriculum.
8(1)	Welsh Ministers	Code	Duty on WMs to issue a Relationships and Sexuality code setting out the core learning to be undertaken by learners under the mandatory element of RSE.	Negative procedure	Due to the potentially controversial nature of the content and the requirement on all schools and settings to include this in their curriculum.

13(1)	Welsh Ministers	Guidance	Duty on WMs to publish a curriculum for funded non-maintained nursery education.	No procedure	Guidance is considered appropriate as this is intended to support FNNE providers to adopt an appropriate curriculum. They are not required to adopt the curriculum designed under this provision.
26(1)	Head teachers and governing bodies	Determination	Power to make a determination to disapply the requirement to teach the mandatory element of English.	No procedure	Powers of determination are appropriate and proportionate to facilitate flexibility for schools.
27(1)	Funded non-maintained nursery providers	Determination	Power to make a determination to disapply the requirement to teach the mandatory element of English.	No procedure	Powers of determination are appropriate and proportionate to facilitate flexibility for FNNE providers.
33(2)	Head teachers	Determination	Head teachers may decide not to apply teaching and learning chosen by a pupil under section 24.	No procedure	Powers of determination are appropriate and proportionate to facilitate decisions in relation to individual pupils.

35(4)	Governing body	Direction	Governing bodies may direct a head teacher to take action in relation to the HTs determination under section 33.	No procedure	Powers of direction are considered appropriate and proportionate to the governing body to facilitate decisions in relation to individual pupils.
40(1)	Welsh Ministers	Direction	Power to disapply some or all of the curriculum requirements in certain cases, and subject to specified conditions, to allow for development work or experiments.	No procedure	Powers of direction are considered appropriate and proportionate to enable flexibility to enable ongoing development and improvement in teaching and learning.
59(1)	Welsh Ministers	Direction	WMs may direct a relevant person or persons specified by the direction to take steps in relation to promoting and maintaining an understanding of progression under the curriculum.	No procedure	The directions will be specific to certain persons (education providers) and are unlikely to be controversial.

66(1)	Welsh Ministers	Guidance	Provides WMs with powers to publish guidance on the exercise of functions under the Act; that WMs must consult on the guidance before issuing it; and lists those required to have regard to that guidance once it is published	No procedure	Guidance is considered appropriate as it is intended to facilitate the application of primary legislation.
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## PART 2 – REGULATORY IMPACT ASSESSMENT

### Chapter 6 - Regulatory Impact Assessment (RIA)

- 6.1 A Regulatory Impact Assessment has been completed for the Bill and it follows below.
- 6.2 There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund. The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

### SUMMARY – REGULATORY IMPACT ASSESSMENT (RIA)

Curriculum and Assessment (Wales) Bill		
<b>Preferred option:</b> Introduce legislation to enable the new curriculum and assessment arrangements for schools to take effect.		
<b>Stage:</b> Introduction	<b>Appraisal period:</b> 2021-22 to 2030-31	<b>Price base year:</b> 2019/20
<b>Total Cost</b> Total: £327.9m - £619.9m	<b>Total Benefits</b> Total: £0	<b>Net Present Value (NPV):</b> £-293.0m - £-564.2m
<b>PV:</b> £293.0m - £564.2m	<b>PV:</b> £0	

#### Administrative cost

**Costs:** Welsh Government is expected to incur costs through a range of activities including funding to support professional learning, the provision of Welsh language resources, funding national and regional networks and direct costs such as staff and communications costs. Costs are expected to taper to zero through the appraisal period and so the costs are recorded here as transitional. The total cost to Welsh Government across the appraisal period is expected to be approximately £175m.

<b>Transitional:</b> £ 175.4m	<b>Recurrent:</b> £0	<b>Total:</b> £175.4	<b>PV:</b> £151.5m
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**Cost-savings:**

No administrative cost-savings have been identified.

<b>Transitional: £0</b>	<b>Recurrent: £0</b>	<b>Total: £0</b>	<b>PV: £0</b>
<b>Net administrative cost: £175.4m</b>			

**Compliance costs**

Schools are expected to incur both direct and opportunity professional learning costs as they design and implement their new curriculum. A best estimate of these costs has been calculated through a survey of Innovation Schools across Wales. The central estimate of the cost to schools is £292m, of which £29m is direct costs and the remaining £263m an opportunity cost reflecting the value of staff time. This cost is expected to be incurred between 2021-22 and 2025-26.

<b>Transitional:</b> £146.0m to £438.0m	<b>Recurrent: £0</b>	<b>Total: £146.0m to £438.0m</b>	<b>PV: £135.6m to £406.9m</b>
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**Other costs**

Qualifications Wales will need to review and reform both vocational and general qualifications in response to curriculum reform. The cost to consult on and develop qualification criteria and approve and monitor the new qualifications is estimated to be £6.5 million, with the cost incurred between 2021-22 and 2027-28.

<b>Transitional:</b> <b>£6.5m</b>	<b>Recurrent: £0</b>	<b>Total: £ 6.5m</b>	<b>PV: £ 5.9m</b>
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## **Unquantified costs and disbenefits**

The Innovation Schools also reported expected additional costs around equipping staff to deliver elements of the six Areas of Learning and Experience (AoLEs), and other new mandatory curricular and cross-curricular elements. However, at this stage of the process they were not able to monetise the costs. In addition, some schools may opt to invest in new learning resources, this and the choice of resources would be a decision for each individual school. These costs are therefore unknown.

The data provided by a small number of practitioner members of the Assessment Advisory Group (AAG) was not considered robust enough to quantify the additional cost to schools associated with the new assessment arrangements. While these costs have not been monetised (and are therefore unknown), a description of the likely costs has been presented.

Similarly, the RIA discusses potential impacts on the EOTAS sector and for funded non-maintained nursery settings but the costs in those areas are unknown at this stage.

It is possible that exam boards will increase their fees to schools and other settings in response to changes to the GCSE qualifications. The scale of changes to qualifications; the potential associated costs for exam boards, and the extent to which these costs will be passed on to schools and other settings are all unknown at this time.

Engagement with a number of key stakeholders such as the WLGA, ADEW and Estyn had to be paused as they prioritised their response to the Covid-19 pandemic. As such, it has not been possible to quantify the impact on these organisations. The intention is to start engaging with these organisations again at an appropriate point and any additional information received will be shared with the Senedd during Stage 1 scrutiny before being incorporated into a revised RIA at the end of Stage 2. The cost of the impacts on these organisations are unknown.

## **Benefits**

The new curriculum and assessment arrangements aim to enable schools and settings to design curriculum and assessment arrangements which are appropriate to their children and learners and their context, within a national framework. It should enable young people to have higher standards of literacy and numeracy, become more digitally and bilingually competent, and to develop as enterprising, creative and critical thinkers.

Pages 87-92 of the RIA set out the social, cultural, economic and environmental benefits that are anticipated from the new curriculum and assessment arrangements. The Bill is expected to result in improved outcomes at the individual learner level as well as generating broader benefits to the economy in Wales and society in general. At this stage, the evidence needed to quantify or monetise these benefits in a robust or meaningful way is not available. A key part of the planned evaluation (see Chapter 11) will be to assess the extent to which these benefits are being realised.



Total: £0	PV: £0
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### **Key evidence, assumptions and uncertainties**

The school costs have been estimated using survey responses from a small sample of Innovation Schools. These schools were used because their earlier engagement with the new curriculum and assessment arrangements meant they were better placed to estimate the likely resource requirements. However, the Innovation Schools are not representative of the wider school population, and even these schools provided a wide range for the potential resource needs. To reflect the uncertainty in the analysis of school costs, a range of +/- 50% of the central estimate has been assumed.

## Chapter 7 - Options

7.1 Following the consultations and stakeholder engagement held over the past five years, we are now proposing two options for consideration in this Regulatory Impact Assessment.

### Option 1: Business as usual

7.2 There will be no significant change to the current national curriculum, basic curriculum and assessment arrangements, and there would be no change to the powers and duties of:

- headteachers and governing bodies for maintained schools and nurseries;
- persons who arrange EOTAS;
- person in charge of a Pupil Referral Unit;
- providers of funded non maintained nursery education;
- local authorities; and
- Welsh Ministers.

### Option 2: Introduce a Curriculum and Assessment (Wales) Bill

7.3 To introduce a new legislative framework to enable the new curriculum and assessment arrangements for schools to take effect from September 2022<sup>45</sup>. The existing national curriculum and basic curriculum is set out in current legislation. Therefore primary legislation is needed to repeal the existing legislative framework and to put in place a legislative framework for the new arrangements.

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<sup>45</sup> <https://beta.gov.wales/our-national-mission-0>

## Chapter 8 - Costs and benefits

### Scope

#### Options

- 8.1 This RIA considers two options:
- Option One: Business as Usual (BAU) - this means retaining the existing provisions relating to curriculum and assessment
  - Option two: Introduce new legislation (including amending existing legislative provisions) relating to the curriculum and assessment arrangements set out in Successful Futures

#### Parameters of the RIA

- 8.2 The Bill sets out the proposals for primary and secondary legislation to enable the new curriculum and assessment arrangements in Wales. The legislation is one lever being used to support a broad programme of educational reform. Together, all that activity, including legislative change, is intended to secure a step change in the education system in Wales. The ambition for reform is set out in [Our National Mission](#). Alongside the development of the new curriculum framework, which the legislation will enable, four enabling objectives in *Our National Mission* encompass wider activity relating to professional learning; leadership; equity and inclusion and evaluation and improvement.
- 8.3 The Regulatory Impact Assessment is concerned with the legislative provisions set out in the proposed legislation. Therefore the RIA does not represent the costs and benefits of all the work being undertaken to support the new curriculum and assessment arrangements, or indeed the wider educational reforms, but only those that will arise from legislative requirements. However, the Welsh Government recognises the actors within the education system in Wales will need sufficient support and resources to enable the effective implementation of the curriculum reforms alongside other changes in the system.
- 8.4 The RIA is not set out to mirror the structure of the Bill. Rather, the RIA presents the costs and benefits as they relate to the main changes brought about by the Bill by bringing together the relevant provisions.

#### Which impacts

- 8.5 The principle of a National Curriculum has been enshrined in legislation since 1988. In the current system, schools and funded non-maintained nursery settings implement a curriculum which is provided nationally. There is a greater degree of national prescription than we propose in the new arrangements.
- 8.6 The proposed legislation replaces these current arrangements with a clear curriculum framework for Wales, within which schools and other settings design

and adopt and then implement their own curriculum. The essential requirement on schools to provide teaching and learning based on a curriculum with common elements are similar to those requirements that currently exist but there is a new emphasis on curriculum design being a school level, rather than national activity.

- 8.7 In addition, the new legislation will change the purpose of curriculum so that it is focused on enabling learners to embody the four purposes and reflects progression in learning from 3 – 16. We are also proposing that schools will be required to make and implement assessment arrangements to support learner progression in relation to their curriculum. This is a move away from the current national expectations of end of foundation phase and key stage assessments. The provisions will have different impacts on different groups.
- i. **Delivery partners** – these include maintained schools and nurseries; funded non-maintained nursery education; and EOTAS, including Pupil Referral Units (PRUs). These settings will have direct legislative requirements as a result of the proposed provisions. These settings are within scope of the RIA because the legislation will impose new duties upon them.

The most significant costs to arise from the legislation will be the investment of time by practitioners in designing their new curriculum and assessment arrangements and the professional learning support to enable them to do this and change their practice to secure the four purposes for their learners. This requires release time for staff; the offer of, and engagement with, professional learning provision; and promoting collaboration between practitioners and other stakeholders to deliver behavioural and cultural change.

- ii. **Strategic Delivery Partners** – these groups will be required to support the implementation of the new curriculum and assessment arrangements in schools and other settings
- iii. **Learners and parents / carers** – these are the key recipients and beneficiaries of the reforms. Improved experiences and outcomes for learners are the primary purpose of the reforms set out in Our National Mission. We do not anticipate that there will be any costs for learners or parents.

### Timescales

- 8.8 Education in Wales: Our National Mission sets out the plans for phased implementation of the new curriculum and assessment arrangements: starting in September 2022 and ending in 2026-27 academic year<sup>46</sup>. Despite the current uncertainty created by the COVID-19 pandemic, these timescales remain the best indication of how and when the curriculum reforms will be phased in. The RIA needs to reflect the costs, savings and benefits of the proposed legislation as accurately as possible. Costs, savings and benefits may arise from both transition to a new system but also the ongoing sustained delivery of the new

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<sup>46</sup> Nursery to Year 7 roll out September 2022; Year 8 roll out September 2023; Year 9 roll out September 2024; Year 10 roll out September 2025; and Year 11 roll out September 2026.

requirements. The standard timescales for an RIA in Welsh Government has tended to be five years following Royal Assent. However, due to the phased implementation of the new arrangements until 2026, a ten year appraisal period for the RIA is being used to ensure sufficient time for the new arrangements to become embedded.

- 8.9 Given the degree of investment in the curriculum reforms since 2015, sunk costs (costs which have already been incurred or will be incurred prior to Royal Assent at the end of in Spring 2021) are also included in the RIA and set out in 8.113 to 8.137.

#### Note on costs

- 8.10 Unless otherwise stated, the costs presented in the document have been rounded to the nearest £1,000. Some of the totals in tables may not sum due to this rounding. Costs have been discounted using HM Treasury's central discount rate of 3.5%.

- 8.11 The costs have not taken into account the potential impacts of Covid-19 on timescales and budgets. We will continue to review the implications of Covid-19 as the crisis unfolds and incorporates any necessary changes into a revised RIA at the end of Stage two.

#### **The new requirements on schools and the challenges in assessing their costs**

- 8.12 Every school in Wales will have the opportunity to design their own curriculum as long as it meets the requirements:

- 8.13 SchoolsThis provides a clear national framework within which practitioners have the space to be creative and to develop meaningful learning through a range of experiences, knowledge and skills that meet the needs of their learners and enables them to progress in relation to the four purposes.

- 8.19 We are also proposing that schools will be required to make and implement assessment arrangements in relation to their curriculum. The purpose of assessment going forward is to support every learner to make progress along the 3-16 continuum. Therefore the arrangements put in place will be for assessing:

- the progress made by pupils and children,
- the next steps in their progression, and
- the teaching and learning needed to make that progress.

- 8.20 Please note that the assessment arrangements referred to in this RIA do not include assessment for the purposes of awarding external qualifications, which is different in nature. External qualifications will be developed to reflect Curriculum for Wales and Qualifications Wales is currently considering the development of future qualifications. Their proposals will be subject to separate impact assessments.

- 8.21 As the curriculum will be decided at school level, with each school applying the curriculum requirements in their own contexts, culture and approaches, there is no single basis on which to assess the costs of the legislation. Our expectation is that there is likely to be variation in the approaches schools adopt and, therefore, the costs, because they will be the result of individual choices on a range of issues made by Head teachers and practitioners in each school.
- 8.22 To overcome this issue, schools were asked directly for their view on what those costs would be. Our challenge in preparing this RIA was that, in order to provide a meaningful assessment of the possible costs, a school needed to understand the new framework and to have already invested time in understanding what it would mean in their context. At the time of gathering evidence for the RIA in autumn 2019, the schools best placed to undertake this task were the 15 Innovation Schools<sup>47</sup>. Innovation Schools were appointed earlier in 2019 following an application process from Pioneer Schools (see 8.36 for a description of pioneer schools). Their role was to consider, as senior leaders, the new curriculum framework as a whole, and provide feedback and refinement including feedback on issues of manageability and start to develop their models for design and implementation. To further supplement the evidence gathered from Innovation Schools, schools involved in the Assessment Advisory Group were asked to provide input into the assessment of the new assessment arrangements.
- 8.23 Their clearer understanding of the new framework, which enabled Innovation Schools to provide an informed view on costs, does have a downside because it does not account for the ‘getting up to speed’ that some other schools may require, and therefore their anticipated costs of implementation may be lower than non-Innovation Schools. There is currently a broad continuum of readiness for the new curriculum in schools, from those setting out on the very initial stages of understanding the implications of the new curriculum framework and its supporting legislation for their schools, to those that have already been preparing either proactively or because they have been more closely involved in the process of developing the curriculum framework.
- 8.24 The limitations of our approach are discussed in more detail in 8.72 to 8.78.
- 8.25 Despite this challenge, there are also reasons to have confidence in the evidence gathered. Unlike in situations where the legislation is the catalyst for change and detailed guidance on what needs to be done to fulfil the requirements of the legislation comes later, in this case much of the detail of what must be done to implement the legislation has been developed using a co-construction approach before the legislation has been brought before the Senedd. The detailed curriculum and assessment guidance was published for consultation in 2019 and in refined form at the end of January 2020. This means we – and Innovation Schools and schools involved in the Assessment

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<sup>47</sup> To ensure that the breadth of education provision across Wales was reflected in process, four schools from each consortium and a range of primary, secondary and special schools were selected as Innovation Schools. One school subsequently left the programme in late 2019.

Advisory Group who provided evidence on what it will take to implement the duties in the legislation – have a clear understanding of what the expectations are.

## **Methodology**

### Analytical approach

8.26 A robust and thorough approach to estimating costs and benefits is important for Welsh legislation. However, the burden placed on impacted groups in providing evidence of impact needs to be proportionate and ensure that public resources are used effectively. Our broad analytical approach to the RIA was as follows:

- i. Where financial information was available and relevant, the costs and benefits have been monetised.
- ii. Where this was not appropriate, where possible the costs and benefits have been quantified.
- iii. Where costs and benefits were not quantifiable the impacts have been presented using qualitative evidence.
- iv. Where high quality evidence of impacts is not available but there nonetheless appear to be impacts of significance, these have been also been referred to.

8.27 The legislative changes proposed look to enable cultural and behavioural changes to teaching and learning. Changes of this type are problematic to quantify with any certainty, and much of the RIA therefore uses the approach in point three: the impacts are presented using qualitative evidence.

8.28 Where decisions and assumptions are made in the appraisal of costs and benefits, these were informed by engagement with internal and external stakeholder groups.

## **Engagement with strategic delivery partners**

### Background and rationale

8.29 As organisations that will be required to support the implementation of the new curriculum and assessment arrangements, it was important to gain a comprehensive understanding of stakeholders' views on the likely impacts on their own organisations and on the wider system.

## Engagement and data collection

8.30 Stakeholders were invited to submit responses to the White Paper. A draft RIA setting out our initial thinking on likely impacts was included as part of the consultation exercise. Any evidence provided through this mechanism was included in the evidence review for the RIA.

8.31 In January 2020 a Stakeholder Reference Group (SRG) was established with key partners and stakeholders. The membership comprised of:

- Association of Directors of Education in Wales ([ADEW](#))
- [Careers Wales](#)
- Catholic Diocese
- [Church in Wales](#)
- [Colegau Cymru](#)
- Education Workforce Council ([EWC](#))
- [Estyn](#)
- Two representatives of Initial Teacher Education providers
- National Academy for Educational Leadership ([NAEL](#))
- [Qualifications Wales](#)
- Regional Education Consortia: [GwE](#) – Towards Excellence; Central South Consortium ([CSC](#)); Education Achievement Service for South East Wales ([EAS](#)); Education through Regional Working ([ERW](#))
- Wales Association of the Standing Advisory Councils for Religious Education ([WASACRE](#))
- Welsh Local Government Association ([WLGA](#))

8.32 The role of the SRG was to:

- Act as a testing ground for thinking regarding the RIA;
- Provide advice and guidance on approaches to the RIA; and
- Provide constructive challenge on the scope of and approaches to the RIA.

8.33 In order to understand the impacts that may be experienced by stakeholders, individual engagement exercises took place with stakeholders via email and meetings. This engagement was disrupted by COVID-19. Through this process, anticipated impacts upon their organisations or sectors were identified.

## Challenges and limitations

8.34 The Covid-19 pandemic has affected our ability to engage with key partners and stakeholders on the likely impacts of the Bill. Some activities aimed at gathering data to inform the RIA have had to be delayed and, in some cases, where evidence has been requested, resource constraints mean stakeholders have not been able to respond in as much detail or in as timely a manner as would otherwise have been the case.



8.35 Where it is possible to collect additional relevant information, we plan to provide the Senedd with this information during Stage One of scrutiny before incorporating the information into a revised RIA at the end of Stage two.

## **Innovation Schools**

### Background and rationale

8.36 Innovation schools were appointed following an application process from the existing Pioneer Schools (Pioneer schools: schools that had been leading on the development of the Curriculum for Wales guidance.)<sup>48</sup>. Due to their understanding about the activities and initiatives that are required to embed the new curriculum effectively, Innovation Schools were asked to estimate the potential impacts on their respective schools for each of the financial years from 2019-20 through to 2023-24 onwards. The purpose of this exercise was to extrapolate from the data provided by the Innovation Schools, the potential impact on the whole school population in Wales.

8.37 In the absence of other evidence it was felt that Innovation Schools were particularly well placed to estimate the potential impacts of the reforms because they had worked with the Welsh Government to consider how the new curriculum and assessment arrangements would work in practice, advise on refinement and start to develop their models for design and implementation..

8.38 We considered asking a wider range of schools to contribute but did not pursue this approach because it was felt that, at the time the research was undertaken before the refined [curriculum and assessment guidance](#) was published, non-Innovation Schools would not have had the opportunity to consider the proposed curriculum framework as a whole in sufficient detail to be able to provide informed or comparable estimates.

### Data collection

8.39 In October 2019 Innovation Schools were sent a form to complete asking them to estimate the number of days that it would take to prepare for and implement the new curriculum and assessment arrangements. The categories of activity they were asked to consider were:

- Professional Learning within the school
- Professional Learning outside of school
- Transition and cluster arrangements
- Curriculum design
- Curriculum planning

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<sup>48</sup> 16 schools successfully joined the programme and were provided with funding (£30,000 for 2019-20 financial year). To ensure that the breadth of education provision across Wales was reflected in process, four schools from each consortium and a range of primary, secondary and specialist schools for those with additional learning needs were selected as innovation schools. One school subsequently left the programme in late 2019.

- 8.40 This was broken down by year <sup>49</sup> and different practitioner types. The practitioner types were head teacher; senior leaders; middle leaders/TLR holders<sup>50</sup>; teachers; teaching assistants and non-teaching staff.
- 8.41 The schools were asked to estimate, of the total number of days estimated, how many days in total, per practitioner type, would need to be covered by supply practitioners.
- 8.42 Schools were also asked whether they anticipated there would be any impacts associated with particular elements of the new curriculum, specifically the Health and Wellbeing AoLE; careers; international languages; Religion, Values and Ethics<sup>51</sup>; Relationships and Sexuality Education<sup>52</sup>; programming as part of the Science and Technology AoLE; and teaching Welsh in English medium schools<sup>53</sup>. The impacts of these specific elements were investigated because they had already emerged through the co-construction process as areas where additional impacts might lie, Schools were also asked to identify any other elements of the new curriculum and assessment arrangements which might impact on their school. This question was asked qualitatively, by providing space on the questionnaire for schools to describe the impacts, as opposed to a table as was used in the other questions. Although schools were invited to set out quantitative evidence of the potential costs and savings, few provided this.
- 8.43 Innovation Schools were supported in the exercise by video conference briefings and written guidance to ensure that all schools were taking a consistent approach. Innovation Schools were requested not to include the time spent supporting the Welsh Government with curriculum reforms, so that the estimates would align more closely with non-Innovation Schools. This was reiterated in the questionnaire instructions, briefings and interviews.
- 8.44 In December 2019 and January 2020 a telephone interview was held with each school. These lasted approximately one hour each and allowed us to understand the basis on which schools calculated their figures and to try to ensure a consistent approach to the exercise. In some cases, given the opportunity to reflect, schools amended the figures they had originally provided. It also enabled us to gather additional qualitative evidence on the likely impact of the new curriculum and assessment arrangements. In particular there were further probes on Health and Wellbeing AoLE; careers; international languages; Religion, Values and Ethics; Relationships and Sexuality Education; programming as part of the Science and Technology AoLE; and teaching Welsh in English medium schools. Schools were also asked about the Digital Competence Framework, which had not been included in the form, and about

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<sup>49</sup> Each year 2019-20 to 2023-24 onwards.

<sup>50</sup> Middle leaders / TLR holders are those teachers who have a Teaching and Learning Responsibility allowance.

<sup>51</sup> Presented as 'RE' in the form

<sup>52</sup> Presented as 'RSE' in the form

<sup>53</sup> Welsh language in the curriculum was subsequently explored in more detail in a separate piece of work, as set out in sections 8.103 to 8.112 (methodology) and 8.266 to 8.275 (findings).

any potential workforce restructuring. The extent to which Innovation Schools had considered the changes to the assessment arrangements in the estimates provided in relation to professional learning, transition and cluster arrangements and curriculum design and planning, were also explored.

## **Analysis**

### At Individual School Level

- 8.45 The **average (mean) number of professional learning days** required per year was calculated for each practitioner type within each school by aggregating all five activity types<sup>54</sup>.
- 8.46 The **average (mean) number of days' supply cover** required per year was calculated for each practitioner type by dividing the total number of supply days required per practitioner type by the number of practitioners of each type, which was provided by the school. These are presented in the RIA as **direct costs**; there is more detail on this in 8.233 to 8.240.
- 8.47 The **average (mean) number of professional learning days being absorbed** by each school, per practitioner, per year, was calculated by subtracting the average supply days from the average total professional learning days. These are presented in the RIA as **opportunity costs**; there is more detail on this in 8.241 to 8.246.

### By Sector

- 8.48 The **median estimate** was calculated from the range of estimates received for each practitioner type per year, for each sector (primary, secondary and special schools). The **upper and lower limits of the average number days being absorbed** per year was derived by adjusting the range of estimates submitted by the Innovation Schools to +/- 50% the median estimate. The rationale for this is that the full range did not reflect a meaningful estimate of the true likely professional learning requirements. The upper estimates would only be accurate if the impacts for the whole of each sector were the same as the one Innovation School in that sector that estimated the maximum amount of professional learning required; and the lower estimate would only be accurate if the costs for the whole of each sector were the same as the one Innovation School in that sector that estimated the minimum amount of professional learning required. We are confident from the wide range of estimates provided by the Innovation Schools that the impacts on schools in each sector will not all be concentrated at either the minimum or maximum amounts provided by the schools.

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<sup>54</sup> Professional Learning within the school; Professional Learning outside of school; Transition and cluster arrangements; Curriculum design; Curriculum planning

8.49 We consider that the upper and lower bounds generated by adjusting the central estimate by +/- 50% reflects the uncertainty in the analysis and represents a reasonable range for the additional costs expected to be incurred by schools in designing and implementing the new curriculum.

8.50 The **lower, upper and average number of supply days** were calculated using the same method as that employed for the average number of professional learning days being absorbed.

### Scaling Up to All-Wales Level

8.51 To estimate the total number of professional learning days that would be absorbed and total number of days' supply cover required per sector in Wales, the upper, central and lower estimates per practitioner type, per year, were multiplied by the number of practitioners of each type in Wales. Using the number of schools, or the number of pupils, as the basis for scaling was also considered, but as the exercise was concerned with practitioners' time, it was decided that scaling on the basis of practitioner numbers would be most appropriate. The number of practitioners of each type is from Stats Wales<sup>55</sup>, based on the [Welsh Government's 2018-19 Pupil Level Annual School Census \(PLASC\)](#).

### **Applying costs**

8.52 To estimate the total supply costs, the total upper, central and lower estimated number of supply days required per practitioner type, per sector, in Wales was multiplied by the relevant daily practitioner cost.

8.53 Supply teacher and supply teaching assistant daily rates are the average charge rates from the National Procurement Service Supply Teachers Framework Headline Data from Management Information and Key Performance Indicators capture, from the October to December quarter of 2019. The charge rate for a supply teacher is based on records from major supply agencies. The average charge rate provided was for supply staff across all sectors, so the same value has been used for Primary and Secondary Supply teachers' costs.

8.54 To estimate the cost of the total number of professional learning days that would be absorbed by each sector in Wales, the total upper, central and lower estimated number days required per practitioner, per sector in Wales was multiplied by the relevant daily practitioner cost.

8.55 These daily rates are based on data from the Welsh Government's Interim Pay collection by the School Workforce Statistics team in 2018. The Interim Pay collection contains aggregated data on teacher pay by sector and teacher type. Each local authority in Wales provided this data directly to Welsh Government

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<sup>55</sup> The Welsh Government's statistics dissemination website:  
<https://statswales.gov.wales/Catalogue>

through filling out a spreadsheet, which was checked by the School Workforce Statistics team.

- 8.56 The data from the Interim Pay collection was aggregated to Wales level, and average salaries for each teacher type calculated based on FTE numbers of staff. The daily rate was calculated by dividing the average salary by 195, which is the number of days teachers are expected to be in work per year. The figures from the Interim Pay collection were from November 2018, so an increase of 2.75% in line with the 2019/20 pay award in Wales was added to the daily pay. Pension at 23.6% and National Insurance at 13.8% over the minimum income level were added to get the final daily pay rate.
- 8.57 Calculations of averages are based on salaries only, excluding any additional payments except in the case of TLR1s and TLR2s in the calculation of 'Middle leaders/TLR holders'.
- 8.58 Teaching assistant daily rate is calculated using data from the Annual Survey of Hours and Earnings released in 2019 by the Office for National Statistics. Mean weekly gross pay for the category of Teaching Assistants was divided by 5 to get a daily rate, and an on-cost estimation of 30% added to give the final daily rate figure.
- 8.59 For both the number of practitioners and the daily cost of practitioner:
- Head teacher category includes
    - head teachers and executive head teachers (costs)
    - head teachers and acting head teachers (practitioner numbers).
  - Senior leadership category includes:
    - deputy head teachers and assistant head teachers (both).
  - Middle leader/TLR holder category uses
    - the average of teachers on the main or upper pay range plus the average TLR1 and TLR2<sup>56</sup> payment per individual receiving a payment. The final average was adjusted for the ratio of teachers receiving TLRs on the main and upper pay range (costs)
    - the number of qualified teachers (excluding headteachers, deputy and assistant heads) multiplied by the % of teachers holding either a TLR1 or TLR2 (practitioner numbers).
  - Teacher category includes
    - All qualified teachers (excluding headteachers, deputy and assistant heads) minus the number holding TLR1 or TLR2 (practitioner numbers).
  - Teaching assistants category includes

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<sup>56</sup> Those on TLR1s and TLR2s were including in this category on the basis of the level of line management responsibility that holders of these types of TLRs typically have. TLR3s are more typically used for time-limited school improvement projects, or one-off externally driven responsibilities.

- Teaching assistants and higher teaching assistants (both).

8.60 In addition to teaching staff, a number of schools reported that non-teaching staff (for example, school business managers, pastoral support workers and SEN support workers) would have an important role in preparing for and implementing curriculum reforms. Our usual administrative sources do not contain information on salary levels for a number of these non-teaching staff roles. An internet search was undertaken to identify typical salary ranges for similar roles with the midpoint of these ranges then matched to the nearest point on the Local Government pay scale. These salary figures were then used to calculate a single weighted average figure for all non-teaching staff (using PLASC data) and finally adjusted by 30% to include on-costs.

8.61 Despite the sub-samples within each sector being very small, it was still felt that it was appropriate to calculate the costs of each sector separately before scaling because:

- Practitioner costs vary substantially by sector; and
- The estimates submitted by schools indicate that, although we can't say with any certainty because of the variation between schools, there may be some differences between the sectors in the number of days' professional learning required.

## Adjusting the costs

### TAPERING COSTS

8.62 In asking Innovation Schools to estimate the costs from 2019-20 to 2023-24, an initial assumption was made that impacts would start to taper after the implementation of the reforms, have stabilised by 2023-24 and could be expected to be sustained at a similar level for the remainder of the time period covered by the RIA (to 2031). In fact, the annual impacts estimated by Innovation Schools were relatively consistent between 2019-20 and 2023-24 onwards. When interviewed, there was some uncertainty amongst schools about what the ongoing impacts might be, especially looking further ahead to try to anticipate post-implementation practices five or more years in the future.

8.63 Welsh Government officials therefore used their knowledge of the implementation timetable to consider if, when, and to what extent additional costs (relative to a Business as Usual scenario) might taper. The following factors were applied to the costs:

*Table 1: tapering factors applied to additional costs provided by Innovation Schools*

	<b>Primary</b>	<b>Secondary</b>	<b>Special</b>
2019-20	100%*	100%	100%
2020-21	100%	100%	100%

2021-22	100%	100%	100%
2022-23	100%	100%	100%
2023-24	25%**	75%**	25%**
2024-25	10%	50%	10%
2025-26	10%	25%	10%
2026-27 onwards	0%	0%	0%

\* 100% of the additional costs provided by Innovation Schools and scaled up for the whole of the primary sector in Wales

\*\*25% of the additional 2022-23 costs for the primary and special sectors;  
75% of the additional 2022-23 costs for the secondary sector.

8.64 The rationale for the tapering that was applied was:

8.65 In partnership with Estyn and the Regional Consortia, Welsh Government had developed shared expectations of the journey to 2022. Although this has not yet been formally published because of COVID-19, the process of development provided a clear understanding of the implementation timeline.

8.66 We expect primary schools will wholly introduce the new curriculum and assessment arrangements in September 2022, whereas secondary schools will not finish introducing the arrangements until academic year 2026/27. Special schools are expected to be more similar to primary schools in terms of the implementation timetable and when the impacts are likely to be felt because of the extent to which their existing provision is already tailored to the context of their learners. The investment of time required will be greater initially and will later reduce. In the next few years schools will need to undertake professional learning and up-skilling and undertake the design of their curriculum. In doing this they will need to engage with governors and parents / carers and the wider community. Schools will also need to build in effective change management into their operating and leadership systems to allow them, in subsequent years, to have an agile approach to different cohorts and changes in their community but the design activity will be much more limited.

8.67 It is expected by 2024-25, schools will be planning, teaching and assessing to support learner progression and this will become the new day-to-day way of working.

8.68 The curriculum framework states that progression step spans year 10 and 11 therefore we expect secondary schools to design and implement a curriculum for Year 11 learners in 2025-26. Due to the natural progression of learners from Year 10 it is logical that both year 10 and 11 will be designed together during 2025-26. This is separate to any requirements on the school due to qualifications.

#### ADJUSTING THE TIMING OF THE IMPACTS

- 8.69 The timing of when the impacts would be felt was also adjusted by pushing the costs from Innovation Schools forward one year. Therefore the 2019-20 costs were assigned to 2020-21; the 2020-21 costs to 2021-22 and so on.
- 8.70 As discussed elsewhere, the Innovations Schools are ahead of other schools in their preparations for the new curriculum and assessment arrangements. Therefore, the time they have already invested and continue to invest will need to be matched by other schools, but during a later time period.

### Qualitative analysis

- 8.71 As well as the quantitative analysis, the telephone interview scripts were transcribed and a thematic analysis undertaken to establish the key impacts identified by the schools.

### Limitations of the approach

- 8.72 The very small sample of 14 innovation schools who returned a completed questionnaire, and the 12 with whom we were successful in conducting a telephone interview, was not random or representative and so any estimates derived from it can only be seen as indicative.
- 8.73 Different schools will have different needs based on size, sector and experience to date. The language medium of the school could also have an impact on the requirements of the school. Although the Innovation Schools include a breadth of schools types, the very small sample did not allow us to explore any potential differential impacts across different kinds of schools.
- 8.74 As Innovation Schools were drawn from the network of pioneer schools – they have been working more intensively than most schools on the new curriculum and so are starting from a more advanced position than some other schools in the system. Schools who are engaged with the wider reform agenda, who have a secure school improvement cycle are well placed to enact the curriculum and assessment arrangements. Those in more challenging circumstances, feel bound by statutory pressures, or those who have been waiting to be told what to do, have made little to no changes so far.
- 8.75 Innovation Schools in their current role, and previous role as pioneer schools, have received enhanced levels of funding, which has (in most cases) allowed for additional time for practitioner release and to support the professional learning of key staff. This means that the direct supply costs for other schools in the system may be greater than most Innovation Schools as they have less capacity within their schools to absorb practitioner release time.
- 8.76 The Welsh Government made a deliberate choice not to pre-define business as usual (BAU) and ‘additional’ when engaging with Innovation Schools. As the schools are at difference stages in their existing practices and in adapting their approaches to meet the needs of the new curriculum and assessment arrangements, what some schools counted as ‘additional’ was more aligned



with what other schools considered to be business as usual. The range of anticipated costs that schools reported was therefore very wide.

- 8.77 In order to mitigate the limitations of the approach, the professional learning leads at the Regional education Consortia were invited to consider the estimates provided by the Innovation Schools with a view to placing them in the context of what is known about the wider system. Their considerations have been reflected in the RIA.
- 8.78 In undertaking telephone interviews with Innovation Schools it became apparent that, as the majority of them had not been directly involved in developing the new assessment arrangements (the guidance for which was being finalised as the information was being gathered), they did not have as deep an understanding of these arrangements as the wider curriculum, and therefore any potential cost impacts. This was mitigated by undertaking a separate exploratory exercise with the Assessment Advisory Group (AAG); more information is provided on this exercise in 8.78 to 8.93.

## **Assessing the costs of the new assessment arrangements**

### Background and rationale

- 8.79 The Assessment Advisory Group (AAG) played a crucial role in developing the new assessment arrangements. As the majority of Innovation Schools did not have a full understanding of the assessment arrangements and therefore any potential cost impacts, it was felt that the practitioner members of the AAG would be best placed to estimate the potential impacts on their respective schools and settings. In addition, all practitioner members of the group are head teachers or senior leaders and therefore, have strategic responsibilities within their school/setting.

### Data collection and analysis

- 8.80 The Welsh Government's Assessment Team briefed the AAG on the questionnaire and the information to be gathered at a meeting on 20 November. A draft of the questionnaire was shared with the group and feedback was requested from the entire group, even though it was made clear that only practitioner members were required to respond. Following this meeting the questionnaire was revised as a result of the feedback received. Only the 14 practitioner members of the AAG were sent the final version of questionnaire to complete on 27 November<sup>57</sup>.
- 8.81 The questionnaire was designed to identify the potential costs and benefits of implementing the new assessment arrangements. The questions were broken down into specific areas within the arrangements, for example, assessing progress, the new requirement for schools to design and implement their own assessment arrangements, reporting arrangements, the transition process and

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<sup>57</sup> The 14 practitioner members represent five primary schools, four secondary schools, one special school and two funded non-maintained nursery settings, spread across Wales.

replacing the current moderation arrangements with a process of developing a shared understanding of progression.

- 8.82 In order to identify the potential costs and benefits of the new assessment arrangements, practitioners were asked to provide costings for the current assessment arrangements as well as the new. This would allow us to understand the impact of the reform in more detail.
- 8.83 Within the questionnaire a summary of the current arrangements was provided and schools/settings were asked to:
- a) provide a brief description of how the current arrangements work in their school/setting,
  - b) estimate the current annual cost ('a typical year'), and
  - c) identify any perceived benefits of no longer taking this approach.
- 8.84 The respondents were also asked to consider the following in their response to b) above:
- Staff release time (days/hours per member of staff) and number of staff members involved;
  - Staff role(s) within the school/setting and associated costs of releasing staff according to their role/ where they're located on the relevant pay scale;
  - Any costs directly associated with cluster working in order to meet statutory requirements; and
  - Any additional costs (please specify).
- 8.85 Within the questionnaire the proposed new arrangements were also outlined and schools/settings were asked to:
- a) provide a brief description of how they envisage the new arrangements will work in their school/setting,
  - b) estimate the anticipated annual costs for five years, and
  - c) identify any perceived benefits of the new approach to assessment.
- 8.86 In their response to b) above, respondents were advised that it is anticipated that the costs will be higher initially during the familiarisation and embedding stage of the proposed new arrangements, for example when more professional learning might be required. We, therefore requested a breakdown of estimates for the first five years; the costs should be relatively consistent following this. Respondents were asked to consider the following in their breakdowns:
- Staff release time (days/hours per member of staff) and number of staff members involved;

- Staff role(s) within the school/setting and associated costs of releasing staff according to their role/ where they're located on the relevant pay scale;
- Familiarisation costs (during the first few years of design and implementation) – we would expect that this breakdown includes training costs to; develop an understanding of the new requirements, planning and designing your curriculum and assessment arrangements in preparation for implementation from September 2022;
- Any costs directly associated with cluster working in order to meet statutory requirements;
- Professional learning time (days/hours per member of staff), specifying explicitly what these costs relate to; and
- Any additional costs (please specify).

8.87 Six responses were received: two primary schools, two secondary schools, one special school and one funded non-maintained (FNM) setting which currently delivers the Foundation Phase.

#### Limitations of the approach

8.88 The extremely small sample of five schools and one setting who returned a completed questionnaire was not random or representative and therefore any conclusions or assumptions drawn can only be seen as indicative.

8.89 Not all six respondents responded to all questions, therefore, the analysis reflects only the responses received to each question. In addition the Special School did not provide any cost indications for their responses.

8.90 The FNM setting responded only to four questions relating to the current arrangements. The information provided was very useful to understand the context of the assessment arrangements in this settings. However, as FNM settings are not required to carry out the activities outlined within the current statutory assessment arrangements, the setting was therefore, understandably, unable to provide a description of how the current arrangements work in practice, estimate costs for these or provide any costs or savings in relation to the proposed arrangements. Further, as only one setting responded, there is a proportionally high risk that the setting would be identified. On balance, therefore, it was felt that it would be more appropriate not to include the information provided by the FNM setting in this exercise.

8.91 As AAG schools were closely involved in developing the new assessment arrangements they have a far deeper understanding of the changes being proposed than most of the school population, and so were felt to be best placed to anticipate what the likely impacts might be. However, as a result, we must be mindful that these schools are starting from a far more advanced position than

the majority of schools in the system and may be substantially further along in the process of preparing for implementation.

8.92 Even within the AAG schools sample there will be varying levels of readiness in adapting their approaches to meet the new needs of the assessment arrangements. For example, in addition to being a member of the AAG, one school is an Innovation School and one school is a Quality Improvement (QI) school<sup>58</sup>. They have both been involved in the curriculum and assessment development process from the beginning. As a result, these schools will have had more time to consider, reflect on and begin to implement the changes they would wish to introduce in their schools in response to curriculum and assessment reform. This may explain why the range of costs reported by schools were not consistent. We believe that this could also be reflective of the impacts that different schools will experience depending on their readiness for the changes being introduced. We must also allow a degree of flexibility for schools and settings to respond to the proposed changes in a manner appropriate to their needs and context. Subsidiarity is one of the fundamental principles of the new curriculum and assessment arrangements.

8.93 As a result of these limitations, we do not consider it appropriate to attempt to quantify the financial impacts associated with the new assessment arrangements. The costs are therefore unknown. The later section provides a qualitative assessment of the potential impact of the new assessment arrangements.

### **Assessing Impacts upon Education Other Than At School (EOTAS) Providers**

#### Background and rationale

8.94 The duties on PRUs and those responsible for EOTAS are different to those being placed on schools and so it was important that the impacts for this sector were assessed separately.

8.95 During December 2019 and January 2020 a small scale investigation was undertaken with the EOTAS sector to identify the practical implications of the new requirements for EOTAS providers and Pupil Referral Units (PRUs). As it was felt that an understanding of the sector was important, an independent consultant with a track record in the field of EOTAS provision was commissioned to undertake the work.

#### Data collection and analysis

8.96 Six local authorities were selected to represent a range of different sizes of authority, levels of rurality, and language medium (primarily Welsh speaking / primarily English speaking). The authorities were spread across all four Regional Education Consortia areas. Letters of explanation were sent by Welsh

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<sup>58</sup> Quality Improvement Schools were appointed in 2019 following an application process from Pioneer Schools

Government to the Director of Education / Chief Education officer of the Local Authorities chosen for the project asking them to participate. The consultant followed these up with telephone calls to arrange interviews.

- 8.97 A script was developed by the Welsh Government to guide the discussions and maintain consistency in the information gathered. Interviews were undertaken with directors of education in each authority and in some cases other senior officials, either in person or by telephone.
- 8.98 In order to get the perspectives of EOTAS providers themselves, interviews were also undertaken with officials at four Pupil Referral Units (PRUs) which accounted for all of PRU settings in operation across the six local authorities at the time of the interviews. Three of the six local authorities primarily provided EOTAS provision via 'in-reach' with mainstream schools, i.e. supporting schools to keep learners who might otherwise be referred to a PRU within the mainstream sectors.
- 8.99 Interviews were also held with representatives of Estyn, the Welsh Government EOTAS working party Chair, and the Director responsible for chairing the ADEW working party for PRUs/EOTAS.
- 8.100 Written notes were taken during the interviews. These notes were studied systematically and summarised to identify key themes, which were used to write a summary report.
- 8.101 Welsh Government staff attended an ADEW PRU Managers' meeting in March 2020 to share the preliminary findings of the research. Attendees were broadly in agreement with the findings. They were invited share their views on any additional potential impacts or evidence for consideration for the RIA, if they wished to do so.

#### Limitations of this approach

- 8.102 This was a small scale exercise involving just six of the 22 local authorities. However, these were selected to be as representative as possible of the different contexts within which EOTAS is provided. Interviewees were knowledgeable about the reforms and well prepared for the interviews, and there was a good deal of consistency in the impacts identified and the estimated associated costs.

### **Assessing Impacts on English medium schools of Welsh Language Continuum**

#### Background and rationale

- 8.103 Due to their understanding about the activities and initiatives that are required to embed the new curriculum effectively, the Quality Improvement (QI) Schools involved in developing the Language Literacy and Communication (LLC) Area of Learning and Experience (AoLE) were asked to estimate the potential

impacts of Welsh in the curriculum on their respective schools for each of the financial years from 2019-20 through to 2023-2024 onwards. The purpose of this exercise was to extrapolate from the data provided by the QI schools, the potential impact on the whole school population in Wales

8.104 It was decided that interviews would not be conducted with schools/individuals outside of the LLC QI group because, at this stage, they would not have a deep enough understanding of the requirements of the new curriculum framework and its potential impact.

8.105 We contacted all members of the QI group who taught in an English medium school<sup>59</sup>. The Curriculum Framework sets out that learners should be As such there is expected to be greater impact on English Medium schools, compared to Welsh medium schools, where Welsh is the main language of the school.

### Data collection and analysis

8.106 We contacted all 13 members of the quality improvement group who teach in English medium schools. Nine members responded and these represent five primary schools, two secondary schools and two special schools.

8.107 Welsh Language leads at the regional consortia and Estyn were also consulted.

8.108 Being conscious of time pressures facing the interviewees, telephone interviews were the chosen means of communication, as opposed to arranging face to face meetings, or requesting written responses. The option to provide a written response was offered as an alternative and taken up by one individual.

8.109 Telephone interviews were conducted in January and February 2020.

8.110 The interviews were scripted and a thematic analysis of this data, along with the one written response received was undertaken, which identified several common themes.

### Limitations of this approach

8.111 Analysis is based on a very small sample of nine Quality Improvement (QI) Schools, and discussions with Estyn and the Welsh language consortia leads,

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<sup>59</sup> All the schools had the same role to play in developing the LLC AoLE, however specialists' knowledge of certain ages/stages and subjects was utilised. In addition to the LLC AoLE, all QI members were also responsible for cross-curricular elements of Curriculum for Wales: literacy, numeracy and digital competence. Group members had previously been involved in developing the AoLE as representatives of Pioneer schools and formally applied to be QI group members in April 2019. Some LLC AoLE QI group members are from Innovation schools.

and therefore is not random or representative. Additionally, the majority of interviewees were from primary schools and as such special schools and secondary schools being underrepresented in the analysis. As a result any estimates or conclusions derived from it can only be seen as indicative.

8.112 QI schools have been involved in the development of the LLC AoLE and were therefore considered well placed to identify the potential impacts. However, their involvement arguably results in them being more advanced in their thinking and planning around implementing the new curriculum framework than non QI schools, which will be reflected in the estimates provided.

### Sunk costs

8.113 There are a number of costs relating to curriculum and assessment reform which have either already been incurred or which are expected to be incurred before the Bill receives Royal Assent. These are sunk costs. While these costs are separate to the forward looking appraisal which is the focus of this RIA (and therefore not included in the cost of the Bill), they are reported here for transparency. This treatment of sunk costs is in line with HM Treasury Green Book guidance.

### Welsh Government

8.114 The Welsh Government has incurred the following sunk costs between 2015-16 and 2019-20:

*Table 2: Welsh Government sunk costs between 2015-16 and 2019-20*

Budget	Main activities	2015-16 £'000	2016-17 £'000	2017-18 £'000	2018-19 £'000	2019-20 £'000
Education in Wales delivery	<ul style="list-style-type: none"> <li>Professional Advisors/secondes</li> <li>Programme WG staff costs</li> </ul>			854	1,288	1,527
Professional learning including PL pioneers	<ul style="list-style-type: none"> <li>PL pioneer funding</li> <li>Consortia Funding</li> <li>Schools as Learning Organisations</li> </ul>	938	5,512	4,765	4,607	5,560
Curriculum reform project	<ul style="list-style-type: none"> <li>Advisor costs</li> <li>Events/workshops</li> <li>Curriculum design</li> <li>Curriculum and digital pioneers</li> </ul>	1,264	4,743	4,065	726	720

Curriculum Pioneer / QI / Innovation Schools	<ul style="list-style-type: none"> <li>Curriculum and digital pioneers – regional consortia education grant funding for QI and innovation schools</li> </ul>				4,285	3,150
Professional learning	<ul style="list-style-type: none"> <li>Funding to LAs and consortia to support PL</li> </ul>				9,000	15,000
Total		2,202	10,255	9,684	19,906	25,956

8.115 These costs are based on those budget lines that were identified as wholly supporting the new curriculum since 2015-16. However due to the Welsh Government's emphasis since 2015 on moving the whole education system towards delivering teaching and learning that is in line with the recommendations set out in Successful Futures, other budgets not included in this analysis, such as those associated with leadership and teacher training, raising school standards, the Creative Learning Through the Arts programme, learner assessment, early years and foundation level support, although not specifically related to the new curriculum, will also have contributed significantly to the reforms.

8.116 In addition, the following funding has been allocated for 2020-21 with the money expected to be spent prior to Royal Assent.

*Table 3: Expected Welsh Government sunk costs in 2020-21*

	2020-21 <sup>1</sup> £'000
Education in Wales delivery	1,960
Professional learning including PL Pioneers <sup>2</sup>	15,144 <sup>i</sup>
Curriculum Pioneer - QI / Innovation Schools	3,150
Curriculum reform project	840
Total	21,094

Notes: 1. The figures reflect revised allocations following Covid-19 outbreak.  
2. Includes £7million for Professional Learning which was shown separately in table 2.

## Stakeholders

### Estyn

8.117 Estyn's primary role is to inspect the quality and standards of education and training in Wales, whilst using the evidence they gather to build capacity in the delivery of education and training. It is therefore an inherent requirement of their role to adapt to changes in the education system to ensure their inspection and remit activity is fit for purposes.



8.118 Estyn have invested, and expect to invest, in the development and the preparation for the new curriculum (enabled by the provisions in the Bill) Spring 2015 – Spring 2021 ie until Senedd approval of the Bill. These costs have been met from Estyn’s core budget. The Education (Amendments Relating to the Intervals for Inspection of Education and Training) (Wales) Regulations 2016 came into force in September 2016. These Regulations were amended from a six- to a seven- year cycle to accommodate the release of a number of Her Majesty’s Inspectorate (HMI) to assist in the development of the new curriculum. This has allowed Estyn to fund their involvement in curriculum reform work from within their core budget.

8.119 Estyn has also received additional grants to assist with taking forward the Evaluation and Improvement reforms and to address the recommendations from [A Learning Inspectorate](#) ( £251,000 in 2018-19 for work to develop the National Evaluation and Improvement Resource (NEIR) and £711,800 in 2019-20 to continue that work and to pilot district inspector engagement visits). This funding is for specific purposes, and whilst in the widest sense contributes to the curriculum reform (for example, the inspector engagement visits when rolled out were meant to assess where schools were on their curriculum reform journey and the NEIR will assist schools in their self-evaluation and covers a range of themes including the curriculum.) These costs do not arise directly from the Bill but support the implementation.

Table 4: Estyn’s sunk and transitional costs

FY	£'000	Description and Rationale
2015-16	342	<p>Her Majesty’s Inspectors (HMI), Assistant Directors (ADs), Strategic Directors (SDs) and Her Majesty’s Chief Inspector (HMCI) working with WG and regional consortia (RC) to attend strategic, steering and operational meetings.</p> <p>HMI supporting all AoLE workshops.</p> <p>HMI providing general advice and carrying out specific pieces of work to support some AoLEs.</p> <p>Providing training and information during professional learning weeks to update HMI knowledge, understanding and skills.</p>
2016-17	678	<p>HMI, ADs, SDs and HMCI working with WG and RC to attend strategic, steering and operational meetings.</p> <p>HMI supporting all AoLE workshops.</p> <p>HMI providing general advice and carrying out specific pieces of work to support some AoLEs.</p>

		<p>Providing training and information during professional learning weeks to update HMI knowledge, understanding and skills.</p> <p>From September 2016, change of inspection regulations to enable us to carry out this work.</p>
2017-18	616	<p>HMI, ADs, SDs and HMCI working with WG and RC to attend strategic, steering and operational meetings.</p> <p>HMI supporting all AoLE workshops.</p> <p>HMI providing general advice and carrying out specific pieces of work to support some AoLEs.</p> <p>Providing training and information during professional learning weeks to update HMI knowledge, understanding and skills.</p>
	20	<p>Costs associated with The Learning Inspectorate review of Estyn by Graham Donaldson.</p>
2018-19	701	<p>HMI, ADs, SDs and HMCI working with WG and RC to attend strategic, steering and operational meetings.</p> <p>HMI supporting all AoLE workshops.</p> <p>HMI providing general advice and carrying out specific pieces of work to support some AoLEs.</p> <p>Providing training and information during professional learning weeks to update HMI knowledge, understanding and skills.</p>
2019-20	665	<p>HMI, ADs, SDs and HMCI working with WG and RC to attend strategic, steering and operational meetings.</p> <p>HMI supporting all AoLE workshops.</p> <p>HMI providing general advice and carrying out specific pieces of work to support some AoLEs.</p> <p>Providing training and information during professional learning weeks to update HMI knowledge, understanding and skills.</p>

	6	<p>Costs for setting up and piloting engagement visits – 2.5 terms – late summer 19, autumn 19 and spring 20.</p> <p>Cost of buying licences and training for NVivo (a software analysis tool) to analyse outcomes of engagement visits</p>
2020-21	373	<p>HMI, ADs, SDs and HMCI working with WG and RC to attend strategic, steering and operational meetings.</p> <p>HMI supporting all AoLE workshops/network meetings.</p> <p>Increased training and updates during professional learning weeks, to include a full additional week in June 20 to update HMI knowledge, understanding and skills.</p>
	5	<p>Planning of pilot engagement visits – 1 term - summer 20 - these will not now take place due to restrictions linked to Covid-19.</p>
	938	<p>Roll out of engagement visits – 2 terms – autumn 20 and spring 21, mainly resourced through partial suspension of inspections.</p>
	5	<p>Planning and designing of packages for Regulated Inspectors (Rgls) during the 2020/2021 academic transition year.</p>
	46	<p>Costs of analysing outcomes for pilot engagement visits and setting up mechanisms to support this work, linked to costs of computer software tool for analysis.</p>
	8	<p>Ongoing costs for software analysis tool.</p>
	5	<p>Refreshing of curriculum section of inspection framework.</p>
<b>Total</b>	<b>4,408</b>	

8.120 Qualifications Wales has provided support for the work on curriculum reform (including observing AoLE groups) since 2017/18 and has so far absorbed staff costs. This is shown below as sunk costs.

*Sunk costs*

8.121 2015-16 and 2016-17 spends are linked to the last round of general qualification reform, and are not attributable to the current curriculum reform. They have been added for information.

8.122 2017-2018 This is the time Qualifications Wales started participating in curriculum reform. At this stage (stage 1) it was largely the time of Senior Managers at Qualifications Wales.

8.123 2018-2019 – During this year, Qualifications Wales staff participated in AoLE work (stage 1), so elements of their costs have been recognised.

8.124 2019-2020 – During this year Qualifications Wales project activity commenced. Staff were appointed to curriculum reform roles, research and engagement has been undertaken, and the first consultation was carried out.

*Table 5: Qualifications Wales sunk costs*

Area	2015-16 spend	2016-17 spend	2017-18 spend	2018-19 spend	2019-20 spend	2020-21 spend	Costs and resources Apr 15-Mar 21
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Pay	387	775	50	150	196	743	2301
Grants	150	200			0	0	350
Programme	100	103			329	156	700
Running costs				10	4	83	108
Contingency					0	0	0
<b>Total</b>	<b>637</b>	<b>1,078</b>	<b>50</b>	<b>160</b>	<b>529</b>	<b>982</b>	<b>3,459</b>

Careers Wales

8.125 Careers and Work Related Experiences will be embedded in the new Areas of Learning and Experience. Guidance will be developed for schools in partnership with Careers Wales. Supporting the new arrangements will be included as a priority in the Welsh Government's remit letter to Careers Wales, to be met within existing and projected funding.

8.126 In terms of sunk costs (2015 – 2021), Careers Wales allocated a secondee to the Welsh Government to inform the new curriculum, to ensure the new legislation supports the agreed policy and to develop the required guidance.

This role was funded by Careers Wales from September 2018 to September 2020 at a total costs of £86,088.

### Regional Consortia

8.127 It was recognised a significant amount of work has taken place on Curriculum reform, and the Welsh Government has funded the Regional Consortia as follows to support curriculum reform:

*Table 6: Welsh Government funding to the Regional Consortia 2015-16 to 2020-21*

Item expenditure	2015-16	2016-2017	2017-18	2018-19	2019-20	2020-21
		£'000	£'000	£'000	£'000	£'000
Design & Development (Consortia Funding)		2,225	2,225	2,225	2,225	1,771
Capacity Building		1,200	1,200	580	580	-
Develop Schools as Learning Organisations		500	500	500	500	500
<b>Total:</b>		<b>3,925</b>	<b>2,725</b>	<b>3,305</b>	<b>3,305</b>	<b>2,271</b>

8.128 As a result of the investment, Regional Consortia have adjusted their activities and structures to support curriculum reform. Each has adopted a distinctive approach, reflecting the priorities and ways of working in each of the regions. Some examples of steps which have been taken include:

- Reassigning the role of the Challenge Advisor to support the schools on the design, adoption and implementation of the new curriculum;
- Ensuring each of the Areas of Learning and Experience has a nominated lead;
- Regional consortia representatives were directly involved in the development of the curriculum guidance;
- Regional Consortia are part of the Assessment Advisory Group and have helped to develop the content of the assessment guidance;
- Establishing school networks aligned to the new curriculum arrangements;
- Maintaining a minimal core of central staff and establishing a cluster of Headteachers to work with schools, thereby enabling funding to be invested in schools; and
- The Regional Consortia have developed a cross regional working group with specific focus on curriculum and wider reform. This has enabled effective collaboration to develop an equitable offer to all schools.

8.129 It is recognised that originally the role of Challenge Adviser within the Regional Consortia was established was to support school improvement. Over time the role has evolved in response to reform and to the particular needs of each region.

8.130 Regional Consortia have received additional funding to address capacity from 2016-17 to 2019-20 (see Table 6). As a result of the investment to date, Regional Consortia have already adjusted their activities and structures to support curriculum reform. Each has adopted a distinctive approach, reflecting the priorities and ways of working in each of the regions. Therefore it is not anticipated that any further costs will fall on them as a result of the Bill, however this will be kept under review. The Regional Consortia have had, and will continue to have, a crucial role to play in supporting schools in Wales with the new curriculum.

#### National Academy for Educational Leadership

8.131 Established in 2018 in response to the OECD report and successive Estyn Annual reports which highlighted the need for greater strategic focus on leadership across the educational system. The Leadership Academy is sponsored by Welsh Government. Its operations are governed by its articles of association (as a Company Limited by Guarantee), the Management Agreement between the Academy and the Welsh Government and a Term of Government remit letter.

8.132 The Leadership Academy will support the introduction of the new curriculum by enabling educational leaders in Wales at a strategic level to respond. Enabling leaders to implement the new curriculum and assessment arrangements will be business as usual activity for the Leadership Academy. There are no opportunity costs. The Leadership Academy is funded at £1m per financial year. This is baselined into the Welsh Government's budget. However, for 2020-21, and in light of COVID, the NAEL agreed that they would reduce their core grant by £0.5m as they would not be able to continue to deliver in the same way but would need to refocus activities in light of the pandemic to:

- a) Support the Welsh Government's Continuity of Learning in Wales plan as a named 'participating organisation' and ensuring that the voice of practice is heard through the Associates and Stakeholders in taking this forward and with a particular focus on the well-being of school leaders.
- b) Adapt the existing work streams to maintain the strategic function of the Leadership Academy albeit with substantially reduced resourcing for a limited period.

8.133 An additional £400k in 2019-20 was provided with a further £400k in 2020-21 to support the recruitment, development and retention of the Associates. There should be no additional costs beyond those for which the Leadership Academy is already funded and these have been included on the section on administrative costs.

8.134 The NAEL will continue to work with Associates as far as is practicable, with digital technology being utilised as fully as possible in support of this.

8.135 Therefore the total revised grant for NAEL for 2020-21 will be £0.9m.

8.136 We will provide the Senedd with additional information during Stage one scrutiny on the sunk costs of other organisations such as the Catholic Education Service, Church in Wales, ITE providers and Wales Association of Standing Advisory Councils for Religious Education (WASACRE) before incorporating the information into a revised RIA at the end of Stage two.

### Maintained settings

8.137 We believe that any sunk costs incurred by maintained schools and other maintained settings will have been funded by the Welsh Government from the budgets above and therefore have not been set out separately to ensure that there is no double counting.

## **Option one: Do nothing business as usual, retention of existing curriculum and assessment arrangements**

### Benefits

8.138 *Successful Futures* made a series of interrelated recommendations to Welsh Government on how education should work in Wales. The Welsh Government accepted all the recommendations and since this time has been working towards an education system that is in line with the recommendations set out in Our National Mission.

8.139 As a result, we have identified minimal additional benefits associated with retaining the existing curriculum and assessment arrangements.

8.140 One benefit that has been identified is that delivery partners and stakeholders are familiar with the existing curriculum and so there is little additional burden in terms of time and resources in continuing with the status quo.

8.141 No other benefits have been identified.

### Costs

8.142 Presenting a true business as usual scenario is difficult because work on developing and implementing the new curriculum has been underway since 2015 and curriculum reform activities have become somewhat intertwined with business as usual. Nevertheless, we have sought to identify the business as usual costs incurred by Welsh Government by removing those costs which clearly relate to curriculum reform from the most recent education schools budget. On this basis, the business as usual cost to Welsh Government in 2020-21 is budgeted at £334.237m. It is assumed this cost will remain constant throughout the appraisal period.

8.143 The latest set of local authority expenditure returns shows total net education expenditure in Wales in 2018-19 was approximately £2.7billion. It should be noted it has not been possible to separate curriculum reform activities from business as usual in this data. Nor is it possible to split the secondary school

data to exclude expenditure relating to 17 and 18-year olds. Finally, some of the expenditure may include funding provided by the regional consortia or via grants provided by Welsh Government. Therefore, there may be an element of double-counting if the Welsh Government and local authority expenditure figures were combined. Nevertheless, this represents the best estimate of likely local authority expenditure on education going forward in the business as usual scenario.

## **Option two: curriculum reform**

### Benefits

#### Introduction

8.144 The curriculum reforms are the means by which we will achieve the ambitions sets out in Our National Mission.

8.145 The reforms are grounded in the recommendations of *Successful Futures* which were formulated through an extensive programme of evidence gathering and analysis include evidence received via a call for evidence; a desk review of existing evidence; research with a broad range of stakeholders actors throughout the system; and subsequent testing and refining of emerging proposals.

8.146 The recommendations in *Successful Futures* proposed significant changes to curriculum and assessment arrangements in Wales. The Welsh Government accepted all of the recommendations in the report.

8.147 *Successful Futures* sets out the issues with the existing curriculum and assessment arrangements in Wales, including:

- levels of achievement not as high as they should be (as evidenced by PISA and Estyn)
- an OECD review in 2014<sup>60</sup> which concluded the current assessment and evaluation arrangements are unsatisfactory in improving performance amongst a high proportion of Welsh young people
- lack of continuity within education and during transition between stages
- poor educational experience for young people at Key Stage 3
- a curriculum devised in 1988 does not reflect the world that young people are living in now and the implications of a changing world on what and how young people need to learn.

8.148 In 2013 NFER and Arad Research undertook a rapid evidence assessment of curriculum and assessment arrangements within five countries whose students

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<sup>60</sup> OECD, (2014). [Improving schools in Wales : An OECD Perspective](#). Paris: OECD



achieve highly in international surveys<sup>61</sup>. They found that all of the five countries:

- Addressed the same core areas of literacy, mathematics and science
- Included elements of arts, humanities (or social studies), technology and physical education
- Addressed key skills and competencies, including critical and creative thinking and problem solving
- Delivered digital literacy across the curriculum rather than as a separate subject
- Set cross-curricular/interdisciplinary learning in real life contexts and incorporated overarching themes
- Allowed a significant degree of school/teacher ownership of specific content
- Set out a focus on basic skills and competencies within national strategies outlining the rationale and expectations
- Maintained an outward orientation and undertook regular reviews, consulting a range of stakeholders.

8.149 The new curriculum and assessment arrangements have been developed to prepare young people for a fast-changing world that is increasingly competitive, globally connected and technologically advanced.

8.150 The OECD's 2018 report *The Future of Education and Skills 2030*<sup>62</sup> recognises that to “navigate through such uncertainty, students will need to develop curiosity, imagination, resilience and self-regulation; they will need to respect and appreciate the ideas, perspectives and values of others; and they will need to cope with failure and rejection, and to move forward in the face of adversity. Their motivation will be more than getting a good job and a high income; they will also need to care about the well-being of their friends and families, their communities and the planet” (p. 3).

8.151 The new curriculum and assessment arrangements aim to enable schools and settings to design curriculum and assessment arrangements appropriate to their children and learners and their context, within a national framework. It should enable young people to have higher standards of literacy and numeracy, become more digitally and bilingually competent, and to develop as enterprising, creative and critical thinkers. The new arrangements have equity and excellence at their core and aim to develop confident, capable and caring citizens.

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<sup>61</sup> NEFER and Arad Research (2013) [A Rapid evidence assessment on the impact of curriculum and assessment arrangements within high performing countries](#). Cardiff: Welsh Government

<sup>62</sup> OECD. (2018). [The Future of Education and Skills 2030](#). Paris: OECD

- 8.152 The OECD (2014)<sup>63</sup> found that “international evidence on how to support disadvantaged schools and their students points to the requirement of having a coherent and balanced curriculum that provides the basis for each student to learn to high standards” (p. 47). In response to this, the purpose of assessment within Curriculum for Wales is to support each individual learner to progress along the continuum of learning at an appropriate pace, ensuring they are supported and challenged accordingly. Assessment will no longer be used to make a one-off judgement on the overall achievement of a learner at a set age or point in time against descriptors or criteria on a ‘best-fit’ basis. It will contribute to developing a holistic picture of the learner – their strengths, the ways in which they learn, their areas for development and any barriers to their learning – in order to inform next steps in learning and teaching. Under the new curriculum and assessment arrangements there will be a clear separation between assessment and external accountability/national monitoring. This is to end the high stakes use of assessment information, ensuring that the purpose of assessment within the curriculum is to support every learner to make progress.
- 8.153 Successful Futures recommended that the curriculum should comprise of six Areas of Learning and Experience (AoLEs), instead of distinct subjects and disciplines. Wiggins and McTighe<sup>64</sup> strongly recommend framing programmes of study around essential questions. They distinguish between questions which are limited to the topic being studied, and essential questions, which “burst through the boundaries of the topic”. (p. 106)
- 8.154 There is an emphasis on progression in Successful Futures, which recommends that progression be based on a continuum of learning that flows from 3 to 16 and beyond, along which all children progress: ‘Learning should be seen as akin to an expedition, with stops, detours and spurts.’ The CAMAU project<sup>65</sup> worked over many months with national and international practitioners, researchers and policy makers to bring different knowledge, skills and understanding together to explore how progression might best be described and developed in relation to the AoLEs, and to investigate how progression steps might be most helpfully identified, described and used to support learning<sup>66</sup>.
- 8.155 In 2015 the Welsh Government launched the Great Debate as a forum for a discussion about the recommendations in Successful Futures with parents, teachers, school leaders, businesses and the broader community. It collected feedback via a number of mechanisms and this was independently analysed by Wavehill Ltd<sup>67</sup>. Wavehill found that “The majority of respondents welcomed the overall emphasis and direction of the recommendations set out in Successful Futures. Respondents recognised and valued the purposes of education set out

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<sup>63</sup> OECD, (2014). [Improving schools in Wales: An OECD Perspective](#). Paris: OECD

<sup>64</sup> Wiggins, G. and McTighe, J. (2005) [Understanding by Design](#) (2nd. ed). Alexandria VA: ASCD

<sup>65</sup> A collaboration between the University of Glasgow (UofG) and the University of Wales Trinity Saint David (UWTSD), funded by the Welsh Government and the UWTSD

<sup>66</sup> CAMAU (2018) [Learning about progression: CAMAU research report](#). University of Glasgow and the University of Wales Trinity Saint David

<sup>67</sup> Wavehill Ltd. (2015): [A report on responses to the Great Debate](#). Cardiff: Welsh Government

in the Review, which many thought provided a firm basis upon which to think about the curriculum. On the whole, respondents were supportive of the substantive content of the recommendations around curriculum and assessment arrangements”, (p. 5).

- 8.156 However, some concerns were raised about the balance between subject knowledge and competencies contained within the proposals, and how the new curriculum would link to national assessments, such as GCSEs. To be effectively implemented, respondents felt that the new curriculum would require careful consideration, consultation and planning, as well as sufficient time, resources and support. In response, the new curriculum framework has been developed using a co-construction approach with practitioners, informed by experts in curriculum and assessment design.
- 8.157 There is a large body of evidence pointing to the opportunities and risks of implementing the curriculum reforms; therefore the evidence cited here is not exhaustive.
- 8.158 A key part of the planned evaluation (see Chapter 11 of the Explanatory Memorandum) will be to assess the extent to which these benefits are being realised and whether any unintended consequences are emerging. The evaluation plan will identify when outputs, outcomes and impacts are likely to be observable in the short, medium and longer term, so that plans can be put in place to evaluate at the appropriate time. Some of the identified benefits are long-term in nature and may not be realised (or fully realised) within the ten-year appraisal period.
- 8.159 Due to their nature, it has not been possible to quantify the benefits anticipated from curriculum and assessment reform in any robust or meaningful way. The following sections therefore provides a qualitative description of the anticipated benefits.

## **Social benefits**

### Closing The Attainment Gap

- 8.160 Disadvantage, in many forms, has an effect on the educational achievement of children and young people. The new curriculum has been designed to engage the interest of all learners to enable them to make progress. Schools and funded non maintained settings will be expected to consider gaps in attainment and develop their curricula and assessment arrangements for all learners with a focus on a more personalised approach to progression. The flexibility of the new curriculum and assessment arrangements allows schools and funded non maintained settings to provide different support to different learners to meet high expectations and to tackle different gaps in attainment.

### Improving Wellbeing

8.161 One of the four purposes of the curriculum is to support learners to become healthy and confident individuals. The Health and Well-being AoLE draws on subjects and themes from mental, physical and emotional well-being<sup>68</sup>. [The statements of What Matters in health and well-being](#) focus on supporting learners to:

- develop and maintain their physical health and well-being
- support their mental health and emotional well-being through their experiences and how they respond to them
- make healthy and positive decisions
- engage positively with different social influences
- form and maintain positive relationships.

8.162 The proposal for mandatory Relationships and Sexuality Education for learners up to 16 offers opportunities to explore how their experiences, decisions, social/cultural influences and relationships can help them develop empathy and recognise the dignity and respect due to others, and to the living world around them. This is intended to raise the profile and the quality of the learning experience in this area.

### **Cultural benefits**

8.163 The [guidance](#) sets out that schools' curricula should support learners to develop an understanding of their local area, Wales and the wider world and the links between them. It is envisaged, therefore, that all learners will develop a stronger sense of place, belonging, and engagement with their local communities and their nation as they experience learning in a more contextualised way. They will also understand diverse identities, culture and values within Wales and beyond Wales.

8.164 The guidance also provides that learners should have the opportunity to develop their identity through exploring questions of culture, language and belonging in their locality and in Wales. This should provide them with an understanding of the diverse histories, cultures, values and heritage of modern Wales and the contribution they can make to their communities.

8.165 Specific AoLEs also support greater cultural awareness and engagement:

- The Expressive Arts AoLE provides opportunities to participate in the arts

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<sup>68</sup> In developing the new curriculum, practitioners have considered how the school environment supports learner's social, emotional, spiritual and physical health and well-being. While the new curriculum arrangements will be instrumental, developing positive health and well-being in learners is a wider issue, which is highly dependent on a whole-school approach.

- The Health and Well-being AoLE provides opportunities through physical activity to participate in recreation and sports.
- 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.
- The Languages, Literacy and Communication AoLE also provides opportunities to learn about culture and heritage through language and literature.

## **Economic benefits**

8.166 The new curriculum and assessment arrangements support learners to develop:

- As enterprising creative contributors, (one of the four purposes) supporting innovation.
- Awareness of career and work related opportunities
- Experiences, knowledge and skills which are transferable to the workplace
- Cross curricular skills of literacy, numeracy and digital competence which are critical for work
- Learning through opportunities to work with businesses

8.167 Careers education and work related experiences are embedded in the curriculum guidance to encourage learning across all Areas, supporting a holistic approach. This will ensure that learners gain insight into work and careers and build employability skills from early years. Specific statutory guidance on Careers and work related experiences will be developed.

8.168 Literacy, numeracy and digital competence are specified as three mandatory cross-curricular elements in the curriculum guidance, ensuring fundamental skills are in place. The integral skills of critical thinking and problem-solving, planning and organising, creativity and innovation and personal effectiveness are also be embedded across all AoLEs.

8.169 Through the emphasis on the four purposes of the curriculum, alongside the cross-curricular elements, wider careers and work related experiences, and an expected increase in school-employer engagement to enrich learning experiences, we anticipate that all learners will better placed to enter the world of work post-16.

## **Environmental benefits**

8.170 The Humanities and Science and Technology AoLEs in particular will contribute to raising awareness of natural resources and environmental issues through specific statements of What Matters in both AoLEs, which will be mandatory, and also in the wider guidance for these areas, including the

descriptions of learning. These will help to support learners to become ethical, informed citizens who show a commitment to, and recognise their dependence on, the sustainability of the planet.

8.171 Consequently, it is anticipated that there will be a moderate positive impact arising from the new arrangements as learners understand and consider the impact of their actions when making choices and taking action. However, this is dependent on increased understanding impacting positively on learners' behaviours.

## Costs

### Welsh Government

#### Allocating Costs

8.172 Although the Welsh Government will ultimately bear most of the cost of the reforms, this section focuses on those costs the Welsh Government is expected to directly incur (such as staff and communications costs) and funding for specific curriculum reform related activities which, while delivered by partner organisations, are not included elsewhere in the RIA.

#### STAFF COSTS

8.173 There are currently thirteen posts within Welsh Government which relate specifically to the work on curriculum and assessment reform and which would not exist in the business as usual option.

8.174 These thirteen full-time posts are expected to be required throughout the transition period before the need reduces as we move through the implementation phase. The cost is estimated to be approximately £951,000 per annum between 2021-22 and 2023-24 before reducing to approximately £726,000 per annum between 2024-25 and 2026-27 and approximately £484,000 per annum for the remainder of the appraisal period.

*Table 7: Welsh Government staff requirements*

	Salary plus on-costs <sup>1</sup>	2021-22 to 2023-24		2024-25 to 2026-27		2027-28 to 2030-31	
		Number of FTEs	Annual cost £'000	Number of FTEs	Annual cost £'000	Number of FTEs	Annual cost £'000
Executive Band 1	£99,223	1	£99	1	£99	1	£99
Executive Band 2	£80,887	7	£566	5	£404	2	£162
Management Band 1	£62,678	3	£188	2	£125	2	£125

Management Band 2	£48,655	2	£97	2	£97	2	£97
Total		13	£951	10	£726	7	£484

Note: 1. Average Welsh Government staff costs for 2019-20.

## COMMUNICATIONS

8.175 Curriculum reform and the wider education reform process has been characterised by co-construction. This will continue to be a crucial feature of the approach moving into implementation. There will be a need for significant engagement and communications activity with key stakeholders so that everyone understands what's changing and what the curriculum and assessment reforms mean for them. The main activities are expected to include a public awareness raising campaign, engagement with children and young people about the changes affecting their education and engagement events and activities aimed at the education workforce.

8.176 Much of this engagement will be undertaken during the initial transition and implementation periods but some engagement activity is anticipated throughout the appraisal period. Based on previous campaigns, communication costs are estimated to be £350,000 per annum in 2021-22 and 2022-23, £175,000 per annum in 2023-24 and 2024-25 and £150,000 per annum for the remainder of the appraisal period. The work will be coordinated by a full-time communications specialist (Executive Band 2 level) at a cost of approximately £81,000 per annum.

## PROFESSIONAL LEARNING

8.177 As explained above, professional learning will be critical to ensure awareness and engagement of all practitioners with the new curriculum and to equip practitioners with the appropriate skills in relation to a purpose-led curriculum. As such, the Welsh Government will continue to provide support for Professional Learning during the transition and implementation periods. This support will be provided through a number of routes including:

- funding the National Academy of Educational Leadership;
- the provision of resources for schools to use on inset days;
- allocating funding to the regional consortia to enable them to provide professional learning activities, experiences and resources in their local areas;
- support for cluster working amongst schools, and;
- funding the Schools as Learning Organisations model.

8.178 Based on expenditure in previous years, the cost to Welsh Government to continue to fund these activities is approximately £5.18million per annum.

8.179 In addition, in recent years the Welsh Government has provided funding to schools to support professional learning. It is anticipated that funding of

£15million per annum will continue going forward, with the expectation that this will be used to help offset the costs to schools (not all of which have been monetised) which are identified in 8.231 to 8.246 of this RIA. The additional PL funding for schools is anticipated to come to an end in 2025-26 (as reflected in Table 8), as the new curriculum will be embedded by that point.

8.180 The areas of spend identified in this section are those specifically linked to curriculum and assessment reform and do not include wider investments made by Welsh Government in professional learning and school leadership. The anticipated expenditure in these wider areas is reflected in the Business as Usual costs above although it is likely that programmes will become increasingly focussed on supporting curriculum reform going forward.

#### WELSH LANGUAGE RESOURCES

8.181 The Welsh Government currently provides Welsh language resources for Welsh-medium schools, this expenditure is included in the business as usual figures. However, the changes proposed in the Bill around the teaching of Welsh mean additional Welsh language resources (for English-medium schools) or bilingual resources are expected to be needed.

8.182 Since most schools are currently in the process of designing their curriculum, there is some uncertainty around precisely what Welsh language resources will be required. The best estimate is therefore that the additional cost to Welsh Government will be at a similar level to the current spend on Welsh language resources, which is £3.17million per annum throughout the appraisal period.

#### INNOVATION AND NETWORKS

8.183 A number of regional networks have been formed across Wales to share best practice and facilitate the design and implementation of the new curriculum in schools. It is intended that there should also be national networks to support the ongoing development of the curriculum framework, develop approaches to pedagogy and inform the professional learning offer. The cost to Welsh Government to fund these networks is expected to be £600,000 per annum during the transition period (2021-22 and 2022-23), declining to £400,000 from 2023-24 onwards.

#### EVALUATION

8.184 As set out in Chapter 10, a large-scale programme of activities is planned to monitor and assess the effectiveness of the curriculum reforms. This programme of activities will be designed and informed by an advisory group comprised of internal and external stakeholders. Although the planning for this work is at a very early stage, it is recognised that a significant budget will be required to deliver the evaluation. Based on an early assessment of the likely projects that will be required to undertake a rigorous evaluation, it is estimated that the cost of the evaluation will be approximately £2.75million. For the



purposes of the RIA, this figure is split equally across the 10-year appraisal period (£275,000 per annum between 2021-22 and 2030-31).

## WIDER ACTIVITIES

8.185 There is a shortage of Welsh secondary teachers able to teach Welsh and teach through the medium of Welsh. Statistics<sup>69</sup> show the number of entrants onto Initial Teacher Education courses in Wales who were training to teach in Welsh was declining between 2013/14 and 2017/18 (the latest year available). In response to this, Welsh Government has launched a number of initiatives to address the issue including a marketing campaign to increase awareness and change perceptions of studying Welsh at A-level; and Initial Teacher Education incentives to increase the numbers applying to programmes that enable teaching through the medium of Welsh or Welsh as a subject. While these initiatives would be happening anyway it is recognised that funding may need to increase to support our ambitions for the Welsh Language, although this is not a direct consequence of the Bill. However, at this stage, the additional needs within schools and therefore costs are unknown.

8.186 There are a number of other activities which, while contributing to curriculum reforms, are separate to the legislation. For example, since 2012 the Welsh Government has invested and will continue to invest significant sums in improving digital infrastructure in schools. While this investment will support the implementation of the Digital Competency Framework it would be happening anyway and is therefore not included here as a cost of the Bill.

*Table 8: Welsh Government administrative costs 2021-22 to 2030-31*

	2021-22 £'000	2022-23 £'000	2023-24 £'000	2024-25 £'000	2025-26 £'000	2026-27 £'000	2027-28 onwards £'000 (per annum)
Staff	951	951	951	726	726	726	484
Communications	431	431	256	256	231	231	231
Professional learning	20,180	20,180	20,180	20,180	20,180	5,180	5,180
Welsh language resources	3,170	3,170	3,170	3,170	3,170	3,170	3,170
Networks	600	600	400	400	400	400	400
Evaluation	275	275	275	275	275	275	275
<b>Total</b>	<b>25,607</b>	<b>25,607</b>	<b>25,232</b>	<b>25,007</b>	<b>24,982</b>	<b>9,982</b>	<b>9,740</b>

<sup>69</sup> <https://gov.wales/sites/default/files/statistics-and-research/2019-05/initial-teacher-education-september-2017-to-august-2018-992.pdf>

## Strategic delivery partners

8.187 A number of partners and stakeholders have been unable to provide detailed information on the impact of the proposed legislation on their organisation or sector due to having to respond to the COVID-19 pandemic.

8.188 Where additional relevant information can be gathered, we will provide the Senedd with this information during Stage one scrutiny before incorporating the information into a revised RIA at the end of Stage two. We expect that this will include business as usual costs.

## ESTYN

PROJECTED COSTS AS RESULT OF THE INTENDED PROVISIONS IN THE BILL FROM 2021 – 2031.

8.189 There are no provisions in the Bill that directly relate to Estyn. However, the inspection framework will be reformed to support the Welsh Government's new Evaluation and Improvement framework.

8.190 Estyn have provided a brief description of the activities that they may undertake from 2021-22 onwards. This activity will need to be met within Estyn's core funding and the scale of activity and resource allocated will be shaped with that in mind. There are uncertainties arising from the significant impact of Covid-19 and planned activity will need to be updated in light of that once things become more certain. Without knowing future funding Estyn cannot commit the extent of this activity, which would need to be balanced with statutory inspection and other work within the annual remit letter from Welsh Government. It has not been possible to confirm or rule out specific additional costs arising due to the required analysis being unable to be completed before the Covid-19 outbreak. Therefore at this stage costs are unknown and further work will be undertaken to during Stage 1 to update the RIA in Stage 2.

## ESTYN ACTIVITIES TO SUPPORT THE NEW CURRICULUM

8.191 2021-22 - Engagement visits – Summer 21:

- Continued engagement visits to a small proportion of schools (after transition year) Ongoing training and updates for HMI, Registered Inspectors (Rgls), Additional Inspectors (AIs), Peer Inspectors (PIs)
- Packages of work for Rgls during transition year
- Ongoing costs linked to NVivo (assessment tool) to analyse outcomes of engagement visits
- Ongoing refreshing of curriculum section of inspection framework

8.192 2022-31:

- Expansion of thematic programmes to consider AoLEs (2022-23 only)
- Continued engagement visits to a small proportion of schools (2022-28)
- Ongoing training and updates for HMI, RgIs, Als, PIs
- Ongoing refreshing of curriculum section of inspection framework, as necessary

#### OPPORTUNITY COSTS

8.193 In terms of opportunity costs Estyn have stretched the programme of core inspections as a result of extending the inspection cycle. Estyn will suspend the programme of core inspections in maintained schools during the transition year, from September 2020 until August 2021

#### Qualifications Wales

8.194 Qualifications Wales have a role to ensure the qualifications system in Wales reflects the curriculum as set out by Welsh Ministers.

8.195 The Bill does not impose new duties on Qualifications Wales. However, it is crucial that qualifications at the end of compulsory schooling are supportive of the new curriculum and the current qualifications therefore need to be reviewed and revised. The associated costs have therefore been included in the RIA.

8.196 Qualifications Wales has core staff resources to review and reform both vocational and general qualifications. However, that core resource is insufficient to review qualifications taken at the end of compulsory schooling to the timescale required to support curriculum reform, without a negative impact on on-going reform of vocational qualifications.

8.197 It is recognised there will be additional costs in future years. Additional funding has been confirmed for 2020-21.

8.198 Qualifications Wales costs as a result of the curriculum reform are expected to be:

- Pay - An additional 14 FTE staff, working in qualifications reform, commissioning, research and approvals, with some of these staff later moving to monitoring to provide additional assurance during the period when the new qualifications are introduced.
- Grant - costs of translating the specifications and sample assessment materials for new qualifications.
- Programme - costs to cover use of subject experts, consultation analysis and communications.
- Running costs – associated with additional staff.

8.199 These additional costs will run from 2021-22 until 2027-28 as estimated below.

## WORKING ASSUMPTIONS

8.200 In estimating the additional Qualifications Wales' costs the following working assumptions have been made. If these assumptions change costs may change:

8.201 Scope:

- The scale of change will not be minor but will not be extreme – the reforms are costed on the basis of the retention of the GCSE brand
- Qualifications Wales will also need to review and consider all qualifications taken by 14-16 year olds (including GCSEs and other entry level, level 1, level 1/2 and level 2 designated qualifications) – the reforms are costed to include some of this review work but also assume some of it can continue over a longer period and be delivered using existing resource;
- The costs do not cover reforms to A-levels.
- That any change to greater use of on-line testing would not be a direct result of curriculum reform – if there is an appetite to move in this direction it will incur costs for both Qualifications Wales and awarding bodies, but this has not been included in the figures.

8.202 Contingency:

- Until Qualifications Wales has consulted on and agreed the proposed future range of qualifications, their design and assessment and how their availability will be secured it is not possible to give accurate cost estimates. There are also decisions required by Welsh Government which will impact on timing. Once Qualifications Wales commences the development phase with the awarding bodies the timeline is dependent on the quality of submissions for approval.
- Given all these factors, which are outside their immediate control the costs therefore include a contingency line which is based on delays, and cover retention of the additional staff beyond the current planned period. This contingency does not cover a major change in scope.

## FUTURE COSTS

8.203 For the period from 2020-21 to 2027-28 a financial model has been developed that acknowledges the activities to be undertaken by Qualifications Wales to consult on and develop qualification criteria and approve and monitor the new qualifications.

8.204 The model continues to be refined, and a number of allocations can only be considered as provisional at this stage. A contingency line has been added to acknowledge the potential for costs in these years to increase.

8.205 The main variables are associated with the length of time Qualifications Wales will need to retain additional staff which cost circa £1m p.a. Most of these costs are currently due to end in September 2024.

8.206 Any slippage in this date will increase the model further, for which some risk provision is currently recognised within the Contingency for 2024-25.

Table 9: Qualifications Wales Future Costs

Area	21-22 budget	22-23 budget	23-24 budget	24-25 budget	25-26 budget	26-27 budget	27-28 budget	28-29 budget	29-30 budget	30-31 budget	Costs and resources – Apr 21-Mar 31
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Pay	913	921	920	550	104	104	52				3,564
Grants	88	175	88	0	0						351
Programme running	654	137	110	110	80	50	50				1,191
Costs	45	67	13	20	10						155
Contingency	0	200	200	650	100	100	0				1,250
<b>Total</b>	<b>1,700</b>	<b>1,500</b>	<b>1,331</b>	<b>1,330</b>	<b>294</b>	<b>254</b>	<b>102</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,511</b>

## OTHER FUTURE COSTS ASSOCIATED WITH NEW QUALIFICATIONS

8.207 Reforming qualifications in response to the new curriculum, will create other costs in addition to those for Qualifications Wales. These include costs within the awarding bodies developing and then delivering the new qualifications; within schools in terms of CPD for teachers to teach the new qualifications and potentially additional exam entry fees if the awarding bodies choose to pass their additional costs on. These costs are currently unknown,

8.208 An increase in exam entry fees for individual exam centres occurred during the last wholesale reform of qualifications in response to the review of qualifications for 14- 19 years olds which reported in 2012. The impact of the COVID-19 pandemic has resulted in a pause in the modelling of a potential increase in these costs. The intention is to provide the Senedd with relevant information during Stage one scrutiny before incorporating the information into a revised RIA at the end of Stage two.

### Regional Education Consortia

8.209 Regional Consortia will have a key role in supporting schools and practitioners to deliver these provisions and this will have a cost and an impact on them. This will be through curriculum support, Professional Learning support and school improvement activity. Some of this will be a continuation of their existing roles and activities but the RIA focuses on where there are elements that are directly related to the proposed changes to legislation.

8.210 In April 2020 the Welsh Government met with the Managing Directors of each of the four Regional Consortia in Wales to discuss the impact of the Bill on their own organisations.

8.211 As a result of the investment to date, Regional Consortia have adjusted their activities and structures to support curriculum reform. Each has adopted a distinctive approach, reflecting the priorities and ways of working in each of the regions. Some examples of steps which have been taken include:

- Reassigning the role of the Challenge Advisor to support the schools on the design, adoption and implementation of the new curriculum;
- Ensuring each of the Areas of Learning and Experience has a nominated lead;
- Regional consortia representatives were directly involved in the development of the curriculum guidance;
- Regional Consortia are part of the Assessment Advisory Group and have helped to develop the content of the assessment guidance;
- Establishing school networks aligned to the new curriculum arrangements; and

- Maintaining a minimal core of central staff and establishing a cluster of Headteachers to work with schools, thereby enabling funding to be invested in schools.
- The Regional Consortia have developed a cross regional working group with specific focus on curriculum and wider reform. This has enabled effective collaboration to develop an equitable offer to all schools.

8.212 It is recognised that originally the role of Challenge Adviser within the Regional Consortia was established was to support school improvement. Over time the role has evolved in response to reform and to the particular needs of each region.

8.213 The Regional Consortia have had, and will continue to have, a crucial role to play in supporting schools in Wales with the new curriculum.

8.214 Regional Consortia have stated that ongoing funding will be required from the Welsh Government to support this role.

8.215 There are no opportunity costs for the Regional Consortia, given their purpose as delivering a school improvement service is fundamentally to support effective teaching and learning. Regional Consortia have received additional funding to address capacity from 2016-17 to 2019-20 ( see Table 6). As a result of the investment to date, Regional Consortia have already adjusted their activities and structures to support curriculum reform. Each has adopted a distinctive approach, reflecting the priorities and ways of working in each of the regions. Therefore it is not anticipated that any further costs will fall on them as a result of the Bill, however this will be kept under review.

## **Post -16**

### POTENTIAL IMPACT ON POST-16

8.216 The Bill contains minor consequential amendments in relation to school sixth forms, which broadly retain current provision for post-16 in areas where legislation is being amended pre-16. The Bill places no new duties or powers for further education institutions, therefore, no direct costs have been identified. The FE sector has suggested there are potential implications of changes to the curriculum which may occur over the medium to long-term, however, at this stage the additional costs (if any) are unknown. Further work will be undertaken with the sector to consider whether there are any financial implications and if necessary the RIA will be updated at the end of Stage two.

8.217 In the meantime, in order to build in consideration of the transition to post-16, FE representatives have been part of the AoLE groups. The FE sector will



have been funded £124,000 between 2018-19 and 2020-21 to undertaken this activity. (This expenditure is included in the 'Curriculum Reform Project' lines of tables 2 and 3(pages 78 and 79)).

8.218 A Post-16 Professional Learning Steering Group has also been established by the Welsh Government, and an action plan is in development, which will identify any potential impacts of the new curriculum for post-16 providers as it is embedded. Development of a Professional Learning Framework for staff within the post-16 sector will also embed supporting staff to understand the implications of the new curriculum on their future learners.

#### Catholic Education Service

8.219 In May the Welsh Government issued a consultation on the legislative proposals for Religion, Values and Ethics in the curriculum for Wales. The consultation ended in July. The final policy detail will require reflection from key stakeholders to fully identify the cost impact of the proposed legislation on their organisation. Currently these are unknown. We will provide the Senedd with this information during Stage one scrutiny before incorporating the information into a revised RIA at the end of Stage two.

#### Church in Wales

8.220 As with the Catholic Education Service, we will provide the Senedd with information on the costs impact during Stage one scrutiny before incorporating the information into a revised RIA at the end of Stage two. Currently costs are unknown,

#### SACRES

8.221 SACREs (Standing Advisory Councils for Religious Education) are set out in legislation and have a role in advising a local authority on the religious education to be given in accordance with the agreed syllabus, including methods of teaching, advice on materials and the provision of training for teachers. Therefore, they will be involved with the proposed changes to the provision of religious education in nursery. To enable the Wales Association of Standing Advisory Councils for Religious Education (WASACRE) to give full consideration of the legislative changes, we will provide the Senedd with information on the costs impact during Stage one scrutiny before incorporating the information into a revised RIA at the end of Stage two. Currently costs are unknown.

#### Maintained Schools

##### Preparation, Design and Planning

8.222 Note that costs in this section are rounded to the nearest £10,000.

8.223 A defining feature of the new curriculum framework which this Bill will enable is the expectation that schools will design their own curriculum and assessment arrangements within a national framework.

8.224 A focus on professional learning will be critical to ensure awareness, readiness and engagement of all practitioners with the new curriculum and assessment arrangements; to equip practitioners with appropriate skills in relation to a purpose-led curriculum; and to allow time for practitioners to work collaboratively within and across schools.

8.225 Innovation schools were asked to identify the number of days they would need on average per practitioner to implement the new curriculum and assessment arrangements. These were broken down into the following areas:

- Professional Learning within the school, presented as “E.g. INSET, AoLE meetings, pedagogy leaders meetings, skills leaders meetings, etc.”
- Professional Learning outside of school, presented as “via school to school, or external organisations such as regional consortia, LA, Estyn, HEI partnership etc.”
- Transition and cluster arrangements
- Curriculum design, presented as involving “...strategic curriculum design which predominantly involves senior leaders...”
- Curriculum planning, presented as involving “...medium and short term activities, such as lesson plans and resources”.

8.226 Schools were asked to include those INSET days which they expect to allocate to the new curriculum and assessment arrangements, but exclude those that they would continue to spend on business as usual activities. Business as usual activities were not defined but we would expect them to include training on updates to schools’ systems and processes and statutory and/or mandatory training such as safeguarding, health and safety, and Prevent training.

8.227 A very wide variety of estimates was provided by schools. Because of the small sample size and degree of variability between schools which impeded us from being able to observe any trends in the data, it is not possible to say with certainty what factors influenced the estimates. The estimates appear to not be influenced by school size but there may potentially be some differences between school sector; for instance special schools indicated a greater requirement for professional learning time for teaching assistants and, on average, secondary schools indicated that fewer professional learning days would be required per practitioner than primary schools.

8.228 When schools were interviewed, the biggest drivers of difference between the estimates were:

- The attitude of school leaders towards the new curriculum in terms of the extent to which they perceived it as an additional requirement. At one end of the spectrum, one school treated everything to do with the new curriculum as additional; that is to say new, different, and on top of any existing requirements and practices. At the other end of the spectrum, another school treated the new curriculum almost entirely as business as usual. The view of the head teacher was that delivering a curriculum that provides appropriate learning, experience and progression for all pupils, was the business of the school and the new curriculum simply required a change in emphasis in what the school was already doing. Other schools interviewed sat between these two ends of the spectrum.
- Where the schools were on the path towards full implementation of the new curriculum. A small number of schools had started to design their curriculum as early as 2015, responding proactively to the recommendations in Successful Futures for their own schools.

8.229 Although schools were asked to identify the impacts associated with the new curriculum and assessment arrangements, at the time this research was being carried out, the guidance on assessment was still being finalised and therefore Innovation Schools would only have had sight of earlier proposals for assessment<sup>70</sup>. As a result, in the majority of cases, schools based their estimates more on curriculum preparation, design and planning than a consideration of the assessment aspects.

8.230 Consequently, **it should be assumed that assessment arrangements are not included in the professional learning days presented below.** The impacts of the assessment arrangements are covered separately in 8.323 to 8.338.

#### OVERALL TIME REQUIREMENT FOR PROFESSIONAL LEARNING

8.231 Table 10: Estimated professional learning time required adjusted to +/- 50% of the median presents the professional learning time that each school will require to implement the new curriculum arrangements, as estimated by Innovation Schools. These are broken down by practitioner type and by year and are presented as upper, lower and central estimates. The central estimate was derived by calculating the median value for each practitioner type per year, for each sector. **Note that the upper and lower limits have been adjusted to +/- 50% of the median as set out in 8.48 to 8.50 of the methodology.**

8.232 The full range of days estimated by Innovation Schools can be seen in Annex 5.

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<sup>70</sup> With the exception of three schools, which are also represented on the Assessment Advisory Group.

Table 10: Estimated professional learning time required adjusted to +/- 50% of the median

Estimated professional learning time required per practitioner by innovation schools (any sector) adjusted to +/- 50% of the median																		
	Headteacher			Senior leader			Middle leader			Teacher			TA			Non teaching staff		
	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Upp er limi t	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Upp er limi t
19/20	8	16	24	7	14	21	5	11	16	5	11	16	3	6	9	1	1	2
20/21	9	18	26	8	16	24	6	12	18	5	11	16	4	7	11	1	1	2
21/22	8	17	25	7	14	22	6	12	18	6	12	17	3	7	10	1	1	2
22/23	8	16	23	7	14	20	6	12	17	6	12	17	3	7	10	1	1	2
23/24 onwar ds	6	12	18	6	11	17	5	10	15	5	11	16	3	6	8	1	1	2

## DIRECT COSTS

- 8.233 We anticipate that schools will absorb (be able to re-purpose time currently being spent) some of the time required for professional learning relating to the new curriculum arrangements. Therefore we asked innovation schools to estimate how many days' supply cover they would need to buy in, rather than assume that this would equate to the overall time requirement for professional learning.
- 8.234 Table 11: Estimated supply days required adjusted to +/-50% of the median presents the estimated number of days that will need to be covered by supply teachers at innovation schools to release school practitioners to implement the new curriculum arrangements. These are broken down by practitioner type and by year and are presented as upper, lower and central estimates. The central estimate was derived by calculating the median value for each practitioner type per year, for each sector. **Note that the upper and lower limits have been adjusted to +/- 50% of the median as set out in 8.48 to 8.50 of the methodology.**
- 8.235 The full range of days estimated by Innovation Schools can be seen in Annex 5.

Table 11: Estimated supply days required adjusted to +/-50% of the median

Estimated supply days required per practitioner by innovation schools (any sector) adjusted to +/- 50% of the median																		
	Headteacher			Senior leader			Middle leader			Teacher			TA			Non teaching staff		
	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Upp er limi t	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Up per limi t	Lo wer limi t	Centr al estim ate	Upp er limi t
19/20	0	0	0	1	2	3	1	2	3	1	2	3	0	0	0	1	1	2
20/21	0	0	0	1	1	2	2	4	5	2	3	5	0	0	0	1	1	2
21/22	0	0	0	1	1	2	1	2	4	1	3	4	0	0	0	1	1	2
22/23	0	0	0	0	1	1	1	3	4	2	3	5	0	0	0	1	1	2
23/24 onwar ds	0	0	0	0	1	1	1	2	3	1	3	4	0	0	0	1	1	2

8.236 Again, a wide variety of estimates was provided. At one end of the spectrum a small number of schools indicated that they would need to purchase supply cover for all of the days required for professional learning. At the other end of the spectrum, a small number of schools indicated that they would not need to purchase any supply cover, and were planning instead to use existing capacity built into the school structure to cover all the required days, especially at head teacher and senior leader level.

8.237 When scaled up to all schools in Wales according to the methodology set out in 8.51 to 8.70 the supply costs incurred by schools to release school practitioners to implement the new curriculum arrangements for all schools in Wales are as follows:

*Table 12: Direct (supply) costs for all schools in Wales to prepare for, design and plan the new curriculum\**

	<b>Lower limit</b>	<b>Central Estimate</b>	<b>Upper limit</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
2020-21	5,380	10,760	16,120
2021-22	6,400	12,790	19,180
2022-23	5,100	10,220	15,330
2023-22	1,630	3,260	4,890
2024-25	790	1,580	2,370
2025-26	620	1,230	1,850
2026-27	0	0	0
2027-28	0	0	0
2028-29	0	0	0
2029-30	0	0	0
2030-31	0	0	0

\*Note that estimates have been adjusted to (i) push the costs forward one year as Innovation Schools are ahead of other schools, (ii) present a meaningful range; and (iii) taper as the new arrangements become embedded. Full details can be found in the methodology.

8.238 When summarised, the direct sunk costs to prepare for, design and plan the new curriculum arrangements in 2020-21 are estimated to be between £5.38m and £16.12m. The central estimate is £10.76m.

8.239 The direct transition costs to prepare for, design and plan the new curriculum arrangements between 2021-22 and 2025-26 are estimated to be between £14.54m and £43.62m. The central estimate is £29.08m.

8.240 There are no anticipated ongoing additional costs to prepare for, design and plan the new curriculum arrangements after 2025-26.

#### OPPORTUNITY COSTS

8.241 The professional learning days absorbed by the schools and not covered by supply teachers is considered an opportunity cost because practitioners can no longer spend this time on other activities. We expect that professional learning will be absorbed through:

- capacity created by existing in-house cover arrangements within schools
- INSET days
- taking innovative approaches such as:
  - streamlining systems and processes that are not required to meet statutory requirements
  - changes to the working week, such as asymmetric school weeks<sup>71</sup>
  - extending partnership working between schools, e.g. schools within a cluster collaborating on different elements so that effort is not being duplicated

8.242 The Welsh Government is also looking at what we can do to create space for schools and practitioners to support their transition to the new arrangements. In particular we are exploring what existing assessment requirements could be relaxed or removed in order to facilitate this.

8.243 When scaled up to all schools in Wales according to the methodology set out in 8.47 to 8.70 the opportunity costs for all schools in Wales are as follows:

*Table 13: opportunity costs for all schools in Wales (£m) to prepare for, design and plan the new curriculum\**

	<b>Lower limit</b>	<b>Central Estimate</b>	<b>Upper limit</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
2020-21		81,370	122,040

<sup>71</sup> An asymmetric school week includes various start and finish times with some longer days and some shorter days with coordinated pupil free time. The most common asymmetric school week structure comprises four longer days and a short half day, but other patterns are also used. It does not necessarily result in a change in the total hours of instructional time.



	40,680		
2021-22	42,660	85,340	128,000
2022-23	47,930	95,860	143,790
2023-24	21,170	42,340	63,510
2024-25	12,140	24,280	36,420
2025-26	7,540	15,100	22,640
2026-27	0	0	0
2027-28	0	0	0
2028-29	0	0	0
2029-30	0	0	0
2030-31	0	0	0

\*Note that estimates have been adjusted in the same way as direct costs.

8.244 When summarised, the sunk opportunity costs to prepare for, design and plan the new curriculum arrangements in 2020-21 are estimated to be between £40.68m and £122.04m. The central estimate is £81.37m.

8.245 The transition opportunity costs to prepare for, design and plan the new curriculum arrangements between 2021-22 and 2025-26 are estimated to be between £131.44m and £394.36m. The central estimate is £262.92m.

8.246 There are no anticipated ongoing opportunity costs to prepare for, design and plan the new curriculum arrangements after 2025-26.

### The Four Purposes

8.247 Delivering a purpose-led curriculum is intended to change practice in schools in Wales. Enabling learners to progress in relation to the four purposes is intended to inform all decisions in relation to schools' curriculum and assessment arrangements. The four purposes are intended to guide, influence and underpin schools' curriculum and assessment preparation, design and planning activities. Any impacts of the four purposes are therefore indistinguishable from the impacts of these activities, which are covered in 8.222 to 8.246.

### Areas Of Learning And Experience And Other Curricular And Cross-Curricular Elements

8.248 As well as professional learning needs in relation to curriculum familiarisation, design and planning, we expect that practitioners will also need to equip themselves with the skills and knowledge to deliver specific elements included within some of the Areas of Learning and Experience and other new mandatory curriculum and cross-curricular elements.

8.249 There will also be a greater emphasis on experiential learning. Schools are expected to enhance learners' skills and knowledge by providing opportunities for active involvement and real-life learning. Experiential learning needs to be based on the learning progression and clearly contribute to the Four Purposes, such as providing real-life contexts for learning e.g. real world problem solving or creative solutions

8.250 Both of these are expected to have associated impacts, particularly in the following areas: Expressive Arts AoLE, Health and Wellbeing AoLE; Welsh in English medium schools; international languages; computation as part of the Science and Technology AoLE; Relationships and Sexuality Education, digital competence and careers education.

8.251 These impacts are described qualitatively in sections 8.255 to 8.322 based on the information provided in the forms returned by Innovation Schools and the follow-up telephone interviews. However, schools were not able to quantify the impacts. In most cases, they had not come up with a firm plan for how they intended to deliver each of the elements, and so were still considering a range of different approaches, each with its own potential associated impacts.

8.252 Therefore the costs to deliver the Areas Of Learning and Experience and other curricular and cross-curricular elements are not known.

8.253 In an attempt to provide some quantitative information to indicate the scale of the impacts, we invited the Consortia to estimate the amount of professional learning time needed for each of the elements set out in 8.255 to 8.289. As a rough indication, they estimated that between one and six days would be required per practitioner working within each element per year, during the transition period.

8.254 The number of days would vary according to:

- Schools' readiness for the reforms, including the current levels of support needed and the demographic of their workforce
- The characteristics of the schools - e.g. sector, language medium, pupil numbers, workforce size and makeup
- Proposed curriculum model and degree of integration, especially in the secondary phase – i.e. the extent to which schools continue to deliver individual subjects as opposed to multi-disciplinary and/or inter-disciplinary approaches
- Individual practitioner professional learning needs

- Individual AOLE requirements, when knowledge and skills which might be new in some schools or have additional emphasis now are required e.g. Health and Wellbeing, coding and computing, aspects of Humanities (social studies and business studies)
- Time requirement to engage with external partners e.g. Health, third sector, local community and businesses
- School development plan priorities

## The Areas Of Learning And Experience

### EXPRESSIVE ARTS

8.255 In this area, schools are required to focus on the creative process through five arts' disciplines: art, dance, drama, film and digital media, and music. Although each discipline has its own discrete body of knowledge and body of skills, it is recognised that together they share the creative process.

8.256 Schools can organise their delivery of this this area according to what best suits their school, and may provide integrated or interdisciplinary delivery.

8.257 Innovation Schools were not asked specifically about the impact of the requirements relating to the Expressive Arts AoLE because the Bill does not create new requirements in this area, and the schools did not raise any issues related to it. However, we recognise that the ongoing development of technology in the arts, for instance in disciplines such film and digital media, may be lead to investment by schools in professional learning and appropriate technology.

### HEALTH AND WELLBEING

8.258 The Health and Well-being Area of Learning and Experience (AoLE) provides a holistic structure for understanding health and well-being. The fundamental components of this AoLE are physical health and development, mental health, and emotional and social well-being. Engagement with this AoLE will help to foster a whole-school approach that enables health and well-being to permeate all aspects of school life.

8.259 More than half the Innovation Schools told us that there will be a cost for professional learning for practitioners in primary, secondary and special schools, especially in the area of mental health. Where schools indicated that professional learning would be required, in the majority of cases it was anticipated that this would be required for all staff.

8.260 The Welsh Government agrees that professional learning will be required in order for practitioners to gain the knowledge and confidence to embed health and wellbeing within their teaching.

8.261 A small number of schools talked about how they were making fairly small changes in their structures to either acquire additional expertise or to recognise the greater leadership responsibility now associated with this area.

8.262 A small number of schools felt that they would need to access specialist external support to deliver the Health and Wellbeing area. Two schools talked about the challenge of acquiring appropriate provision in the Welsh language. The intention with the new curriculum is that schools build capacity within their workforce to deliver the curriculum. Therefore, where external expertise is brought in, this should be with the view to equipping staff to deliver the curriculum themselves in a way that is appropriate for their learners, and form part of the professional learning plans of the school.

8.263 We expect that impacts will be shared between the Health and Wellbeing AoLE and the '[whole school approach](#)' which aims to ensure that mental health and wellbeing become central to the way schools work, and which is funded separately.

#### HUMANITIES

8.264 Innovation Schools were not asked about the impact of the requirements relating to the Humanities Arts AoLE and did not provide comments on this area. Aside from curriculum design, we are not anticipating any cost to schools in meeting the new requirements as humanities are already provided in the current curriculum. Schools have the choice to deliver humanities via disciplinary (i.e. individual subjects such as geography; history; Religion, Values and Ethics; business studies and social studies), multi-disciplinary and/or inter-disciplinary approaches. All are possible within our proposed approach.

#### LANGUAGES LITERACY AND COMMUNICATION

8.265 Schools will be required to ensure that learners progress in Welsh and English from ages 3-16, and make progress in at least one other international language from primary school. International languages refer to languages other than Welsh and English, which children and young people learn at school, and can include modern languages, classical languages, British sign language and other community languages. School and clusters will decide which international language(s) they offer. Learners will progress in their languages from little or no language skills towards proficiency. The four statements that express what matters in LLC should be addressed holistically. This means that different languages should be explored in relation to one another, so too the skills of listening, speaking, reading and writing. It also means that learning about and through literature should be seen as contributing to all aspects of learning about languages.

#### *Welsh Language*

8.266 Welsh is currently a compulsory subject for all learners aged 5-16 years old. In Welsh-medium schools it is a core subject, whereas in other schools it is a foundation subject with two programmes of study – Welsh and Welsh Second

Language to reflect the different requirements of teaching Welsh as a second language as opposed to a first language. English medium schools will continue teaching Welsh as a language, in addition to looking for opportunities to use Welsh in other Areas of Learning and Experience.

- 8.267 The Languages, Literacy and Communication (LLC) Area of Learning and Experience (AoLE) brings together Welsh, English and international languages. Like all areas of learning and experience in the Curriculum for Wales, the Descriptions of learning in Languages, Literacy and Communication are based on a continuum of progression in learning. This starts with little or no language and develops towards proficiency.
- 8.268 Schools and practitioners will be required to develop their curricula to ensure that all learners aged 3-16 make progress in Welsh along the language learning continuum.
- 8.269 Some Descriptions of learning are common to all learners in all schools, other descriptions of learning reflect the different pace and depth of learning in Welsh for those learners whose education is primarily through the medium of Welsh and those who learn mostly through the medium of English. There will no longer be separate Programmes of Study for Welsh (first language) and Welsh second language.
- 8.270 As set out in 8.103 to 8.112, Quality Improvement (QI) Schools involved in developing the Language Literacy and Communication (LLC) Area of Learning and Experience (AoLE) were asked to estimate the potential impacts of Welsh in the curriculum on their respective schools (rather than Innovation Schools who provided the estimates for the remaining AoLE, curricular and cross-curricular requirements).
- 8.271 The primary cost identified by schools was professional learning. This included professional learning on language pedagogy and Welsh language skills development.
- 8.272 Schools should already be developing plans to increase Welsh language capacity and skills in response to the current requirements and the ambition of a million Welsh speakers by 2050. Whilst some schools interviewed had undertaken language and pedagogical audits, the majority were unclear on the extent of professional learning that would be required on an individual level.
- 8.273 All schools are currently required to teach Welsh as part of the current curriculum, but schools will now need to carefully assess their changing needs as they develop their own curriculum so that it can secure the progression envisaged in the LLC AoLE. We have been unable to quantify these costs.
- 8.274 The implications for some schools is dependent on their current performance in Welsh second language. We recognise that performance across schools is mixed and that this change in approach could be particularly challenging for those schools who are not performing well against the current requirements in respect of Welsh. This RIA focusses solely on the requirements of the new

curriculum framework compared to current legislation, however costs may vary between schools dependant on their current performance.

8.275 Interviewees highlighted the cultural change that would be needed in some schools in order to realise the new curriculum in respect of Welsh. For example, many felt that Welsh was not currently afforded sufficient time or priority by leaders within school timetables and professional learning plans. Welsh Government recognises that this culture change requires that school leaders are well prepared and supported to lead their organisations through the changes to the curriculum. The Welsh Government established the National Academy for Educational Leadership (NAEL) to consider all aspects of Leadership including training for leaders on promoting Welsh culture and language within their schools.

#### *International Languages at Primary School*

8.276 Experiences in international languages are shown from progression Step 2 and progression in at least one international language is required by the end of primary school. There is currently a non-statutory framework for modern foreign languages (MFL) at Key Stage 2 which is being used by some schools<sup>72</sup>. Those schools are already teaching modern foreign languages will be well placed to meet the requirements of the new curriculum.

8.277 Innovation Schools did not yet have a clear plan for how they were going to introduce international languages at primary level.

8.278 The majority felt that practitioners would need professional learning. The Welsh Government agrees that professional learning will be required in order for practitioners to gain the knowledge and confidence to introduce learners to international languages at primary level.

8.279 Some schools felt that they would need to access specialist external support to deliver the international languages curriculum. The intention with the new curriculum is that schools build capacity within their workforce to deliver the curriculum. Therefore, where external expertise is brought in, this should be with the view to equipping staff to deliver the curriculum themselves in a way that is appropriate for their learners, and form part of the professional learning plans of the school.

8.280 Some schools felt that they would use materials/resources to help them teach international languages. It is not yet known whether there would be a cost associated with these resources. See 8.341 for more information on resources.

8.281 Some schools talked about using international language teachers from secondary schools within their cluster and one secondary school, although not

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<sup>72</sup> We do not know what proportion of primary schools are using the framework. According to the [British Language Trends Survey 2019](#) "Primary schools are increasing their MFL provision – 39% of schools said they provide some form of MFL lesson, compared to 28% in 2016".

formally asked, volunteered that they had already planned for the cost of increasing the hours of an experienced teacher by 0.2 FTE (full time equivalent) of one to support the primary schools in their cluster. This would build on existing practice where, in some schools, there are already arrangements for a secondary school to work with primary schools to encourage positive attitudes towards language attainment in advance of learners starting in secondary.

#### MATHEMATICS AND NUMERACY

8.282 Innovation schools were not asked about the impact of changes to the mathematics and numeracy curriculum and did not offer general comments on it. Aside from curriculum design, we are not anticipating any cost to schools for meeting the new requirements as mathematics and numeracy are compulsory in the current curriculum.

#### SCIENCE AND TECHNOLOGY AoLE

8.283 The Science and Technology AoLE draws on the disciplines of biology, chemistry, computer science, design and technology, and physics to enhance learners' knowledge and understanding of the world.

8.284 With the exception of the computation element, innovation schools were not asked about the impact of this Area and did not offer comments on it. Aside from curriculum design, we are not anticipating any cost to schools for meeting the new requirements, other than computation, as science is included in the current curriculum.

#### *Computation within Science and Technology*

8.285 The current curriculum places a requirement on schools to follow a programme of study in ICT that allows students to follow computer science at GCSE. In the new curriculum, computation is integral to the Science and Technology AoLE. Computation involves algorithms processing data to solve a wide range of real-world problems.

8.286 The majority of Innovation Schools told us that there will be a cost for intensive, specialist training for relevant practitioners responsible for teaching and leading the computation element of the Science and Technology Area.

8.287 Many secondary schools currently have specialist practitioners in place for these aspects, due to similarities with the current curriculum. Primary schools will require Professional Learning with regards to Digital Competence (see 8.312 to 8.315) and the majority of this will cover computation. However, there will still be a requirement for additional Professional Learning for particular elements of this AoLE, and ongoing skills development will be necessary to keep pace with fast-changing technology.

8.288 A majority of schools said that deficiencies in, or the absence of, appropriate hardware, software or digital infrastructure at their schools would prevent them from delivering computation as effectively as they would wish. Costs will

depend on what technology schools already have, their procurement arrangements and maintenance contracts. The Welsh Government agrees that there will be a cost for improving infrastructure, hardware and software in schools. We are already investing in this area significantly and recognise that further investment will be necessary.

8.289 Similar to other Areas, there may also be costs associated with drawing in external expertise.

8.290 The costs for delivering the computation within Science and Technology are not known

### Statements of What Matters

8.291 The Welsh Ministers will issue a code setting out the statements of what matters. All the elements set out in the statements of what matters code must be covered in each school and funded non-maintained settings' curriculum.

8.292 We do not expect that there will be separate impacts for schools in addressing the statements of what matters. These will provide a framework which should underpin each school's curriculum design and must be covered in every curriculum. As such they are intrinsic to the curriculum design process, the impacts of which are set out in 8.222 to 8.289.

### Mandatory Curriculum Elements

8.293 Based on the curriculum requirements set out in legislation, schools' curriculum must include the mandatory curriculum components of Welsh; English; Religion, Values and Ethics; and relationships and sexuality education.

### ENGLISH

8.294 Innovation schools were not asked about the impact of the requirements relating to English. English is a mandatory subject in the current curriculum. Aside from impacts associated with curriculum design, covered in 8.222 to 8.246, we are not anticipating schools will incur any additional costs.

### WELSH

8.295 Welsh is a mandatory subject in the current curriculum. The new curriculum framework has been designed to support the progress towards the Cymraeg 2050 target. This means greater expectations for English medium schools in particular in enabling their learners to leave school able to use Welsh. Meeting these expectations will have costs. These costs are not a direct consequence of the new curriculum but are relevant and have been set out in 8.265 to 8.275.

### RELATIONSHIPS AND SEXUALITY EDUCATION



- 8.296 Relationships and Sexuality Education (RSE) will be a statutory element of the new curriculum for learners aged 3 - 16, and statutory guidance will be published by the Welsh Government as to what should be included within this area of learning. The aim of the guidance is to provide teachers and school staff with practical support to build high quality provision of Relationships and Sexuality Education.
- 8.297 Some innovation schools<sup>73</sup> told us that there will be a cost for professional learning for teachers in primary, secondary and special schools. They did not yet have a clear idea of the number of staff that would need training, or the amount of training required.
- 8.298 The Welsh Government agrees that professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching. The Welsh Government will be developing statutory guidance via co-construction<sup>74</sup> to support practitioners and set out what must be covered.
- 8.299 A small number of innovation schools thought that they would need additional materials in order to be able to deliver the curriculum. We will conduct an audit of the existing relationships and sexuality education resources on the Hwb to assess the extent to which they are fit for purpose. New resources will be developed if needed and provided free of charge. Charities and other agencies are also expected to produce free resources that would be suitable for schools to use.
- 8.300 A small number of innovation schools felt that they would need to access specialist external support to deliver the relationships and sexuality education curriculum. The intention with the new curriculum is that schools build capacity within their workforce to deliver the curriculum. Therefore, where external expertise is brought in, this should be with the view to equipping staff to deliver the curriculum themselves in a way that is appropriate for their learners, and form part of the professional learning plans of the school.

#### RELIGION, VALUES AND ETHICS EDUCATION

- 8.301 Religion, Values and Ethics (RVE) will be a statutory curriculum element, as a part of the Humanities Area of Learning and Experience.
- 8.302 Agreed Syllabus Conferences in each local authority must have regard to guidance issued by Welsh Ministers.

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<sup>73</sup> Two innovation schools were unable to comment as they were waiting for the outcome of the white paper consultation <https://gov.wales/ensuring-access-full-curriculum> before being in a position to understand the impact for their schools.

<sup>74</sup> <https://gov.wales/written-statement-establishment-relationships-and-sexuality-education-rse-working-group>

- 8.303 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.
- 8.304 Schools of a religious character will have to prepare two syllabi for RVE – one denominational syllabus, and one according to the agreed syllabus.
- 8.305 Voluntary controlled schools with religious character will be required to design their curriculum so that it provides for both denominational RVE and RVE having regard to an agreed syllabus. 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.
- 8.306 Voluntary aided schools with religious character will be required to design their curriculum so that it provides both denominational RVE, and RVE in accordance with an agreed syllabus. 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.
- 8.307 Innovation schools did not expect that changes to Religion, Values and Ethics education to have an impact on their schools.
- 8.308 As noted in the earlier section, further information will be sought from the Church in Wales and the Catholic Education Service on any costs associated with these changes. Therefore these costs are currently unknown.

#### Mandatory Cross-Curricular Skills

- 8.309 Literacy, numeracy and digital competence will be mandatory cross-curricular skills and will need to be considered within all curriculum design.
- 8.310 Rather than planning for these skills separately, the whole school should be involved and engaged to embed these skills across the curriculum. It will, therefore, be the responsibility of all practitioners across all Areas to develop and reinforce these skills across the curriculum, and not just for specialist practitioners of mathematics, language and computing.

#### LITERACY AND NUMERACY

- 8.311 Since 2013, Literacy and Numeracy have been statutory elements of the national curriculum in Wales supported by the Literacy and Numeracy Framework (LNF). Aside from impacts associated with curriculum design, covered in 8.222 to 8.246, we are not anticipating schools will incur any additional 1 costs.

#### DIGITAL COMPETENCE

8.312 Digital Competence across the curriculum will be a new statutory requirement for schools and their supporting stakeholders. Digital competence is the set of skills, knowledge and attitudes that enable the confident, creative and critical use of technologies and systems. Digital competence is one of three cross-curricular responsibilities, alongside literacy and numeracy; it focuses on developing digital skills which can be applied to a wide range of subjects and scenarios.

8.313 Introduced in 2016, the Digital Competence Framework (DCF) supports the embedding of digital competence within the curriculum and includes examples of classroom task ideas that can be used to develop skills in naturally occurring, meaningful ways.

8.314 A majority of schools said that deficiencies in, or the absence of, appropriate hardware, software or digital infrastructure at their schools would prevent them from delivering cross-curricular digital competence as effectively as they would wish. As with computation, the Welsh Government recognises that continued investment in infrastructure, hardware and software will be key to schools effectively delivering digital competence across the curriculum; however the additional investment required is not known.

8.315 A majority of schools also said that professional learning would be required to improve the digital competence of all teachers across the curriculum.

### Progression Code

8.316 The Welsh Ministers will be required to issue a progression code setting out the way in which progression must be reflected in an adopted curriculum. A school's curriculum must be suitable for learners of differing ages, abilities and aptitudes, provide for appropriate progression for learners and include a range of provision to ensure this.

8.317 It is expected that schools will design and implement their curriculum to reflect the principles of progression set out in the code. Therefore, no additional impacts are expected to be experienced by schools in meeting the requirements of the progression code, other than those described in 8.222 to 8.289.

### Careers

8.318 Age appropriate careers education and work related experiences will be embedded within each AoLE from age 3 (currently only at ages 11 to16).

8.319 Innovation schools told us that there will be a cost for professional learning for teachers in primary, secondary and special schools. They did not yet have a clear idea of the number of staff that would need training, or the amount of training required.

8.320 The Welsh Government agrees that professional learning will be required in order for teachers to gain the knowledge and confidence to embed careers education within their teaching.

8.321 Innovation Schools gave examples of other costs they anticipate incurring. These were wide ranging and none of these were mentioned by more than two schools:

- Transport costs to bring children out of school
- Fees for visiting speakers
- DBS checks for speakers
- Time to establish links with businesses and organisations in the local community

8.322 The view of the Welsh Government is that for schools that could not expect parents to pay for school trips, these costs should be covered by the existing Pupil Deprivation Grant payments. Therefore there will be no additional costs incurred by schools for these trips. Visiting speakers will not require a DBS check unless they are left unsupervised with children. In terms of buying in expertise, the intention with the new curriculum is that schools build capacity within their workforce to deliver the curriculum. Therefore, where external expertise is brought in, this should be with the view to equipping staff to deliver the curriculum themselves in a way that is appropriate for their learners, and form part of the professional learning plans of the school. Learners should have opportunities to benefit from links with business and/or employers, and these links may take some time to establish and maintain, although secondary schools will already have these relationships at least to some extent.

### Assessment

8.323 This section provides a brief analysis of the responses received from the Assessment Advisory Group’s school-based practitioners to a small scale investigation, as set out in 8.79 to 8.93. It has been arranged according to themes and each sub-section includes a description of the current statutory requirement on schools as well as the proposed changes (the wording below is consistent with the wording shared with AAG members in October 2019). As Innovation Schools largely excluded assessment, with the exception of the impacts associated with transition between years 6 and 7, these should be seen as additional to the estimates set out in 8.231 to 8.246.

### ONGOING ASSESSMENT

<b><u>Current arrangements</u></b>	<b><u>Proposed arrangements</u></b>
<p><b><i>Assessing progress in literacy and numeracy on an ongoing basis</i></b> The current system requires head teachers of maintained schools to make</p>	<p><b><i>Assessing progress on an ongoing basis</i></b> The new arrangements seek to put in place a provision requiring head teachers of maintained schools to make arrangements for</p>

arrangements for all pupils in the foundation phase and key stage 2 and 3 to be assessed throughout the year by a teacher for the purpose of monitoring and supporting the pupil's educational progress in respect of Literacy and Numeracy (through the relevant areas of learning/Programmes of Study).	learners to be assessed throughout the year for the continuum of learning from 3-16. This will cover the entire breadth of the curriculum and not only literacy and numeracy which form part of the cross-curriculum skills. The new arrangements also apply to 14-16 year olds, the current KS4.
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8.324 Of the four schools that reported costs for this question, all four predicted additional costs, for staff time, associated with the new arrangements. However, only two of these schools estimated that the costs would be significantly higher – one primary and one secondary. The primary school felt that additional costs would be significant in year 1, but that these would decrease each year, until year 3 when costs would be consistent with what they currently are, for assessing progress. The secondary school felt that additional costs would be significant and would rise slightly year on year for the full five years, as they prepare for another year group each year.

8.325 Of the schools that felt the additional costs would not be significant, both agreed these were for familiarisation and professional learning and the secondary school felt that these additional costs would only be incurred for year 1.

8.326 Three schools felt that there were no savings associated with the new arrangements as progress will still need to be tracked. Three schools (not the same schools) also predicted a benefit that the new arrangements will result in practitioners gaining a deeper understanding of progression, which will enable them to target support and challenge more effectively.

#### STATUTORY ASSESSMENT ARRANGEMENTS WITHIN SCHOOLS

<b>Current arrangements</b>	<b>Proposed arrangements</b>
<p><b><i>End of Foundation Phase and Key Stage assessments</i></b></p> <p>The current system requires statutory assessments to be undertaken at the end of FP and KS2/3 with the purpose of determining and recording levels of attainment in relation to the relevant statutory Areas of Learning and Programmes of Study which schools must deliver. The guidance <a href="#">Statutory assessment arrangements for the Foundation Phase and end of Key Stages 2 and 3</a> publication outlines statutory summative assessment requirements as well as providing guidance on implementing those duties.</p>	<p><b><i>Developing and implementing assessment arrangements within your school curriculum</i></b></p> <p>Schools will <b>develop</b> and implement assessment arrangements in relation to their curriculum that assess:</p> <ul style="list-style-type: none"> <li>• the progress made by learners,</li> <li>• the next steps in their progression, and</li> <li>• the teaching and learning needed to make that progress.</li> </ul> <p>The new arrangements will require head teachers to have regard to the Statutory guidance. This will outline the key principles and purpose of assessment, as well as aspects we require schools to have due regard to when designing and planning their school curriculum.</p>

	The assessment arrangements must cover the breadth of the curriculum and to support learners to progress in relation to school curriculum. Assessment is considered an integral part of the curriculum.
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8.327 Of the four schools that reported costs for this question, all four schools estimated additional costs during the transitional period, for staff time, associated with the new requirement on schools to develop and implement assessment arrangements within their school curriculum. These four schools felt that significant time would need to be spent on designing their new curriculum and embedding assessment arrangements within it, but felt that as these will take place concurrently, it is extremely difficult to distinguish between time spent on assessment and the wider curriculum.

8.328 Three schools felt a saving would be made in the remaining years of the appraisal period from not having to assess and record outcomes in the same way in future, allowing teachers more time to focus on the progress being made by learners.

#### ON ENTRY ASSESSMENT ARRANGEMENTS

<b>Current arrangements</b>	<b>Proposed arrangements</b>
<p><b><i>Baseline assessment</i></b> As part of the requirements with regards to statutory assessments, the current system requires a baseline assessment to be undertaken within 6 weeks of a learner entering reception. The Foundation Phase Profile must be used as part of this assessment.</p> <p>The purpose of the assessment is to determine the pupil's level of attainment in each of the following areas of learning:</p> <ul style="list-style-type: none"> <li>- language, literacy and communication skills;</li> <li>- mathematical development;</li> <li>- personal and social development and wellbeing and cultural diversity; and</li> <li>- physical development.</li> </ul>	<p><b><i>Future on-entry assessment</i></b> Work is underway in exploring what assessment is required for on-entry in the future. However, this will be something that is provided to schools, and therefore we do not foresee any significant change in the delivery expectations of schools.</p>

8.329 There is a statutory requirement for an on-entry assessment to be undertaken within the first six weeks of reception class. This question, therefore is not applicable to secondary schools and we did not receive a response from them. The special school provided comments but did not include any costs. Of the two primary schools that reported costs to this question, one reported additional

costs associated with this, for the first year only, and the other primary school felt the costs would stay the same as they reported for a current 'typical' year.

8.330 The school that reported additional costs here, estimated these to be triple the current 'typical' annual cost in the first year, before returning to a 'typical' annual cost in year 2.

8.331 No benefits/savings were reported.

REPORTING ARRANGEMENTS IN SCHOOLS

<b><u>Current arrangements</u></b>	<b><u>Proposed arrangements</u></b>
<p><b><i>Reporting</i></b>            Head teachers of all maintained schools must send a written report to parents at least once a year. At the end of the Foundation Phase, Key Stage 2 and 3 additional performance information is provided. At the end of key stage 4 (age 16) a school leaver's report must be provided.            The content of the report is specified within Regulations.</p>	<p><b><i>Reporting</i></b>            The new arrangements require head teachers to ensure that they formally report to parents/carers at least once a year for all learners 3-16 years of age. The intention is that sharing the following information about the learner is made statutory, however, how this information is reported is for schools to determine:</p> <ul style="list-style-type: none"> <li>• their overall well-being;</li> <li>• their progress in learning across the breadth of the curriculum;</li> <li>• next steps required to support their progression; and,</li> <li>• their attendance.</li> </ul> <p>Schools may choose to communicate the above information through more than one report or on more than one occasion during the year if they wish.            The focus in the new arrangements is on schools developing and implementing processes to support effective two-way communications and engagement processes with parents/carers on an on-going basis to support learner progression. The assessment guidance states that such reports should form part of this wider approach.</p>

8.332 Of the four schools that reported costs, all four predicted that additional time for staff will be required in the initial years under the new reporting approach. These costs were mainly to set aside time for all staff to familiarise themselves with, and prepare for the new requirements. Only one school provided estimated direct costs as they had decided they would like to include learners more in the process and so their costs were higher to reflect this, and these increased year on year as the process builds.

8.333 With regards to savings/benefits, one school reported that the new requirements represent a far more accurate assessment of learning and progress and a shared understanding across the school and wider school community. One other school reported that the new arrangements will vastly reduce the amount of time teachers spend writing the reports and therefore the reports will be more purposeful for both teachers and learners.

#### MODERATION ARRANGEMENTS IN SCHOOLS

<b>Current arrangements</b>	<b>Proposed arrangements</b>
<p><b>Moderation</b>  <a href="#">The National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015</a>            set requirements for the moderation of the teacher assessment of all pupils in the final year of the second and third key stages.</p> <p>The purpose of moderation is to review teacher assessment processes and results to ensure consistency in teacher assessment during the second and third key stages.</p> <p>Head teachers are required to make arrangements to ensure that their school joins school moderation cluster group and that the group meets at least once every school year in the spring or summer school terms to improve the accuracy and consistency of teacher assessment.</p> <p>The following persons must attend any meeting of a school moderation cluster group:</p> <p>(a) the head teacher, or their representative, of every maintained school that is a member of the school moderation cluster group; and</p> <p>(b) such other persons as the school members determine.</p> <p>Head teachers are required to make arrangements to ensure that teachers at their school are made aware of and</p>	<p>Moderation will cease, and a new process will be implemented:</p> <p><b>Developing a shared understanding of progression within and across schools</b>            Schools will have to develop, adopt and review a curriculum that enables learners to develop in the ways described in the four purposes and that allows appropriate progression for learners in all aspects of the curriculum. To ensure equity for learners across Wales, it is essential that there is a shared understanding of progression, including expectations around what progression may look like and the pace at which learners may progress.</p> <p>Professional dialogue <i>within</i> a school            Schools must develop and embed a process and structures that enable the staff within their school to develop a shared understanding of progression as articulated in the principles of progression and drawing on the descriptions of learning and broader curriculum guidance.</p> <p>Professional dialogue <i>between</i> schools            Schools must ensure that they work with their cluster to put appropriate arrangements/processes in place to support practitioners to develop a shared understanding of progression across the curriculum.</p>



implement the determinations and decisions of the school moderation cluster group.	
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8.334 Of the four schools that reported costs, all four predicted that additional time for staff will be required to establish a new process for developing a shared understanding of progression within and across schools (as proposed in the table above).

8.335 Three schools (two primary and one secondary) reported that more time will be required initially for practitioners to undertake professional learning and to work together to develop a shared professional understanding both within schools, and within clusters.

8.336 All four schools agreed that the new approach will facilitate greater partnership working, a better understanding of progress and standards will be gained within and across schools, which will directly impact on learning and teaching and therefore learner achievement.

TRANSITION ARRANGEMENTS

<b>Current arrangements</b>	<b>Proposed arrangements</b>
<p><b>Transition</b>            In 2006, Welsh Government introduced the requirement that maintained secondary schools and their maintained feeder primary schools establish plans to facilitate the transition of pupils from primary to secondary school and ensure there are detailed and coherent arrangements to support the movement of pupils from primary to secondary schools.<sup>75</sup> <a href="#">The Transition from Primary to Secondary School (Wales) Regulations 2006</a> require Governing Bodies to make these available at the relevant secondary school and feeder primary schools. The plans must be reviewed at least every three years.</p>	<p><b>Transition</b>            In order to meet the needs of all learners within their cluster, schools must jointly plan to support learner progression towards the four purposes, with a focus on effective communication between practitioners, learners and their parents/carers. There will be a requirement on schools to plan for transition as part of their curriculum design. The supporting assessment guidance explains that effective transition is about supporting all learners along the learning continuum, as they move between different groups, different classes, different years and different settings.</p>

8.337 Of the four schools that reported costs, three schools estimated additional costs, for staff time, associated with the new requirements for transition. Two of these schools felt that additional costs were required to facilitate greater dialogue in clusters. One school reported that costs would remain the same.

8.338 Two schools reported that the new arrangements would result in more useful information being passed between teachers at all levels.

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<sup>75</sup> Under Section 198 of the Education Act 2002

8.339 It has not been possible to estimate the costs to schools and other settings of changes to assessment arrangements; therefore the costs are unknown.

### **Resources for learning and professional learning**

8.340 It is not possible to estimate the cost to schools (and other settings) of resources for learning and professional learning. Currently schools pay for print resources and use digital resources commissioned by the Welsh Government free of charge. However schools do subscribe to other digital commercial resources. Any new resources would not be 'set' resources, but ones that they could use if they wish – they would choose what to use, they would not be prescribed by the Welsh Government. We expect that schools will use a mix of priced and free resources, depending on schools' ability and capability to move to teaching/learning digitally, and also the extent to which commercial companies will still be developing resources which are suitable for use in the new curriculum. Therefore the costs to schools for new or additional resources for learning and professional learning are not known.

8.341 We have separately quantified the requirement for additional investment by Welsh Government in Welsh language resources.

### Maintained nursery settings

8.342 Maintained nurseries are largely in school settings and therefore any impacts will be captured in 8.222 to 8.322.

### Funded non-maintained nursery settings

8.343 The Welsh Government recognises that childcare settings funded to deliver early education for 3 and 4 year olds, unlike schools, do not have the resources, curriculum design skills or capacity to develop curriculum and assessment arrangements. The Welsh Ministers will therefore be under a duty to design curriculum arrangements for these settings and will engage closely with the non-maintained sector and early years education practitioners to develop and design curriculum and assessment arrangements for funded settings to be published in 2021. The Welsh Ministers will be required to keep this curriculum under review and make available any future revisions.

8.344 Under the legislation, funded settings will have the flexibility to adopt the Welsh Ministers' designed curriculum and assessment arrangements, design their own or work with others – such as local authorities or schools – on a curriculum to be adopted. The adopted curriculum must though be consistent with Curriculum for Wales guidance published in January 2020 and, for example, must enable learners to develop in the way described in the four purposes; be broad and balanced; be suitable for learners of differing ages, abilities and aptitudes and provide for appropriate progression for learners and include a range of provision to ensure this (linked to ages, abilities and aptitudes). Local authorities – which commission and fund the provision of early education in childcare settings – will have a key role in ensuring that the

adopted curriculum meets curriculum requirements and is implemented appropriately.

8.345 Based on informal discussions with stakeholder groups our expectation is, despite the flexibilities allowed in the legislation to adopt a curriculum not published by the Welsh Government, that funded settings will adopt the curriculum which the Welsh Government will develop with the sector rather than engage in separate or distinct development arrangements.

8.346 The implementation of the curriculum and assessment arrangements for funded settings will be supported by a professional learning programme for the sector which will be rolled out when the curriculum is published. It is not yet possible to quantify the costs of this support; therefore the costs are not yet known. We will need to engage with the sector to understand of the best method of delivering professional learning, and this engagement has not yet been undertaken.

8.347 While the development work is yet to be undertaken, there is underlying evidence that the Foundation Phase is one of the significant strengths of the Welsh education system. The desire to reflect the Foundation Phase principles through the new 3-16 curriculum means that, while changes in terminology and structure will be inevitable, the key pedagogical principles of the Foundation Phase will continue to be a key driver in development and that significant changes in approach will not be required when the new curriculum is published. It is therefore hoped that changes will be kept to a minimum which will assist in effective implementation.

#### Post 16 settings

8.348 See 8.216 to 8.218 for a description of the impacts on post 16 settings.

#### EOTAS/PRUs

8.349 Under the new arrangements, it is proposed that local authorities will be responsible for ensuring that learners in an EOTAS receive learning that:

- secures provision which furthers the learner's progress towards the four purposes;
- secures, as far as appropriate for the individual learner, learning in relation to the cross-curricular skills, relationships and sexuality education (RSE) and the Health and Wellbeing Area of Learning and Experience (AOLE); and
- has regard to the other components of the curriculum framework (i.e. the Areas of Learning and Experience (AoLEs) and the mandatory subject areas) and secure provision in relation to them so far as that would appropriate for the individual learner.

- 8.350 Under the new arrangements, it is proposed that local authorities will be responsible for ensuring that PRUs:
- provide learning which enables learners to progress in relation to the four purposes and includes learning in relation to the cross-curricular responsibilities, RSE and the Health and Wellbeing Area of Learning and Experience (AOLE); and
  - have regard to the other components of the curriculum framework (i.e. the other AoLEs and the mandatory subject areas) and secure provision in relation to them so far as that would appropriate for the individual learner.

8.351 assessment.

8.352 Note that impacts set out below are based on six local authorities. See 8.94 to 8.102 for a description of the methodology used to assess the impacts on EOTAS provision.

### SUNK COSTS

8.353 The local authorities and settings visited were very supportive of the reforms and had a good understanding of the changes that were required. Existing and planned activities across the authorities and their settings included:

- Meetings and events exploring requirements of the new curriculum and assessment arrangements and the timetable for change.
- Reviewing documentation on four purposes and AOLEs
- Dissemination of knowledge between colleagues and networks
- At least reviewing or, in some cases, restructuring their EOTAS/PRU provision in readiness for the new curriculum and assessment arrangements.

8.354 Sunk costs for these activities are estimated to be between £120,000 to £140,000 per local authority per annum in 2019-20 and 2020-21.

8.355 These costs scaled up for the whole sector in Wales are:

*Table 14: Sunk costs for the EOTAS sector in Wales*

	2019-20	2020-21
	£'000	£'000
Upper estimate	£3,080	£3,080
Central estimate	£2,860	£2,860

Lower estimate	2,640	£2.640
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### **Transition and ongoing costs for the EOTAS sector**

8.356 There was a good deal of consistency in the potential impacts identified by those interviewed across the six local authorities.

8.357 Those interviewed described the plans and changes they felt would be needed in qualitative terms and were encouraged to quantify the likely costs of these where possible.

8.358 Interviewees indicates that these costs would be incurred in at least 2021-22 and 2022-23 in the first instance. They felt they might decrease after this point but were uncertain about when or by how much.

#### Staff costs:

8.359 In order to oversee implementation of the new curriculum across the sector, continue to monitor quality of delivery and organise ongoing CPD, all of the authorities interviewed intend to appoint additional staff. Generally they report that this would be an appointment /secondment to the service at Assistant Headteacher level with costs of approximately £40,000 per annum.

8.360 In all cases, authorities said they would be likely to supplement this by another member of staff who would be responsible for curriculum advice and guidance across the sector. In the case of one authority, this had already been planned as a 0.3 FTE teacher at a cost of £12,000.

8.361 All the local authorities interviewed were planning to allocate a portion of other staff time to the new curriculum arrangements. On average this was estimated to be approximately £12,000 per year for at least the first two years after implementation but this resource may be required longer term, for example for 'top ups' in advice and guidance for new staff when recruited to the service.

8.362 In addition to the oversight at a strategic level within local authority services, all PRU managers reported that extra responsibilities for some AOLE and core curriculum requirements would lead to extra responsibility allowances (TLRs) being claimed by certain members of staff. This would amount to an ongoing cost in the range of £2,500-£3,000 per annum per each of the settings.

#### Professional Learning:

- Training and internal knowledge dissemination related to the new curriculum and curriculum design skills
- Additional staff time to design the curriculum, develop materials appropriate for their settings and learners, and share approaches and materials with other practitioners in their sector.

- Meetings and events with schools, Regional Education Consortia and other networks

8.363 It was noted by all those interviewed that the professional learning outlined above would incur costs associated with supply cover for staff and also travel costs. It was also noted consistently that, in order to be well placed to prepare learners for re-integration into mainstream settings, it was important that staff stay abreast of the wider curriculum changes.

Delivering curriculum requirements:

8.364 All authorities anticipated increased costs in meeting the curriculum requirements for the Digital Competence Framework (DCF). They stated that in order to effectively deliver this element of the curriculum they would need to invest in hardware and software. Examples included:

- Improved hardware
- Tablets for each learner
- Cloud based software (joint investment with neighbouring authority)

8.365 One off costs ranged from £6,000 to £30,000, but it was noted that ongoing investment would be required for updates and replacements.

8.366 All the PRUs interviewed were expecting increased costs in delivering the Science and Technology AoLE. Particularly with the emphasis on experiential learning, it was felt that learners should have the opportunity to gain practical experience of conducting experiments. In one case, arrangements has been made with a school for learners to attend school for two or three hours a week for science lessons and some others planned to do so. However, for the others, the expectation was that they would buy in external expertise and / or portable equipment that could be used across a number of settings.

8.367 All the PRUs interviewed were expecting increased costs in delivering computation and the DCF. They were anticipating upskilling their staff and / or buying in specialists part time to effectively deliver these elements of the new curriculum.

8.368 There was a high degree of uncertainty amongst the interviewees around the potential cost implications and while some indicative figures were provided by individual local authorities they are not considered robust enough to aggregate up to an all Wales level. **The transition and ongoing costs for the PRU/EOTAS sector are therefore unknown.** We expect the overall impact to be small however, given the size of this sector in relation to the mainstream school sector.

## GCSE fees

8.369 It is possible that exam boards will increase their fees to schools and other settings in response to changes to the GCSE qualifications. The scale of changes to qualifications; the potential associated costs for exam boards, and the extent to which these costs will be passed on to schools and other settings are all unknown at this time.

## School governors

8.370 School governors will need training on the curriculum reforms and the changes in requirements for head teachers and governors. Governors are also likely to spend additional time supporting schools during the transition to the new curriculum. We anticipate that there will be no additional costs associated with these activities for the following reasons:

- Training materials will be developed by centrally, either by the Welsh Government or Consortia
- Governors are not remunerated for their time
- It is extremely rare for governors to reclaim expenses to attend meetings or training
- Local authorities will use their own venues to host training

## Practitioners

8.371 The direct and opportunity costs of time for practitioners to engage with the new curriculum, continue to build the necessary skills to deliver a purpose-led curriculum, and work collaboratively within and across schools has been set out in 8.231 to 8.246. Although the reform will impact on teachers' practice, their statutory pay and conditions remain unaffected and therefore no additional impacts are incorporated.

8.372 The Bill is not expected to have a direct impact on the allocation of Teaching and Learning Responsibility (TLR) payments although this has been raised as a concern by the Trade Unions.

8.373 Evidence gathered by Wavehill Ltd<sup>76</sup> showed some schools (in particular secondary schools) had undertaken some form of workforce reorganisation but that schools did not necessarily see this as a precursor to delivering a curriculum in line with the recommendations in Successful Futures. Where schools reported that re-structuring had taken place, there was no indication that it had resulted in any changes in the allocation of TLR payments.

8.374 Each school's governing body is responsible for managing its budget, including determining the appropriate staff numbers and making decisions on staff pay in accordance with the School Teachers' Pay and Conditions Document (STPCD). While some schools may use curriculum reform as an

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<sup>76</sup> <https://gov.wales/sites/default/files/statistics-and-research/2019-02/school-changes-and-adaptations-for-curriculum-and-assessment-delivery-final-report.pdf>

opportunity to re-assess whether their current staffing structures and allocation of TLR payments remains appropriate, this is at the discretion of individual schools and is not a requirement of the Bill. As such, no impact is reported in this RIA. Such re-assessment may also be undertaken for a wide range of other reasons.

### Parents

8.375 There will be a cost to parents of covering an additional INSET day in 2020-21, 2021-22 and 2022-23 but this has already been addressed in the RIA for the [Education \(School Day and School Year\) \(Wales\) \(Amendment\) Regulations 2019](#) and therefore is not included here to avoid double counting.

8.376 We are not expecting parents to incur any other costs in the implementation of the curriculum reforms. Despite a greater emphasis on experiential learning, schools can provide opportunities for active involvement and real-life learning in school settings and consider how school trips can best support learners and their progress.

### **Summary of the preferred option**

8.377 Our preferred option is to proceed with Option 2, curriculum reform, in order to realise the ambitions set out in *Our National Mission*.



Table 15. Summary of the quantified costs of the Bill

		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Total
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Welsh Government		25,607	25,607	25,232	25,007	24,982	9,982	9,740	9,740	9,740	9,740	175,377
Qualifications Wales		1,700	1,500	1,331	1,330	294	254	102				6,511
Schools – direct costs	Low	6,400	5,100	1,630	790	620						14,540
	Central	12,790	10,220	3,260	1,580	1,230						29,080
	High	19,180	15,330	4,890	2,370	1,850						43,620
Schools – absorbed costs	Low	42,660	47,930	21,170	12,140	7,540						131,440
	Central	85,340	95,860	42,340	24,280	15,100						262,920
	High	128,000	143,790	63,510	36,420	22,640						394,360
Total -	Low	76,367	80,137	49,363	39,267	33,436	10,236	9,842	9,740	9,740	9,740	327,868
	Central	125,437	133,187	72,163	52,197	41,606	10,236	9,842	9,740	9,740	9,740	473,888
	High	174,487	186,227	94,963	65,127	49,766	10,236	9,842	9,740	9,740	9,740	619,868

8.378 The present value of these costs range from £293.0m to £564.2m, with a central estimate of £428.6m.

Table 16. Summary of the quantified costs of the Bill (direct costs only)

		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Total
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Welsh Government		25,607	25,607	25,232	25,007	24,982	9,982	9,740	9,740	9,740	9,740	175,377
Qualifications Wales		1,700	1,500	1,331	1,330	294	254	102				6,511
Schools – direct costs	Low	6,400	5,100	1,630	790	620						14,540
	Central	12,790	10,220	3,260	1,580	1,230						29,080
	High	19,180	15,330	4,890	2,370	1,850						43,620
Total -	Low	33,707	32,207	28,193	27,127	25,896	10,236	9,842	9,740	9,740	9,740	196,428
	Central	40,097	37,327	29,823	27,917	26,506	10,236	9,842	9,740	9,740	9,740	210,968
	High	46,487	42,437	31,453	28,707	27,126	10,236	9,842	9,740	9,740	9,740	225,508

8.379 The present value of these costs range from £171.0m to £198.3m, with a central estimate of £184.6m

## Chapter 9 - Impact Assessments

9.1 The new curriculum is designed so it maximises its contribution to each of the seven well-being goals outlined in the Well-being of Future Generations Act 2015 shown below:

<p>A prosperous Wales</p>	<ul style="list-style-type: none"> <li>• One of the four purposes of the new curriculum is to enable ‘enterprising, creative contributors, ready to play a full part in work and life’ and schools’ curricula will be required to enable learners to progress towards this.</li> <li>• Learning about careers and work-related experiences is embedded throughout the guidance to help ensure learners gain insight into work and careers and build employability skills across the curriculum</li> <li>• The cross curricular skills of literacy, numeracy and digital competence will be mandatory across the curriculum to ensure learners are grounded in these skills which are fundamental for success in throughout life and for a prosperous Wales.</li> <li>• The guidance includes renewed focus on skills integral to the four purposes, including personal effectiveness and creativity and innovation.</li> </ul>
<p>A resilient Wales</p>	<ul style="list-style-type: none"> <li>• The characteristics which underpin the four purposes contribute to raising awareness of biodiversity and ecology: Under ethical, informed citizens all learners show their commitment to, and recognise their dependence on, the sustainability of the planet; understanding and considering the impact of their actions when making choices and taking action. Schools’ curricula will need to ensure that learners progress towards these purposes.</li> <li>• The new curriculum guidance allows and encourages teaching to emphasise biodiversity and ecology in learners’ local environments (Science and Technology AoLE), whilst also facilitating a broader world view (Humanities AoLE).</li> <li>• Guidance on local, national and international contexts for all learning provides that learners should develop local, national and international citizenship and can respond to environmental challenges in each.</li> </ul>

<p>A healthier Wales</p>	<ul style="list-style-type: none"> <li>• One of the four purposes of the new curriculum which will be provided for in legislation is to enable ‘healthy, confident individuals, ready to lead fulfilling lives as valued members of society’ and each AoLE contributes to this purpose.</li> <li>• The proposals for Relationships and Sexuality Education (RSE) are intended to raise the profile and quality of the learning experience in this area and ensure it receives proper emphasis.</li> <li>• Schools will be required to include the Health and Well-being Area of Learning and Experience statements of what matters and progression in their curriculum, providing significant focus on learners’ health and well-being.</li> </ul>
<p>A more equal Wales</p>	<ul style="list-style-type: none"> <li>• One of the four purposes of the new curriculum which will be provided for in legislation is to enable ‘ambitious, capable learners, ready to learn throughout their lives’ and each AoLE contributes to this purpose.</li> <li>• Schools’ curricula will be studied up to the age of 16, ensuring a continuum of experience through compulsory education and ensuring breadth of learning is maintained. The new curriculum Framework removes ‘phases and key stages’ and instead includes a continuum from age 3 to 16 with learning progression as a fundamental principle. There are principles of progression, supported by descriptions of learning, providing more detailed guidance on progression across the curriculum. These descriptions articulate what it means for a learner to progress along the continuum of learning and provide reference points for the pace of that progression.</li> </ul>
<p>A Wales of cohesive communities</p>	<ul style="list-style-type: none"> <li>• One of the four purposes of the new curriculum which will be provided for in legislation is to enable ‘healthy, confident individuals, ready to lead fulfilling lives as valued members of society’ and each AoLE contributes to this purpose.</li> <li>• The guidance provides clear focus on the importance of learners developing an understanding of the diverse range of values, identities and perspectives which form part of contemporary Wales. The guidance also provides that schools’ curricula should look to embed diversity as a cross cutting theme.</li> </ul>

	<ul style="list-style-type: none"> <li>• Religion, Values and Ethics forms part of the Humanities AoLE and will be compulsory from 3 to 16, enabling learners to gain insight into a broad range of cultures and philosophical perspectives.</li> </ul>
<p>A Wales of vibrant culture and thriving Welsh Language</p>	<ul style="list-style-type: none"> <li>• The proposals include mandatory learning of Welsh and English for all learners up to 16.</li> <li>• The new arrangements include guidance that learners should have the opportunity to develop their identity through exploring questions of culture, language and belonging in their locality and in Wales. It emphasises the importance of developing a curriculum which reflects and values Wales.</li> <li>• The proposals will enable schools and settings to fully immerse learners in the Welsh language.</li> <li>• In the new Curriculum for Wales, Welsh forms part of the Languages, Literacy and Communication AoLE, along with English and other international languages. Progression in Languages, Literacy and Communication is based on a continuum of learning. This starts with little or no language and develops towards proficiency/fluency. Schools and practitioners will use this to develop Welsh in the curriculum and learners aged 3 to 16 years old will be expected to make progress in Welsh along this continuum.</li> </ul>
<p>A globally responsible Wales</p>	<ul style="list-style-type: none"> <li>• One of the four purposes of the new curriculum is to enable 'ethical, informed citizens of Wales and the World' and learning across a school's curriculum will need to contribute to this.</li> <li>• The guidance emphasises the importance of drawing international contexts into learning across the curriculum, offering opportunities for learners to reflect their roles and responsibilities as global citizens living in a culturally and linguistically diverse society, and respond to the challenges of working towards a sustainable and equitable future.</li> <li>• The guidance in respect of the Humanities and Science and Technology AoLEs support learners to be informed, self-aware citizens engaged with the challenges and opportunities that face humanity, and are able to take considered, ethical and sustainable action.</li> </ul>

- 9.2 As our nation's economic prosperity, social cohesion and well-being are built on the foundations of a strong and successful education system, this work is designed to support directly the delivery of 'Ambitious and Learning' theme in *Prosperity for All* (2017). There is also a distinct link between all the key themes in the national strategy (Prosperous and Secure; Healthy and Active; Ambitious and Learning; and United and Connected) and the four purposes of the curriculum. Consequently, the proposals reinforce or contribute to multiple policy areas within Welsh Government and the Government's vision for Wales.
- 9.3 *Education in Wales: Our National Mission* (2017) contributes to Ambitious and Learning theme, and has a 'Transformational Curriculum' at the core of its enabling objectives.
- 9.4 A number of other potential impacts of the new Curriculum for Wales and the potential impacts of ensuring access to the full curriculum have been considered, and, where necessary, full impact assessments carried out.
- 9.5 A summary of the impact assessments is set out below. The full impact assessments have been published and can be found at:

<https://gov.wales/sites/default/files/consultations/2020-01/welsh-government-integrated-impact-assessment.pdf>

<https://gov.wales/sites/default/files/consultations/2020-01/impact-assessment-ensuring-access-to-the-full-curriculum.pdf>

## **New Curriculum for Wales**

### **Children's Rights Impact Assessment**

- 9.6 A full Children's Rights Impact Assessment (CRIA) was conducted in relation to the new Curriculum for Wales and we expect the impact to be positive.
- 9.7 The development of the new curriculum has had due regard to the UNCRC and we have worked closely with the Office of the Children's Commissioner. The proposed curriculum and assessment arrangements contribute to the following articles in the United Nations Convention on the Rights of the Child (UNCRC):
- 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.
- 9.8 Although the Bill will not affect Article 28 as it does not make any fundamental change to a child's right to an education, we do expect that the new curriculum brought about by the Bill will have a positive effect

against Article 29. This is due to the focus of the new curriculum being to develop learners that embody the four purposes of the curriculum. Learners will be:

- ambitious, capable and ready to learn throughout their lives
- enterprising, creative contributors, ready to play a full part in life and work
- ethical, informed citizens of Wales and the world
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

9.9 Provisions ensure that children, regardless of their abilities and stage of development will benefit from the basic concepts underpinning the curriculum, securing better, fairer and more equal education.

9.10 By legislating for a framework curriculum that will be designed and implemented locally by schools and settings means that it will be better attuned to the needs of children and better meet the Article 29 rights than the current National Curriculum.

9.11 Developing an understanding of human rights helps a child to develop respect for others and themselves. It helps them to understand how they fit into their communities and the wider world. All of which will have a positive effect against Article 29.

9.12 With this in mind, the overarching curriculum guidance published in January 2020 provides guidance for schools on:

- Learning about human rights: understanding human rights, and the sources of those rights including the UNCRC
- Learning through human rights: the development of values, attitudes and behaviours that reflect human rights values
- Learning for human rights: the motivation of social action and empowerment of active citizenship to advance respect for the rights of all.

9.13 A guide for children and young people was also published January 2020.

9.14 Children's rights are part of the guidance for the Health and Well-being AoLE and the Humanities AoLE. Rights are included in the mandatory statements of what matters and in the descriptions of learning.

9.15 In terms of evidence and consultation, a recurring concern of learners was their perception that the curriculum was out of date in relation to digital technology. In response to this the development of the Digital Competence Framework (DCF) was fast tracked and made available in September 2016 to support digital competence in schools.

- 9.16 Learners in particular, but not exclusively, also wanted to see a greater focus on general social competences (life skills and personal confidence, personal and social education (PSE)), basic skills (i.e. literacy and numeracy), and more vocational education and careers guidance. Stakeholders felt that '*...schools should be doing more than simply imparting knowledge*'. General social competences, life skills and personal confidence were seen by all as important things to be gained from school. These views have been reflected in the proposals for statutory cross-curricular skills (Literacy, Numeracy and Digital Competence); and the embedding of integral skills into the guidance. The inclusion of an AoLE dedicated to Health and Well-being and equal in status to the other AoLEs also reflects the emphasis learners placed on personal and social education.
- 9.17 Through the design process, there has been full consultation with a range of schools and settings. Different settings have been engaged to ensure the new curriculum arrangements are accessible for all learners, including Foundation Phase settings and groups with an ALN focus. For instance, the Pioneer School Network had representation from different language medium schools, special schools and Foundation Phase practitioners.
- 9.18 During the feedback phase (April – July 2019), learners were invited to give their views and feedback on the new curriculum arrangements. The analysis of the feedback phase directly informed the refinement of the curriculum guidance and has been published.

### **Equality Impact Assessment**

- 9.19 An Equality Impact Assessment has been undertaken in relation to the new Curriculum for Wales.
- 9.20 A record of impacts by protected characteristics has been undertaken on the following, including the reasons for decisions and mitigating actions:
- Age (including children up to the age of 16): no significant impact.
  - Disability: positive impact as the curriculum framework allows practitioners more flexibility in tailoring a curriculum to meet learners' needs.
  - Gender Reassignment (the act of transitioning and transgender people): positive impact due to the mandatory nature of Relationships and Sexuality Education raising awareness about diversity.
  - Pregnancy and maternity: positive impact on young mothers attending EOTAS, including PRUs, who will benefit from learning more tailored to their needs and abilities and make it easier for them to reintegrate into mainstream education where practical.



- Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees): positive impact as a tailored curriculum provides the opportunity to improve outcomes for those with ethnic backgrounds that underachieve in the current curriculum.
- Religion, belief and non-belief: limited but positive impact as religious understandings of the world will remain in the curriculum. This will be extended to include non-religious understanding in every school and setting. The removal of the right to withdraw is covered by a separate consultation and dealt with below.
- Sex/Gender: positive impact as a tailored curriculum provides the opportunity to improve outcomes for those that underachieve in the current curriculum.
- Sexual Orientation: positive impact due to the mandatory nature of Relationships and Sexuality Education raising awareness about diversity.
- Marriage and civil partnerships: no significant impact
- Low income households: positive impact as a tailored curriculum provides the opportunity to improve outcomes for those that underachieve in the current curriculum.
- Human Rights and UN Conventions: The new curriculum actively supports a child or a young person's right to an education.

### **Welsh Language Impact Assessment**

- 9.21 A full Welsh Language Impact Assessment has been undertaken and we expect a positive impact.
- 9.22 The new Curriculum fully supports the Welsh Government's strategy for the Welsh Language. We want to see all learners in Wales able to use the Welsh language when they leave school. The aim is to transform how we teach Welsh in order that by 2050 at least 70% of learners can speak Welsh by the time they leave school.
- 9.23 Under the new arrangements Welsh language learning will remain compulsory to the age of 16. There will be a renewed focus on learning Welsh with an emphasis on listening and speaking.
- 9.24 *One language for all: review of Welsh second language at Key Stages 3 and 4 (2013)* recommended that one continuum of learning for Welsh should be developed with clear expectations for learners of Welsh in English-medium, bilingual and Welsh-medium. Developing such a continuum would mean that all learners in Wales would follow the same curriculum and be assessed against one framework, thus removing the term Welsh second language and the programme of study. A single

continuum for learning languages, including Welsh, is reflected in the Languages, Literacy and Communication AoLE.

- 9.25 *Cymraeg 2050* states that immersion education is our principal method of ensuring that our education system contributes to reaching the aim of a million Welsh speakers. The proposals support immersion and head teachers will have flexibility to limit the use of, or not teach English to learners up to the age of seven, where parents have opted for their child to attend a Welsh-medium school.
- 9.26 Legislation will remove the distinction between Welsh and Welsh Second Language. This will allow for one continuum of learning for languages, including Welsh, in all schools and settings.
- 9.27 Schools and settings will be encouraged to support the development of learners' Welsh language skills across the curriculum and through extra-curricular experiences and activities as part of a whole-school approach in order for learners to use their language confidently. Professional learning will be available to support practitioner deliver the new curriculum.
- 9.28 The Descriptions of Learning at each Progression Step in the Languages, Literacy and Communication AoLE express progression in important aspects of learning. They take account of the ways in which learners' progress based upon research, including practitioners' understanding from their experience in the classroom. They also recognise what learners need to know and be able to do in order to move to the next stage. Descriptions of Learning for Welsh in English medium settings, schools and streams have been developed based on a common progression framework which starts with beginner learners and moves gradually towards fluency. These will be reviewed periodically with the intention in the long term of removing this scaffold and having all schools use the same Descriptions of Learning for Welsh in order to realise the ambition of 1 million Welsh speakers by 2050.
- 9.29 Also, the potential impacts to the Welsh Language were explored during the formal consultation of the proposed legislation in January 2019. The mandatory Welsh Language question explored the positive and adverse effects of the proposals on the opportunity to use the Welsh Language. Many responses did not refer to effects on the Welsh language. They provided views on Welsh-medium education more generally and on the principle of 'treating the Welsh language no less favourably than the English language', echoing issues raised in response to question 14 of the White Paper which asked *What are your views on the proposed approach for ensuring that the learning and teaching of Welsh is an integral component of the curriculum for Wales?*
- 9.30 Among respondents who were supportive of the proposals, the themes raised most frequently were as follows:

- The proposals will extend opportunities for people to use the Welsh language.
- The proposals could foster more positive attitudes to the Welsh language.
- The proposals will help support greater equality between the English and Welsh languages.
- Respondents who were supportive of the proposals overall voiced concern regarding the 'duty on all schools and funded nursery settings to teach English as a compulsory element of the new curriculum'. A clarification was subsequently issued setting out the intention is to ensure immersion can continue.

9.31 Among respondents who expressed opposition or concern about the effects of the proposals, the themes raised most frequently were as follows:

- Parents should have a right to choose to study Welsh and learning Welsh should not be imposed on pupils.
- Imposing Welsh language learning will lead to resentment, resulting in negative effects on the public's perception and use of the language.
- The Welsh language is already treated favourably, and the proposals could have the effect of disadvantaging English speakers.
- There was concern that there are insufficient teachers able to teach Welsh.
- Moving to a single continuum of language learning could discourage learners in English-medium schools.
- The proposals will have a negative effect on standards in education.

9.32 Respondents also questioned how effective the proposals would be in helping learners move towards fluency and increase the use of the language.

### **Biodiversity Impact Assessment**

9.33 A full Biodiversity Impact Assessment has been undertaken in relation to the new curriculum and there may be a positive impact.

9.34 Biodiversity has been included in the development of the curriculum and is included in statements of what matters in the Science and Technology AoLE, which will be included in statutory guidance.

9.35 The framework requires schools and practitioners to become curriculum designers adapting the statutory requirements to take into account their learners and local contexts.

- 9.36 The flexibility of the proposed legislation will allow for teaching to emphasise biodiversity and ecology in learners' local environments indoors and outdoors (Science and Technology AoLE), whilst also facilitating a broader world view (Humanities AoLE).
- 9.37 There are opportunities to raise / include biodiversity issues in the experiences elements of the new curriculum, especially if they are pertinent to the locality.
- 9.38 The four purposes form the basis of the curriculum and provide the foundations for teaching and learning. The characteristics which underpin the four purposes can contribute to raising awareness of biodiversity and ecology: Under ethical, informed citizens: all children and young people show their commitment to, and recognise their dependence on, the sustainability of the planet; and understand and consider the impact of their actions when making choices and taking action.
- 9.39 None of the species or habitats of principle importance published under Section 7 of the Environment (Wales) Act 2016 will be adversely affected by the proposals. It is worth noting that the Science and Technology AoLE proposes experience of natural habitats throughout the 3 to 16 learning continuum, with the aim of developing greater responsibility, concern and respect for all living things and the environment in which they live.
- 9.40 All actions and decisions to maintain biodiversity have been recorded as part of the curriculum documentation. This will be published and used by practitioners to support the development of the curriculum in their schools.

### **Rural Proofing Impact Assessment**

- 9.41 At present it is not envisaged a full Rural Proofing Impact Assessment is needed and there is no significant impact due to these proposals. This is because the flexibility within the new curriculum will suit different schools and settings. This will be kept under review. The new Curriculum is designed to apply to every learner in every classroom in Wales, and schools are intended to have flexibility in deciding how they develop a curriculum which contributes to the four purposes. Statutory guidance has been specifically designed to be accessible to a wide range of schools and learners from different backgrounds. This will ensure that schools in rural areas can develop curricula that reflect:
- the services, experiences and opportunities which are readily accessible in and unique to rural areas; and
  - the local needs and issues that may affect learners in rural communities.
- 9.42 For example, the draft guidance in respect of Health and Well-being includes supporting learners to have an understanding of harmful

situations and how to respond appropriately. In a rural setting, this could examine water safety in the context of reservoirs or waterfalls.

9.43 Underpinning this work is a belief that someone's ability to benefit from education should not be determined by where they live or what their income is. This is a curriculum for all learners with a focus on a more personalised approach to progression in learning.

### **Justice Impact Assessment**

9.44 The potential impacts on the justice system of the proposals have been considered, including on:

- (a) courts (criminal and civil);
- (b) non-devolved tribunals;
- (c) devolved tribunals;
- (d) legal aid;
- (e) the judiciary;
- (f) prosecuting bodies; and
- (g) prisons, youth justice and probation services.

9.45 The impact on the justice system in Wales and England is likely to be minimal. The proposals do not require the introduction of a new offence or the use of an existing offence to realise the policy intentions.

9.46 A copy of the Justice Impact Identification ("JSII") form is available and a link will be provided on introduction.

### **Health Impact Assessment**

9.47 A health impact screening assessment was conducted in relation to the new curriculum and we expect an overall positive effect. The Health and Well-being AoLE draws on subjects and themes from mental, physical and emotional well-being. In addition, in developing the new curriculum, practitioners have considered how the school environment supports learner's social, emotional, spiritual and physical health and well-being. While the new curriculum arrangements will be instrumental, developing positive health and well-being in learners is a wider issue, which is highly dependent on a whole-school approach.

9.48 The statements of What Matters in health and well-being focus on supporting learners to:

- develop and maintain their physical health and well-being
- support their mental health and emotional well-being through their experiences and how they respond to them
- make healthy and positive decisions
- engage positively with different social influences
- form and maintain positive relationships.

- 9.49 Through the Four Purposes, the Health and Well-being AoLE and other AoLEs, learners will be provided with a range of learning which supports them to develop and maintain positive health affirming behaviours.
- 9.50 The flexibility of the new curriculum may result in a variation of provision across different communities which may place some learners at risk because of their background or geography. The guidance is intended as a common framework to mitigate against this, while schools and practitioners will be supported by Estyn and regional consortia. It will be essential that practitioners are supported to develop learning in this area in a sensitive, high quality way. If this is not the case, learners could be impacted negatively.
- 9.51 This policy will directly impact on children and young people, including those with Additional Learning Needs and specific health conditions. The proposals represent a significant improvement in the approach of curriculum towards health and well-being.
- 9.52 The potential negative impacts of this policy area are dependencies on other policy areas, rather than issues relating the content of the guidance itself: specifically professional learning and accountability. Officials across these areas will continue to work together to support positive, equitable education around health and well-being for all learners.

### **Ensuring Access to the Full Curriculum**

- 9.53 With regard to ensuring access to the full curriculum, full impact assessments have been undertaken on the Rights of the Child Equality and the Welsh Language. A Health Screening assessment has also been undertaken. The findings of these assessments are summarised below.

<https://gov.wales/sites/default/files/consultations/2020-01/impact-assessment-ensuring-access-to-the-full-curriculum.pdf>

### **Children's Rights Impact Assessment**

- 9.54 A full Children's Rights Impact Assessment (CRIA) was conducted in relation to ensuring access to the full curriculum and we expect the proposals to have an overall positive effect.
- 9.55 All children have rights under UNCRC. Religion, Values and Ethics (RVE) and RSE within the new curriculum will encourage children and young people to respect their own rights and culture and those of others. They aim to equip children and young people with knowledge, skills, attitudes and values that will empower them to realise their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and understand and ensure the protection of their rights throughout their

lives. Therefore, ensuring access to high quality, comprehensive information on these subject areas, will positively contribute to the following articles in the UN Convention on the Rights of the Child:

- Article 2 – the right to non-discrimination;
- Article 12 – the right to be heard, express opinions and be involved in decision making;
- Article 13 – Children have the right to get and share information as long as the information is not damaging to them or others.
- Article 17 – the right to access information that will allow children to make decisions about health;
- Article 24 – the right to experience the highest attainable health, access to health facilities, preventative health care and family planning education and services;
- Article 28 -Children have a right to an education. Discipline in schools should respect children’s human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.
- Article 29 - Education should develop each child’s personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.
- Article 33 – The Government should provide ways of protecting children from dangerous drugs.
- Article 34 – The Government should protect children from sexual abuse.
- Article 36 – Children should be protected from any activities that could harm their development.

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

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

9.58 To ensure a positive impact and to address concerns raised in the responses on the need for high quality RVE and RSE provision we are heavily investing in professional learning. An enhanced £24m funding allocation to ensure all practitioners are prepared for the roll-out of a new curriculum in Wales. This funding can be used flexibly to allow schools to work together in ways that suit their own circumstances and to create the time and space for practitioners and leaders to work across schools and networks to prepare for the new curriculum. We have also taken forward proposals to implement an additional INSET day from 2020 for three years, to provide additional whole-school time for engagement in professional learning. The additional INSET day and enhanced professional learning funding are integral elements of the National Approach to realise the new curriculum, supported by an additional £15m investment in 2020-21. There is a possibility that parents would prefer to withdraw their children entirely from maintained schooling to avoid them receiving education on the issues covered in RVE and/or RSE. A number of responses raised this risk as a possibility. Withdrawing children from maintained school could have a potentially negative impact on those children in not receiving access to the full curriculum. In proceeding with our proposal, we will need to monitor changes in school registrations and home education.

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

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

9.60 For those respondents broadly opposed to the proposals, they tended to focus on the appropriateness of the provision, and a significant concern was the perceived erosion of the rights of parents and carers in the proposals. Where there are differences of opinion in the consultation responses, these tended to focus on either:

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

9.61 Around the same time, the Welsh Government issued a Children and Young People's consultation and commissioned Dynamix, a specialist research organisation that draws on creative and participatory



approaches, to undertake Children and young people's focus groups to explore people's views.

9.62 The consistent theme from children and young people was that these changes for RSE could lead to more informed and more tolerant learners and school environment. It was felt that consistent learning for all in this area would result in learners being more informed as they became adults and that it would help to create better understanding and tolerance.

9.63 Discussions on RE were more straightforward, with learners having a clear understanding of what it was about and what they currently learn in this area. It was clear that learners saw RE as including learning about all religions with a strong focus on Christianity throughout the responses given. It was felt that learning about religions and people helps to reduce racism and bullying.

### **Equality Impact Assessment**

9.64 An Equality Impact Assessment has been undertaken in relation to ensuring access to the full curriculum.

### **Renaming RE**

9.65 Our purpose in proposing a name change to RE was to ensure the name of this mandatory element of the curriculum reflected its proper scope accurately. It would provide clarity about our intentions, which is to broaden the focus of what is taught in RE while retaining appropriate focus on learning about religion. At the same time, our intention was to bring as many stakeholders with us in relation to any change, including the Church in Wales and Catholic Education Service who are responsible for maintained schools provision in Wales.

9.66 It is clear, from the community engagement work undertaken by Re:Cognition, that in proceeding with renaming RE to RVE church groups felt it would have a negative impact. They felt the name should remain Religious Education for primary schools and become Religious Studies for secondary education to reflect the recognised higher education academic discipline. The proposal to change the name to reflect a broader scope was not supported by responses that included the Catholic Education Service, the Church in Wales, the Muslim Council of Wales and Cardiff University's Religious Studies faculty.

### **Ensuring access to RVE and RSE**

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

9.68 Ensuring that learners receive RSE and RE will enable them to explore how laws and policies contribute to equity and human rights regarding

sex, gender, sexuality, relationships and beliefs. The aim is that they will receive high quality, impartial teaching about different beliefs and respect for the rights of others.

- 9.69 There will be a need for continued close working 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 RSE and RE is pluralistic and non-discriminatory.
- 9.70 The policy does not give rise to unlawful discrimination contrary to the Equality Act 2010.
- 9.71 A record of impacts by protected characteristics has been undertaken on the following:
- Age (including children up to the age of 16): positive impact as all will experience the skills and knowledge they need for later life.
  - Disability: we do not expect any significant impact.
  - Gender Reassignment (the act of transitioning and Transgender people): we expect a positive impact as it raises awareness about respectful relationships, positive behaviour and acceptance of diversity. It also aims to encourage schools to consider how they provide support and learning to LGBTQI+ and aims to engage learners with issues such as gender and inequality and seek to foster a whole school approach to inclusion and tolerance. We have not identified specific issues in relation to RE
  - Pregnancy and maternity: no significant impact.
  - Race (including different ethnic minorities, Gypsies and Travellers and Migrants including Asylum seekers and Refugees: there could be negative impacts for some parents who see this area as a sensitive matter.
  - Religion Belief and non-belief: there will be a negative impact for some religious groups and parents especially Catholic and humanists in respect of RE and Muslim and Christian groups in respect of RSE.
  - Sex/Gender: RSE as a compulsory part of the curriculum will have positive impacts on gender by raising awareness and understanding amongst learners of respectful relationships, positive behaviour and diversity.
  - Sexual orientation (Lesbian, Gay and Bisexual): RSE and the Health and Well-being AoLE, may reduce homophobic, biphobic and transphobic (HBT) bullying and subsequently increase in well-being for LGBTQI+ learners. It will also help to challenge gender and sexual stereotypes and increase learners' understanding of safe, healthy and positive relationships.
  - Marriage and Civil Partnership: RSE and the Health and Well-being AoLE will help challenge gender and sexual stereotypes and increase

children and young peoples' understanding of safe, healthy and positive relationships.

### **Human Rights and UN Convention**

9.72 The Impact Assessment also considered whether the proposals for RVE and RSE are compatible with the rights protected by the Human Rights Act 1998. The proposals will have a positive impact on a child or young person's right to an education including high quality and comprehensive information about the issues covered in RSE and RVE. 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. There will be a need to work closely with all schools to ensure the learning offered in RSE and RE is pluralistic and non-discriminatory.

### **Welsh Language Impact Assessment**

9.73 No significant impact is expected as removing the right to withdraw will apply equally to Welsh-medium and bilingual settings within the maintained education system as to English-medium ones.

9.74 It was noted opting out from these lessons might have an impact on learners receiving a lower percentage of their education through the medium of Welsh. However it is likely that there is minimal impact to the language. One response highlighted the incorporation of any relevant welsh culture, history and language relating to RE and RSE would have a positive effect on oppportunities to use the Welsh language.

9.75 There is a separate issue of ensuring there are appropriate resources and professional learning in relation to RE and RSE in the medium of Welsh are available around the same time. However, this is being addressed through the wider development work on the new curriculum and will not be directly impacted by the policy to ensure that there is a positive effect of the oppportunities to learn through the medium of Welsh.

### **Health Impact Assessment**

9.76 A Health Screening was undertaken in relation to ensuring access to the full curriculum and the effect is expected to be positive.

9.77 One of the four purposes of the curriculum is to support learners to become healthy and confident individuals. RSE supports learners to develop their mental and emotional well-being. Therefore, the policy should improve health determinants.

9.78 The policy relate to learners of statutory school age. The policy should reduce the likelihood of differential health impacts by ensuring that all learners have access to high quality learning on the topics covered in RSE in particular. There are potentially some differential impacts for

some learners if they were withdrawn entirely from maintained schooling as a result of this policy being carried out.

## Chapter 10 - Competition Assessment

### 10.1 The competition filter test:

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

10.2 The provisions within the Act 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.

10.3 The provisions in the Act are not expected to have any impact on competition or place any restrictions on new or existing suppliers. The majority of the costs associated with the legislation are expected to fall on public bodies, who already meet these costs.

10.4 The legislation is not expected to have any negative impact on small and medium sized enterprises (SMEs) in Wales.

## Chapter 11 - Post implementation review

11.1 The post-implementation review (PIR) will form part of a wider programme of evaluation of the curriculum reforms. The programme will not be 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 will be 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 any necessary changes to be made to policies to increase their effectiveness. 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.

11.2 In parallel with the Bill's passage we will start an evaluability assessment. This will identify how high quality evidence about the implementation and impacts of the reforms can be reliably collected and presented.

11.3 The evaluability assessment will include:

- Formation of an advisory group
- Systematic engagement of internal and external stakeholders
- Developing a robust theory of change and detailed logic model, setting out what outputs, outcomes and impacts are expected to occur.
- Identifying when these outputs, outcomes and impacts are likely to be observable in the short, medium and longer term, so that plans can be put in place to evaluate at the appropriate time. It is likely that some impacts will take more than a decade to be realised.
- Identifying which are the key elements of the theory of change, i.e. those underpinning the whole reforms or assumed to have a large impact, so that evaluation efforts can be focused on areas of strategic importance
- Developing key evaluation questions and metrics against which to measure progress
- Review of existing and planned evidence sources to identify which existing and planned evidence gathering contribute towards, or could be adapted to contribute towards, answering our evaluation questions.
- Recommendations for evaluation design and implementation.

11.4 A detailed evaluation plan will follow the evaluability assessment and will adhere to the following principles:

- Quality, rigour and robustness - adherence to five principles for social research in the Welsh Government<sup>77</sup>; Magenta Book guidance; appropriate methods; robust, transparent and defensible conclusions; quality assured
- Independence – arms-length and governed by an evaluation programme board including external representatives; published in line with Government Social Research Guidelines
- Stakeholder involvement – co-development of the scope and approach
- Integrated with policy – evaluation represented in the curriculum reforms governance arrangements so that policy and evaluation are considered holistically
- Appropriately resourced – a high quality evaluation spanning years, if not decades, will require commitment of significant resources, both in terms of staff time and commissioning costs
- Proportionality – ensure the best use of public money by considering at each stage how we can design and implement a sufficiently robust evaluation for the available resources
- Complexity – methods must take account of the complex environment in which multiple education reforms are contributing to a system-wide change. Approaches such as process tracing or contribution analysis may be appropriate
- Strategic alignment - Take account of wider policies, such as the Wellbeing of Future Generations and the Welsh Language agendas.
- Economic evaluation – assessing the costs of the reforms will be essential for the five-year Post Implementation Review

11.5 As part of the economic evaluation, the Welsh Government is committed to conducting a thorough and robust review of the costs and benefits set out in the RIA. This will focus on assessing:

- whether the costs and savings predicted were accurate
- the reason for any significant divergence from the costs and savings predicted
- the extent to which the Bill has contributed to any benefits or disbenefits observed
- the reasons why the Bill has been successful or unsuccessful in achieving the proposed benefits

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<sup>77</sup> Early consideration of evaluation; Effective planning of research and evaluation; Publishing research; Ministerial Briefings on Research; Value for money

- whether the impacts are as anticipated for the groups identified in the Integrated Impact Assessment
- any unintended consequences

11.6 We will publish a review of the first five years following Royal Assent.

11.7 Timescale:

- Evaluability assessment complete by Summer 2021 (after Royal Assent)
- Evaluation plan complete in 2021/22
- Post implementation review of first five years by Summer 2026
- Longer term: Impact evaluation when outcomes for children as they progress through to national examinations, further and higher education and adult life, are known.



## **Annex 1 - Explanatory Notes**

# **CURRICULUM AND ASSESSMENT (WALES) BILL 2020**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes are for the Curriculum and Assessment (Wales) Bill, which was introduced into Senedd Cymru on 6 July. They have been prepared by the Department for Education and Public Services of the Welsh Government to assist the reader of the Bill.
2. The Explanatory Notes should be read in conjunction with the Bill but are not part of it. They are not meant to be a comprehensive description of the Bill and where an individual section does not seem to require any explanation or comment, none is given.
3. In these Explanatory Notes, “the 1996 Act” refers to the Education Act 1996 and “the 1998 Act” refers to the Schools Standards and Framework Act 1998. References to local authorities, maintained schools, special schools, funded non-maintained settings and other education providers, are to those in Wales unless otherwise indicated. References to sections and Parts are to those of the Bill, unless otherwise indicated.
4. Commonly used abbreviations:

RSE	Relationships and Sexuality Education
RVE	Religion, Values and Ethics
RE	Religious Education
FNNE	Funded Non-maintained Nursery Education
PRU	Pupil Referral Unit
EOTAS	Education Other Than At School

### **GENERAL OVERVIEW OF THE ACT**

5. The Bill has seven Parts comprising 80 sections and two Schedules. Part 2 is separated into four chapters.
6. It establishes a statutory framework for supporting curriculum and assessment arrangements for children and young people between 3 - 16 years old in maintained schools and maintained nursery schools, FNNE settings and those in local authority commissioned settings providing education other than in

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schools, including PRUs. It provides for some limited provisions for post-compulsory education in maintained schools.

7. It primarily replaces Part 7 of the Education Act 2002 [“the 2002 Act”], which sets out the current curriculum arrangements for Wales.
8. It introduces a broad set of duties around the development, adoption and implementation of curricular. These are supplemented by duties and powers for the Welsh Ministers to produce codes and guidance to support education practitioners to use their professionalism and creativity to meet the needs of all learners.
9. The intention is to ensure that all children and young people can benefit from teaching and learning that enables them to develop in the ways described in the four purposes; is broad and balanced; is suitable for their ages, abilities and aptitudes; and offers appropriate progression.
10. At its core it seeks to underpin learning and teaching that supports learners to develop higher standards of literacy and numeracy, to be digitally and bilingually competent, evolve into enterprising, creative and critical thinkers and to be confident, capable and caring citizens. It focuses on promoting equity, excellence, inclusion and continual improvement.

## COMMENTARY ON SECTIONS

### **PART 1 - BASIC CONCEPTS AND KEY DOCUMENTS**

#### Section 1

11. This section sets out what Part 1 of the Act covers and to whom the curricula referred to in it applies.

#### Sections 2 to 4

12. These sections are interpretive and describe the basic concepts underpinning every curriculum applicable to learners identified in section 1.

#### Sections 6 to 8

13. These sections require the Welsh Ministers to publish codes relating to:
  - What Matters - setting out key concepts to assist curriculum designers to understand the breadth of each area of learning and experience.
  - Progression - setting out how a curriculum can make provision for progression to assist schools and other funded education settings to ensure appropriate progression for learners.
  - RSE - setting out core learning areas that must be covered by schools and funded non-maintained settings in the teaching and learning of RSE.
14. Curricula implemented for learners identified in section 1 must adhere to the codes.
15. The Welsh Ministers must keep the What Matters and Progression codes under review and may revise those codes.

## **PART 2 - CURRICULUM IN MAINTAINED SCHOOLS, MAINTAINED NURSERY SCHOOLS AND FUNDED NON-MAINTAINED NURSERY EDUCATION**

### **CHAPTER 1 - CURRICULUM DESIGN AND ADOPTION**

#### *General*

##### Section 9

16. This is an interpretive provision setting out the terminology describing to whom and to what the chapter applies.

#### *Maintained schools and maintained nursery schools*

##### Section 10

17. This section places a duty on head teachers to design a curriculum which:
- enables pupils to develop in line with the four purposes;
  - is broad and balanced;
  - is suitable for pupils and children of differing ages, abilities and aptitudes;
  - provides for pupil progress; and
  - provides for teaching and learning which encompasses the areas of learning and experience (including the mandatory elements within the areas of learning and experience) and develops mandatory cross-curricular skills.
- [Further requirements may be added via section 25 regulations.]

##### Section 11

18. This section places duties on a head teacher and governing body of a school to adopt the curriculum designed under section 10 as the curriculum for pupils and also to publish and keep up to date a summary of their adopted curriculum.

##### Section 12

19. Section 12 sets out the duties and powers in relation to the review and revision of the curriculum by head teachers and governing bodies.

#### *Funded non-maintained nursery education*

##### Section 13 and 14

20. These sections require the Welsh Ministers to publish and keep under review a curriculum which:
- enables nursery age children to develop in line with the four purposes;
  - is broad and balanced;
  - is suitable for pupils and children of differing ages, abilities and aptitudes;
  - provides for pupil progress; and
  - provides for teaching and learning which encompasses the areas of learning and experience (including the mandatory elements within the areas of learning and experience) and develops mandatory cross-curricular skills.
- [Further requirements may be added via section 25 regulations.]

*These notes refer to the Curriculum and Assessment (Wales) Bill which was introduced into the Senedd on 06 July 2020*

21. The Welsh Ministers must keep under review and revise the “section 13 curriculum” to ensure it continues to comply with the requirements listed above (set out in sub-section 14(1)(b)) but they may also revise it at any time they consider it appropriate to do so. The Welsh Ministers must publish their revised curriculum.

#### Sections 15 and 16

22. These sections place a duty on FNNE providers to adopt and keep under review a curriculum which:
- enables pupils to develop in line with the four purposes;
  - is broad and balanced;
  - is suitable for pupils and children of differing ages, abilities and aptitudes;
  - provides for pupil progress; and
  - provides for teaching and learning which encompasses the areas of learning and experience (including the mandatory elements within the areas of learning and experience) and develops mandatory cross-curricular skills.
- Further requirements may be added via section 25 regulations.
23. These sections enable providers must keep under review and revise their adopted curriculum to ensure it continues to comply with the requirements listed above (set out in sub-section 16(1)(b)). Providers must take account of information gathered from assessment arrangements implemented by them under regulations (section 58). They may also revise it at any time they consider it appropriate to do so.
24. Providers may, but are not required to, adopt the curriculum published by the Welsh Ministers under section 13.

#### *Supplementary provision*

#### Sections 17 and 18

25. Enables the Welsh Ministers to make regulations on procedural matters relating to the adoption and revision of a curriculum and the content and publication of the summary of a curriculum.

## CHAPTER 2 – CURRICULUM REQUIREMENTS

### *General*

#### Section 19

26. This is an interpretive provision setting out to whom and to what the chapter applies.

### *Curriculum requirements*

#### Sections 20 to 24

27. These sections set out what curricula must include in order to comply with requirements in the Bill. A curriculum must:
- enable learners to develop in line with the four purposes;
  - be broad and balanced;
  - be suitable for pupils and children of differing ages, abilities and aptitudes;
  - provide for pupil progress;

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- provide for teaching and learning which encompasses the areas of learning and experience (including the mandatory elements within the areas of learning and experience) and develops mandatory cross-curricular skills;
  - provide for developmentally appropriate RSE.
28. Sub-section 24(3) requires provision of RVE in the curriculum to accord with Part 1 of Schedule 1 relating to the design of the curriculum with respect to the mandatory element of RVE.
29. Provision of RVE in the design of a curriculum does not have to comply with Part 1 of Schedule 1 in relation to children receiving nursery education in maintained schools (i.e. those under compulsory school age) and those receiving FNNE.
30. In their curricula for learners aged 14 – 16 years (Years 10 and 11 in school) schools must offer learners choices in how pupils undertake teaching and learning in each of the areas of learning and experience. The provision does not specify what these choices are. This provides schools with the flexibility to develop their own package of choices for learners – i.e. courses of study or other learning.

#### Section 25

31. This section enables the Welsh Ministers to make regulations on additional curriculum requirements for learners of 14-16 years old (Years 10 – 11 in school).

#### *Disapplication of mandatory element*

#### Sections 26 and 27

32. These provisions enable head teachers and governing bodies of maintained schools and maintained nursery schools (“schools”), and providers of FNNE to decide to disapply English as a mandatory element of their curriculum for learners up to the age of 7 (up to Year 2 in school). The effect will mean reduced or no teaching and learning of English for these learners.
33. The intention is to enable schools to immerse learners in Welsh in order to improve or maintain their fluency in the language.
34. Where a school has decided to use these provisions they must include in the summary of their adopted curriculum details of how they will be applied in accordance with sub-section 26(5).
35. Schools and providers of FNNE may decide to apply these provisions to all their learners or a specific cohort of learners. In the case of learners to whom the disapplication does not apply, the normal publication requirement for the summary (published under section 11(1)(b) or 12(5)) will be required.
36. If a school or a FNNE provider decides to disapply English in relation to a particular limited cohort of children in a particular year, the summary of its curriculum will need to address the provision of English (if any) to the cohort,

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and the mandatory element of English provided for those children who are not in the cohort.

## CHAPTER 3 – CURRICULUM IMPLEMENTATION

### *General*

#### Section 28

37. This section explains that Chapter 3 makes provision about implementation of the curriculum.
38. This section also explains that this Chapter applies to registered pupils in maintained schools (including maintained nursery schools) except for those over compulsory school age. It also applies to children attending FNNE settings.
39. This section also defines some key terms used this Chapter. For definitions of “maintained school” and “maintained nursery” see section 74. For the definition of “funded non-maintained nursery education” and other associated terms see section 75.

### *Maintained schools and maintained nursery schools*

#### Section 29

40. This section places a duty on the head teacher and the governing body of a school to secure that the adopted curriculum is implemented in accordance with sections 30, 31 and 32.

#### Sections 30

41. This section sets out the general requirements relating to how an adopted curriculum is to be implemented by the head teacher and governing body of a school for all pupils at the school.

#### Section 31

42. This section sets out the particular requirements of the curriculum for pupils up to 14 years old (Year 9 in school). This section requires that the curriculum encompasses all the areas of learning and experience, including the mandatory elements, and develops the mandatory cross-curricular skills.
43. Sub-section 31(3) requires teaching and learning of the mandatory element of RSE to be suitable for the pupil’s stage of development and for the mandatory element of RVE to accord with Part 2 of Schedule 1.
44. However, teaching and learning of RVE under section 31 does not have to comply with Part 2 of Schedule 1 in relation to children receiving nursery education in maintained schools (i.e. those under compulsory school age) and those receiving FNNE.

#### Section 32

*These notes refer to the Curriculum and Assessment (Wales) Bill which was introduced into the Senedd on 06 July 2020*

45. This section sets out the particular requirements for pupils between 14 – 16 years old (Years 10 and 11 in school). It requires that the curriculum encompasses the mandatory elements of the areas of learning and experience, covers some matters from within each of the areas of learning and experience, and develops the mandatory cross-curricular skills.
46. The mandatory element of RSE must be suitable for the pupil's stage of development. The mandatory element of RVE must be in accordance with Part 2 of Schedule 1.
47. In addition, sub-section 32(4) requires teaching and learning for these pupils to encompass:
  - (i) any curriculum requirements, related to pupils, set out in regulations made under section 25. Section 25 allows the Welsh Ministers to make regulations prescribing further requirements that a curriculum for pupils aged 14-16 must comply with; and
  - (ii) the teaching and learning chosen by the pupil by virtue of section 24. Section 24 requires the curriculum adopted by a school to offer a pupil a choice of teaching and learning in each area of learning and experience.

### Section 33

48. These provisions enable head teachers to determine not to provide teaching and learning chosen by a pupil under section 24.
49. Section 33 specifies the grounds on which head teachers can make a determination.
50. The section specifies two separate sets of grounds on which determinations may be made to disapply pupil choice under section 24:
  - The first set of grounds apply in the case of a determination made before the pupil starts the school year where the majority of pupils turn 15 years old (year 10).
  - The second set of grounds apply in the case of a determination made after the learner has started the school year where the majority of pupils turn 15 years old (year 10).
51. Sub-section (6) includes a power to make regulations to amend the grounds for disapplication.
52. Where a determination has been made under these provisions the head teacher will have a duty, by virtue of section 32(2) to provide the pupil with alternative teaching and learning. This does not necessarily need to be in the same area of learning and experience as the pupil's original choice, though it must be additional to the mandatory elements.

### Section 34

*These notes refer to the Curriculum and Assessment (Wales) Bill which was introduced into the Senedd on 06 July 2020*

53. This section sets out what information must be provided to the pupil and their parent where a determination has been made under section 33 not to provide the teaching and learning requested.
54. Subsection (5) means that the duty to supply information to the pupil (section 34(1)(a)) will not apply where the pupil does not have the capacity to understand the information or documents or what it would mean to exercise the appeal right in section 35.
55. In addition this section enables the Welsh Ministers to make regulations on further provisions in relation to determinations made under section 33.

#### Section 35

56. This section enables a pupil, or parent of a pupil, who is given information about a determination pursuant to section 33 to require the head teacher to review that determination. Following the review the head teacher must either confirm, vary or revoke (i.e. withdraw) the determination.
57. If the pupil or parent is unhappy with the review by the head teacher the pupil or parent may appeal to the school's governing body.
58. Following the appeal the governing body can either confirm, vary or revoke (i.e. withdraw) the head teacher's decision.

#### *Funded non-maintained nursery education*

#### Section 36

59. These provisions set out the requirements for the adopted curriculum in FNNE.

#### Section 37

60. This section sets out the requirements for the adopted curriculum in FNNE. These requirements are the same as those for the adopted curriculum in maintained schools and maintained nursery schools.

#### Section 38

61. Section 38 requires implementation of the adopted curriculum to secure that teaching and learning of each child encompasses all the areas of learning and experience, including the mandatory elements, and develops the mandatory cross-curricular skills.
62. The mandatory element of RSE must be suitable for the pupil's stage of development.

### CHAPTER 4 – CURRICULUM IMPLEMENTATION: EXCEPTIONS

#### Section 39

63. Section 39 is an introductory provision and describes the provision made in Chapter 4. This Chapter makes provision in respect of exceptions to the duty to implement the curriculum set out in Chapter 3.



#### Section 40

64. These provisions enable Welsh Ministers to issue directions to schools and funded non-maintained nurseries in order to enable them to participate in experiments or development work.
65. Those directions may modify or disapply sections 29, 30, 31 and 32 (in relation to schools) and 36, 37 and 38 (in relation to funded non-maintained nurseries) for a period that must be specified in the directions.

#### Section 41

66. This section provides that a direction may only be issued if the conditions set out in this section are met. These are to ensure that pupils participating in experiments or development work are not disadvantaged. Their education will continue to be subject to the core principles guiding the Curriculum for Wales framework.

#### Section 42

67. This section sets out supplementary requirements in relation to directions given under section 40.
68. Sub-sections 42(4) and (5) require schools and funded non-maintained education providers, respectively, to publish a summary of their curriculum which has been amended as a result of the direction. These sub-sections state that provisions under sections 12 and 16 requiring schools and FNNE providers (respectively) to review and revise (where appropriate) their adopted curriculum will only apply to the curriculum as compatible to the direction.

#### Section 43

69. This section relates to the disapplication or modification of some or all of the curriculum for children and young people with additional learning needs ("ALN").
70. The provisions will enable Individual Development Plans ("IDPs") or Education, Health and Care Plans ("EHCs") to make provision for disapplication or modification of some or all of the curriculum in Wales subject to conditions set out in subsection (3), which can be amended by regulations under subsection (4) of this section. Disapplication or modification by a local authority in England who maintains an EHC may be appropriate in cases where it relates to a learner who is ordinarily resident in England but attends a setting in Wales.

#### Section 44

71. These provisions enable the Welsh Ministers to make regulations to allow head teachers in maintained schools (including maintained nursery schools) and funded nursery providers to determine to temporarily disapply or modify the curriculum in relation to individual pupils and children.

72. Sub-section 44(3) provides that any regulations made under this section must provide that a person making a determination may only do so if the conditions set out in that subsection are satisfied. The conditions set out in subsection (3), may be amended by regulations under subsection (4) of this section.

#### Section 45

73. This section makes further provision about the power in section 44 to make regulations in respect of the temporary disapplication of the curriculum for individual pupils. Subsection (2) provides that any such regulations must not allow a determination to be made on the grounds that a pupil or child has or does not have ALN.
74. Regulations under this section must provide that the operative period of a disapplication must not exceed 6 months. However, regulations may provide for a different operative period for a determination that applies immediately after the end of previous operative period (i.e. in excess of 6 months).

#### Section 46

75. This section sets out what information must be provided in writing and to whom in the event a head teacher or FNNE provider has made a determination under section 44.
76. In maintained schools (including maintained nursery schools) it must be provided to the pupil, the parent, the governing body of the school and the local authority that maintains it. In the case of FNNE providers they are required to provide the information to parents and the local authority.
77. Sub-section (5) dis-applies the duty to supply information to the pupil (section 46(1)(a)) where the head teacher considers the pupil lacks capacity to understand the information or the right to appeal the determination under section 47.

#### Section 47

78. These provisions enable a pupil or parent to appeal to the school's governing body against a determination made by a head teacher in a maintained school under section 44. It also allows pupils or parents to appeal where a request by them for the head teacher to make a determination was made but no such determination was made.
79. The section sets out the procedure for making an appeal, along with a power for the Welsh Ministers to make further provision in regulations.
80. If an appeal is made the governing body may confirm the head teacher's decision or direct the head teacher to take the action that it considers appropriate.

#### Section 48

81. These provisions enable a parent of a child to appeal to the local authority against a determination made by the FNNE provider under section 44. It also

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allows a child's parent to appeal where a request by them to the provider to make a determination was made but no determination was made.

82. The section sets out the procedure for making an appeal, along with a power for the Welsh Ministers to make further provision in regulations.

#### Section 49

83. This section makes it clear that the provisions relating to implementation in sections 29, 30, 31 and 32 do not apply to pupils for whom arrangements are made under section 19A of the 1996 Act (pupils receiving EOTAS, including PRUs).

#### Section 50

84. This section provides a power for the Welsh Ministers to make regulations specifying additional circumstances when the duty to implement a curriculum in sections 29, 30, 31 and 32 may be disapplied or modified.
85. The provisions allow the regulations to grant a discretion on someone other than the Welsh Ministers to make a decision to disapply or modify the curriculum in certain cases or circumstances. Provision could be made to allow head teachers decide to disapply certain aspects of their school's curriculum in relation to pupils for whom external provision is commissioned (i.e. provision not provided by the school).

### **PART 3 - CURRICULUM FOR EXCEPTIONAL PROVISION OF EDUCATION IN PUPIL REFERRAL UNITS OR ELSEWHERE**

#### *General*

##### Section 51

86. This is an introductory provision setting out to which settings the subsequent seven sections apply.

#### *Pupil referral units*

##### Sections 52 and 53

87. This section places a duty on local authorities, management committees (if there is one) and teachers in charge of a PRUs to exercise their functions in a way so as to ensure that the PRU has a curriculum which complies with requirements set out in subsections (2) to (5) and for the publication of a summary of that curriculum.
88. Under paragraph 15 of Schedule 1 to the 1996 Act, the Welsh Ministers may make regulations requiring local authorities to establish management committees for PRUs. The regulations may include provisions for the membership and functions of the committees.

89. Whilst the Welsh Ministers have made regulations requiring local authorities to establish management committees<sup>78</sup>, they are not required to do so by the 1996 Act. They may decide in future to revoke existing regulations without replacing them meaning that there is no requirement for PRUs to have management committees. Including the wording “if there is one” following “management committee” makes allowances for this.
90. In order to ensure the curriculum is available to all children and young people the requirements for implementation in a PRU are intended to be very similar to those for maintained schools. However, the differences reflect challenges in teaching and learning in units compared to mainstream or special maintained schools and the particular needs of learners attending the units.
91. For a mainstream or special maintained school the core duties on headteachers and governing bodies is to design, adopt and then implement a curriculum which fulfils certain requirements. This model does not work in the context of EOTAS, including PRUs, because of the diverse reasons why children cannot attend school, including illness, refusing to attend school (school phobic) or having very challenging behaviour associated with social, emotional and behavioural difficulties (SEBD). As a result of the challenges experienced from attending mainstream education, EOTAS pupils have often missed extended periods of education and have gaps in their learning, have low self-esteem and lack confidence, and many have low aspirations for their future. It would not be appropriate or fair to require them to be subject to the full curriculum. While concerned with educational progress, teaching and learning must also focus on helping these children and young people to address and overcome barriers which prevent them from accessing mainstream provision and from participating in education.
92. Sub-sections 52(2), (3) and (4) set out what must form part of the curriculum in PRUs. However, sub-section (5) relates to teaching and learning under the areas of learning and experience and mandatory elements not included in sub-sections (2)-(4). The intention is to allow PRUs to decide what is reasonably possible and or appropriate to provide in teaching and learning in a particular area of learning and experience or mandatory element.
93. Section 53 requires the local authority, the management committee and the teacher in charge of a PRU to keep under review and to revise their adopted curriculum to ensure it continues to comply with the requirements set out in section 52(2), (3) and (4). Providers must take account of information gathered from assessment arrangements implemented by them under regulations (section 58). They may also revise it at any time they consider it appropriate to do so.
94. The providers must publish their revised adopted curriculum.

## Section 54

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<sup>78</sup> Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014

*These notes refer to the Curriculum and Assessment (Wales) Bill which was introduced into the Senedd on 06 July 2020*

95. Section 54 sets out duties relating to the implementation of the curriculum in PRUs. The duties for ensuring the curriculum is implemented in accordance with the requirements set out in subsections (1) to (4) of section 54 are placed on the teacher in charge.
96. Subsection (5) also places a duty on local authorities and management committees to exercise their functions with a view of securing that the curriculum is implemented in accordance with the requirements.

*Other education provided under section 19A of the Education Act 1996*

#### Sections 55 and 56

97. Section 55 applies to local authorities that make arrangements for children under section 19A of the 1996 Act for education other than at PRUs.
98. This section places a duty on each local authority, management committee (if there is one) and teacher in charge of a PRU to exercise their functions in a way so as to ensure that the PRU has a curriculum which complies with requirements set out in subsections (2) to (5).
99. Sub-sections (2), (3) and (4) set out what must form part of the curriculum in EOTAS. However, sub-section (5) relates to teaching and learning under the areas of learning and experience and mandatory elements not included in subsections (2)-(4). The intention is to allow EOTAS providers to decide what is reasonably possible and or appropriate to provide in teaching and learning in a particular area of learning and experience or mandatory element.
100. Section 56 requires the local authority to keep under review and to revise their adopted curriculum to ensure it continues to comply with the requirements set out in section 56. Providers must take account of information gathered from assessment arrangements implemented by them under regulations (section 58). They may also revise it at any time they consider it appropriate to do so.

#### Section 57

101. Section 57 places a duty on the local authority to ensure that arrangements are made so that curriculum is implemented in accordance with the requirements set out in subsections (1) and (2).

### **PART 4 ASSESSMENT AND PROGRESSION**

#### Section 58

102. These provisions enable the Welsh Ministers to make regulations on provisions for assessment arrangements.
103. The section defines what is meant by assessment arrangements for the purposes of the regulations. The focus is on assessing learner progression and to understand what they require to further progress.

*These notes refer to the Curriculum and Assessment (Wales) Bill which was introduced into the Senedd on 06 July 2020*

104. The provisions allow for maximum flexibility to ensure that schools and settings have the most appropriate assessment arrangements for their curriculum, context and learners.

#### Section 59

105. This section enables the Welsh Ministers to issue directions to those “relevant persons” listed in section 58(4) to take steps to promote and maintain understanding of progression.

### **PART 5 POST COMPULSORY EDUCATION IN MAINTAINED SCHOOLS**

106. The curriculum arrangements for learners in maintained schools outlined in this Bill apply to children and young people from 3 – 16 years old. However, the legislation amended or replaced by this Bill includes provisions in relation to pupils registered in maintained schools who are above compulsory schools age (16 – 18 years old). Part 5 has been included to mitigate for the repeal and amendment of existing provisions and to ensure pupils continue to benefit from the principles guiding the Curriculum for Wales whilst they remain in school.

#### Section 60

107. This is an interpretive provision setting out the terminology describing to whom and to what the subsequent part applies.

#### Section 61

108. This section replicates provisions in the 1996 Act (repealed by this Bill) in so far as they set out the general requirements of the curriculum and the duties in relation to securing their implementation but only in relation to pupils above the compulsory school age.

#### Section 62

109. The requirement that registered pupils above compulsory school age must receive RE is removed by this Bill. This section requires maintained schools to provide RVE where a pupil above compulsory school age has requested it. This makes provision of RVE for learners in schools consistent with the arrangements for learners in further education institutions as set out in section 45 of the Further and Higher Education Act 1992.
110. Sub-section (3) sets out what “teaching and learning” must include under this section. It reflects the need under the European Convention on Human Rights (ECHR) to include non-religious philosophical convictions as well as established religions found in Great Britain.

#### Section 63

111. This section applies curriculum requirements set out in sections 33A-33O in the Learning and Skills Act 2000 to learners above compulsory school age in maintained schools.

### **PART 6 SUPPLEMENTARY**

### *General Duties*

#### Section 64

112. This section places a duty on the Welsh Ministers to exercise their responsibilities in a way that supports specified persons listed in subsection to exercise theirs. The persons listed comprises of those responsible for delivering the curriculum in maintained schools, funded nurseries, PRUs and EOTAS.

#### Section 65

113. This section places a duty on local authorities to exercise their responsibilities in a way that supports specified persons within their authority to exercise theirs. The persons listed comprise of those responsible for delivering the curriculum in schools, funded nurseries, PRUs and EOTAS.

### *Guidance*

#### Section 66

114. Provisions enable the Welsh Ministers to issue guidance relating to any functions conferred by or under this Bill on persons specified in this section. It also places a duty on these persons to have regard to that guidance. Persons specified in sub-section (3) comprise of those responsible for delivering the curriculum in schools, funded nurseries, PRUs and EOTAS.

#### Section 67

115. Section 67 enables the Welsh Ministers to make regulations which make provision for children and young people not above compulsory schools age who are receiving education at more than one setting.
116. Subsection (2) applies to children who are registered at a maintained school and provided with education at another school (whether or not they are registered at that other school) or are receiving education by virtue of arrangements under section 19A of the 1996 Act (exceptional provision at PRUs or education elsewhere).
117. Subsection (3) applies to children who are registered at a maintained nursery school and provided with education at another school (whether or not they are registered at that other school) or are receiving education by virtue of arrangements under section 19A of the 1996 Act (exceptional provision at PRUs or education elsewhere).
118. Subsection (4) applies to children who are registered at a PRU by virtue of arrangements under section 19A of the 1996 Act and also provided with education at another PRU or elsewhere other than a PRU or maintained school/nursery.
119. Subsection (5) enables regulations to describe other children below compulsory schools age to whom section 67 applies.

*These notes refer to the Curriculum and Assessment (Wales) Bill which was introduced into the Senedd on 06 July 2020*

120. Subsection (6) provides that the regulations can be used to in connection with the making and implementation of arrangements for assessing the progress of children within the scope of this section.
121. Subsection (7) enables regulations to confer functions on persons identified in subsection (8). It also enables regulations to apply provisions made by the Bill (with or without modifications) to apply to children receiving education in multiple settings or to disapply provisions that would otherwise apply to them.

## **PART 7 GENERAL**

### Section 68

122. The Act is included in the list of Education Acts set out in section 578 of the 1996 Act. The effect of this and section 77 (which provides for provisions of this Act to be read as if in the 1996 Act) is that the Welsh Ministers have powers to intervene in the event of a governing body of a maintained school or local authority failing to comply with duties under the Act or unreasonably exercising functions under the Act. These are the Welsh Ministers' powers in Part 2 of the Schools Standards and Organisation (Wales) Act 2013 to intervene in the conduct of maintained schools and in a local authority's exercise of its education functions.

### Section 69

123. Section 69 introduces Schedule 2 which contains minor and consequential amendments and repeals.

### Section 70

124. Section 70 provides the Welsh Ministers with a power to make regulations to amend primary and secondary legislation where necessary or appropriate to enable the new curriculum framework to be introduced and operated in the way that is intended.

### Section 71

125. Section 71 sets out the legislative procedures for making regulations under provisions contained in the Bill. All regulations must go through the negative procedure, other than those made under sections 5 and 33, as these will need to go through the affirmative procedure.

### Section 72

126. Section 72 relates to the legislative procedure for making the codes required under sections 6, 7 and 8 of this Bill. For each code it requires the Welsh Ministers to consult such persons as they think appropriate and to lay before Senedd Cymru a draft of the code (or future revisions of that code). The draft code must be laid before the Senedd for not less than 40 days. If the Senedd resolves not to approve the code it cannot be issued. If there is no such resolution the Welsh Ministers must issue the code (or the revised code) in the form of the draft as laid before the Senedd.



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127. Subsection (6) allows consultation on the codes, required by subsection (2)(b), to be carried out before section 72 comes into force.

### Section 73

128. The following provisions in the Bill require information to be given to certain persons in writing, or require written notices to be given to certain persons, or authorise directions to be given to certain persons (or enable such provision to be made in regulations):

Section 34 (power to disapply duty to implement pupil choice: supplementary)

Section 35 (reviews and appeals relating to pupil choice)

Section 40 (exceptions for development work and experiments)

Section 46 (information about temporary exceptions for individual pupils and children)

Section 47 (appeals about temporary exceptions for individual pupils)

Section 48 (appeals about temporary exceptions for individual children)

Section 58 (duty to make assessment arrangements)

Section 59 (directions (assessment and progression))

129. Section 73 specifies the way in which that information, and those notices or directions, may be given to those persons.

130. The information, notices and directions described in subsection (1) may be given to pupils, parents, head teachers, governing bodies, local authorities, providers of FNNE, teachers in charge of PRUs, PRU management committees, and persons providing teaching and learning to a child (otherwise than at a PRU) under section 19A of the Education Act 1996. Some of these may be bodies corporate (e.g. local authorities and some providers of FNNE), others may be partnerships (possibly some providers of FNNE) and others may be unincorporated bodies (e.g. governing bodies, PRU management committees, some providers of FNNE). The section seeks to cover all eventualities – including the possibility that some of these entities might be carrying on their affairs outside the United Kingdom (see subsection (9)).

### *Interpretation*

#### Section 74

131. Section 74 defines “maintained school”. This definition includes a community, foundation, voluntary and maintained nursery school. Those categories of school have the meaning given to them in the 1998 Act (see sections 20 and 21 of that Act).

#### Section 75

132. Section 75 defines “funded non-maintained nursery education” and associated terms.

#### Section 76

133. Section 76 defines the meaning of “pupil referral unit” as having the meaning given by section 19A(2) of the 1996 Act (see paragraph 4 of Schedule 2 of this

*These notes refer to the Curriculum and Assessment (Wales) Bill which was introduced into the Senedd on 06 July 2020*

Act). This section also sets out the meaning of “local authority” and “management committee” in relation to PRUs under this Bill.

#### Section 77

134. Section 77 provides interpretations and definitions of terms used in the Bill. It also provides for definitions in the 1996 Act to apply where the defined term is used in this Bill, unless the term is given a different meaning in this Bill, in which case this Bill’s definition applies. As a result, various terms in the Act bear the 1996 Act’s meaning (for example, ‘school’ and ‘parent’).

#### Section 78

135. Section 78 provides an index of terms defined by the Bill and the relevant provisions which define them.

#### Section 79

136. Section 79 provides for Part 7 to come into force on the day after the day of Royal Assent. It provides for the remaining provisions within the Act to come into force on the day set out in an order made by the Welsh Ministers, exercisable by statutory instrument, which may appoint different days for different purposes; and the order may make transitory, transitional or saving provisions connected to commencement.

#### Section 80

137. The short title of the Act is ‘the Curriculum and Assessment (Wales) Act 2021’.

### **SCHEDULE 1 - RELIGION, VALUES AND ETHICS**

138. Schedule 1 will, in relation to schools in Wales, replace the requirements in Schedule 19 to the 1998 Act (Schedule 19 will apply only to schools in England, not Wales, by virtue of paragraph 42 of Schedule 2 of this Bill.).

### **PARTS 1 and 2 – CURRICULUM DESIGN AND IMPLEMENTATION**

139. Parts 1 and 2 of this Schedule set out requirements for the design and implementation (respectively) of a curriculum, so far as it encompasses the mandatory element of RVE.

140. Section 24 specifies that, in the case of the mandatory element of RVE, the requirements in Part 1 of the Schedule will apply for the purposes of the design of the curriculum. Sections 31 and 32 similarly require implementation of a curriculum, in the case of the mandatory element of RVE, to accord with Part 2 of the Schedule.

141. The requirements imposed by Parts 1 and 2 of the Schedule vary in their application to different categories of schools.

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*Community schools and foundation and voluntary schools without a religious character*

142. In the case of community schools and foundation and voluntary schools without a religious character, paragraph 2 of the Schedule requires the RVE provision in the curriculum to have been designed having regard to the agreed syllabus.
143. Paragraph 6 of the Schedule requires this RVE provision to be implemented for all pupils.

*Foundation and voluntary controlled schools that have a religious character*

144. In the case of foundation and voluntary controlled schools with a religious character, paragraph 3 of the Schedule requires the RVE provision in the curriculum to have been designed having regard to the agreed syllabus.
145. However, in the case of these schools, there is an additional requirement (see paragraph 3(3) and (4) of the Schedule). This additional requirement applies only if the provision that has been designed in accordance with the agreed syllabus does not accord with the school's trust deed, or the tenets of its religion or religious denomination.
146. (The first step in applying this test will be to consider whether the provision designed having regard to the agreed syllabus accords with any provision in the school's trust deed that relates to RVE. If there isn't any provision in the trust deed that relates to RVE, the next step will be to consider whether the provision accords with the tenets of the religion or denomination specified in relation to the school by an order under section 68A of the 1998 Act.)
147. If this additional requirement applies, the school's curriculum must also include provision for RVE that does accord with the school's trust deed, or the tenets of its religion or religious denomination.
148. Paragraph 7 of the Schedule requires the provision designed having regard to the agreed syllabus to be implemented in teaching and learning for pupils.
149. But there is an exception to this general requirement. Paragraph 7(4) of the Schedule enables a pupil's parents to request that their child be provided, instead, with teaching and learning designed in accordance with the school's trust deed, or the tenets of its religion or denomination, i.e. with the additional provision described in paragraph 21. If a request of this type is made, it must be complied with.

*Voluntary aided schools that have a religious character*

150. In the case of voluntary aided schools with a religious character, paragraph 4 of the Schedule requires the RVE provision in the curriculum to have been

designed in accordance with the school's trust deed or the tenets of its religion or denomination.

151. Again, there is an additional requirement (see paragraph 4(3) and 4(4) of the Schedule). For schools of this type, the additional requirement applies only if the provision that has been designed in accordance with the trust deed or tenets of the school's religion or denomination does not accord with the agreed syllabus. In this case, the school's curriculum must also include provision for RVE that does accord with the agreed syllabus.
152. Paragraph 8 of the Schedule requires the provision designed in accordance with the school's trust deed or its religion or denomination to be implemented in teaching and learning for pupils.

But again there is an exception to this general requirement. Paragraph 8(3) and (4) of the Schedule enable a pupil's parents to request that their child be provided, instead, with teaching and learning designed in accordance with the agreed syllabus, i.e., with the additional provision described in paragraph 25. If a request of this type is made, it must be complied with.

### **PART 3 - INTERPRETATION**

153. Part 3 explains what is meant by schools having a "religious character" (since this is a concept applied in the Schedule) and refers back to the new section 68A of the 1998 Act that is inserted by Schedule 2 to the Bill.

### **SCHEDULE 2 - MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS**

#### *Education Act 1996*

154. Paragraphs 2-4, 21, 25, 47-50, 52-55 and 64-65 of Schedule 2 make minor and consequential amendments in relation to the provision of education otherwise than at school, including PRUs. The paragraphs, as appropriate, amend provisions in primary legislation and substitute references to repealed or amended provisions with references to equivalent provisions in the Schedule.
155. Paragraph 3 amends wording in section 19 of the 1996 Act so that the provision applies to England only.
156. Section 19 of the 1996 Act has already been heavily amended resulting in a mixture of England-and-Wales provision, Wales-only provision and England-only provision. This Bill gives rise to the need to make further changes to the section (in relation to the definition of "suitable education"), making it difficult to read. Paragraph 4 inserts Wales only section 19A into the 1996 Act, which replaces section 19 in relation to Wales.

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157. Section 19A requires local authorities in Wales to make arrangements for suitable education at school or otherwise than at school within the local authority's area for children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not receive suitable education for a period unless such arrangements are made for them.
158. Paragraph 6 amends wording in section 375 of the 1996 Act so that the provision applies to England only. Section 375 makes provision in respect of the agreed syllabus.
159. Paragraph 7 inserts Wales only section 375A into the 1996 Act. This section places a duty on local authorities in Wales to adopt a syllabus of RVE for use in the schools they maintain. It also introduces, in relation to Wales, Schedule 31 of the 1996 Act, which establishes the constitution and functions of agreed syllabus conferences by local authorities.
160. Section 375A of the 1996 Act allows the syllabus of RVE to make different provision for different types of schools and learners. The syllabus must reflect that religious tradition in Great Britain is mainly Christian but must take account of the teaching and practices of the other principle religions represented in Great Britain. Provision also requires the syllabus to reflect that a range of non-religious philosophical convictions are held in Great Britain.
161. Paragraphs 8 to 11 make amendments to sections 390-392 of the 1996 Act in relation to the constitution and functions of standing advisory councils, in order that they apply to the provision of RVE in Wales. Those sections make provision in relation to the functions of standing advisory councils.
162. Paragraph 10 inserts section 391(1A) into the 1996 Act relating to the purpose of advisory councils in Wales. This is very similar to the existing section 391(1) but includes additional provision in section 391(1A)(a)(ii) to confer on advisory councils the function of advising local authorities on both the mandatory element of RVE, and on RVE provided (on request) to the post-compulsory education age group (school years 12 and 13) under section 62.
163. Paragraph 13 amends wording in section 396 of the 1996 Act so that the provision applies to England only. That section makes provision about the power of Secretary of State to direct advisory council to revoke determination or discharge duty
164. Paragraph 14 inserts a new Wales only section 396A into the 1996 Act. This section gives the Welsh Ministers a power to direct a standing advisory council to revoke a determination or discharge a duty in relation to determinations made under section 394 or 395 of the 1996 Act. Sections 394 and 395 make provisions in relation to the function of the standing advisory council to determine applications by the head teacher of a community school or a voluntary school without a faith basis for the requirement for Christian collective worship not to apply to a school.

165. Paragraph 15 amends section 397 of the 1996 Act in order to clarify that the powers to make regulations in relation to advisory council and agreed syllabus conference meetings and documents rests with the Welsh Ministers in relation to Wales.
166. Paragraph 16 inserts reference to RVE into section 399 of the 1996 Act. Section 399 provides that any question as to whether RE in accordance with trust deed must be determined in accordance with the trust deed.
167. Paragraphs 17 to 20 of Schedule 1 amend sections 403 – 405 on the provision of sex education so that they will only apply to England.
168. Paragraph 22 inserts references to section 397 and paragraphs 6B and 6C of Schedule 1 of the 1996 Act into section 569 of that Act. Section 569 established the legislative procedure to be used in making regulations under the 1996 Act.
169. Paragraphs 23 and 24 make technical amendments to section 579 (general interpretation) and section 580 (index). That includes updating the entry for “agreed syllabus” in the index of defined terms so that it lists separately the Wales only provision in section 375A(7) and the England only provision in section 375(2) and (4).
170. Paragraph 25 amends Schedule 1 of the 1996 Act relating to PRUs. Subsection (4) inserts paragraphs 6A-6D into Schedule 1 of the 1996 Act in relation to Wales.
171. Paragraph 6B(1) places duties on local authorities, management committees (if there is one) and teachers in charge of PRUs in relation to the curriculum for registered pupils at PRUs. Specifically, in relation to pupils of compulsory school age, they must comply with the requirements set out in sections 52 and 54 of this Bill. In relation to pupils above compulsory school age, the duty is to secure that the curriculum meets the requirements specified in paragraph 6B(2).
172. Paragraphs 6B(3) and 6C enable the Welsh Ministers to make regulations about the provision of a curriculum for pupils above compulsory school age, including the functions local authorities, management committees and teachers in charge, in collaboration or otherwise, must exercise in relation to the curriculum.
173. Paragraph 6D replaces, but retains the effect of, paragraph 6(3) and (4) of Schedule 1 of the 1996 Act, which require local authorities to make arrangements for dealing with certain curriculum related complaints. It prevents the Welsh Ministers from exercising their intervention powers under Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 in relation to such complaints unless the complaints have been made, and dealt with, under the local authority arrangements.

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174. Paragraph 6D(1)(a)(i) brings the curriculum functions set out in sections 52, 53 and 54 under local authority duties regarding complaints.
175. Paragraph 25(5) amends paragraph 8 of the Schedule 1 of the 1996 Act so that it applies to England only. It also inserts a new subparagraph for Wales only applying sections 406 and 407 of the 1996 Act, which make provision preventing political indoctrination and ensuring balanced treatment of political issues respectively, to PRUs in Wales.
176. Paragraph 26 amends Schedule 31 of the 1996 Act on agreed syllabuses to include Wales only provisions setting out the requirements relating to RVE (as distinct from RE). Paragraph 25(4) also includes a new Wales only provision which requires that an agreed syllabus conference contain a committee of persons to represent non-religious philosophical convictions.
177. Paragraph 26(7) inserts a new Wales only paragraph 9A into Schedule 31, which establishes the conditions for adopting the first RVE agreed syllabus under section 375A. It specifies the circumstances where by the Welsh Ministers would be required to take action (see paragraph 12 of Schedule 31) in the event of those conditions for adoption not being met.
178. Paragraph 26(8) inserts Wales only sub-paragraphs 2A, 2B and 2C into paragraph 10 of Schedule 31. These establish the conditions for reconsidering the RVE agreed syllabus and specifies the circumstances where by the Welsh Ministers would be required to take action (see paragraph 12 of Schedule 31) in the event of those conditions for reconsideration were not met.
179. Paragraph 26(9) inserts Wales only sub-paragraph (1A) into paragraph 12 of Schedule 31. This states that, where required by paragraph 9A or 10, the Welsh Ministers must appoint a group of people with relevant experience to prepare their RVE syllabus.
180. Sub-paragraphs (10), (11) and (12) amend paragraphs 13 and 14 of Schedule 31 to take account of the syllabus for RVE in Wales and add a new Wales only sub-paragraph 14A requiring specified persons to have regard to any guidance from the Welsh Ministers.

*Education Act 1997*

181. Paragraphs 27 and 28 amend section 56 of the Education Act 1997. This helps to clarify the position as to when the Welsh Ministers may make regulations under that Act in circumstances where the regulation making powers have been transferred to the Welsh Ministers in relation to Wales.

*School Standards and Framework Act 1998 ("the 1998 Act")*

182. Paragraph 33 inserts a new Wales only section 68A into Chapter 6 of the 1998 Act. This section provides the Welsh Ministers with the power to designate

foundation or voluntary schools as having a religious character. This section replaces the provision made in section 69(3) of the 1998 Act in relation to Wales.

183. Section 68A provides for existing designations made under section 69(3) to continue to have effect, but to be treated as though they were made under the new section. This is to ensure clarity and continuity for those schools already designated.
184. Section 68A(3) provides the Welsh Ministers with a power to make regulations setting out the procedure for designation.
185. Paragraphs 34 and 35 amend section 69 so that it applies to England only.
186. Paragraph 36 amends section 71(1) of the 1998 Act so that the parental right to withdraw their child from RE applies to England only. There is no amendment to section 71(1A) and (1B). These two subsections relate to the parental right to withdraw their child from religious worship and the right of post-16 pupils to request to withdraw from religious worship, respectively.
187. The Bill makes no amendment to section 71(3). The result is that if a pupil in Wales is withdrawn from religious worship the pupil may also be withdrawn from school as described in section 71(3). In practice this means that if a pupil is withdrawn from attendance at religious worship, and the conditions in section 71(3)(a) to (c) are satisfied, that pupil could also be withdrawn from school in order to receive RE elsewhere – subject to the limitation in section 71(4). This RE would not however replace the RVE to be provided for the pupil under the curriculum. The requirement for RVE would continue to apply to the pupil, and the RE provided for under section 71(3) would be in addition to this.
188. Paragraph 36(5) inserts a further Wales only sub-section (7A) into section 71 of the 1998 Act. This section requires the Welsh Ministers to make provisions to ensure every community or foundation special school pupil, as far as is practicable, attends religious worship unless they are withdrawn by their parents or, if post-16 years old (in school years 12 and 13), they withdraw themselves. This is a re-statement of the position under the 1998 Act. Paragraph 38 amends section 138A of the 1998 Act to make regulations made under section 71A subject to the negative procedure.
189. Paragraph 37 amends section 124B of the 1998 Act which makes provision in relation to the designation of independent schools as having a religious character. Sub-paragraph 37(2) of the Bill inserts a new subsection (A1) into the 1998 Act, so as to apply subsections 68A(1) and (3) of the Bill to independent schools in the same way as they apply to voluntary and foundation schools in Wales. This means that independent schools can be designated by an order made by the Welsh Ministers as independent schools with a religious character. Subsection 68A(2) does not apply to independent schools. Subsection 124B(2) of the 1998 Act continues to apply to independent schools in relation to the designation orders.



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190. Paragraphs 12, 29-35, 38-43, 51, 62-65 and 68-69 make minor and consequential amendments in relation to the designation of schools with a religious character. The paragraphs, as appropriate, amend provisions in primary legislation so as to substitute references to repealed or amended provisions with references to equivalent provisions in Schedule 2 of this Bill.
191. Paragraph 42 makes amendments to Schedule 19 of the 1998 Act so that it applies to England only.

*Education Act 2002*

192. Paragraphs 45 repeal Part 7 the 2002 Act and make consequential changes to that Act relating to the repeal respectively.
193. Paragraphs 25 and 35-36, 46, 57 and 61 make minor and consequential amendments required as a result of the repeal of Part 7 of the 2002 Act.

*Additional Learning Needs and Education Tribunal (Wales) Act 2018*

194. Section 14 of the Additional Learning Needs and Education Tribunals (Wales) Act 2018 (“the 2018 Act”) places a duty on local authorities to prepare and maintain Individual development Plans (IDPs) for children and young people the authority has decided require one. Paragraph 74 of this Schedule states that if a child has an IDP under section 14 of the 2018 Act the local authority cannot direct the governing body of the school to prepare and/or maintain the Plan.
195. Paragraph 75 of Schedule 2 makes a minor amendment to Schedule 1 of the 2018 Act by repealing an amendment to section 19 of the 1996 Act, which is no longer required with the insertion by this Bill of section 19A.

## Annex 2 - Index of Standing Order requirements

Table X

Standing order		Section	pages/ paragraphs
26.6(i)	Statement the provisions of the Bill would be within the legislative competence of the Senedd	Member's declaration	1
26.6(ii)	Set out the policy objectives of the Bill	Chapter 3 - Purpose and intended effect of the legislation	11 - 36
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted	Part 2 – Regulatory Impact Assessment	53 - 159
26.6(iv)	Set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> <li>(a) the policy objectives of the Bill and the ways of meeting them;</li> <li>(b) the detail of the Bill, and</li> <li>(c) a draft Bill, either in full or in part (and if in part, which parts)</li> </ul>	Chapter 4 – Consultation	37 - 42
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended	Chapter 4 – Consultation	37 - 42

Standing order		Section	pages/ paragraphs
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision	Chapter 4 – Consultation	42 / 4.34
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill	Annex 1 – Explanatory Notes	160 - 184
26.6(viii)	<p>Set out the best estimates of:</p> <ul style="list-style-type: none"> <li>(a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</li> <li>(b) the administrative savings arising from the Bill;</li> <li>(c) net administrative costs of the Bill's provisions;</li> <li>(d) the timescales over which such costs and savings would be expected to arise; and</li> <li>(e) on whom the costs would fall</li> </ul>	Part 2 – Regulatory Impact Assessment	53 - 159
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially	Part 2 – Regulatory Impact Assessment	53 - 159

Standing order		Section	pages/ paragraphs
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <ul style="list-style-type: none"> <li>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</li> <li>(b) why it is considered appropriate to delegate the power; and</li> <li>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</li> </ul>	Chapter 5 - Power to make subordinate legislation	43 - 52
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate	Chapter 6 – Regulatory Impact Assessment summary	53 - 56
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.	Chapter 9	148 / 9.44-9.46

Standing order		Section	pages/ paragraphs
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	The requirement in Standing Order 26.6B for a Table of Derivations is not applicable to this Bill as the Bill is a standalone piece of legislation and does not derive from existing primary legislation for the purposes of amendment or consolidation.	
26.6C	Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	Annex 3 – Schedule of Amendments	189 - 320

## Annex 3 - Schedule of amendments

### AMENDMENTS TO BE MADE BY THE CURRICULUM AND ASSESSMENT (WALES) BILL

This document is intended to show how the provisions of they as they applied in relation to Wales on 24 May 2020 would look as amended by the Curriculum and Assessment (Wales) Bill (if enacted as introduced on [6 July 2020]).

Material to be deleted by the [insert name of Bill] is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the [insert name of Bill] (Wales) Bill is underlined, e.g. added material looks like this. References to the relevant amending provisions of the Bill are provided in the right hand column on each page.

A number of related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

#### **Warning**

This text has been prepared by officials of the Department for Education and Public Services of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill.

It has been produced solely to help people understand the effect of the Curriculum and Assessment (Wales) Bill. It is not intended for use in any other context.

Please note: this document has been prepared solely to assist people in understanding the [insert name of Bill] (Wales) Bill. It should not be relied on for any other purpose.

Act Amended	<i>Amending section of the Curriculum and Assessment (Wales) Bill</i>
<b>Education Act 1996 (c. 56)</b>	

Please note: this document has been prepared solely to assist people in understanding the [insert name of Bill] (Wales) Bill. It should not be relied on for any other purpose.

<p>4 Schools: general</p> <p>(1) In this Act (subject to subsections (1A) to (1C)) “school” means an educational institution which is outside the further education sector and the wider higher education sector and is an institution for providing—</p> <p>(a) primary education,</p> <p>(b) secondary education, or</p> <p>(c) both primary and secondary education,</p> <p>whether or not the institution also provides further education.</p> <p>(1A) An institution which—</p> <p>(a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and</p> <p>(b) is not a maintained nursery school,</p> <p>is not a school.</p> <p>(1B) A 16 to 19 Academy is not a school.</p> <p>(1C) An alternative provision Academy is a school.</p> <p>(2) Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) <u>or 19A(1)</u> (exceptional educational provision) under which part-time education is to be provided at a school; and for the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) <u>or 19A(1)</u>.</p> <p>(3) For the purposes of this Act an institution is outside the further education sector if it is not—</p> <p>(a) an institution conducted by a further education corporation established under section 15 or 16 of the Further and Higher Education Act 1992, or</p> <p>(b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act), or</p>	<p><i>Schedule 2</i></p> <p><i>Paragraphs 2</i></p>
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<p>(c) a sixth form college; and references to institutions within that sector shall be construed accordingly.</p> <p>(4) For the purposes of this Act an institution is outside the wider higher education sector if —</p> <p>(a) in relation to England, it is not a registered higher education provider within the meaning given by section 3(10) of the Higher Education and Research Act 2017, or</p> <p>(b) in relation to Wales, it is not an institution within the higher education sector within the meaning given by section 91(5) of the Further and Higher Education Act 1992; and references to institutions within the wider higher education sector are to be construed accordingly.</p>	
<p>19 Exceptional provision of education in pupil referral units or elsewhere: <u>England</u></p> <p>(1) Each local authority <u>in England</u> shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.</p> <p>(1A) <del>In relation to England,</del> subsection (1) does not apply in the case of a child —</p> <p>(a) who will cease to be of compulsory school age within the next six weeks, and</p> <p>(b) does not have any relevant examinations to complete.</p> <p>In paragraph (b) “relevant examinations” means any public examinations or other assessments for which the child has been entered.</p> <p><del>(2) Any school established (whether before or after the commencement of this Act) and maintained by a local authority which —</del></p> <p><del>(a) is specially organised to provide education for such children [children falling within subsection (1)];</del> and</p>	<p><i>Schedule 2</i> <i>Paragraphs 3</i></p>

Please note: this document has been prepared solely to assist people in understanding the [insert name of Bill] (Wales) Bill. It should not be relied on for any other purpose.

<p><del>(b) is not a county school or a special school, shall be known as a “pupil referral unit”.</del></p> <p><del>(2A) Subsection (2) does not apply in relation to schools in England.</del></p> <p>(2B) Any school established in England (whether before or after the commencement of this Act) and maintained by a local authority <u>in England</u> which -</p> <p>(a) is specially organised to provide education for <i>such children</i> [children falling within subsection (1)], and</p> <p>(b) is not a community or foundation school, a community or foundation special school, or a maintained nursery school,</p> <p>shall be known as a “pupil referral unit”.</p> <p>(3) A local authority <u>in England</u> may secure the provision of boarding accommodation at any pupil referral unit.</p> <p>(3A) <del>In relation to England,</del> the education to be provided for a child in pursuance of arrangements made by a local authority under subsection (1) shall be—</p> <p>(a) full-time education, or</p> <p>(b) in the case of a child within subsection (3AA), education on such part-time basis as the authority consider to be in the child's best interests.</p> <p>(3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child's best interests for full-time education to be provided for the child.</p> <p>(3B) Regulations may provide that the education to be provided for a child in pursuance of arrangements made by a local authority in England under subsection (1) must be provided from a day that, in relation to the pupil concerned, is determined in accordance with the regulations.</p>	
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(4) A local authority in England may make arrangements for the provision of suitable education otherwise than at school for those young persons who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a local authority shall have regard to any guidance given from time to time by the Secretary of State.

(5) Any child for whom education is provided otherwise than at school in pursuance of this section, and any young person for whom full-time education is so provided in pursuance of this section, shall be treated for the purposes of this Act as a pupil.

(6) In this section -

“relevant school” means -

- (a) a maintained school,
- (b) an Academy,
- (c) a city technology college, or
- (d) a city college for the technology of the arts;

“suitable education”, in relation to a child or young person in the area of a local authority in England, means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have and in relation to a child or young person in the area of a local authority in Wales, means efficient education suitable to the child's or young person's age, ability and aptitude and to any additional learning needs the child or young person may have (and “suitable full-time education” is to be read accordingly).

(7) Schedule 1 has effect in relation to pupil referral units maintained by a local authority in England.

Please note: this document has been prepared solely to assist people in understanding the [insert name of Bill] (Wales) Bill. It should not be relied on for any other purpose.

<p><b><u>19A Exceptional provision of education in pupil referral units or elsewhere: Wales</u></b></p> <p><u>(1) Each local authority in Wales must make arrangements for the provision of suitable education at school or otherwise than at school for children within the authority’s area who -</u></p> <p><u>(a) are of compulsory school age, and</u></p> <p><u>(b) by reason of illness, exclusion from school or otherwise, may not receive suitable education for a period unless such</u></p> <p><u>arrangements are made for them.</u></p> <p><u>(2) A school established (whether before or after the commencement of this Act) and maintained by a local authority in Wales which—</u></p> <p><u>(a) is specially organised to provide education for children falling within subsection (1), and</u></p> <p><u>(b) is not a special school,</u></p> <p><u>is to be known as a “pupil referral unit”.</u></p> <p><u>(3) A local authority in Wales may secure the provision of boarding accommodation at any pupil referral unit.</u></p> <p><u>(4) A local authority in Wales may make arrangements for the provision of suitable education otherwise than at a school for young persons within the authority’s area who, by reason of illness, exclusion from school or otherwise, may not receive a suitable education for a period unless such arrangements are made for them.</u></p> <p><u>(5) In this section, “suitable education”, in relation to a child or young person means efficient education suitable to the young person’s age, ability and aptitude and to any additional learning needs the child or young person may have.</u></p> <p><u>(6) The following persons are to be treated as pupils for the purposes of this Act -</u></p> <p><u>(a) any child for whom education is provided otherwise than at school under this section, and</u></p>	<p><i>Schedule 2</i></p> <p><i>Paragraphs 4</i></p>
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<p><u>(b) any young person for whom full-time education is provided otherwise than at school under this section.</u></p> <p>(7) Schedule 1 has effect in relation to pupil referral units maintained by local authorities in Wales.</p>	
<p><b>Chapter III</b>  <b>Religious Education <u>etc.</u> and Worship</b>  <b>Agreed Syllabuses</b>  <b>375 Agreed syllabuses of religious education: <u>England</u></b></p> <p>(1) Subject to the provisions of Schedule 31, any agreed syllabus in force immediately before the commencement of this Act shall continue to have effect.</p> <p>(2) In this Act “agreed syllabus” <u>in relation to England</u> means a syllabus of religious education—</p> <p>(a) prepared before the commencement of this Act in accordance with Schedule 5 to the Education Act 1944 or after commencement in accordance with Schedule 31, and</p> <p>(b) adopted by a local authority in England under that Schedule,</p> <p>whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.</p> <p>(3) Every agreed syllabus <u>for use in England</u> shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.</p> <p>(4) Any reference in this Act to an agreed syllabus adopted by a local authority <u>in England</u> includes a reference to an agreed syllabus deemed to be adopted by such an authority by virtue of paragraph 11 of Schedule 5 to the Education Act 1944 or paragraph 14 of Schedule 31; and accordingly, in relation to an agreed syllabus deemed to be so adopted, any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Secretary of State in a direction under that paragraph.</p>	<p><i>Schedule 2</i>  <i>Paragraph 5 and 6</i></p>

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<p>(5) Subsection (3) does not apply to any agreed syllabus adopted before 29th September 1988.</p>	
<p><b><u>375A Agreed syllabus of Religion, Values and Ethics: Wales</u></b></p> <p><u>(1) Each local authority in Wales must adopt a syllabus of religion, values and ethics, for use in the schools maintained by them.</u></p> <p><u>(2) The syllabus may make different provision in respect of—</u></p> <p><u>(a) different descriptions of school maintained by the local authority;</u></p> <p><u>(b) different descriptions of pupils.</u></p> <p><u>(3) The syllabus—</u></p> <p><u>(a) must reflect the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain;</u></p> <p><u>(b) must also reflect the fact that a range of non-religious philosophical convictions are held in Great Britain.</u></p> <p><u>(4) In subsection (3), the reference to philosophical convictions is to philosophical convictions within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights.</u></p> <p><u>(5) Schedule 31 makes further provision in relation to a syllabus of religion, values and ethics.</u></p> <p><u>(6) In this section—</u></p> <p><u>“the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the United Kingdom;</u></p> <p><u>“the First Protocol”, in relation to that Convention, means the protocol to the Convention agreed at Paris on 20 March 1952.</u></p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 7</i></p>

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<p><u>(7) References in this Act to an agreed syllabus, in relation to Wales, are to a syllabus adopted under this section, or deemed to be adopted under this section by virtue of paragraph 14(2) of Schedule 31; and accordingly in relation to syllabus deemed to have been so adopted any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Welsh Ministers in a direction under that paragraph.</u></p> <p><u>(8) In exercising functions under this section, a local authority must have regard to any guidance given by the Welsh Ministers.</u></p>	
<p><b><i>Constitution of standing advisory councils <del>on religious education</del></i></b></p> <p><b>390 Constitution of advisory councils</b></p> <p>(1) A local authority in <u>England</u> shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).</p> <p><u>(1A) A local authority in Wales shall constitute a standing advisory council on Religion, Values and Ethics for the purposes mentioned in section 391(1A).</u></p> <p>(2) <del>The council</del> <u>A council constituted under subsection (1) or (1A)</u> shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).</p> <p>(3) <del>The council</del> <u>A council constituted under subsection (1) (1A)</u> may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).</p> <p>(4) The representative groups required by this subsection are—</p> <p>(a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;</p>	<p><i>Schedule 2</i></p> <p><i>Paragraphs 8 and 9</i></p>

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<p><u>(aa) in the case of an area in Wales, a group of persons to represent such non-religious philosophical convictions (within the meaning of section 375A(3)) as, in the opinion of the authority, ought to be represented;</u></p> <p>(b) except in the case of an area in Wales, a group of persons to represent the Church of England;</p> <p>(c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and</p> <p>(d) a group of persons to represent the authority.</p> <p>(5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.</p> <p>(6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.</p> <p>(7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.</p>	
<p><b>391 Functions of advisory councils</b></p> <p>(1) The purposes referred to in section 390(1) are—</p> <p>(a) to advise the local authority on such matters connected with—</p> <p>(i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and</p> <p>(ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,</p>	<p><i>Schedule 2</i> <i>Paragraph 10</i></p>



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as the authority may refer to the council or as the council may see fit, and

(b) to carry out the functions conferred on them by section 394.

(1A) The purposes referred to in section 390(1A) are—

(a) to advise the local authority on such matters connected with—

(i) religious worship in community schools or in foundation schools which (within the meaning of Part 2 of the School Standards and Framework Act 1998) do not have a religious character, and

(ii) the provision of teaching and learning, under the Curriculum and Assessment (Wales) Act 2021, either in respect of the mandatory element of Religion, Values and Ethics (within the meaning of that Act), or under section 62 of that Act (post-compulsory education in maintained schools: Religion, Values and Ethics),

as the authority may refer to the council or as the council may see fit, and

(b) to carry out the functions conferred on them by section 394.

(2) The matters referred to in ~~subsection (1)(a)~~ subsections (1)(a) and (1A)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.

(3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.

(4) Each representative group concerned shall have a single vote on the question of whether to require such a review.

(5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

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<p>(6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.</p> <p>(7) The council's report shall in particular—</p> <p>(a) specify any matters in respect of which the council have given advice to the authority,</p> <p>(b) broadly describe the nature of the advice given, and</p> <p>(c) where any such matter was not referred to the council by the authority, give the council's reasons for offering advice on that matter.</p> <p>(8) <i>[repealed]</i></p> <p>(9) <i>[repealed]</i></p> <p>(10) A council for an area in Wales must send a copy of each report published by them under subsection (6) to the Welsh Ministers.</p> <p><u>(11) In exercising its functions under this Act, a council constituted by a local authority in Wales must have regard to any guidance issued by the Welsh Ministers.</u></p>	
<p><b>392 Advisory councils: supplementary provisions</b></p> <p>(1) In this section “the council” means <del>the standing advisory council on religious education</del> <u>a standing advisory council</u> constituted by a local authority under section 390.</p> <p>(2) Before appointing a person to represent any religion, denomination, <u>philosophical conviction</u> or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination, <u>philosophical conviction</u> or associations in question.</p> <p>(3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination,</p>	<p><i>Schedule 2</i> <i>Paragraph 11</i></p>

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<p><u>philosophical conviction</u> or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.</p> <p>(4) <i>[repealed]</i></p> <p>(5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.</p> <p>(6) A member of the council may at any time resign his office.</p> <p>(7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.</p> <p>(8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—</p> <p>(a) by a vacancy in the office of any member of the council required by section 390(2), or</p> <p>(b) on the ground that a member of the council appointed to represent any religion, denomination, <u>philosophical conviction</u> or associations does not at the time of the proceedings represent the religion, denomination or associations in question.</p>	
<p><b>394 Determination of cases in which requirement for Christian collective worship is not to apply</b></p> <p>(1) The council constituted by a local authority under section 390 shall, on an application made by the head teacher of—</p> <p>(a) any community school maintained by the authority, or</p> <p>(b) any foundation school which has not been designated under section <u>68A</u> or 69(3) of the School Standards and Framework Act 1998 by <u>the Welsh Ministers</u> or the Secretary of State as having a religious character,</p>	<p><i>Schedule 2</i> <i>Paragraph 12</i></p>

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consider whether it is appropriate for the requirement imposed by paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship) to apply in the case of the school or in the case of any class or description of pupils at the school.

(2) In determining whether it is appropriate for that requirement to apply as mentioned in subsection (1), the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school, or of the pupils of the particular class or description in question, which are relevant for determining the character of the collective worship appropriate in their case.

(3) The council shall give the head teacher written notification of their decision on the application.

(4) Where the council determine that it is not appropriate for the requirement to apply as mentioned in subsection (1), the determination shall take effect for the purposes of paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998 (disapplication of requirement for Christian collective worship) on such date as may be specified in the notification of the council's decision under subsection (3).

(5) Before making an application under subsection (1), the head teacher of a school shall consult the governing body.

(6) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.

(7) An application under subsection (1) shall be made in such manner and form as the council may require.

(8) Where an application is made under subsection (1)(a) in respect of a community school which becomes a foundation school (by virtue of the relevant enactments) before the application is determined, it shall, unless withdrawn by the head teacher, continue as if made under subsection (1)(b).

(9) In subsection (8) "the relevant enactments" means—

(a) in relation to England, sections 18 to 24 of the Education and Inspections Act 2006;

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<p>(b) <i>[repealed]</i></p>	
<p><b>396 Power of Secretary of State to direct advisory council to revoke determination or discharge duty</b></p> <p>(1) Where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any standing advisory council on religious education constituted by a local authority <u>in England</u> under section 390—</p> <p>(a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 to apply in the case of any school or any class or description of pupils at a school, or</p> <p>(b) have failed to discharge any duty imposed under section 394 or 395,</p> <p>he may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to him to be expedient; and the council shall comply with the directions.</p> <p>(2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.</p>	<p><i>Schedule 2</i> <i>Paragraph 13</i></p>
<p><b><u>396A Power of Welsh Ministers to direct advisory council to revoke determination etc</u></b></p> <p><u>(1) Where the Welsh Ministers are satisfied, either on complaint by any person or otherwise, that any standing advisory council constituted by a local authority in Wales under section 390—</u></p>	<p><i>Schedule 2</i> <i>Paragraph 14</i></p>

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<p><u>(a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 to apply in the case of any school or any class or description of pupils at a school, or</u></p> <p><u>(b) have failed to discharge any duty imposed under section 394 or 395,</u></p> <p><u>the Welsh Ministers may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to them to be expedient; and the council shall comply with the directions.</u></p> <p><u>(2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.</u></p>	
<p><b>397 Religious education: access to meetings and documents</b></p> <p>(1) This section applies to—</p> <p>(a) any conference convened under any of paragraphs 4 [A1] to 3 of Schedule 31, and</p> <p>(b) any standing advisory council <del>on religious education</del> constituted under section 390.</p> <p>(2) Regulations <u>made by the appropriate authority</u> may make provision—</p> <p>(a) for meetings of conferences or councils to be, subject to prescribed exceptions, open to members of the public,</p> <p>(b) requiring conferences or councils to give notice, in such manner as may be prescribed, of the time and place of such meetings, and</p> <p>(c) requiring conferences or councils, at such time or times as may be prescribed—</p> <p>(i) to make available for inspection, or</p> <p>(ii) to provide on payment of such fee as they think fit (not exceeding the cost of supply),</p> <p>copies of the agendas and reports for such meetings to members of the public.</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 15</i></p>

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<p>(3) Regulations made under subsection (2) may apply to—</p> <p>(a) committees appointed by local authorities under paragraph 4 of Schedule 31,</p> <p>(b) sub-committees appointed by conferences under that Schedule, and</p> <p>(c) representative groups on councils appointed under section 390(4), as they apply to conferences and councils.</p> <p><u>(4) The “appropriate authority” is—</u></p> <p><u>(a) in relation to a conference convened by a local authority in Wales, or a standing advisory council convened by a local authority in Wales, the Welsh Ministers;</u></p> <p><u>(b) in relation to a conference convened by a local authority in England, or a standing advisory council convened by a local authority in England, the Secretary of State.</u></p>	
<p><b>399 Determination of question whether religious education <u>or education in respect of Religion, Values and Ethics</u> in accordance with trust deed</b></p> <p><u>(1) Where any trust deed relating to a foundation or voluntary school in <u>England</u> makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.</u></p> <p><u>(2) Where any trust deed relating to a foundation or voluntary school in Wales makes any provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether provision for the mandatory element or Religion, Values and Ethics does or does not accord with the provisions of the trust deed, that question shall be determined in accordance with the provisions of the trust deed.</u></p>	<p><i>Schedule 2</i> <i>Paragraph 16</i></p>

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<p><u>(3) In subsection (2), the reference to the mandatory element of Religion, Values and Ethics has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.</u></p>	
<p><b>403 Sex education <u>in England</u>: manner of provision</b></p> <p>(1) The governing body and head teacher <u>of a maintained school in England</u> shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a <del>maintained the</del> school (whether or not as part of statutory relationships and sex education), it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.</p> <p>(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools <u>in England</u>—</p> <p>(a) they learn the nature of marriage and its importance for family life and the bringing up of children, and</p> <p>(b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.</p> <p>(1ZB) In subsection (1A) the reference to sex education does not include sex education given as part of statutory relationships and sex education.</p> <p>(1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State's guidance.</p> <p>(1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools <u>in England</u>.</p> <p>(1D) The Secretary of State may at any time revise his guidance under subsection (1A).</p>	<p><i>Schedule 2</i></p> <p><i>Paragraphs 17 and 18</i></p>



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<p>(2) In this section “maintained school” includes a community or foundation special school established in a hospital and “NHS body” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act).</p> <p>(2A) In this section “statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.</p>	
<p><b>404 Sex education: statements of policy in England</b></p> <p>(1) The governing body of a maintained <u>in England</u> school shall—</p> <p>(a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and</p> <p>(b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.</p> <p>(1A) A statement under subsection (1) must include a statement of the effect of section 405.</p> <p>(1B) In subsection (1) the reference to sex education does not include sex education given as part of statutory relationships and sex education (and accordingly subsection (1) does not apply at all in relation to a school at which sex education is only given as part of statutory relationships and sex education).</p> <p><i>(2) In subsection (1) “maintained school” includes, in relation to pupils who are provided with secondary education, a community or foundation special school established in a hospital.</i></p> <p>(2) In this section—</p> <p>“maintained school” includes, in relation to pupils who are provided with secondary education, a community or foundation special school established in a hospital;</p> <p>“statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.</p>	<p><i>Schedule 2</i></p> <p><i>Paragraphs 18 and 19</i></p>

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<p>(3) [repealed]</p>	
<p><b>405 Exemption from sex education in England</b></p> <p>(1) If the parent of any pupil in attendance at a maintained school <u>in England</u> requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.</p> <p>(2) In subsection (1) the reference to sex education does not include sex education provided at a maintained school in England as part of statutory relationships and sex education.</p> <p>(3) If the parent of any pupil in attendance at a maintained school in England requests that the pupil may be wholly or partly excused from sex education provided as part of statutory relationships and sex education, the pupil must be so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.</p> <p>(4) In this section “statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.</p>	<p><i>Schedule 2</i> <i>Paragraph 20</i></p>
<p><b>444ZA Application of section 444 to alternative educational provision</b></p> <p>(1) Where, in the case of a child of compulsory school age who is not a registered pupil at any school—</p> <p>(a) a local authority has made arrangements under section 19 <u>or 19A</u> for the provision of education for him otherwise than at a school or at his home, and</p> <p>(b) notice in writing of the arrangements has been given to the child's parent,</p> <p>subsections (1) to (7) of section 444 have effect as if the place at which the education is provided were a school and the child were a registered pupil at that school.</p>	<p><i>Schedule 2</i> <i>Paragraph 21</i></p>

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<p><i>[There are no amendments to the rest of the section and is not replicated here.]</i></p>	
<p><b>569 Regulations</b></p> <p>(1) Any power of the Secretary of State or the Welsh Ministers to make regulations under this Act shall be exercised by statutory instrument.</p> <p>(2) A statutory instrument containing regulations under this Act made by the Secretary of State, other than one falling within subsection (2A), shall be subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p>(2A) A statutory instrument which contains (whether alone or with other provision) regulations under section 550ZA(3)(f) or 550ZC(7) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.</p> <p>(2B) A statutory instrument containing regulations under sections 29(6A), 332ZC, 332AA, 332BA, 332BB, 336, <u>397</u>, 444A or 444B, 444B or (unless subsection (2BA) applies) Chapter 5A, <u>or paragraph 6B or 6C of Schedule 1</u>, made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.</p> <p>(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 39(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.</p> <p>(2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.</p> <p>(2C) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly</p>	<p><i>Schedule 2</i> <i>Paragraph 22</i></p>

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<p>for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.</p> <p>(3) <i>[Repealed]</i></p> <p>(4) Regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit or the Welsh Ministers think fit.</p> <p>(5) <i>Without prejudice to the generality of subsection (4), regulations under this Act may make in relation to Wales provision different from that made in relation to England.</i></p> <p>(6) <i>Subsection (5) does not apply to regulations under section 579(4).</i></p>	
<p><b>579 General interpretation</b></p> <p>(1) In this Act, unless the context otherwise requires—</p> <p>...</p> <p>“regulations” means regulations <del>(except in Chapter 5A)</del> made by the Secretary of State, <u>except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales;</u></p> <p><i>[There are no amendments to the rest of the section and is not replicated here.]</i></p>	<p><i>Schedule 2</i> <i>Paragraph 23</i></p>
<p><b>580 Index</b></p> <p>The expressions listed in the left-hand column below are defined by, or (as the case may be) are to be interpreted in accordance with, the provisions of this Act listed in the right-hand column in relation to those expressions.</p>	<p><i>Schedule 2</i> <i>Paragraph 24</i></p>

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<p><del>agreed syllabus</del> <span style="float: right;"><del>section 375(2) and (4)</del></span></p> <p><u>agreed syllabus</u> (in relation to England) <span style="float: right;"><u>section 375(2) and (4)</u></span></p> <p><u>agreed syllabus</u> (in relation to Wales) <span style="float: right;"><u>section 375A(7)</u></span></p> <p><i>[There are no amendments to the rest of the section and is not replicated here.]</i></p>	
<p><b>SCHEDULE 1 Pupil Referral Units</b></p> <p>Section 19</p> <p><i>General adaptations of enactments</i></p> <p>1</p> <p>References in any enactment to the proprietor or governing body of a school shall be read, in relation to a pupil referral unit, as references to the local authority.</p> <p>2</p> <p>References in any enactment to the head teacher of a school shall be read, in relation to a pupil referral unit, as references to the teacher in charge of the unit (whether known as the head teacher or not).</p> <p><u>2A</u></p> <p><u>Paragraphs 1 and 2 do not apply to references in an enactment in, or made under, the Curriculum and Assessment (Wales) Act 2021.</u></p> <p><i>Modifications of enactments by regulations</i></p>	<p><i>Schedule 2</i> <i>Paragraph 25</i></p>

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3

Regulations may provide for any enactments relating to schools maintained by local authorities (or schools including such schools)—

- (a) to apply in relation to pupil referral units,
- (b) to apply in relation to such units with such modifications as may be prescribed, or
- (c) not to apply in relation to such units.

3A

Regulations may also—

- (a) require a local authority in England to obtain the consent of the Secretary of State, in specified circumstances, to the closure of a pupil referral unit;
- (b) confer a power on the Secretary of State to give directions to a local authority in England about the exercise of—
  - (i) their functions under section 19;
  - (ii) their functions under any enactment applied to pupil referral units (with or without modifications) by regulations under paragraph 3;
  - (iii) any other function connected with pupil referral units;
- (c) require a local authority to comply with such directions.

*Registration*

4

(1) A person who is registered as a pupil at a school other than a pupil referral unit shall not, by reason only of being registered also as a pupil at such a unit, cease for the purposes of the Education Acts to be treated as a registered pupil at that school.

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(2) In this Schedule “registered” means shown in the register kept under section 434.

5

*[repealed]*

*Curriculum*

6

(1) In relation to every pupil referral unit maintained by a local authority in England, the local authority, the management committee (where applicable) and the teacher in charge shall exercise their functions with a view to securing that the curriculum for the unit satisfies the requirements of section 78(1) ~~or 99(1)~~ of the Education Act 2002 (balanced and broadly based curriculum).

(2) Regulations may make provision for the determination and organisation of the curriculum in relation to every pupil referral unit maintained by a local authority in England, including provision as to making, and keeping up to date, a written statement of the policy in relation to that curriculum for the unit; and such regulations may require—

(a) the local authority, the management committee (where applicable), or the teacher in charge to exercise, or

(b) such of them as may be prescribed to collaborate with each other in exercising, such functions in relation to the curriculum as may be prescribed.

~~(3) Each local authority in Wales shall make arrangements for the consideration and disposal of any complaint to the effect that the authority, or the teacher in charge of any pupil referral unit in Wales—~~

~~(a) have acted or are proposing to act unreasonably with respect to the exercise of any power conferred, or the performance of any duty imposed, on them by sub-paragraph (1) or (2) above, or~~

~~(b) have failed to discharge any such duty.~~

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~~(4) The Welsh Ministers shall not entertain under Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) any complaint in respect of any local authority in Wales if it is a complaint—~~

~~(a) for which arrangements are required to be made under sub-paragraph (3) above, or~~

~~(b) that a local authority in Wales have failed to exercise their powers to secure compliance by the teacher in charge of a pupil referral unit in Wales with any such duty as is referred to in that sub-paragraph,~~

~~unless a complaint in respect of the local authority or, as the case may be, the teacher in charge of the unit has been made in respect of the same matter and disposed of in accordance with arrangements under that sub-paragraph.~~

#### 6A

Paragraphs 6B, 6C and 6D apply in relation to every pupil referral units maintained by a local authority in Wales.

#### 6B

(1) The local authority, the management committee (where applicable) and the teacher in charge of the pupil referral unit must exercise their functions—

(a) in relation to registered pupils of compulsory school age at the unit, in accordance with sections 52 to 54 of the Curriculum and Assessment (Wales) Act 2021 (curriculum requirements);

(b) in relation to registered pupils above compulsory school age at the unit, with a view to securing that the curriculum for those pupils meets the requirements in sub-paragraph (2).

(2) The requirements are that the curriculum is a balanced and broadly based curriculum which—

(a) promotes the spiritual, moral, cultural, mental and physical development of the pupils, and



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(b) prepares them for the opportunities, responsibilities and experiences of later life.

(3) The Welsh Ministers may, by regulations, make provision in respect of the curriculum for registered pupils above compulsory school age at pupil referral units, including provision as to making, and keeping up to date, a written statement of the policy in relation to the curriculum for those pupils.

6C The Welsh Ministers may, by regulations—

(a) require the local authority, the management committee (where applicable) or the teacher in charge of the pupil referral unit to exercise any functions relating to the curriculum that are specified in regulations, or

(b) require those persons, or any of them, to collaborate with each other in exercising any functions relating to the curriculum that are specified in regulations.

6D (1) Each local authority in Wales must make arrangements to deal with complaints that the authority, or the teacher in charge of a pupil referral unit maintained by the authority—

(a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred, or the performance of a duty imposed, on them—

(i) by section 52, 53 or 54 of the Curriculum and Assessment (Wales) Act 2021, or

(ii) by paragraph 6B, or by regulations made under paragraph 6B or 6C, or

(b) have failed to discharge a duty imposed on them by or under any of those provisions.

(2) The Welsh Ministers must not exercise their powers under Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) in relation to—

(a) a complaint for which arrangements are required to be made under sub-paragraph (1), or

(b) a complaint that a local authority in Wales has failed to exercise its powers to secure compliance by the teacher in charge of a pupil referral unit with a duty referred to in subparagraph (1).

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unless a complaint about the same matter has been made, and has been dealt with, in accordance with arrangements made under that sub-paragraph.

7

*[repealed]*

*Sex education, political indoctrination and political issues*

8

(1) Sections 403, 406 and 407 (sex education, political indoctrination, and treatment of political issues) apply in relation to pupil referral units in England as they apply in relation to community schools in England.

(2) Sections 406 and 407 (political indoctrination, and treatment of political issues) apply in relation to pupil referral units in Wales as they apply in relation to community schools in Wales.

*Charges*

9

(1) Chapter III of Part VI applies in relation to pupil referral units as if the references to governing bodies were omitted.

(2) Section 458(2)(b) (charges for board and lodging) shall have effect in relation to a pupil provided with board and lodging at a unit as if after “that” there were inserted “for the time being”.

*Application of Environmental Protection Act 1990*

10

A pupil referral unit is an educational institution for the purposes of Part IV of the Environmental Protection Act 1990 (litter).

*Information*

11

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Each local authority shall—

- (a) on such occasions, and
- (b) in such form and manner,

as may be prescribed, make available to registered parents of registered pupils at any pupil referral unit such information about the unit as may be prescribed.

12

*[repealed]*

13

*[repealed]*

*School attendance orders*

14

(1) Where a pupil referral unit is named in a school attendance order—

- (a) the local authority shall inform the teacher in charge of the unit, and
- (b) if another local authority are responsible for determining the arrangements for the admission of pupils to the unit, that authority shall admit the child to the unit;

but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.

(2) Section 438(4) does not apply in relation to a pupil referral unit.

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(3) A local authority—

(a) shall, before deciding to specify a particular pupil referral unit in a notice under section 438(2) where another local authority are responsible for determining the arrangements for the admission of pupils to the unit, consult that authority; and

(b) if they decide to specify the unit in the notice, shall serve notice in writing of their decision on that authority.

(4) Section 439(7) and (8) apply where a notice is served on a local authority under sub-paragraph (3) above as they apply where notice is served under section 439(6).

(5) The parent of a child in respect of whom a school attendance order is in force may not under section 440 request the local authority to amend the order by substituting a pupil referral unit for the school named in the order.

(6) Where a child is a registered pupil at both a pupil referral unit and at a school other than a unit, the references in section 444 to the school at which he is a registered pupil shall be read as references to the unit.

*Management committees*

15

(1) Regulations may make provision—

(a) for requiring any local authority who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and

(b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.

(2) Regulations under this paragraph may in particular make provision—

(a) for enabling a local authority to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;

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- |   |  |
|---|--|
| <p>(b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;</p> <p>(c) as to the composition of a management committee established under the regulations and—</p> <p>(i) the appointment and removal of its members, and</p> <p>(ii) their terms of office,</p> <p>and in particular for requiring such a committee to include persons representing schools situated in the area from which the unit or units in question may be expected to draw pupils;</p> <p>[(d) for requiring or (as the case may be) prohibiting the delegation by—</p> <p>(i) a local authority; or</p> <p>(ii) in the case of a local authority which are operating executive arrangements, the executive of that authority or any person on behalf of that executive,</p> <p>to a management committee of such functions in connection with pupil referral units as are specified in the regulations;</p> <p>(e) for authorising a management committee to establish sub-committees;</p> <p>(f) for enabling (subject to any provisions of the regulations) a local authority, and in the case of a local authority which are operating executive arrangements the executive of that authority or any person acting on behalf of that executive, or a management committee to determine to any extent the committee's procedure and that of any sub-committee;</p> <p>(g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;</p> <p>(ga) about the effect of closure of a pupil referral unit on members of the management committee for the unit or members of any sub-committee;</p> <p>(h) for applying to any such committee or sub-committee, with or without modification—</p> |  |
|---|--|

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<p>(i) any provision of the Education Acts, or</p> <p>(ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.</p> <p>(3) In sub-paragraph (2), “executive” and “executive arrangements” have the same meaning as in the Local Government Act 2000.</p>	
<p><b>SCHEDULE 31 Agreed Syllabuses of Religious Education <u>and Religion, Values and Ethics</u></b></p> <p>Section 375</p> <p><i><u>Duty to convene conference to prepare first syllabus of religion, values and ethics:</u></i></p> <p><u>Wales</u></p> <p><u>A1</u></p> <p><u>A local authority in Wales must convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the local authority under section 375A.</u></p> <p><i>Duty to convene conference to reconsider agreed syllabus</i></p> <p>1</p> <p>(1) Where the agreed syllabus for the time being adopted by a local authority was adopted by them on or after 29th September 1988 but before 1st April 1994, they shall, within the period of five years beginning with the date on which they adopted the syllabus, convene a conference for the purpose of reconsidering the syllabus.</p> <p>(2) Sub-paragraph (1) does not apply where the authority have already convened such a conference on or after 1st April 1994 in pursuance of paragraph 12(3) of Schedule 5 to the Education Act 1944.</p> <p>2</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 26</i></p>

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(1) A local authority shall from time to time cause further conferences to be convened for the purpose of reconsidering any agreed syllabus for the time being adopted by them (whether adopted before, on or after 1st April 1994).

(2) No such conference shall be convened later than the end of the period of five years beginning with the date (falling after 31st March 1994) on which—

(a) the authority adopted the syllabus, or

(b) the authority gave effect to a recommendation under paragraph 10(2) below (or under paragraph 13 of Schedule 5 to the Education Act 1944) that the syllabus should continue to be the agreed syllabus.

3

On receipt by a local authority of written notification of any such requirement as is mentioned in section 391(3), the authority shall cause a conference to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

*Constitution of conference*

4

(1) A conference convened under this Schedule shall consist of such groups of persons (“committees”) appointed by the local authority which convenes the conference as are required by sub-paragraph (2).

(2) Those committees are—

(a) a committee of persons representing such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

(aa) in the case of an area in Wales, a committee of persons representing such non-religious philosophical convictions (within the meaning of section 375A(3)) as, in the opinion of the authority, ought to be represented;

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(b) except in the case of an area in Wales, a committee of persons representing the Church of England;

(c) a committee of persons representing such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and

(d) a committee of persons representing the authority.

(3) Where a committee is required to be appointed by virtue of sub-paragraph (2)(b), the committee required to be appointed by virtue of sub-paragraph (2)(a) shall not include persons appointed to represent the Church of England.

(4) The number of persons appointed under sub-paragraph (2)(a) to represent each denomination or religion required to be represented shall, so far as is consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that denomination or religion in the area.

5

Any sub-committees appointed by the conference shall each include at least one member of each of the committees constituting the conference.

6

On any question to be decided by the conference or by any sub-committee of the conference, a single vote shall be given for each of the committees constituting the conference.

7

(1) Before appointing a person to represent any religion, denomination, philosophical conviction or associations as a member of a committee, the local authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination, philosophical conviction or associations in question.



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(2) No proceedings under this Schedule shall be invalidated on the ground that a member of a committee did not represent the religion, denomination, philosophical conviction or associations which he was appointed to represent, unless it is shown that the authority failed to take the steps required by sub-paragraph (1).

8

A person appointed as a member of a committee—

(a) may resign his membership, or

(b) may be withdrawn from membership by the local authority if, in their opinion, he ceases to be representative of the religion, denomination, philosophical conviction or associations which he was appointed to represent or (as the case may be) of the authority.

9

Where a person resigns or is withdrawn from a committee, the local authority shall appoint someone in his place in the same manner as that in which they made the original appointment.

*Adoption of first syllabus of Religion, Values and Ethics: Wales*

9A

(1) This paragraph applies where a local authority in Wales convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the authority under section 375A.

(2) If—

(a) the conference unanimously recommend a syllabus for adoption by the authority under section 375A, and

(b) it appears to the authority that the recommended syllabus meets the condition in sub-paragraph (3), the authority may give effect to the recommendation by adopting the syllabus.

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(3) The condition is that the syllabus—

(a) reflects the fact that the religious traditions in Great Britain are mainly Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain, and

(b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Great Britain.

(4) If—

(a) the authority report to the Welsh Ministers that the conference are unable unanimously to recommend a syllabus for adoption under section 375A,

(b) the authority report to the Welsh Ministers that the condition in sub-paragraph (3) prevents them from giving effect to the unanimous recommendation of the conference, or

(c) it appears to the Welsh Ministers that the authority have failed to exercise their power under sub-paragraph (2) to give effect to the unanimous recommendation of the conference,

the Welsh Ministers must proceed in accordance with paragraph 12.

*Reconsideration of agreed syllabus*

10

(1) ~~This paragraph applies where a local authority~~ Sub-paragraph (2) applies where a local authority in England cause a conference to be convened for the purpose of reconsidering any agreed syllabus under any of paragraphs 1 to 3.

(2) If—

(a) the conference—

(i) unanimously recommend that the existing syllabus should continue to be the agreed syllabus, or

(ii) unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and

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(b) it appears to the local authority that the syllabus or, as the case may be, the new syllabus, reflects the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain, the authority may give effect to the recommendation.

(2A) Sub-paragraphs (2B) and (2C) apply where a local authority in Wales cause a conference to be convened for the purpose of reconsidering any agreed syllabus under paragraph 2 or 3.

(2B) If—

(a) the conference—

(i) unanimously recommend that the existing syllabus should continue to be the agreed syllabus, or

(ii) unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and

(b) it appears to the authority that the condition in sub-paragraph

(2C) has been met in relation to the syllabus,

the authority may give effect to the recommendation.

(2C) The condition in this sub-paragraph is met in relation to a syllabus if the syllabus—

(a) reflects the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain, and

(b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Great Britain.

(2D) Sub-paragraph (3) applies in relation to local authorities in England and local authorities in Wales.

(3) If—

(a) the authority report to the Secretary of State (in the case of an authority in England) or to the Welsh Ministers (in the case of an authority in Wales) that the conference are unable to reach unanimous agreement, or

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(b) the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus but the local authority consider that sub-paragraph (2)(b) or, as the case may be, (2B)(b), prevents them from giving effect to the recommendation, or

(c) it appears to the Secretary of State or, as the case may be, the Welsh Ministers, that the authority have failed to exercise their power under sub-paragraph (2) or, as the case may be, sub-paragraph (2B) to give effect to the unanimous recommendation of the conference, the Secretary of State or, as the case may be, the Welsh Ministers, shall proceed in accordance with paragraph 12.

11

*[repealed]*

*Preparation of new syllabus by appointed body*

12

(1) Where required by paragraph 10 to proceed in accordance with this paragraph, the Secretary of State shall appoint a body of persons having experience in religious education to prepare a syllabus of religious education.

(1A) Where required by paragraph 9A or 10 to proceed in accordance with this paragraph, the Welsh Ministers shall appoint a body of persons appearing to the Welsh Ministers to possess relevant experience to prepare a syllabus of Religion, Values and Ethics.

(2) The appointed body shall, so far as is practicable, be of a representative character which is the same as that required by paragraph 4 in the case of a conference.

13

(1) The appointed body shall—

(a) give the local authority, the conference and every committee constituting the conference an opportunity of making representations to it;

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(b) after considering any such representations made to it, prepare a syllabus of religious education or, as the case may be, a syllabus of Religion, Values and Ethics; and

(c) transmit a copy of that syllabus to the authority and ~~to the Secretary of State~~ —

(i) in the case of a body appointed by the Secretary of State, to the Secretary of State;

(ii) in the case of a body appointed by the Welsh Ministers, to the Welsh Ministers.

(2) Subject to sub-paragraph (1)(a), the appointed body may conduct its proceedings in such manner as it thinks fit.

14

(1) The syllabus prepared by ~~the appointed body~~ a body appointed under paragraph 12 by the Secretary of State shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared—

(a) as from such date as the Secretary of State may direct, and

(b) until a new syllabus is adopted for use in those schools, or for pupils of that class or description, in accordance with this Schedule.

(2) The syllabus prepared by a body appointed by the Welsh Ministers under paragraph 12 shall be deemed to be the syllabus adopted by the authority under section 375A—

(a) as from such date as the Welsh Ministers may direct, and

(b) until a new syllabus is adopted by that authority under that section.

#### Guidance

14A (1) In exercising functions under this Schedule, each of the persons specified in sub-paragraph (2) must have regard to any guidance given by the Welsh Ministers.

(2) The persons are—

(a) a local authority in Wales;

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<p><u>(b) a conference convened by a local authority in Wales under this Schedule;</u></p> <p><u>(c) a body of persons appointed by the Welsh Ministers under paragraph 12.</u></p> <p><i>Special provisions applicable where order under section 27(1)(b) applies</i></p> <p>15</p> <p>[repealed]</p>	
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<p><b>Education Act 1997 (c.44)</b></p>	
<p><b>56 Construction</b></p> <p>(1) In this Act—</p> <p>“prescribed” means prescribed by regulations; and</p> <p>“regulations” means regulations made by the Secretary of State under this Act, <u>except where otherwise stated or where the function of making regulations under this Act has been transferred to the Welsh Ministers in relation to Wales.</u></p> <p>(2) This Act shall be construed as one with the Education Act 1996.</p> <p>(3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 28</i></p>

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<p><b>School Standards and Framework Act 1998 (c. 31)</b></p>	<p><i>Schedule 2</i> <i>Paragraphs 29 to 43</i></p>
<p><b>58 Appointment and dismissal of certain teachers at schools with a religious character</b></p> <p>(1) In this section—</p> <p>(a) subsections (2) to (6) apply to a foundation or voluntary controlled school which has a religious character; and</p> <p>(b) subsection (7) applies (subject to subsection (8)) to a voluntary aided school which has a religious character;</p> <p>and references in this Chapter to a school which has (or does not have) a religious character shall be construed in accordance with <u>section 68A</u> and <u>section 69(3)</u>.</p> <p>(2) Where the number of teachers at a school to which this subsection applies is more than two, the teachers shall include persons who—</p> <p>(a) are selected for their fitness and competence to give religious education as is required in accordance with arrangements under paragraph 3(3) of Schedule 19 (arrangements for religious education in accordance with the school's trust deed or with the tenets of the school's specified religion or religious denomination), and</p> <p>(b) are specifically appointed to do so.</p> <p>(3) The number of reserved teachers in such a school shall not exceed one-fifth of the total number of teachers, including the head teacher (and for this purpose, where the total number of teachers is not a multiple of five, it shall be treated as if it were the next higher multiple of five).</p> <p>(4) <i>[repealed]</i></p> <p>(5) Where the appropriate body propose to appoint a person to be a reserved teacher in such a school, that body—</p>	<p><i>Schedule 2</i> <i>Paragraph 30</i></p>

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<p>(a) shall consult the foundation governors, and</p> <p>(b) shall not so appoint that person unless the foundation governors are satisfied as to his fitness and competence to give such religious education as is mentioned in subsection (2)(a).</p> <p>(6) If the foundation governors of such a school consider that a reserved teacher has failed to give such religious education efficiently and suitably, they may—</p> <p>(a) in the case of a teacher who is an employee, require the appropriate body to dismiss him from employment as a reserved teacher at the school, and</p> <p>(b) in the case of a teacher who is engaged otherwise than under a contract of employment, require the governing body to terminate his engagement.</p> <p>(7) If a teacher appointed to give religious education in a school to which this subsection applies fails to give such education efficiently and suitably, he may be dismissed on that ground by the governing body without the consent of the local authority.</p> <p>(8) Subsection (7) does not apply—</p> <p>(a) where the school has a delegated budget, or</p> <p>(b) to religious education in accordance with an agreed syllabus.</p> <p>(9) In this section—</p> <p>“the appropriate body” means—</p> <p>(a) in relation to a foundation school, the governing body, and</p> <p>(b) in relation to a voluntary controlled school, the local authority;</p> <p>“reserved teacher”, in relation to a foundation or voluntary controlled school, means a person employed or engaged at the school in pursuance of subsection (2).</p>	
<p><b>60 Staff at foundation or voluntary school with religious character</b></p>	<p><i>Schedule 2</i></p>



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<p>(1) This section applies to a foundation or voluntary school which has a religious character.</p> <p>(2) If the school is a foundation or voluntary controlled school, then (subject to subsections (3) and (4) below) section 59(2) to (4) shall apply to the school as they apply to a foundation or voluntary controlled school which does not have a religious character.</p> <p>(3) Section 59(2) to (4) shall not so apply in relation to a reserved teacher at the school; and instead subsection (5) below shall apply in relation to such a teacher as it applies in relation to a teacher at a voluntary aided school.</p> <p>(4) In connection with the appointment of a person to be head teacher of the school (whether foundation or voluntary controlled) in a case where the head teacher is not to be a reserved teacher regard may be had to that person's ability and fitness to preserve and develop the religious character of the school.</p> <p>(5) If the school is a voluntary aided school—</p> <p>(a) preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons—</p> <p>(i) whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school under section <u>68A</u> or section 69(4), or</p> <p>(ii) who attend religious worship in accordance with those tenets, or</p> <p>(iii) who give, or are willing to give, religious education at the school in accordance with those tenets; and</p> <p>(b) regard may be had, in connection with the termination of the employment or engagement of any teacher at the school, to any conduct on his part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified.</p> <p>(6) If the school is a voluntary aided school in Wales, no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being employed or engaged for the purposes of the school otherwise than as a teacher.</p>	<p><i>Paragraph 31</i></p>
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<p>(7) Where immediately before the appointed day a teacher at a school which on that day becomes a school to which this section applies enjoyed, by virtue of section 304 or 305 of the Education Act 1996 (religious opinions of staff etc), any rights not conferred on him by this section as a teacher at a school to which it applies, he shall continue to enjoy those rights (in addition to those conferred by this section) until he ceases to be employed as a teacher at the school.</p> <p>(8) In this section “reserved teacher”, in relation to a foundation or voluntary controlled school, means a person employed at the school in pursuance of section 58(2).</p>	
<p><b>Chapter VI</b> <b>Religious Education etc and Worship</b></p>	<p><i>Schedule 2</i> <i>Paragraph 32</i></p>
<p><b><u>Designation of schools: Wales</u></b></p> <p><b><u>68A Designation of schools with a religious character: Wales</u></b></p> <p><u>(1) For the purposes of this Part and the Curriculum and Assessment (Wales) Act 2021 a foundation or voluntary school in Wales has a religious character if it is designated as a school having such a character by an order made by the Welsh Ministers.</u></p> <p><u>(2) An order under subsection (1) must state the religion or religious denomination in accordance with whose tenets provision in the school’s curriculum in respect of Religion, Values and Ethics is, or may be, required to be designed and implemented under the Curriculum and Assessment (Wales) Act 2021 (or, as the case may be, each such religion or religious denomination).</u></p> <p><u>(3) The procedure to be followed in connection with—</u></p> <p><u>(a) the designation of a school in an order under subsection (1), and</u></p> <p><u>(b) the statement required by subsection (2), may be specified in regulations made by the Welsh Ministers.</u></p>	<p><i>Schedule 2</i> <i>Paragraph 33</i></p>

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<p><u>(4) Any order made under section 69(3) in respect of a foundation or voluntary school in Wales that has effect immediately before the coming into force of this section continues to have effect until revoked.</u></p> <p><u>(5) Where an order continues to have effect under subsection (4)—</u></p> <p><u>(a) the order is to be treated for all purposes as being an order made under this section,</u></p> <p><u>(b) the school designated by the order is to be treated for all purposes as being designated under this section, and</u></p> <p><u>(c) any references in the order to religious education are to be treated as being references to Religion, Values and Ethics.</u></p>	
<p><b>Chapter VI</b></p> <p><b>Religious Education and Worship</b></p> <p><b><i>Religious education :<u>in England</u></i></b></p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 34</i></p>
<p><b>69 Duty to secure due provision of religious education <u>in England</u></b></p> <p>(1) Subject to section 71, in relation to any community, foundation or voluntary school <u>in England</u>—</p> <p>(a) the local authority and the governing body shall exercise their functions with a view to securing, and</p> <p>(b) the head teacher shall secure, that religious education is given in accordance with the provision for such education included in the school's basic curriculum by virtue of section 80(1)(a) <del>or 101(1)(a)</del> of the Education Act 2002.</p> <p>(2) Schedule 19 has effect for determining the provision for religious education which is required by section 80(1)(a) <del>or 101(1)(a)</del> of that Act to be included in the basic curriculum of schools within each of the following categories, namely—</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 35</i></p>

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<p>(a) community schools and foundation and voluntary schools <u>in England</u> which do not have a religious character,</p> <p>(b) foundation and voluntary controlled schools <u>in England</u> which have a religious character, and</p> <p>(c) voluntary aided schools <u>in England</u> which have a religious character.</p> <p>(3) For the purposes of this Part a foundation or voluntary school <u>in England</u> has a religious character if it is designated as a school having such a character by an order made by the Secretary of State.</p> <p>(4) An order under subsection (3) shall state, in relation to each school designated by the order, the religion or religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school in accordance with Schedule 19 (or, as the case may be, each such religion or religious denomination).</p> <p>(5) The procedure to be followed in connection with—</p> <p>(a) the designation of a school in an order under subsection (3), and</p> <p>(b) the inclusion in such an order, in relation to a school, of the statement required by subsection (4), shall be specified in regulations.</p>	
<p><b>71 Exceptions and special arrangements; provision for special schools</b></p> <p>(1) If the parent of a pupil at a community, foundation or voluntary school <u>in England</u> requests that he may be wholly or partly excused from receiving religious education given at the school in accordance with the school's basic curriculum, the pupil shall be so excused until the request is withdrawn.</p> <p>(1A) If the parent of any pupil at a community, foundation or voluntary school other than a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at the school, the pupil shall be so excused until the request is withdrawn.</p>	<p><i>Schedule 2</i> <i>Paragraph 36</i></p>

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(1B) If a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at a community, foundation or voluntary school, the pupil shall be so excused.

(2) In subsections (1) to (1B)—

(a) the reference to religious education given in accordance with the school's basic curriculum is to such education given in accordance with the provision included in the school's basic curriculum by virtue of section 80(1)(a) ~~or 101(1)(a)~~ of the Education Act 2002, and

(b) the reference to religious worship in the school includes religious worship which by virtue of paragraph 2(6) of Schedule 20 takes place otherwise than on the school premises.

(3) Where in accordance with subsection (1) or (1A) a pupil has been wholly or partly excused from receiving religious education or from attendance at religious worship and the local authority are satisfied—

(a) that the parent of the pupil desires him to receive religious education of a kind which is not provided in the school during the periods of time during which he is so excused,

(b) that the pupil cannot with reasonable convenience be sent to another community, foundation or voluntary school where religious education of the kind desired by the parent is provided, and

(c) that arrangements have been made for him to receive religious education of that kind during school hours elsewhere,

the pupil may be withdrawn from the school during such periods of time as are reasonably necessary for the purpose of enabling him to receive religious education in accordance with the arrangements.

(4) A pupil may not be withdrawn from school under subsection (3) unless the local authority are satisfied that the arrangements there mentioned are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of a school session (or, if there is only one, the school session) on that day.

(5) Where the parent of a pupil who is a boarder at a community, foundation or voluntary school and is not a sixth-form pupil requests that the pupil be permitted—

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| <p>(a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or</p> <p>(b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs,</p> <p>the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.</p> <p>(5A) Where a sixth-form pupil who is a boarder at a community, foundation or voluntary school requests that he be permitted—</p> <p>(a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or</p> <p>(b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which the pupil belongs,</p> <p>the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.</p> <p>(6) Arrangements under subsection (5) or (5A) may provide for making facilities for such education or worship available on the school premises, but any expenditure entailed by the arrangements shall not be met from the school's budget share or otherwise by the local authority.</p> <p>(7) Regulations shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school <u>in England</u>—</p> <p>(a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of his parent, and</p> <p>(b) attends religious worship unless withdrawn from attendance at such worship—</p> <p>(i) in the case of a sixth-form pupil, in accordance with his own wishes, and</p> <p>(ii) in any other case, in accordance with the wishes of his parent.</p> <p>(8) In this section “sixth-form pupil” means any pupil who—</p> |  |
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<p>(a) has ceased to be of compulsory school age, and</p> <p>(b) is receiving education suitable to the requirements of pupils over compulsory school age.</p> <p><u>(7A) Regulations made by the Welsh Ministers shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school in Wales attends religious worship unless withdrawn from attendance at such worship—</u></p> <p><u>(a) in the case of sixth-form pupil, in accordance with the pupil’s own wishes, and</u></p> <p><u>(b) in any other case, in accordance with the wishes of the pupil’s parent.</u></p>	
<p><b>124B Designation of independent schools as having a religious character</b></p> <p><u>(A1) Subsections (1) and (3) of section 68A (which relate to the designation of foundation or voluntary schools in Wales as having a religious character) apply in relation to an independent school in Wales as they apply in relation to a foundation or voluntary school in Wales, but as if—</u></p> <p><u>(a) in subsection (1) of that section, the reference to Part 2 and the Curriculum and Assessment (Wales) Act 2021 were a reference to this Part, and</u></p> <p><u>(b) in subsection (3) of that section, the reference to subsection (2) of that section were a reference to subsection (2) of this section.</u></p> <p>(1) Subsections (3) and (5) of section 69 (which relate to the designation of foundation or voluntary schools <u>in England</u> as having a religious character) apply in relation to an independent school <u>in England</u> (other than an alternative provision Academy) as they apply in relation to a foundation or voluntary school, but as if—</p> <p>(a) in subsection (3), the reference to Part 2 were a reference to this Part, and</p> <p>(b) in subsection (5), the reference to subsection (4) of that section were a reference to subsection (2) of this section.</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 37</i></p>

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<p>(2) An order made under <u>section 68A by virtue of subsection (A1)</u> or under section 69(3) by virtue of subsection (1) shall specify, in relation to each school designated by the order, the religion or religious denomination (or as the case may be each religion or religious denomination) in accordance with whose tenets education is provided at the school or the school is conducted.</p>	
<p><b>138A Regulations made by Welsh Ministers under <u>section 71(7A)</u> or sections 89 to 90</b></p> <p>(1) Any power of the Welsh Ministers to make regulations under <u>section 71(7A)</u> or sections 89 to 90 shall be exercisable by statutory instrument.</p> <p>(2) A statutory instrument containing any such regulations made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.</p> <p>(3) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.</p>	<p><i>Schedule 2</i> <i>Paragraph 38</i></p>
<p><b>142 General interpretation</b></p> <p>(1) In this Act, unless the context otherwise requires—</p> <p>...</p> <p>“Church in Wales school” means a foundation or voluntary school in the Province of Wales in relation to which the religion or religious denomination specified under <u>section 68A</u> <del>section 69(4)</del> is 'Church in Wales' and “appropriate diocesan authority”, in relation to such a school, means the Diocesan Board of Finance for the diocese of the Church in Wales in which the school is situated or such other person as the <del>Secretary of State</del> <u>Welsh Ministers</u> may by order designate in respect of that diocese;</p> <p>...</p>	<p><i>Schedule 2</i> <i>Paragraph 39</i></p>



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<p>“regulations” (<del>except in sections 89 to 90</del>)(<u>except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales</u>) means regulations made by the Secretary of State under this Act;</p> <p>...</p> <p>“Roman Catholic Church school” means a foundation or voluntary school in relation to which the religion or religious denomination specified under section <u>68A</u> or 69(4) is 'Roman Catholic' and “appropriate diocesan authority”, in relation to such a school, means the bishop of the Roman Catholic diocese in which the school is situated;</p> <p>(2) Before making an order in respect of any diocese in Wales in exercise of the power conferred by the definition of “appropriate diocesan authority” the <del>Secretary of State</del> <u>Welsh Ministers</u> shall consult the bishop for the diocese.</p> <p>(3) Any reference in this Act to the religion or religious denomination specified in relation to a school under section <u>68A</u>, 69(4) or 124B(2) shall be construed, in a case where more than one religion or religious denomination is so specified, as including a reference to any of those religions or religious denominations.</p> <p>...</p> <p><i>[There are no amendments to the rest of the section and is not replicated here.]</i></p>	
<p><b>143 Index</b></p> <p>The expressions listed in the left-hand column below are defined by, or (as the case may be) are to be interpreted in accordance with, the provisions of this Act listed in the right-hand column in relation to those expressions.</p> <p><i>Expression</i></p>	<p><i>Schedule 2</i> <i>Paragraph 40</i></p> <p><i>Relevant provision</i></p>

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<p>school <u>in England</u> which has a religious character (in Part 2 in relation to a foundation or voluntary school) <span style="float: right;">section 69(3)</span></p> <p><u>school in Wales which has a religious character</u> (in Part 2 in relation to a foundation or voluntary school) <span style="float: right;">section 68A(1)</span></p> <p>(in Part 5A in relation to an independent school) <span style="float: right;">sections 68A(1) and 124B(1A)</span></p>	
<p><b>SCHEDULE 3</b></p> <p><b>Funding of Foundation, Voluntary and Foundation Special Schools</b></p> <p><b>Part II Voluntary Aided Schools</b></p> <p><b>Grants by Secretary of State in respect of expenditure on premises or equipment</b></p> <p>5</p> <p>(1) The Secretary of State may make grants—</p> <p>(a) to the governing body of a voluntary aided school in respect of <i>qualifying expenditure incurred</i> capital expenditure incurred or to be incurred by them; or</p> <p>(b) to a relevant body in the case of such a school, in respect of <i>qualifying expenditure incurred</i> capital expenditure incurred or to be incurred by that body on behalf of the governing body.</p> <p>(2) <i>In sub-paragraph (1) “qualifying expenditure” means expenditure in respect of the provision, alteration or repair of premises or equipment for the school.</i></p> <p>(3) The amount of any grant paid under this paragraph in respect of any such expenditure—</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 41</i></p>

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| <p>(a) shall not exceed 85 per cent of the expenditure, and</p> <p>(a) shall not exceed 90 per cent of the expenditure or, if the Secretary of State considers that the circumstances are exceptional, shall not exceed 100 per cent of the expenditure, and</p> <p>(b) in the case of any prescribed class or description of such expenditure, shall be such as may be determined in accordance with regulations.</p> <p>(4) The times at which, and the manner in which, payments are made in respect of a grant under this paragraph shall be such as may be determined from time to time by the Secretary of State.</p> <p>(5) <i>Without prejudice to any other duty of his, the Secretary of State shall, in performing functions relating to the exercise of the power under this paragraph to make grants in respect of expenditure on—</i></p> <p>(a) <i>such alterations to school buildings as are referred to in paragraph 3(2)(a), or</i></p> <p>(b) <i>the repair of school buildings,</i></p> <p><i>give priority to paying grants in respect of expenditure which is necessary for the performance by governing bodies of their duties; and the amount of any grant paid in the exercise of that power in respect of such expenditure on the repair of school buildings shall be 85 per cent of the expenditure.</i></p> <p>(5) Without prejudice to any other duty of his, the Secretary of State shall, in performing functions relating to the exercise of the power under this paragraph to make grants in respect of expenditure on school premises, give priority to paying grants in respect of expenditure which is necessary to make such alterations as may be required by the local authority for the purpose of securing that the school premises conform to the standards prescribed under section 542 of the Education Act 1996 or as may be required for the purpose of securing that the school premises conform to standards specified by or under any other enactment relating to health and safety; and the amount of any grant paid in the exercise of that power in respect of such expenditure on school premises shall be at least 90 per cent of the expenditure.</p> <p>(6) Any body to whom any payment is made in respect of a grant under this paragraph shall comply with such requirements determined by the Secretary of State as he may from time to time impose.</p> <p>(7) Such requirements—</p> |  |
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<p>(a) may be imposed on, or at any time after, the making of any payment by reference to which they are imposed, and</p> <p>(b) may at any time be waived, removed or varied by the Secretary of State;</p> <p>but such requirements may be imposed after the making of any such payment only if the Secretary of State is satisfied that in all the circumstances it is reasonable for them to be so imposed.</p> <p>(8) Such requirements may, in particular, if any conditions specified in the requirements are satisfied—</p> <p>(a) require the application for purposes connected with the provision of education in appropriate schools of—</p> <p>(i) any premises or equipment in respect of which the grant has been paid under this paragraph, or</p> <p>(ii) an amount equal to so much of the value of any such premises or equipment as is determined in accordance with the requirements to be properly attributable to the payment of the grant; and</p> <p>(b) in the event that that requirement is not complied with, require the payment to the Secretary of State of the whole or any part of the following amount.</p> <p>(9) That amount is—</p> <p>(a) the amount of the payments made in respect of the grant under this paragraph, or</p> <p>(b) the amount mentioned in sub-paragraph (8)(a)(ii),</p> <p>whichever the Secretary of State determines to be just.</p> <p>(10) When deciding whether to make any grant to a body under this paragraph in circumstances where he considers that it would be appropriate to impose requirements falling within sub-paragraph (8), the Secretary of State may have regard to whether, if such requirements were imposed, that body would have an enforceable right against some other person to be given by that person such financial assistance as would be necessary to enable them to pay to the Secretary of State the amount mentioned in sub-paragraph (9).</p>	
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<p>(11) No grant may be paid under this paragraph in respect of any expenses incurred in the provision of any premises which it is the duty of the local authority to provide.</p> <p>(12) In this paragraph—  “appropriate schools”—</p> <p>(a) in relation to a voluntary aided school having a religious character, means schools which are either foundation or voluntary schools and whose specified religion or religious denomination under section <u>68A</u> or 69(4) is the same as that school's, and</p> <p>(b) in relation to any other voluntary aided school, means maintained schools;</p> <p>“relevant body”, in relation to a voluntary aided school, means the appropriate diocesan authority or the school's trustees;</p> <p><i>“repair” does not include repair falling within paragraph 3(3).</i></p>	
<p><b>SCHEDULE 19</b></p> <p><b>Required Provision for Religious Education <u>England</u></b></p> <p>Section 69</p> <p><i>Introductory</i></p> <p>1</p> <p>(1) In this Schedule “the required provision for religious education”, in relation to a school, means the provision for pupils at the school which is required by section 80(1)(a) <del>or 101(1)(a)</del> of the Education Act 2002 to be included in the school's basic curriculum.</p> <p>(2) In this Schedule “agreed syllabus” has the meaning given by section 375(2) of the Education Act 1996.</p> <p><i>Community schools and foundation and voluntary schools without a religious character</i></p>	<p><i>Schedule 2</i>  <i>Paragraph 42</i></p>

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2

(1) This paragraph applies to—

- (a) any community school in England; and
- (b) any foundation or voluntary school in England which does not have a religious character.

(2) Subject to sub-paragraph (4), the required provision for religious education in the case of pupils at the school is provision for religious education in accordance with an agreed syllabus adopted for the school or for those pupils.

(3) If the school is a secondary school so situated that arrangements cannot conveniently be made for the withdrawal of pupils from it in accordance with section 71 to receive religious education elsewhere and the local authority are satisfied—

- (a) that the parents of any pupils at the school desire them to receive religious education in the school in accordance with the tenets of a particular religion or religious denomination, and
- (b) that satisfactory arrangements have been made for the provision of such education to those pupils in the school, and for securing that the cost of providing such education to those pupils in the school will not fall to be met from the school's budget share or otherwise by the authority,

the authority shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) provide facilities for the carrying out of those arrangements.

(4) If immediately before the appointed day the school was a grant-maintained school (within the meaning of the Education Act 1996), and in relation to the school or any pupils at the school the appropriate agreed syllabus as defined by section 382 of that Act was a syllabus falling within subsection (1)(c) of that section, then until—

- (a) the end of such period as the Secretary of State may by order prescribe, or
- (b) such earlier date as the governing body may determine,

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the required provision for religious education in the case of the school or (as the case may be) those pupils is provision for religious education in accordance with that syllabus.

(5) No agreed syllabus shall provide for religious education to be given to pupils at a school to which this paragraph applies by means of any catechism or formulary which is distinctive of a particular religious denomination (but this is not to be taken as prohibiting provision in such a syllabus for the study of such catechisms or formularies).

*Foundation and voluntary controlled schools with a religious character*

3

(1) This paragraph applies to any foundation or voluntary controlled school in England which has a religious character.

(2) Subject to sub-paragraph (4), the required provision for religious education in the case of pupils at the school is provision for religious education—

- (a) in accordance with any arrangements made under sub-paragraph (3), or
- (b) subject to any such arrangements, in accordance with an agreed syllabus adopted for the school or for those pupils.

(3) Where the parents of any pupils at the school request that they may receive religious education—

- (a) in accordance with any provisions of the trust deed relating to the school, or
- (b) where provision for that purpose is not made by such a deed, in accordance with the tenets of the religion or religious denomination specified in relation to the school under section 69(4),

the foundation governors shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for securing that such religious education is given to those pupils in the school during not more than two periods in each week.

(4) If immediately before the appointed day the school was a grant-maintained school (within the meaning of the Education Act 1996), and in relation to the school or any pupils at the school the

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appropriate agreed syllabus as defined by section 382 of that Act was a syllabus falling within subsection (1)(c) of that section, then until—

- (a) the end of such period as the Secretary of State may by order prescribe, or
- (b) such earlier date as the governing body may determine,

that syllabus shall be treated for the purposes of sub-paragraph (2)(b) as an agreed syllabus adopted for the school or (as the case may be) those pupils.

*Voluntary aided schools with a religious character*

4

(1) This paragraph applies to any voluntary aided school in England which has a religious character.

(2) The required provision for religious education in the case of pupils at the school is provision for religious education—

- (a) in accordance with any provisions of the trust deed relating to the school, or
- (b) where provision for that purpose is not made by such a deed, in accordance with the tenets of the religion or religious denomination specified in relation to the school under section 69(4), or
- (c) in accordance with any arrangements made under sub-paragraph (3).

(3) Where the parents of any pupils at the school—

- (a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local authority, and
- (b) cannot with reasonable convenience cause those pupils to attend a school at which that syllabus is in use,

the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for religious education in accordance with that syllabus to be given to those pupils in the school.



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<p>(4) Religious education under any such arrangements shall be given during the times set apart for the giving of religious education in the school in accordance with the provision for that purpose included in the school's basic curriculum by virtue of section 80(1)(a) or 101(1)(a) of the Education Act 2002.</p> <p>(5) Any arrangements under sub-paragraph (3) shall be made by the governing body, unless the local authority are satisfied that the governing body are unwilling to make them, in which case they shall be made by the authority.</p> <p>(6) Subject to sub-paragraph (3), the religious education given to pupils at the school shall be under the control of the governing body.</p>	
<p><b>SCHEDULE 20</b></p> <p><b>Collective Worship</b></p> <p>Section 70</p> <p><i>Introductory</i></p> <p>1</p> <p>In this Schedule “the required collective worship”, in relation to a school, means the collective worship in that school which is required by section 70.</p> <p><i>General provisions as to collective worship</i></p> <p>2</p> <p>(1) This paragraph applies to any community, foundation or voluntary school.</p> <p>(2) The arrangements for the required collective worship may, in respect of each school day, provide for a single act of worship for all pupils or for separate acts of worship for pupils in different age groups or in different school groups.</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 43</i></p>

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- (3) For the purposes of sub-paragraph (2) a “school group” is any group in which pupils are taught or take part in other school activities.
- (4) Subject to sub-paragraph (6), the arrangements for the required collective worship shall be made—
- (a) if the school is a community school or a foundation school which does not have a religious character, by the head teacher after consulting the governing body;
- (b) if the school is a foundation school which has a religious character or a voluntary school, by the governing body after consulting the head teacher.
- (5) Subject to sub-paragraph (6), the required collective worship shall take place on the school premises.
- (6) If the governing body of a community, foundation or voluntary school are of the opinion that it is desirable that any act of collective worship in the school required by section 70 should, on a special occasion, take place elsewhere than on the school premises, they may, after consultation with the head teacher, make such arrangements for that purpose as they think appropriate.
- (7) The powers of a governing body under sub-paragraph (6) shall not be exercised so as to derogate from the rule that the required collective worship must normally take place on the school premises.

*Nature of collective worship in community schools and foundation schools without a religious character*

3

- (1) This paragraph applies to—
- (a) any community school; and
- (b) any foundation school which does not have a religious character.
- (2) Subject to paragraph 4, the required collective worship shall be wholly or mainly of a broadly Christian character.

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(3) For the purposes of sub-paragraph (2), collective worship is of a broadly Christian character if it reflects the broad traditions of Christian belief without being distinctive of any particular Christian denomination.

(4) Not every act of collective worship in the school required by section 70 need comply with sub-paragraph (2) provided that, taking any school term as a whole, most such acts which take place in the school do comply with that sub-paragraph.

(5) Subject to sub-paragraphs (2) and (4)—

(a) the extent to which (if at all) any acts of collective worship required by section 70 which do not comply with sub-paragraph (2) take place in the school,

(b) the extent to which any act of collective worship in the school which complies with sub-paragraph (2) reflects the broad traditions of Christian belief, and

(c) the ways in which those traditions are reflected in any such act of collective worship,

shall be such as may be appropriate having regard to any relevant considerations relating to the pupils concerned which fall to be taken into account in accordance with sub-paragraph (6).

(6) Those considerations are—

(a) any circumstances relating to the family backgrounds of the pupils which are relevant for determining the character of the collective worship which is appropriate in their case, and

(b) their ages and aptitudes.

(7) In this paragraph references to acts of collective worship in the school include such acts which by virtue of paragraph 2(6) take place otherwise than on the school premises.

*Disapplication of requirement under paragraph 3(2)*

4

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(1) This paragraph applies where a standing advisory council on religious education have determined (under section 394 of the Education Act 1996) that it is not appropriate for the requirement imposed by paragraph 3(2) to apply in the case of any school to which paragraph 3 applies or in the case of any class or description of pupils at any such school.

(2) While the determination has effect—

(a) paragraph 3 shall not apply in relation to the school or (as the case may be) the pupils in question, and

(b) the collective worship required by section 70 in the case of the school or pupils shall not be distinctive of any particular Christian or other religious denomination;

but paragraph (b) shall not be taken as preventing that worship from being distinctive of any particular faith.

*Nature of collective worship in foundation schools with a religious character and voluntary schools*

5

In the case of a foundation school which has a religious character or a voluntary school, the required collective worship shall be—

(a) in accordance with any provisions of the trust deed relating to the school, or

(b) where—

(i) provision for that purpose is not made by such a deed, and

(ii) the school has a religious character,

in accordance with the tenets and practices of the religion or religious denomination specified in relation to the school under section 68A or 69(4).

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<p><b>Education Act 2002 (c. 32)</b></p>	<p><i>Schedule 2</i> <i>Paragraphs 44 – 46</i></p>
<p><b><del>Part 7 The Curriculum in Wales</del></b> <b><del>Preliminary</del></b> <b><del>97 Interpretation of Part 7</del></b> In this Part— “<del>assess</del>” includes <del>examine and test</del>, and related expressions shall be construed accordingly; “<del>assessment arrangements</del>” means— (a) — in relation to the <del>foundation phase</del>, the <del>arrangements for assessing pupils in respect of that phase for the purpose of ascertaining what they have achieved in relation to the desirable outcomes</del>; and (b) — in relation to a <del>key phase</del>, the <del>arrangements for assessing pupils in respect of that phase for the purpose of ascertaining what they have achieved in relation to the attainment targets for that phase</del>; “<del>attainment targets</del>”, in relation to a <del>key stage</del>, means the <del>knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of that stage</del>; “<del>course of study</del>” means a <del>course of education or training that—</del> (a) — leads to a <del>form of qualification or set of forms of qualification approved under Part 4 of the Qualifications Wales Act 2015 or designated under Part 5 of that Act, or</del> (b) — is <del>designated by the Welsh Ministers under section 34(8) of that Act</del>; “<del>desirable outcomes</del>”, in relation to the <del>foundation phase</del>, has the meaning given by <del>section 104</del>; “<del>the foundation phase</del>” has the meaning given by <del>section 102</del>; “<del>key stage</del>”, or references to a <del>particular key stage</del>, shall be construed in accordance with <del>section 103</del>;</p>	<p><i>Paragraph 45</i></p>

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~~“local curriculum” and “local curricula” are to be construed in accordance with section 116A and, in relation to a pupil’s school, “local curriculum” means—~~

~~(a) where the local authority by which the school is maintained has formed a single local curriculum under section 116A, that local curriculum; or~~

~~(b) where the local authority by which the school is maintained has formed more than one local curriculum under section 116A, the local curriculum in respect of which the school is designated under section 116C(2);~~

~~“maintained school” means—~~

~~(a) any community, foundation or voluntary school maintained by a local authority in Wales, or~~

~~(b) except where otherwise stated, any community special school which is maintained by a local authority in Wales and is not established in a hospital;~~

~~“maintained nursery school” means a nursery school which is maintained by a local authority in Wales and is not a special school;~~

~~“maintained secondary school”, in sections 116A to 116K, means a maintained school which is a secondary school unless it is a community special school which is maintained by a local authority in Wales;~~

~~“programmes of study”, in relation to a key stage, means matters, skills and processes which are required to be taught to pupils of different abilities and maturities by the end of that stage;~~

~~“pupil” includes a child for whom funded nursery education is provided;~~

~~“regulations” means regulations made by the Welsh Ministers;~~

~~“school”, in sections 116E to 116H, in relation to a pupil, means the maintained secondary school of which he or she was a registered pupil when he or she made an election under section 116D(1);~~

~~“school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first school term to begin after the following July; and has a~~

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~~corresponding meaning in relation to the provision of funded nursery education otherwise than at a school.~~

~~**98 Meaning of “nursery education” and related expressions**~~

~~(1) In this Part “nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age (whether provided at schools or elsewhere).~~

~~(2) For the purposes of this Part, nursery education is “funded nursery education” in relation to a child if—~~

~~(a) it is provided in a maintained school or a maintained nursery school, or~~

~~(b) it is provided, by a person other than the governing body of any such school, under arrangements made with that person by a local authority in Wales in pursuance of the duty imposed on the authority by section 118 of the School Standards and Framework Act 1998 (c 31) and in consideration of financial assistance provided by the authority under those arrangements.~~

~~(3) For the purposes of this Part, funded nursery education provided in relation to a child otherwise than at a maintained school or maintained nursery school is to be taken to be provided by the person with whom the arrangements referred to in subsection (2)(b) are made by the local authority.~~

~~***General duties in respect of the curriculum***~~

~~**99 General requirements in relation to curriculum**~~

~~(1) The curriculum for a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—~~

~~(a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and~~

~~(b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life.~~

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~~(2) — The curriculum for any funded nursery education provided otherwise than at a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—~~

~~(a) — promotes the spiritual, moral, cultural, mental and physical development of the pupils for whom the funded nursery education is provided and of society, and~~

~~(b) — prepares those pupils for the opportunities, responsibilities and experiences of later life.~~

#### **~~100 Duty to implement general requirements~~**

~~(1) — The Welsh Ministers shall exercise their functions with a view to securing—~~

~~(a) — that the curriculum for every maintained school or maintained nursery school satisfies the requirements of section 99, and~~

~~(b) — that the curriculum for any funded nursery education provided otherwise than at a maintained school or maintained nursery school satisfies the requirements of that section.~~

~~(2) — Every local authority in Wales shall exercise their functions with a view to securing—~~

~~(a) — that the curriculum for every maintained school or maintained nursery school which they maintain satisfies the requirements of section 99, and~~

~~(b) — that the curriculum for any funded nursery education provided, under arrangements made by them, otherwise than at a maintained school or maintained nursery school, satisfies the requirements of section 99.~~

~~(3) — The governing body and head teacher of every maintained school or maintained nursery school shall exercise their functions with a view to securing that the curriculum for the school satisfies the requirements of section 99.~~

~~(4) — The functions referred to in subsections (1) to (3) include in particular—~~

~~(a) — functions conferred by this Part in relation to the National Curriculum for Wales,~~



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~~(b) — except in relation to maintained nursery schools or the provision of funded nursery education otherwise than at a maintained school or maintained nursery school, functions relating to religious education and religious worship, and~~

~~(c) — functions conferred by this Part in relation to the local curriculum or curricula for a local authority's area.~~

~~(5) — Any person providing funded nursery education under the arrangements mentioned in section 98(2)(b) shall secure that the curriculum for that funded nursery education satisfies the requirements of section 99.~~

~~(6) — In exercising any function which may affect the provision of sex education in maintained schools, every local authority in Wales shall have regard to the guidance issued by the Welsh Ministers under section 403(1A) of the Education Act 1996 (c 56).~~

~~(7) — Except to the extent provided in subsection (6), nothing in this section shall be taken to impose duties on a local authority with regard to sex education.~~

~~(8) — In exercising any function which may affect the provision in maintained schools of education of a kind required by virtue of an order under section 101(3)(a), a local authority in Wales or the governing body of a maintained school shall have regard to any guidance from time to time given by the Welsh Ministers.~~

#### ~~**101 Basic curriculum for every maintained school in Wales**~~

~~(1) — The curriculum for every maintained school in Wales shall comprise a basic curriculum which includes —~~

~~(a) — provision for religious education for all registered pupils at the school (in accordance with such of the provisions of Schedule 19 to the School Standards and Framework Act 1998 (c 31) as apply in relation to the school);~~

~~(b) — a curriculum for all registered pupils at the school who have attained the age of three but are not over compulsory school age (known as “the National Curriculum for Wales”);~~

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- ~~(ba) — provision for personal and social education for all registered pupils at the school who are of compulsory school age;~~
- ~~(bb) — provision for work-related education for all registered pupils at the school during the third and fourth key stages;~~
- ~~(c) — in the case of a secondary school, provision for sex education for all registered pupils at the school;~~
- ~~(ca) — in the case of a secondary school, provision for education which satisfies the entitlements of registered pupils at the school under section 116E, and~~
- ~~(d) — in the case of a special school, provision for sex education for all registered pupils at the school who are provided with secondary education.~~
- ~~(2) — Subsection (1)(a) does not apply —~~
  - ~~(a) — in relation to a nursery class in a primary school, or~~
  - ~~(b) — in the case of a maintained special school (provision as to religious education in special schools being made by regulations under section 71(7) of the School Standards and Framework Act 1998 (c 31)).~~
- ~~(3) — The Welsh Ministers may by order —~~
  - ~~(a) — amend subsection (1) so as to add further requirements (otherwise than in relation to religious education or sex education);~~
  - ~~(b) — amend subsection (1)(b) —~~
    - ~~(i) — by substituting for the reference to the age of three (or to any age specified there by virtue of this sub-paragraph) a reference to such other age as may be specified in the order, or~~
    - ~~(ii) — by substituting for the reference to compulsory school age (or to any age specified there by virtue of this sub-paragraph) a reference to such other age as may be specified in the order, and~~
  - ~~(c) — amend any provision included in subsection (1) by virtue of paragraph (a) of this subsection.~~

***The National Curriculum for Wales***

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### **102 The foundation phase**

For the purposes of this Part, the foundation phase in relation to a pupil is such period as may be specified in an order made by the Welsh Ministers.

### **103 The key stages**

(1) — For the purposes of this Part, the key stages in relation to a pupil are —

(a) — [repealed]

(b) — the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of eight and ending at the same time as the school year in which the majority of pupils in his class attain the age of eleven (“the second key stage”);

(c) — the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of twelve and ending at the same time as the school year in which the majority of pupils in his class attain the age of fourteen (“the third key stage”), and

(d) — the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of fifteen and ending at the same time as the school year in which the majority of pupils in his class cease to be of compulsory school age (“the fourth key stage”).

(2) — The head teacher of a school may elect, in relation to a particular pupil and a particular subject, that subsection (1) shall have effect as if any reference to the school year in which the majority of pupils in that pupil's class attain a particular age were a reference to the school year in which that pupil attains that age.

(3) — If at any time, in the case of a pupil of compulsory school age, subsection (1) does not, apart from this subsection, apply to determine the period within which that time falls, that subsection shall have effect as if —

(a) — in the case of paragraphs (a) to (c), any reference to the school year in which the majority of pupils in that pupil's class attain a particular age were a reference to the school year in which that pupil attains that age, and

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~~(b) — in the case of paragraph (d), the period were a period beginning at the same time as the school year in which he attains the age of fifteen and ending when he ceases to be of compulsory school age.~~

~~(4) — The Welsh Ministers may by order —~~

~~(a) — provide that, in relation to any subject specified in the order, subsection (1) shall have effect as if for the ages of seven and eight there specified there were substituted such other ages (less than eleven and twelve respectively) as may be specified in the order, or~~

~~(b) — amend subsections (1) to (3).~~

~~(5) — In this section “class”, in relation to a particular pupil and a particular subject, means —~~

~~(a) — the teaching group in which he is regularly taught in that subject, or~~

~~(b) — where there are two or more such groups, such one of them as may be designated by the head teacher of the school.~~

#### ~~**104 Curriculum requirements for foundation phase**~~

~~For the foundation phase, the National Curriculum for Wales shall specify areas of learning, and may specify in relation to them —~~

~~(a) — the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of the foundation phase (referred to in this Part as “desirable outcomes”);~~

~~(b) — the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during the foundation phase (referred to in this Part as “educational programmes”); and~~

~~(c) — assessment arrangements.~~

#### ~~**105 Curriculum requirements for second and third key stages**~~

~~(1) — For the second and third key stages, the National Curriculum for Wales shall comprise the core and other foundation subjects specified in subsections (2) and (3) and shall specify attainment targets, programmes of study and assessment arrangements in relation to each of those subjects for each stage.~~

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~~(2) — The following are the core subjects for the second and third key stages —~~

~~(a) — mathematics,~~

~~(b) — English,~~

~~(c) — science, and~~

~~(d) — in relation to Welsh-speaking schools, Welsh.~~

~~(3) — The following are the other foundation subjects for the second and third key stages —~~

~~(a) — design and technology,~~

~~(aa) — information and communication technology,~~

~~(b) — physical education,~~

~~(c) — history,~~

~~(d) — geography,~~

~~(e) — art and design,~~

~~(f) — music,~~

~~(g) — Welsh, if the school is not a Welsh-speaking school, and~~

~~(h) — in relation to the third key stage, a modern foreign language.~~

~~(4) — In this section “modern foreign language” means a modern foreign language specified in an order made by the Welsh Ministers or, if the order so provides, any modern foreign language.~~

~~(5) — An order under subsection (4) may —~~

~~(a) — specify circumstances in which a language is not to be treated as a foundation subject for the third key stage, and~~

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~~(b) — provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.~~

~~(6) — The Welsh Ministers may by order amend subsections (2) to (5).~~

~~(7) — For the purposes of this section a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh—~~

~~(a) — religious education, and~~

~~(b) — the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.~~

~~(8) — In this section “school” includes part of a school.~~

#### **~~106 Curriculum requirements for fourth key stage~~**

~~(1) — For the fourth key stage, the National Curriculum for Wales shall comprise the core and other foundation subjects and specify attainment targets, programmes of study and assessment arrangements in relation to each of them.~~

~~(2) — The following are the core subjects for the fourth key stage—~~

~~(a) — mathematics,~~

~~(b) — English,~~

~~(c) — science, and~~

~~(d) — in relation to Welsh-speaking schools, Welsh.~~

~~(3) — The following are the other foundation subjects for the fourth key stage—~~

~~(a) — physical education, and~~

~~(b) — Welsh, if the school is not a Welsh-speaking school.~~

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~~(4) — For the purposes of this section a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh —~~

~~(a) — religious education, and~~

~~(b) — the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.~~

~~(5) — In this section “school” includes part of a school.~~

#### **~~107 Power to alter or remove requirements for fourth key stage~~**

~~(1) — The Welsh Ministers may by order —~~

~~(a) — amend any provision of section 106, or~~

~~(b) — provide that, while the order remains in force, that section is not to have effect.~~

~~(2) — Such an order may make such amendments of this Act as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).~~

#### **~~108 Establishment of the National Curriculum for Wales by order~~**

~~(1) — The Welsh Ministers shall so exercise the powers conferred by subsections (2) and (3) as to —~~

~~(a) — establish a complete National Curriculum for Wales for the foundation phase as soon as is reasonably practicable, and~~

~~(b) — revise the National Curriculum for Wales for the foundation phase and the key stages whenever the Welsh Ministers consider it necessary or expedient to do so.~~

~~(2) — In respect of the foundation phase, the Welsh Ministers —~~

~~(a) — shall by order specify the areas of learning, and~~

~~(b) — may by order specify in relation to each of those areas —~~

~~(i) — such desirable outcomes,~~

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<p><del>(ii) — such educational programmes, and</del></p> <p><del>(iii) — such assessment arrangements,</del></p> <p><del>as the Assembly considers appropriate for that area.</del></p> <p><del>(3) — In respect of the second and third key stages and (subject to section 107) the fourth key stage, the Welsh Ministers may by order specify in relation to each of the foundation subjects—</del></p> <p><del>(a) — such attainment targets,</del></p> <p><del>(b) — such programmes of study, and</del></p> <p><del>(c) — such assessment arrangements,</del></p> <p><del>as the Welsh Ministers consider appropriate for that subject.</del></p> <p><del>(4) — An order under subsection (2) or (3) may not require—</del></p> <p><del>(a) — the allocation of any particular period or periods of time during the foundation phase or any key stage to the teaching of any educational programme or programme of study or any matter, skill or process forming part of it, or</del></p> <p><del>(b) — the making in school timetables (or the timetables of any person providing funded nursery education) of provision of any particular kind for the periods to be allocated to such teaching during any such stage.</del></p> <p><del>(5) — An order under subsection (2) or (3) may, instead of containing the provisions to be made, refer to provisions in a document published as specified in the order and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.</del></p> <p><del>(6) — An order under subsection (2) (b)(iii) may confer or impose such functions on—</del></p> <p><del>(a) — the governing body and head teacher of a maintained school or a maintained nursery school,</del></p> <p><del>(b) — a person providing funded nursery education under the arrangements mentioned in section 98(2)(b),</del></p>	
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<p><del>(c) — an early years development and childcare partnership, and</del> <del>(d) — a local authority,</del> <del>as appear to the Welsh Ministers to be required.</del></p> <p><del>(7) — An order under subsection (3)(c) may confer or impose such functions on —</del> <del>(a) — the governing body and head teacher, and</del> <del>(b) — the local authority,</del> <del>as appear to the Welsh Ministers to be required.</del></p> <p><del>(8) — An order under subsection (2)(b)(iii) or (3)(c) may specify such assessment arrangements as may for the time being be made by a person specified in the order.</del></p> <p><del>(9) — Provision shall be made for determining the extent to which any assessment arrangements, and the implementation of the arrangements, achieve the purpose for which the arrangements are made; and any such provision may be made by or under the order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.</del></p> <p><del>(10) — The duties that may be imposed by virtue of subsection (6) or (7) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (9), the duty to permit them —</del> <del>(a) — to enter premises of the school or, as the case may be, premises on which the funded nursery education is being provided,</del> <del>(b) — to observe implementation of the arrangements, and</del> <del>(c) — to inspect, and take copies of, documents and other articles.</del></p> <p><del>(11) — An order under subsection (2)(b)(iii) or (3)(c) may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order (other than provision conferring or imposing functions as mentioned in subsection (6) or (7)) as appear to the Welsh Ministers</del></p>	
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~~to be expedient; and any provisions made under such an order shall, on being published as specified in the order, have effect for the purposes of this Part as if made by the order.~~

### ~~**109 Implementation of the National Curriculum for Wales in schools**~~

~~In relation to any maintained school and any school year—~~

~~(a) the local authority and the governing body shall exercise their functions with a view to securing, and~~

~~(b) the head teacher shall secure,~~

~~that the National Curriculum for Wales as subsisting at the beginning of that year is implemented.~~

### ~~**110 Implementation in respect of nursery schools etc**~~

~~(1) In relation to any maintained nursery school and any school year—~~

~~(a) the local authority and the governing body shall exercise their functions with a view to securing, and~~

~~(b) the head teacher shall secure,~~

~~that the National Curriculum for Wales as subsisting at the beginning of that year (so far as it relates to the foundation phase) is implemented.~~

~~(2) In relation to any school year, any person providing funded nursery education under the arrangements mentioned in section 98(2)(b) shall secure that the National Curriculum for Wales as subsisting at the beginning of that year is implemented (so far as it relates to the foundation phase) in respect of the pupils for whom the funded nursery education is provided.~~

~~(3) The local authority with whom the arrangements mentioned in section 98(2)(b) are made and the early years development and childcare partnership for the area of the authority shall exercise their respective functions with a view to securing that any person (other than the governing body of a maintained school or maintained nursery school) who provides funded nursery education complies with the obligation imposed by subsection (2)~~

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**~~The National Curriculum for Wales: special cases~~**

**~~111 Development work and experiments~~**

~~(1) — For the purpose of enabling development work or experiments to be carried out, the Welsh Ministers may direct in respect of a particular maintained school or maintained nursery school that, for such period as may be specified in the direction, the National Curriculum for Wales—~~

~~(a) — shall not apply, or~~

~~(b) — shall apply with such modifications as may be specified in the direction.~~

~~(2) — A direction under subsection (1) may apply either generally or in such cases as may be specified in the direction.~~

~~(3) — In the case of a community, voluntary controlled or community special school or a maintained nursery school, a direction shall not be given under subsection (1) except—~~

~~(a) — on an application by the governing body with the agreement of the local authority,~~

~~(b) — on an application by the local authority with the agreement of the governing body, or~~

~~(c) — on a proposal by the Welsh Ministers with the agreement of both the local authority and the governing body.~~

~~(4) — In the case of a foundation or voluntary aided school, a direction shall not be given under subsection (1) except on an application by the governing body or with the agreement of the governing body.~~

~~(5) — The Welsh Ministers may make it a condition of a direction under subsection (1) that any person by whom or with whose agreement the request for the direction was made should, when so directed or at specified intervals, report to the Welsh Ministers on any matters specified by them.~~

~~(6) — The Welsh Ministers may by a direction under this subsection vary or revoke a direction under subsection (1).~~

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### **112 Exceptions by regulations**

~~Regulations may provide that the National Curriculum for Wales, or such of the provisions of the National Curriculum for Wales as may be specified in the regulations—~~

~~(a) shall not apply, or~~

~~(b) shall apply with such modifications as may be specified in the regulations,  
in such cases or circumstances as may be specified in the regulations.~~

### **113 Pupils with statements of special educational needs**

~~The special educational provision for any pupil specified in a statement under section 324 of the Education Act 1996 (c 56) of his special educational needs may include provision—~~

~~(a) excluding the application of the National Curriculum for Wales, or~~

~~(b) applying the National Curriculum for Wales with such modifications as may be specified in the statement.~~

### **114 Temporary exceptions for individual pupils**

~~(1) Regulations may enable the head teacher of a maintained school or maintained nursery school, in such cases or circumstances and subject to such conditions as may be prescribed, to direct in respect of a registered pupil at the school that, for such period as may be specified in the direction (the “operative period” of the direction), the National Curriculum for Wales—~~

~~(a) shall not apply, or~~

~~(b) shall apply with such modifications as may be specified in the direction.~~

~~(2) The conditions prescribed by the regulations shall, in particular, limit the operative period that may be specified in a direction to a maximum period specified in the regulations.~~

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~~(3) — Any maximum period specified (whether in relation to directions given under the regulations or in relation to directions given under the regulations in circumstances specified in the regulations) shall be either—~~

~~(a) — a fixed period not exceeding six months, or~~

~~(b) — a period determinable (in such manner as may be specified in the regulations) not later than six months from its beginning.~~

~~(4) — Any maximum period so specified may, without prejudice to the generality of section 210(7) (which provides that regulations under this Act may make different provision for different cases or circumstances etc), differ according to whether or not the direction in question is given in respect of a period beginning—~~

~~(a) — immediately after the end of the operative period of a previous direction, or~~

~~(b) — within such period after the end of the operative period of a previous direction as may be specified in the regulations.~~

~~(5) — The regulations may enable the head teacher of a maintained school or maintained nursery school, in such cases or circumstances and subject to such conditions as may be prescribed—~~

~~(a) — to revoke any direction given by him under the regulations, and~~

~~(b) — to vary such a direction, except so as to extend its operative period.~~

~~(6) — Before making any regulations under this section, the Welsh Ministers shall consult with any persons with whom consultation appears to them to be desirable.~~

#### **115 Information concerning directions under section 114**

~~(1) — Where a head teacher gives or varies a direction under regulations made under section 114, he shall, in such manner as may be prescribed, give the information mentioned in subsection (2)—~~

~~(a) — to the governing body, and~~

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~~(b) — to the local authority by whom the school is maintained,  
and shall take such steps as may be prescribed to give that information also to a parent of the pupil concerned.~~

~~(2) — That information is —~~

~~(a) — the fact that he has taken the action in question, its effect and his reasons for taking it,  
(b) — the provision that is being or is to be made for the pupil's education during the operative period of the direction, and  
(c) — either a description of the manner in which he proposes to secure the full implementation of the National Curriculum for Wales in relation to the pupil after the end of that period, or an indication that he has the opinion mentioned in subsection (3).~~

~~(3) — That opinion is that the pupil has or probably has special educational needs by virtue of which the responsible authority would be required to determine the special educational provision that should be made for him (whether initially or on a review of any statement of his special educational needs which the authority are for the time being required under section 324 of the Education Act 1996 (c 56) to maintain).~~

~~(4) — Where —~~

~~(a) — the head teacher of a maintained school or maintained nursery school includes an indication of any such opinion in information given under subsection (1), and  
(b) — the local authority by whom the school is maintained are not the responsible authority in relation to the pupil in question,  
the head teacher shall also give that information, in such manner as may be prescribed, to the responsible authority.~~

~~(5) — Where the responsible authority receive information given to them under subsection (1) or (4) which includes an indication that the head teacher has the opinion mentioned in subsection (3), they shall~~

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~~consider whether any action on their part is required in the case of the pupil concerned under section 323 of the Education Act 1996 (c 56) (assessment of special educational needs).~~

~~(6) — In this section “the responsible authority”, in relation to a pupil, means the local authority responsible for him for the purposes of Part 4 of the Education Act 1996.~~

### **~~116 Appeals against directions under section 114 etc~~**

~~(1) — Where a head teacher —~~

~~(a) — gives, revokes or varies a direction under regulations made under section 114,~~

~~(b) — refuses to give, revoke or vary such a direction in response to a request made, in such manner and circumstances as may be prescribed by the regulations, by the parent of a registered pupil at the school, or~~

~~(c) — following the making of such a request, fails within such period as may be prescribed by the regulations to give, revoke or vary such a direction in accordance with the request,~~

~~the parent of the pupil concerned may appeal to the governing body.~~

~~(2) — On such an appeal, the governing body may —~~

~~(a) — confirm the head teacher's action, or~~

~~(b) — direct the head teacher to take such action authorised by the regulations as they consider appropriate in the circumstances.~~

~~(3) — The head teacher shall comply with any directions of the governing body given under subsection (2)(b).~~

~~(4) — The governing body shall notify the appellant and the head teacher in writing of their decision on such an appeal.~~

### **~~The Local Curricula~~**

#### **~~116A Formation of local curricula for pupils in Key Stage 4~~**

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| <p><del>(1) — Each local authority in Wales must form for its area one or more local curricula for pupils in the fourth key stage.</del></p> <p><del>(2) — A local curriculum must consist of suitable courses of study each of which —</del></p> <p><del>(a) — falls within a category in subsection (3) (the “learning domains”); and</del></p> <p><del>(b) — is from time to time selected by a local authority to form part of that local curriculum.</del></p> <p><del>(3) — The learning domains are —</del></p> <p><del>(a) — mathematics, science and technology;</del></p> <p><del>(b) — business, administration and law;</del></p> <p><del>(c) — services for people;</del></p> <p><del>(d) — arts, media, culture and languages;</del></p> <p><del>(e) — humanities, social sciences and preparation for life and work.</del></p> <p><del>(4) — Subject to any regulations made under subsection (5), a local authority may form a local curriculum as it sees fit.</del></p> <p><del>(5) — Regulations may make provision as to the formation of a local curriculum, including in particular provision —</del></p> <p><del>(a) — requiring a minimum number of courses of study to be included within —</del></p> <p><del>(i) — a local curriculum; or</del></p> <p><del>(ii) — a particular learning domain of a local curriculum;</del></p> <p><del>(b) — specifying —</del></p> <p><del>(i) — a minimum proportion of vocational courses of study (as compared with other courses of study) that must be included within a local curriculum; or</del></p> <p><del>(ii) — a minimum number of vocational courses of study that must be included within a local curriculum;</del></p> |  |
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~~(c) — preventing during a specified period any alteration to the contents of a local curriculum.~~

~~(6) — For the purposes of this section —~~

~~(a) — a course of study is suitable if it is designated as suitable for inclusion in local curricula by direction given by the Welsh Ministers;~~

~~(b) — a vocational course of study is a course of study designated as such by direction given by the Welsh Ministers;~~

~~(c) — a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.~~

~~(7) — Regulations under subsection (5) may make different provision in relation to local curricula formed by different local authorities.~~

#### **116B Local curricula: Welsh language**

~~(1) — Each local authority must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.~~

~~(2) — In the discharge of its duty under subsection (1), a local authority must have regard to any guidance given by the Welsh Ministers.~~

~~(3) — Guidance under subsection (2) may be given to a particular authority, or to authorities of a particular class or to authorities generally.~~

~~(4) — Within two months of the end of each academic year, a local authority must, in accordance with any instructions given by the Welsh Ministers, provide the Welsh Ministers with a report which —~~

~~(a) — describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;~~

~~(b) — describes how many pupils elected to follow such courses under section 116D and how many pupils were entitled to follow such courses under section 116E;~~

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~~(c) — explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local curricula courses of study which are taught through the medium of Welsh.~~

~~(5) — For the purposes of subsection (4), “academic year” means the period of 12 months beginning on 1 September.~~

### ~~116C Authorities with more than one local curriculum~~

~~(1) — This section applies where a local authority forms more than one local curriculum under section 116A.~~

~~(2) — In relation to each local curriculum, the local authority must designate the maintained secondary schools whose registered pupils are to be entitled to elect under section 116D to follow courses of study included within the curriculum.~~

### ~~116D Pupils' choices of local curriculum courses~~

~~(1) — A registered pupil of a maintained secondary school has the right to elect to follow, during the fourth key stage, a course or courses of study included within the local curriculum for the pupil's school. But this is subject to regulations made under subsection (2).~~

~~(2) — Regulations may make provision as to the making of elections under this section, including in particular provision —~~

~~(a) — specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;~~

~~(b) — identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;~~

~~(c) — as to the period during which elections are to be made.~~

### ~~116E Pupils' local curriculum entitlements~~

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~~(1) — During the fourth key stage, a pupil who has made an election under section 116D(1) is entitled to follow the elected course of study unless —~~

~~(a) — the pupil ceases to be a registered pupil of the school at which he or she was registered when he or she elected under section 116D(1) to follow the course of study; or~~

~~(b) — before the beginning of the fourth key stage, the head teacher of the pupil's school has decided under section 116F that the pupil is not entitled to follow the course of study.~~

~~(2) — Where a pupil is entitled to follow a course of study, it is for the head teacher of the pupil's school to decide upon which date during the fourth key stage the course is to begin.~~

~~**116F Head teacher's decision as to entitlement**~~

~~(1) — If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that the pupil is not entitled to follow a course of study which the pupil has elected to follow under section 116D(1).~~

~~(2) — The grounds referred to in subsection (1) are that —~~

~~(a) — as a result of the pupil's level of educational attainment, the course of study is not suitable for him or her;~~

~~(b) — as a result of other elections made by the pupil under section 116D(1), it is not reasonably practicable for him or her to follow the course of study;~~

~~(c) — the amount of time likely to be spent travelling to the place at which the course of study is likely to be delivered would be detrimental to the pupil's education;~~

~~(d) — disproportionate expenditure would be incurred if the pupil were to follow the course of study;~~

~~(e) — the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to follow the course of study.~~

~~(3) — Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision —~~

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| <p><del>(a) — as to the time or date by which decisions are to be made;</del></p> <p><del>(b) — as to the procedure to be followed in connection with the making of decisions;</del></p> <p><del>(c) — for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;</del></p> <p><del>(d) — as to the time or date by which appeals are to be determined;</del></p> <p><del>(e) — as to the procedure to be followed in connection with the determination of an appeal.</del></p> <p><del>(4) — A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.</del></p> <p><del>(5) — The Welsh Ministers may by order —</del></p> <p><del>(a) — amend or omit any paragraph of subsection (2);</del></p> <p><del>(b) — add additional paragraphs to that subsection;</del></p> <p><del>(c) — amend or omit such additional paragraphs.</del></p> <p><b><del>116G Delivery of local curriculum entitlements</del></b></p> <p><del>Where a pupil is entitled to follow a course of study under section 116E(1), the governing body of the pupil's school must ensure that during the fourth key stage the course is made available to the pupil by or on behalf of the governing body.</del></p> <p><b><del>116H Head teacher's decision to remove entitlement</del></b></p> <p><del>(1) — If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that a pupil is no longer entitled to follow a course of study that the pupil was entitled to follow under section 116E.</del></p> <p><del>(2) — The grounds referred to in subsection (1) are that —</del></p> |  |
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| <p><del>(a) — the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;</del></p> <p><del>(b) — disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.</del></p> <p><del>(3) — Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—</del></p> <p><del>(a) — as to the procedure to be followed in connection with the making of decisions;</del></p> <p><del>(b) — for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;</del></p> <p><del>(c) — as to the effect of a decision pending determination of an appeal;</del></p> <p><del>(d) — as to the procedure to be followed in connection with the determination of an appeal.</del></p> <p><del>(4) — A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.</del></p> <p><del>(5) — The Welsh Ministers may by order—</del></p> <p><del>(a) — amend or omit any paragraph of subsection (2);</del></p> <p><del>(b) — add additional paragraphs to that subsection;</del></p> <p><del>(c) — amend or omit such additional paragraphs.</del></p> <p><b>116I Planning the local curriculum</b></p> <p><del>(1) — The following persons must assist a local authority in planning the local curriculum or curricula for its area—</del></p> <p><del>(a) — the governing body and head teacher of any maintained secondary school maintained by the authority;</del></p> |  |
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~~(b) — the governing body and principal or other head of an institution within the further education sector in the authority's area.~~

~~(2) — In subsection (1), “planning the local curriculum or curricula” means the process by which a local authority decides under section 116A which courses of study to include in the local curriculum or curricula for its area.~~

~~(3) — The persons mentioned in paragraphs (a) and (b) of subsection (1) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under that subsection.~~

~~(4) — The persons mentioned in paragraph (a) of subsection (1) must comply with any direction given by the Welsh Ministers as to the exercise of their functions under that subsection~~

**116J Delivery of local curriculum entitlements: joint-working**

~~(1) — The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 116A.~~

~~(2) — In relation to the local curriculum or curricula for the area of a local authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.~~

~~(3) — The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.~~

~~(4) — The persons are —~~

~~(a) — the local authority;~~

~~(b) — the governing body of a secondary school maintained by the authority; and~~

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~~(c) — the governing body of an institution within the further education sector which is situated within the area of the authority.~~

~~(5) — In this section and section 116K “co-operation arrangements” means —~~

~~(a) — arrangements under which any person provides, on behalf of the governing body of a maintained secondary school, a course of study included within the relevant local curriculum for the school;~~

~~(aa) — arrangements made in exercise of the powers of collaboration described in section 4 of the Education (Wales) Measure 2011~~

~~(b) — [repealed]~~

~~(c) — [repealed]~~

~~(6) — For the purposes of this section, in relation to a maintained secondary school, “relevant local curriculum” means —~~

~~(a) — where the local authority by which the school is maintained has formed a single local curriculum for its area, that curriculum; or~~

~~(b) — where the local authority by which the school is maintained has formed more than one local curriculum for its area, the curriculum in respect of which the school is designated under section 116C(2).~~

#### **116K Joint-working: guidance and directions**

~~(1) — A local authority, a governing body of a maintained secondary school and the governing body of an institution within the further education sector in Wales must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 116J.~~

~~(2) — Guidance given under subsection (1) may relate to the content of co-operation arrangements.~~

~~(3) — A local authority and a governing body of a maintained secondary school must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.~~

~~(4) — A direction under subsection (3) —~~

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- ~~(a) — may require persons to enter into specified arrangements;~~
- ~~(b) — may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);~~
- ~~(c) — in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction~~

#### ~~**116L Power to amend learning domains**~~

~~The Welsh Ministers may by order —~~

- ~~(a) — amend or omit any paragraph of subsection (3) of section 116A;~~
- ~~(b) — add additional paragraphs to that subsection;~~
- ~~(c) — amend or omit such additional paragraphs~~

#### ~~**116M Application of local curriculum provisions to children who are not registered pupils**~~

~~(1) — Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).~~

~~(2) — The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.~~

~~(3) — A person falls within this subsection if he or she —~~

- ~~(a) — is of compulsory school age;~~
- ~~(b) — is not a registered pupil of a maintained school; and~~
- ~~(c) — receives all, or the majority of, his or her education at, or under arrangements made by the governing body of, an institution within the further education sector in Wales~~

#### ~~**116N Application of local curriculum provisions to children who are registered pupils of special schools**~~



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~~(1) Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).~~

~~(2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.~~

~~(3) A person falls within this subsection if he or she—~~

~~(a) is of compulsory school age; and~~

~~(b) is a registered pupil of a community special school which is maintained by a local authority in Wales and is not established in a hospital.~~

#### ~~116O Local curriculum: directions~~

~~Any direction given by the Welsh Ministers under sections 116A(6), 116I(3) and 116K(3) may be varied or revoked by a further direction.~~

#### ~~Supplementary provisions~~

#### ~~117 Procedure for making certain orders and regulations~~

~~Where the Welsh Ministers propose to make—~~

~~(a) an order under section 103(4), 105(6), 108(2) (a) or (b)(i) or (ii) or (3)(a) or (b), or~~

~~(b) regulations under section 112,~~

~~the Welsh Ministers shall make such arrangements for consultation about the proposals as the Welsh Ministers consider appropriate~~

#### ~~118 Programmes of research etc in relation to Wales~~

~~The Welsh Ministers may incur expenses in connection with the commissioning by the Welsh Ministers of such work, including programmes of research, development and dissemination, as they may require to~~

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<p><del>be carried out for the purpose of facilitating the discharge of any of the Welsh Ministers' functions under sections 102 to 108.</del></p>	
<p><b>210 Orders and regulations</b></p> <p>(1) Subject to subsection (2), any power of the Secretary of State or the Welsh Ministers to make an order or regulations under this Act is exercisable by statutory instrument.</p> <p>(2) Subsection (1) does not apply to any order under—</p> <p>(a) section 165 or 192, or</p> <p>(b) paragraph 3(6) or 5 of Schedule 1.</p> <p>(3) No order shall be made by the Secretary of State under—</p> <p>(a) section 80(3),</p> <p>(b) section 82(4)(b),</p> <p>(c) <i>[repealed]</i></p> <p>(d) section 84(6),</p> <p>(e) section 86, or</p> <p>(f) section 125(4),</p> <p>unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.</p> <p>(4) Subject to subsections (5) and (6), a statutory instrument which contains any order or regulations made under this Act by the Secretary of State and is not subject to the requirement in subsection (3) that</p>	<p><i>Schedule 2</i> <i>Paragraph 46</i></p>

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a draft of the instrument be laid before and approved by a resolution of each House of Parliament, is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Subsection (4) does not apply to an order under—

- (a) section 7(2),
- (b) section 87(3)(c),
- (c) section 128(2), or
- (d) section 216.

(6) If an order under section 122 contains only provisions which in the opinion of the Secretary of State give effect without significant modification to recommendations of the School Teachers' Review Body—

- (a) the order shall contain a statement to that effect, and
- (b) subsection (4) shall not apply.

(6A) Any statutory instrument containing regulations or an order made under section 32C(5) ~~or Part 7~~ by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales ~~unless the instrument contains an order mentioned in subsection (6AB).~~

~~(6AB) No order shall be made by the Welsh Ministers under section 101(3), 103(4)(b), 105(6), 107, 116F(5), 116H(5) or 116L unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.~~

(6B) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.

(7) Any power of the Secretary of State or the Welsh Ministers to make an order or regulations under this Act includes power—

- (a) to make different provisions for different cases or areas,

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<p>(b) to make provision generally or only in relation to specific cases, and</p> <p>(c) to make such incidental, supplemental, saving or transitional provisions as the Secretary of State or the Welsh Ministers think fit.</p> <p>(8) Nothing in this Act shall be regarded as affecting the generality of subsection (7).</p>	
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<p><b>Licensing Act 2003 (c.17)</b></p>	<p><i>Paragraphs 47 - 48</i></p>
<p><b><i>Schools, school proprietors and school premises</i></b></p> <p><b>21</b></p> <p>(1) “School” means—</p> <p>(a) a maintained school as defined by section 20(7) of the School Standards and Framework Act 1998;</p> <p>(b) an independent school as defined by section 463 of the Education Act 1996 entered on a register of independent schools kept under section 158 of the Education Act 2002;</p> <p>(c) an independent educational institution within section 92(1)(b) of the Education and Skills Act 2008 entered on a register of independent educational institutions kept under section 95 of that Act;</p> <p>(d) a pupil referral unit as defined by section 19 <u>or 19A</u> of the Education Act 1996;</p> <p>(e) an alternative provision Academy within the meaning of section 1C(3) of the Academies Act 2010, other than an independent school as defined by section 463 of the Education Act 1996;</p> <p>(f) a school approved under section 342 of the Education Act 1996 (non-maintained special schools);</p> <p>(g) a 16 to 19 Academy within the meaning of section 1B(3) of the Academies Act 2010;</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 48</i></p>

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<p>(h) a sixth form college as defined by section 91(3A) of the Further and Higher Education Act 1992; and</p> <p>(i) a maintained nursery school as defined by section 22(9) of the Schools Standards and Framework Act 1998.</p> <p>(2) “School proprietor” means—</p> <p>(a) in relation to a school (other than a pupil referral unit or a sixth form college), the person or body of persons responsible for the management of the school,</p> <p>(b) in relation to a pupil referral unit—</p> <p>(i) the committee which is established to act as the management committee for that unit by virtue of paragraph 15 of Schedule 1 to the Education Act 1996, or</p> <p>(ii) if there is no such committee, the local authority (as defined by section 579(1) of that Act) which maintains that unit,</p> <p>(c) in relation to a sixth form college, the sixth form college corporation as defined in section 90(1) of the Further and Higher Education Act 1992.</p> <p>(3) In relation to a school, “premises” includes any detached playing fields.</p>	
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<p><b>Anti-Social Behaviour Act 2003 (c. 38)</b></p>	<p><i>Paragraphs 49 - 50</i></p>
<p><b>24 Interpretation</b></p> <p>In this section and <i>sections 19 to 21</i> [sections 19 to 22A]—</p> <p>...</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 50</i></p>

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<p>“relevant school” means—</p> <ul style="list-style-type: none"> <li>(a) a community, foundation or voluntary school,</li> <li>(b) a community or foundation special school,</li> <li>(c) a maintained nursery school as defined in section 22(9) of the School Standards and Framework Act 1998,</li> <li>(d) a pupil referral unit as defined in section 19(2) <u>or 19A(2)</u> of the 1996 Act,</li> <li>(e) an Academy school,</li> <li>(ea) an alternative provision Academy,</li> <li>(f) a city technology college, or</li> <li>(g) a city college for the technology of the arts,</li> <li>...</li> </ul>	
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<p><b>Education Act 2005 (c. 18)</b></p>	
<p><b>50 Inspection of <del>religious</del> <u>denominational</u> education: Wales</b></p> <p>(1) It is the duty of the governing body of any voluntary or foundation school in Wales which has been designated under section <del>69(3)</del><u>68A</u> of the School Standards and Framework Act 1998 by the Assembly as having a religious character to secure that—</p> <ul style="list-style-type: none"> <li>(a) any denominational education given to pupils, and</li> <li>(b) the content of the school's collective worship,</li> </ul>	<p><i>Schedule 2</i> <i>Paragraph 51</i></p>

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are inspected under this section.

(2) An inspection under this section is to be conducted by a person chosen—

(a) in the case of a voluntary controlled school, by the foundation governors after consultation with any person prescribed for the purposes of this subsection in relation to the religion or religious denomination that is specified in relation to the school under section 69(4)68A of the School Standards and Framework Act 1998 (c 31), and

(b) in any other case, by the governing body after consultation with any person so prescribed.

(3) The person chosen need not be registered as an inspector under section 25.

(4) Inspections under this section must be carried out at such intervals as may be prescribed.

(5) It is the general duty of a person conducting an inspection under this section—

(a) to report on the quality of the denominational education provided by the school for any pupils to whom denominational education is given by the school, and

(b) to report on the content of the school's collective worship,

and any such person may report on the spiritual, moral, social and cultural development of pupils at the school.

(6) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by him as are in his opinion fit and proper persons for carrying out the inspection.

(7) Schedule 6 makes further provision with respect to inspections under this section.

(8) In this section (and that Schedule)—

“collective worship” means collective worship required by section 70 of the School Standards and Framework Act 1998;

“prescribed” means prescribed by regulations made by the Assembly.

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<p><b>National Health Service Act 2006 (c. 41)</b></p>	<p><i>Schedule 2</i> <i>Paragraphs 52 - 53</i></p>
<p><b>SCHEDULE 1</b> <b>Further Provision about the Secretary of State and Services under this Act</b></p> <p>2 (1) A local authority may provide for any medical inspection or treatment of—</p> <p>(a) senior pupils in attendance at any educational establishment, other than a school, which is maintained by the authority and at which full-time further education is provided, or</p> <p>(b) any child or young person who, in pursuance of section 19 <u>or 19A</u> or 319 of the Education Act 1996 (c 56) section 53 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 or section 61 of the Children and Families Act 2014 (c 6), is receiving primary or secondary education otherwise than at a school.</p> <p>(2) A local authority may, by arrangement with the proprietor of any educational establishment in its area which is not maintained by the local authority, provide for any medical inspection or treatment of junior or senior pupils in attendance at the establishment.</p>	<p><i>Schedule 2</i> <i>Paragraph 53</i></p>
<p><b>National Health Service (Wales) Act 2006 (c. 42)</b></p>	
<p><b>SCHEDULE 1</b> <b>Further Provision about the Welsh Ministers and Services under this Act</b></p>	<p><i>Schedule 2</i> <i>Paragraph 55</i></p>



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<p>2 (1) The Welsh Ministers may, by arrangement with any local authority, provide for any medical inspection or treatment of—</p> <p>(a) senior pupils in attendance at any educational establishment, other than a school, which is maintained by the authority and at which full-time further education is provided, or</p> <p>(b) any child or young person who, in pursuance of section 19 <u>or 19A</u> or 319 of the Education Act 1996 (c 56), <i>section 53 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018</i> or section 61 of the Children and Families Act 2014 (c 6) is receiving primary or secondary education otherwise than at a school.</p> <p>(2) The Welsh Ministers may, by arrangement with the proprietor of any educational establishment which is not maintained by a local authority, provide for any medical inspection or treatment of junior or senior pupils in attendance at the establishment.</p> <p>(3) Sub-paragraphs (1) and (2) do not affect the Welsh Ministers' powers apart from those sub-paragraphs.</p>	
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<p><b>Learning and Skills (Wales) Measure 2009 (nawm 1)</b></p>	
<p><del><b>Part 1 Local Curriculum for Pupils in Key Stage 4</b></del></p> <p><del><b>General</b></del></p> <p><del><b>1 Interpretation</b></del></p> <p><del>(1) Section 97 of the Education Act 2002 (c 32) (interpretation of Part 7) is amended in accordance with this section.</del></p> <p><del>(2) After the definition of “attainment targets”, insert —</del></p>	<p><i>Schedule 2</i> <i>Paragraph 57</i></p>

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~~“course of study” means a course of education or training which leads to a qualification or set of qualifications approved under section 99 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;”.~~

~~(3) After the definition of “key stage”, insert—~~

~~“local curriculum” and “local curricula” are to be construed in accordance with section 116A and, in relation to a pupil’s school, “local curriculum” means—~~

~~(a) where the local authority by which the school is maintained has formed a single local curriculum under section 116A, that local curriculum; or~~

~~(b) where the local authority by which the school is maintained has formed more than one local curriculum under section 116A, the local curriculum in respect of which the school is designated under section 116C(2);”.~~

~~(4) After the definition of “maintained nursery school”, insert—~~

~~“maintained secondary school”, in sections 116A to 116K, means a maintained school which is a secondary school unless it is a community or foundation special school which is maintained by a local authority in Wales;”.~~

~~(5) After the definition of “pupil”, insert—~~

~~“regulations” means regulations made by the Welsh Ministers;~~

~~“school”, in sections 116E to 116H, in relation to a pupil, means the maintained secondary school of which he or she was a registered pupil when he or she made an election under section 116D(1);”.~~

## **2 Duty to implement general requirements**

~~(1) Section 100 of the Education Act 2002 (c 32) (duty to implement general requirements) is amended in accordance with this section.~~

~~(2) Omit “and” at the end of subsection (4)(a) and insert “, and” at the end of subsection (4)(b).~~

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~~(3) — After subsection (4)(b), insert —~~

~~“(c) — functions conferred by this Part in relation to the local curriculum or curricula for a local authority’s area.”~~

### **~~3 Basic curriculum for every maintained school in Wales~~**

~~(1) — Section 101 of the Education Act 2002 (c 32) (basic curriculum for every maintained school in Wales) is amended in accordance with this section.~~

~~(2) — Omit “and” at the end of subsection (1)(c).~~

~~(3) — After subsection (1)(c), insert —~~

~~“(ca) — in the case of a secondary school, provision for education which satisfies the entitlements of registered pupils at the school under section 116E, and”.~~

#### **~~Formation of local curricula~~**

### **~~4 Formation of local curricula for pupils in Key Stage 4~~**

~~After section 116 of the Education Act 2002 (c 32) insert —~~

#### **~~“The local curricula~~**

### **~~116A Formation of local curricula for pupils in Key Stage 4~~**

~~(1) — Each local authority in Wales must form for its area one or more local curricula for pupils in the fourth key stage.~~

~~(2) — A local curriculum must consist of suitable courses of study each of which —~~

~~(a) — falls within a category in subsection (3) (the “learning domains”); and~~

~~(b) — is from time to time selected by a local authority to form part of that local curriculum.~~

~~(3) — The learning domains are —~~

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|--|--|
| <p><del>(a) — mathematics, science and technology;</del></p> <p><del>(b) — business, administration and law;</del></p> <p><del>(c) — services for people;</del></p> <p><del>(d) — arts, media, culture and languages;</del></p> <p><del>(e) — humanities, social sciences and preparation for life and work.</del></p> <p><del>(4) — Subject to any regulations made under subsection (5), a local authority may form a local curriculum as it sees fit.</del></p> <p><del>(5) — Regulations may make provision as to the formation of a local curriculum, including in particular provision—</del></p> <p><del>(a) — requiring a minimum number of courses of study to be included within—</del></p> <p><del>(i) — a local curriculum; or</del></p> <p><del>(ii) — a particular learning domain of a local curriculum;</del></p> <p><del>(b) — specifying—</del></p> <p><del>(i) — a minimum proportion of vocational courses of study (as compared with other courses of study) that must be included within a local curriculum; or</del></p> <p><del>(ii) — a minimum number of vocational courses of study that must be included within a local curriculum;</del></p> <p><del>(c) — preventing during a specified period any alteration to the contents of a local curriculum.</del></p> <p><del>(6) — For the purposes of this section—</del></p> <p><del>(a) — a course of study is suitable if it is designated as suitable for inclusion in local curricula by direction given by the Welsh Ministers;</del></p> <p><del>(b) — a vocational course of study is a course of study designated as such by direction given by the Welsh Ministers;</del></p> |  |
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~~(c) — a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.~~

~~(7) — Regulations under subsection (5) may make different provision in relation to local curricula formed by different local education authorities.”~~

### **5 Local curricula: Welsh language**

~~After section 116A of the Education Act 2002 (c 32) insert —~~

#### **“116B Local curricula: Welsh language**

~~(1) — Each local authority must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.~~

~~(2) — In the discharge of its duty under subsection (1), a local authority must have regard to any guidance given by the Welsh Ministers.~~

~~(3) — Guidance under subsection (2) may be given to a particular authority, or to authorities of a particular class or to authorities generally.~~

~~(4) — Within two months of the end of each academic year, a local authority must, in accordance with any instructions given by the Welsh Ministers, provide the Welsh Ministers with a report which —~~

~~(a) — describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;~~

~~(b) — describes how many pupils elected to follow such courses under section 116D and how many pupils were entitled to follow such courses under section 116E;~~

~~(c) — explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local curricula courses of study which are taught through the medium of Welsh.~~

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~~(5) — For the purposes of subsection (4), “academic year” means the period of 12 months beginning on 1 September.”~~

#### ~~**6 Authorities with more than one local curriculum**~~

~~After section 116B of the Education Act 2002 (c 32) insert—~~

#### ~~**“116C Authorities with more than one local curriculum**~~

~~(1) — This section applies where a local authority forms more than one local curriculum under section 116A.~~

~~(2) — In relation to each local curriculum, the local authority must designate the maintained secondary schools whose registered pupils are to be entitled to elect under section 116D to follow courses of study included within the curriculum.”~~

#### ~~**Entitlements**~~

#### ~~**7 Pupils' choices of local curriculum courses**~~

~~After section 116C of the Education Act 2002 (c 32) insert—~~

#### ~~**“116D Pupils' choices of local curriculum courses**~~

~~(1) — A registered pupil of a maintained secondary school has the right to elect to follow, during the fourth key stage, a course or courses of study included within the local curriculum for the pupil's school. But this is subject to regulations made under subsection (2).~~

~~(2) — Regulations may make provision as to the making of elections under this section, including in particular provision—~~

~~(a) — specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;~~

~~(b) — identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;~~

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~~(c) — as to the period during which elections are to be made~~

### ~~8 Pupils' local curriculum entitlements~~

~~After section 116D of the Education Act 2002 (c 32) insert—~~

#### ~~“116E Pupils' local curriculum entitlements~~

~~(1) — During the fourth key stage, a pupil who has made an election under section 116D(1) is entitled to follow the elected course of study unless—~~

~~(a) — the pupil ceases to be a registered pupil of the school at which he or she was registered when he or she elected under section 116D(1) to follow the course of study; or~~

~~(b) — before the beginning of the fourth key stage, the head teacher of the pupil's school has decided under section 116F that the pupil is not entitled to follow the course of study.~~

~~(2) — Where a pupil is entitled to follow a course of study, it is for the head teacher of the pupil's school to decide upon which date during the fourth key stage the course is to begin.”~~

### ~~9 Head teacher's decision as to entitlement~~

~~After section 116E of the Education Act 2002 (c 32) insert—~~

#### ~~“116F Head teacher's decision as to entitlement~~

~~(1) — If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that the pupil is not entitled to follow a course of study which the pupil has elected to follow under section 116D(1).~~

~~(2) — The grounds referred to in subsection (1) are that—~~

~~(a) — as a result of the pupil's level of educational attainment, the course of study is not suitable for him or her;~~

~~(b) — as a result of other elections made by the pupil under section 116D(1), it is not reasonably practicable for him or her to follow the course of study;~~

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~~(c) — the amount of time likely to be spent travelling to the place at which the course of study is likely to be delivered would be detrimental to the pupil's education;~~

~~(d) — disproportionate expenditure would be incurred if the pupil were to follow the course of study;~~

~~(e) — the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to follow the course of study.~~

~~(3) — Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision —~~

~~(a) — as to the time or date by which decisions are to be made;~~

~~(b) — as to the procedure to be followed in connection with the making of decisions;~~

~~(c) — for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;~~

~~(d) — as to the time or date by which appeals are to be determined;~~

~~(e) — as to the procedure to be followed in connection with the determination of an appeal.~~

~~(4) — A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.~~

~~(5) — The Welsh Ministers may by order —~~

~~(a) — amend or omit any paragraph of subsection (2);~~

~~(b) — add additional paragraphs to that subsection;~~

~~(c) — amend or omit such additional paragraphs.”~~

#### **10 Delivery of local curriculum entitlements**

~~After section 116F of the Education Act 2002 (c 32) insert —~~



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**~~“116G Delivery of local curriculum entitlements~~**

~~Where a pupil is entitled to follow a course of study under section 116E(1), the governing body of the pupil's school must ensure that during the fourth key stage the course is made available to the pupil by or on behalf of the governing body.”~~

**~~11 Head teacher's decision to remove entitlement~~**

~~After section 116G of the Education Act 2002 (c 32) insert—~~

**~~“116H Head teacher's decision to remove entitlement~~**

~~(1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that a pupil is no longer entitled to follow a course of study that the pupil was entitled to follow under section 116E.~~

~~(2) The grounds referred to in subsection (1) are that—~~

~~(a) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;~~

~~(b) disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.~~

~~(3) Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—~~

~~(a) as to the procedure to be followed in connection with the making of decisions;~~

~~(b) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;~~

~~(c) as to the effect of a decision pending determination of an appeal;~~

~~(d) as to the procedure to be followed in connection with the determination of an appeal.~~

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~~(4) — A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.~~

~~(5) — The Welsh Ministers may by order —~~

~~(a) — amend or omit any paragraph of subsection (2);~~

~~(b) — add additional paragraphs to that subsection;~~

~~(c) — amend or omit such additional paragraphs.”~~

### ***Joint-working***

### **12 Planning the local curriculum**

~~After section 116H of the Education Act 2002 (c 32) insert —~~

### **~~“116I Planning the local curriculum~~**

~~(1) — The following persons must assist a local authority in planning the local curriculum or curricula for its area —~~

~~(a) — the governing body and head teacher of any maintained secondary school maintained by the authority;~~

~~(b) — the governing body and principal or other head of an institution within the further education sector in the authority's area.~~

~~(2) — In subsection (1), “planning the local curriculum or curricula” means the process by which a local authority decides under section 116A which courses of study to include in the local curriculum or curricula for its area.~~

~~(3) — The persons mentioned in subsection (1) must —~~

~~(a) — have regard to any guidance given from time to time; and~~

~~(b) — comply with any directions given;~~

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by the Welsh Ministers as to the exercise of their functions under that subsection.”

### **13 Delivery of local curriculum entitlements: joint-working**

After section 116I of the Education Act 2002 (c 32) insert—

#### **“116J Delivery of local curriculum entitlements: joint-working**

(1) —The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 116A.

(2) —In relation to the local curriculum or curricula for the area of a local authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.

(3) —The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.

(4) —The persons are—

(a) —the local authority;

(b) —the governing body of a secondary school maintained by the authority; and

(c) —the governing body of an institution within the further education sector which is situated within the area of the authority.

(5) —In this section and section 116K “co-operation arrangements” means—

(a) —arrangements under which any person provides, on behalf of the governing body of a maintained secondary school, a course of study included within the relevant local curriculum for the school;

(b) —arrangements made under regulations under section 26 (collaboration between schools); and

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~~(c) — arrangements made under regulations under section 166 of the Education and Inspections Act 2006 (collaboration arrangements: maintained schools and further education bodies).~~

~~(6) — For the purposes of this section, in relation to a maintained secondary school, “relevant local curriculum” means —~~

~~(a) — where the local authority by which the school is maintained has formed a single local curriculum for its area, that curriculum; or~~

~~(b) — where the local authority by which the school is maintained has formed more than one local curriculum for its area, the curriculum in respect of which the school is designated under section 116C(2).”~~

#### **14 Joint-working: guidance and directions**

After section 116J of the Education Act 2002 (c 32) insert —

#### **~~“116K Joint-working: guidance and directions~~**

~~(1) — A local authority, a governing body of a maintained secondary school and the governing body of an institution within the further education sector in Wales must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 116J.~~

~~(2) — Guidance given under subsection (1) may relate to the content of co-operation arrangements.~~

~~(3) — The persons mentioned in subsection (1) must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.~~

~~(4) — A direction under subsection (3) —~~

~~(a) — may require persons to enter into specified arrangements;~~

~~(b) — may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);~~

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~~(c) — in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction.”~~

***Supplemental***

**~~15 Power to amend learning domains~~**

~~After section 116K of the Education Act 2002 (c 32) insert—~~

**~~“116L Power to amend learning domains~~**

~~The Welsh Ministers may by order—~~

~~(a) — amend or omit any paragraph of subsection (3) of section 116A;~~

~~(b) — add additional paragraphs to that subsection;~~

~~(c) — amend or omit such additional paragraphs.~~

**~~16 Application of local curriculum provisions to children who are not registered pupils~~**

~~After section 116L of the Education Act 2002 (c 32) insert—~~

**~~“116M Application of local curriculum provisions to children who are not registered pupils~~**

~~(1) — Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).~~

~~(2) — The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.~~

~~(3) — A person falls within this subsection if he or she—~~

~~(a) — is of compulsory school age;~~

~~(b) — is not a registered pupil of a maintained school; and~~

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~~(c) — receives all, or the majority of, his or her education at, or under arrangements made by the governing body of, an institution within the further education sector in Wales.”~~

### ~~**17 Application of local curriculum provisions to children who are registered pupils of special schools**~~

~~After section 116M of the Education Act 2002 (c 32) insert—~~

#### ~~**“116N Application of local curriculum provisions to children who are registered pupils of special schools**~~

~~(1) — Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).~~

~~(2) — The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.~~

~~(3) — A person falls within this subsection if he or she—~~

~~(a) — is of compulsory school age; and~~

~~(b) — is a registered pupil of a community or foundation special school which is maintained by a local authority in Wales and is not established in a hospital.~~

### ~~**18 Local curriculum: directions**~~

~~After section 116N of the Education Act 2002 (c 32) insert—~~

#### ~~**“116O Local curriculum: directions**~~

~~Any direction given by the Welsh Ministers under sections 116A(6), 116I(3) and 116K(3) may be varied or revoked by a further direction.”~~

### ~~**19 Powers to alter or remove requirements for fourth key stage**~~

~~(1) — Section 107 of the Education Act 2002 (c 32) is amended in accordance with this section.~~

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<p><del>(2) — Insert “(1)” at the beginning of the section and replace “National Assembly for Wales” with “Welsh Ministers”.</del></p> <p><del>(3) — At the end of the section insert—</del></p> <p><del>“(2) — Such an order may make such amendments of this Act as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).”</del></p> <p><b>20 Regulations and orders: procedure</b></p> <p><del>(1) — The Education Act 2002 (c 32) is amended in accordance with subsections (2) and (3).</del></p> <p><del>(2) — In section 210(6A)—</del></p> <p><del>(a) — after “regulations” insert “or an order”;</del></p> <p><del>(b) — after “section 32(9)” insert “or Part 7”; and</del></p> <p><del>(c) — at the end insert—</del></p> <p><del>“unless the instrument contains an order mentioned in subsection (6AB).”</del></p> <p><del>(3) — After section 210(6A) insert —</del></p> <p><del>“(6AB) — No order shall be made by the Welsh Ministers under section 101(3), 103(4)(b), 105(6), 107, 116F(5), 116H(5) or 116L unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.”</del></p>	
<p><b>46 Regulations in connection with the operation of the local curriculum</b></p> <p>(1) If the Welsh Ministers are of the opinion mentioned in subsection (2), they may by regulations make provision, for the specified purposes of an enactment, as to the circumstances in which—</p> <p>(a) a person is, or is not, to be taken to be—</p> <p>(i) a person for whom education is being provided at a school;</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 58</i></p>

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<ul style="list-style-type: none"><li>(ii) a pupil or registered pupil of a school or a registered parent of a registered pupil;</li><li>(iii) at a school;</li><li>(iv) attending, attending at or in attendance at a school;</li><li>(v) receiving education at a school;</li><li>(vi) studying, or intending to study at, a school;</li><li>(vii) a person who is admitted to or has been refused admission to a school;</li><li>(viii) applying for admission to a school, offering to admit a person to a school, accepting or refusing to accept an application for admission to a school or determining admissions to a school;</li><li>(ix) a person who has made a decision as to the school at which education is to be provided for a child;</li><li>(x) a person in respect of whom charges may be made in respect of admission to a maintained school.</li></ul> <p>(b) arrangements for the provision of education on behalf of a school are, or are not, to be taken to be admission arrangements;</p> <p>(c) arrangements for enabling preferences to be expressed as to the school at which the person expressing the preference wishes education to be provided for himself or herself or another person do, or do not, apply;</p> <p>(d) a person is, or is not, to be taken to be—</p> <ul style="list-style-type: none"><li>(i) receiving education or training at an institution within the further education sector;</li><li>(ii) attending, or in attendance at, such an institution;</li><li>(iii) a student of, or at, such an institution;</li><li>(iv) studying, or intending to study, at such an institution;</li></ul>	
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<p>(v) applying for admission to such an institution, offering to admit a person to such an institution, accepting or refusing to accept an application for admission to such an institution, selecting a person for admission to such an institution or determining admissions to such an institution;</p> <p>(vi) in relation to such an institution, a disabled person.</p> <p>(2) The opinion is that the provision is necessary, desirable or expedient in connection with the operation of the amendments made to the Education Act 2002 (c 32) and the Learning and Skills Act 2000 (c 21) by <del>Parts 1 and 2</del><u>Part 2</u> of this Measure.</p> <p>(3) The purposes that may be specified under subsection (1) include those of making regulations or an order under an enactment.</p> <p>(4) In this section “enactment” includes an enactment—</p> <p>(a) contained in this Measure; or</p> <p>(b) contained in an Act of Parliament or Measure of the National Assembly for Wales passed after the passing of this Measure.</p>	
<p><b>SCHEDULE</b></p> <p><b>Minor and Consequential Amendments</b></p> <p>...</p> <p><del><b>Education Act 2002 (c 32)</b></del></p> <p><b>11</b></p> <p><del>Amend the Education Act 2002 as follows:</del></p> <p><b>12</b></p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 59</i></p>

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~~In the sections mentioned in paragraph 13 replace each reference to “National Assembly for Wales” with “Welsh Ministers”.~~

**13**

~~The sections are 100(6) and (8), 101(3), 102, 103(4), 105(4) and (6), 108(1) to (3), (6), (7) and (11), 111(1), (3), (5) and (6), 114(6) and 118.~~

**14**

~~In section 100(1) replace “The National Assembly for Wales shall exercise its functions” with “The Welsh Ministers shall exercise their functions”.~~

**15**

~~In sections 108(1) and (3) replace each reference to “the Assembly considers” with “the Welsh Ministers consider”.~~

**16**

~~In sections 111(5) and 118 replace “the Assembly” with “the Welsh Ministers”.~~

**17**

~~In section 111(5) replace “specified by it” with “specified by them”.~~

**18**

~~In section 114(6) replace “appears to it” with “appears to them”.~~

**19**

~~In section 117 replace —~~

~~(a) — “the National Assembly for Wales proposes” with “the Welsh Ministers propose”;~~

~~(b) — “the Assembly” with “the Welsh Ministers”; and~~

~~(c) — “the Assembly considers” with “the Welsh Ministers consider”.~~

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<p><b>20</b></p> <p>In section 118 replace—</p> <p>(a) <del>“it may require”</del> with <del>“they may require”</del>; and</p> <p>(b) <del>“the Assembly’s”</del> with <del>“the Welsh Ministers”</del>.</p> <p>...</p>	
<p><b>Education (Wales) Measure 2009 (nawm 5)</b></p>	
<p><b>21 Foundation phase</b></p> <p>(1) <del>The Education Act 2002 (c 32) is amended in accordance with this section.</del></p> <p>(2) <del>In section 97 (interpretation of Part 7)—</del></p> <p>(a) <del>in the definition of “assessment arrangements”, for “stage”, each time it appears, substitute “phase”;</del></p> <p>(b) <del>in the definition of “desirable outcomes”, for “foundation stage” substitute “foundation phase”;</del></p> <p>(c) <del>in the definition of “the foundation stage”, for “stage” substitute “phase”.</del></p> <p>(3) <del>In section 102 (including the heading), for “foundation stage”, each time these words appear, substitute “foundation phase”.</del></p> <p>(4) <del>In section 103, omit subsection (1)(a).</del></p> <p>(5) <del>In section 104 (including the heading), for “foundation stage”, each time these words appear, substitute “foundation phase”.</del></p> <p>(6) <del>In section 105 (including in the heading), omit the word “first,” each time it appears.</del></p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 61</i></p>

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<p><del>(7) In section 108—</del>  <del>(a) for “foundation stage”, each time those words appear, substitute “foundation phase”;</del>  <del>(b) in subsection (3), omit the word “first.”</del>  <del>(8) In section 110 for “foundation stage”, each time those words appear, substitute “foundation phase”.</del></p>	
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<p><b>Equality Act 2010 (c. 15)</b></p>	
<p><b>SCHEDULE 11 Schools: Exceptions</b>  <b>Part 2</b></p> <p><b><i>RELIGIOUS OR BELIEF-RELATED DISCRIMINATION</i></b></p> <p><b><i>School with religious character etc</i></b></p> <p><b>5</b>  Section 85(1) and (2)(a) to (d), so far as relating to religion or belief, does not apply in relation to—</p> <p>(a) a school designated under section <u>68A</u> or 69(3) of the School Standards and Framework Act 1998 (foundation or voluntary school with religious character);</p> <p>(b) a school (other than an alternative provision Academy) listed in the register of independent schools for England or for Wales, if the school's entry in the register records that the school has a religious ethos;</p>	<p><i>Schedule 2</i>  <i>Paragraph 63</i></p>

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<p>(c) a school transferred to an education authority under section 16 of the Education (Scotland) Act 1980 (transfer of certain schools to education authorities) which is conducted in the interest of a church or denominational body;</p> <p>(d) a school provided by an education authority under section 17(2) of that Act (denominational schools);</p> <p>(e) a grant-aided school (within the meaning of that Act) which is conducted in the interest of a church or denominational body;</p> <p>(f) a school registered in the register of independent schools for Scotland if the school admits only pupils who belong, or whose parents belong, to one or more particular denominations;</p> <p>(g) a school registered in that register if the school is conducted in the interest of a church or denominational body.</p>	
<p><b>SCHEDULE 17 Disabled Pupils: Enforcement</b></p> <p><b>Case friends—Wales</b></p> <p><b>6A</b></p> <p>(1) <i>The Welsh Ministers may by regulations provide for—</i></p> <p>(a) <i>a disabled child in a local authority area in Wales to have a person to make representations on behalf of the disabled child with a view to avoiding or resolving disagreements about contraventions of Chapter 1 of Part 6; and</i></p> <p>(b) <i>a relevant person (within the meaning of paragraph 3A) to have another person to exercise the relevant person's rights under that paragraph on the relevant person's behalf.</i></p> <p>(2) <i>A person exercising rights or making representations on behalf of a disabled child or a relevant person under sub-paragraph (1) is referred to in this Schedule as a “case friend”.</i></p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 64</i></p>

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| <p>(3) <i>A case friend must—</i></p> <ul style="list-style-type: none"><li>(a) <i>make representations and exercise rights fairly and competently;</i></li><li>(b) <i>have no interest adverse to that of the disabled child or relevant person;</i></li><li>(c) <i>ensure that all steps and decisions taken by the case friend are for the benefit of the disabled child or relevant person and take account of the disabled child or relevant person's views.</i></li></ul> <p>(4) <i>Regulations made under this paragraph may (among other things)—</i></p> <ul style="list-style-type: none"><li>(a) <i>confer functions on the Welsh Tribunal;</i></li><li>(b) <i>make provision about procedures in relation to case friends;</i></li><li>(c) <i>make provision about the appointment and removal of case friends;</i></li><li>(d) <i>specify the circumstances in which a person may or may not act as a case friend;</i></li><li>(e) <i>specify the circumstances in which a relevant person (within the meaning of paragraph 3A) must have a case friend;</i></li><li>(f) <i>specify further requirements in respect of the conduct of case friends.</i></li></ul> <p>(5) <i>In this paragraph and in paragraphs 6B, 6C, 6D and 6E, “local authority” has the meaning given in section 89(10).</i></p> <p>(6) <i>In this paragraph and in paragraphs 6B, 6C and 6D—</i></p> <p><i>“disabled child” means any disabled person who is a pupil (or a prospective pupil) of—</i></p> <ul style="list-style-type: none"><li>(a) <i>a maintained school or maintained nursery school,</i></li><li>(b) <i>a pupil referral unit,</i></li><li>(c) <i>an independent school, or</i></li><li>(d) <i>a special school not maintained by a local authority;</i></li></ul> |  |
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<p><i>“proprietor” has the meaning given in section 89(4);</i></p> <p><i>“school” has the meanings given in section 89(5).</i></p> <p><i>(7) In sub-paragraph (6)—</i></p> <p><i>“independent school” has the meaning given in section 89(8);</i></p> <p><i>“maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998;</i></p> <p><i>“maintained nursery school” has the meaning given in section 22(9) of the School Standards and Framework Act 1998</i></p> <p><i>“pupil” has the meanings given in section 89(3);</i></p> <p><i>“pupil referral unit” has the meaning given in section 19 or 19A of the Education Act 1996; and</i></p> <p><i>“special school” has the meaning given in section 89(9).</i></p>	
<p><b>SCHEDULE 19 Public Authorities</b></p> <p>...</p> <p><b><i>Other educational bodies</i></b></p> <p>The governing body of an educational establishment maintained by an English local authority (within the meaning of section 162 of the Education and Inspections Act 2006).</p> <p>The governing body of an institution in England within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992).</p> <p>The governing body of an institution in England within the higher education sector (within the meaning of section 91(5) of that Act).</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 65</i></p>

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<p>A local authority with respect to the pupil referral units it establishes and maintains by virtue of section 19 or <u>19A</u> of the Education Act 1996.</p> <p>The National Citizen Service Trust.</p> <p>The Office for Students.</p> <p>The proprietor of a City Technology College, a City College for Technology of the Arts, or an Academy.</p>	
<p><b>Education (Wales) Measure 2011 (nawm 7)</b></p>	<p><i>Paragraphs 66-67</i></p>
<p><b>9 Minor and consequential amendments</b></p> <p>(1) In section 57(5A) of the Further and Higher Education Act 1992, for “make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies” substitute “exercise powers under section 5(2)(b) to (f) and (h) of the Education (Wales) Measure 2011 to collaborate with such persons”.</p> <p>(2) In section 33K(5) of the Learning and Skills Act 2000—</p> <p>(a) after paragraph (b) insert—</p> <p>“(ba) arrangements made in exercise of the powers of collaboration described in section 4 of the Education (Wales) Measure 2011.”;</p> <p>(b) omit paragraphs (c) and (d).</p> <p>(3) In the Education Act 2002—</p> <p>(a) in section 26(a), after “schools” insert “in England”;</p> <p><del>(b) in section 116J(5)—</del></p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 67</i></p>



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<p>(i) <del>after paragraph (a) insert—</del>  <del>“(aa) arrangements made in exercise of the powers of collaboration described in section 4 of the Education (Wales) Measure 2011.”;</del></p> <p>(ii) <del>omit paragraphs (b) and (c).</del></p> <p>(4) In section 166(6) of the Education and Inspections Act 2006—</p> <p>(a) in the definition of “further education body”—</p> <p>(i) after “(c 13))” insert “in England”;</p> <p>(ii) after “section 28(4) of that Act)” insert “in England”;</p> <p>(b) in the definition of “maintained school” after “means” insert “a school in England which is”;</p> <p>(c) in the definition of “regulations” omit “or the Assembly (in relation to Wales)”.</p>	
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<p><b>School Standards and Organisation (Wales) Act 2013 (anaw 1)</b></p>	<p><i>Schedule 2</i> <i>Paragraphs 68-70</i></p>
<p><b>98 General interpretation and index of defined expressions</b></p> <p>(1) The provisions of this Act and those of the Education Act 1996 are to be read as if they were all contained in the Education Act 1996.</p> <p>(2) But where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the Education Act 1996, the meaning given for the purposes of that provision is to apply instead of the one given for the purposes of the Education Act 1996.</p> <p>(3) In this Act—</p>	<p><i>Schedule 2</i> <i>Paragraph 69</i></p>

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“appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“appropriate religious body” (“*corff crefyddol priodol*”) means—

(a) in the case of a Church in Wales school or a Roman Catholic Church school, or proposed such school, the appropriate diocesan authority, and

(b) in the case of other schools or proposed schools, the body representing the religion or religious denomination stated, or that it is intended to be stated, in relation to the school in an order under section ~~69(3)~~68A of the School Standards and Framework Act 1998;

“Church in Wales school” (“*un o ysgolion yr Eglwys yng Nghymru*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“the Code” (“*y Cod*”) in Chapter 2 of Part 3 means the code on school organisation issued under section 38(1);

“foundation body” (“*corff sefydledig*”) has the same meaning as in section 21(4)(a) of the School Standards and Framework Act 1998;

“foundation governor” (“*llywodraethwr sefydledig*”), in relation to a foundation school or a voluntary school, means a person appointed as a foundation governor in accordance with regulations under section 19 of the Education Act 2002;

“local authority” (“*awdurdod lleol*”) (except in section 54(2)(b)) means a county or county borough council in Wales;

“maintained school” (“*ysgol a gynhelir*”) means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“objection period” (“*cyfnod gwrthwynebu*”) is defined in section 49(2) for the purposes of Chapter 2 of Part 3;

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<p>“powers to make proposals to alter its school” (“<i>pwerau i wneud cynigion i newid ei ysgol</i>”) is defined in section 83 for the purposes of Part 3;</p> <p>“powers to make proposals to establish, alter or discontinue schools” (“<i>pwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion</i>”) is defined in section 83 for the purposes of Part 3;</p> <p>“prescribed” (“<i>rhagnodedig</i>”) means prescribed by regulations;</p> <p>“primary school” (“<i>ysgol gynradd</i>”) is defined in section 90 for the purposes of sections 88 and 89;</p> <p>“proposer” (“<i>cynigydd</i>”) is defined in section 56 for the purposes of Chapter 2 of Part 3;</p> <p>“provide” (“<i>darparu</i>”) is defined in section 90 for the purposes of sections 88 and 89;</p> <p>“pupil” (“<i>disgybl</i>”) is defined in section 90 for the purposes of sections 88 and 89;</p> <p>“regional provision” (“<i>darpariaeth ranbarthol</i>”) is defined in section 64 for the purposes of Chapter 4 of Part 3;</p> <p>“regulated alteration” (“<i>newid rheoleiddiedig</i>”) in Chapter 2 of Part 3 means an alteration described in Schedule 2;</p> <p>“regulations” (“<i>rheoliadau</i>”) means regulations made by the Welsh Ministers;</p> <p>“Roman Catholic Church school” (“<i>un o ysgolion yr Eglwys Gatholig Rufeinig</i>”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;</p> <p>“school authority” (“<i>awdurdod ysgol</i>”) is defined in section 32 for the purposes of Chapter 3 of Part 2;</p> <p>“small school” (“<i>ysgol fach</i>”) is defined in section 56 for the purposes of Chapter 2 of Part 3;</p> <p>“special education functions” (“<i>swyddogaethau addysg arbennig</i>”) “additional learning needs functions” (“<i>swyddogaethau anghenion dysgu ychwanegol</i>”) is defined in section 64 for the purposes of Chapter 4 of Part 3.</p> <p>(4) For references in Part 3 to—</p> <p>(a) the discontinuance of a maintained school, see section 83;</p>	
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<p>(b) a school's category, see section 83.</p> <p>(5) A reference in this Act to a school which has a religious character is to a school which is designated as having such a character by an order under section <del>69(3)</del><u>68A</u> of the School Standards and Framework Act 1998.</p>	
<p><b>SCHEDULE 5</b></p> <p><b>Minor and Consequential Amendments</b></p> <p><b>Part 2 Amendments Relating to Part 3 (School Organisation)</b></p> <p><i>Education Act 2002</i></p> <p><b>21</b></p> <p>(1) The Education Act 2002 is amended as follows.</p> <p>(2) In section 19(2)(e) (governing bodies) omit “, a foundation special school”.</p> <p>(3) Omit section 72 (restructuring sixth form education).</p> <p><del>(4) In section 97 (interpretation of Part 7)—</del></p> <p><del>(a) in paragraph (b) in the definition of “maintained school” omit “or foundation”;</del></p> <p><del>(b) in the definition of “maintained secondary school” omit “or foundation”.</del></p> <p><del>(5) In section 111(4) (development work and experiments) for “, voluntary aided or foundation special” substitute “or voluntary aided”.</del></p> <p><del>(6) In section 116N(3)(b) (application of local curriculum provisions to children who are registered pupils of special schools) omit “or foundation”.</del></p> <p>(7) In section 129(6)(b) (transfer of employment) after “1998” insert “or Part 3 of the School Standards and Organisation (Wales) Act 2013”.</p>	<p><i>Schedule 2</i> <i>Paragraph 70</i></p>

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<p>(8) In section 153(4) (powers of local authority in respect of funded nursery education) in the definition of “maintained school” omit “or foundation”.</p> <p>(9) Omit section 154 (establishment or alteration of maintained nursery schools).</p> <p>(10) Omit sections 191 to 193 (regional provision for special educational needs).</p> <p>(11) In paragraph 5(2)(b) of Schedule 1 (incorporation and powers of governing body) for paragraphs (i) to (iii) substitute—</p> <p>“(i) the date on which proposals for discontinuing the school are implemented under Part 3 of the School Standards and Organisation (Wales) Act 2013,</p> <p>(ii) the date on which the school is discontinued under section 80 of the School Standards and Organisation (Wales) Act 2013, or</p> <p>(iii) the date specified in a direction given under section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”.</p> <p>(12) Omit Schedules 9 and 10 (proposals relating to sixth forms and establishment of schools).</p> <p>(13) In Schedule 21 (minor and consequential amendments) omit paragraphs 98, 115, 116 and 126.</p>	
<p><b>Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1)</b></p>	<p><i>Schedule 2</i> <i>Paragraphs 71-72</i></p>
<p><b>6 Abolition of duties of further education institutions to comply with directions</b></p> <p>(1) In section 33J of the Learning and Skills Act 2000 (planning the local curriculum), for subsection (3) substitute—</p>	<p><i>Schedule 2</i> <i>Paragraph 72</i></p>

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<p><del>(3) The persons mentioned in paragraphs (a) to (c) of subsection (1) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under that subsection.</del></p> <p><del>(4) The persons mentioned in paragraphs (a) and (b) of subsection (1) must comply with any direction given by the Welsh Ministers as to the exercise of their functions under that subsection.”</del></p> <p><del>(2) In section 33L(3) of that Act (joint working: guidance and directions), for “The persons mentioned in subsection (1)” substitute “A local authority and a governing body of a maintained school”.</del></p> <p><del>(3) In section 116I of the Education Act 2002 (planning the local curriculum), for subsection (3) substitute—</del></p> <p><del>“(3) The persons mentioned in paragraphs (a) and (b) of subsection (1) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under that subsection.</del></p> <p><del>(4) The persons mentioned in paragraph (a) of subsection (1) must comply with any direction given by the Welsh Ministers as to the exercise of their functions under that subsection.”</del></p> <p><del>(4) In section 116K(3) of that Act (joint working: guidance and directions), for “The persons mentioned in subsection (1)” substitute “A local authority and a governing body of a maintained secondary school”.</del></p>	
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<p><b>Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)</b></p>	<p><i>Schedule 2</i> <i>Paragraphs 73-75</i></p>
<p><b>14 Duties to prepare and maintain plans: local authorities</b></p> <p>(1) The duty in subsection (2) applies if a local authority is responsible for a child or young person and—</p>	<p><i>Schedule 2</i> <i>Paragraph 74</i></p>

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| <p>(a) in the case of a child the local authority decides under section 13 that the child has additional learning needs,</p> <p>(b) in the case of a young person who is a registered pupil at a maintained school in Wales or enrolled as a student at an institution in the further education sector in Wales, the local authority decides under section 13 that the young person has additional learning needs, or</p> <p>(c) in the case of any other young person, the local authority—</p> <p>(i) decides under section 13 that the young person has additional learning needs, and</p> <p>(ii) decides in accordance with regulations under section 46 that it is necessary to prepare and maintain a plan under this section for the young person to meet his or her reasonable needs for education or training.</p> <p>(2) The local authority must—</p> <p>(a) prepare and maintain an individual development plan for that child or young person, or</p> <p>(b) if the child or young person is, or is to be, a registered pupil at a maintained school in Wales and the authority considers it appropriate—</p> <p>(i) prepare an individual development plan and direct the governing body of the school to maintain the plan, or</p> <p>(ii) direct the governing body of the school to prepare and maintain a plan.</p> <p>(3) But the duty in subsection (2) does not apply if the plan is about a young person and the young person does not consent to the plan being prepared or maintained.</p> <p>(4) A local authority that maintains an individual development plan for a child or young person who is a registered pupil at a maintained school in Wales may direct the governing body of the school to maintain the plan.</p> <p>(5) A local authority that prepares or maintains an individual development plan for a child or young person, or reconsiders a plan under section 27, must—</p> |  |
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| <p>(a) consider whether additional learning provision should be provided to the child or young person in Welsh, and</p> <p>(b) if it decides that a particular kind of additional learning provision should be provided in Welsh, specify in the plan that it should be provided in Welsh.</p> <p>(6) If the reasonable needs of a child or young person for additional learning provision cannot be met unless a local authority also secures provision of the kind mentioned in subsection (7), the authority must include a description of that other provision in the plan.</p> <p>(7) The kinds of provision are—</p> <p>(a) a place at a particular school or other institution;</p> <p>(b) board and lodging.</p> <p>(8) The duty in subsection (6)—</p> <p>(a) does not apply to a place at a particular school or other institution that is not a maintained school in Wales if the person or body responsible for admissions to the school or other institution does not consent;</p> <p>(b) is subject to the duties in sections 55, 56(3) and 59.</p> <p>(9) If the duty in subsection (6) applies to a local authority, it may not give a direction under subsection (2)(b) or (4).</p> <p><u>(9A) If the additional learning provision described in an individual development plan includes provision of the kind mentioned in section 43(1) of the Curriculum and Assessment (Wales) Act 2021, a local authority may not give directions to the governing body of a school under subsection (2)(b) or (4) in relation to the plan.</u></p> <p>(10) Where a local authority maintains an individual development plan for a child or a young person, the authority must—</p> <p>(a) secure the additional learning provision described in the plan,</p> |  |
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<p>(b) secure any other provision described in the plan in accordance with subsection (6), and</p> <p>(c) if the plan specifies that a particular kind of additional learning provision should be provided in Welsh, take all reasonable steps to secure that it is provided to the child or young person in Welsh.</p>	
<p><b>SCHEDULE 1 Minor and Consequential Amendments and Repeals</b></p> <p>...</p> <p>4</p> <p>(1) The Education Act 1996 is amended as follows.</p> <p>...</p> <p>(b) after “have” insert “and in relation to a child or young person in the area of a local authority in Wales, means efficient education suitable to the child’s or young person’s age, ability and aptitude and to any additional learning needs the child or young person may have”.</p> <p>...</p>	<p><i>Schedule 2</i></p> <p><i>Paragraph 75</i></p>

## **Annex 4 - Existing legislation and guidance**

The majority of legislation relating to the existing curriculum is derived from the Education Act 2002 [“the 2002 Act”], specifically: general requirements of the curriculum; and the basic curriculum which encompasses the national curriculum for Wales.

The extent to which these elements apply differs between educational settings. An analysis of the current curriculum legislation relating to Pupil Referral Units (PRUs), Youth Justice, learners Educated Other Than At School (EOTAS), non-maintained nurseries, independent schools and schools with a religious character, and how they deliver the curriculum is also included below.

### **A. General Requirements of the Curriculum**

The current arrangements have a set of overarching principles that the content of the curriculum should satisfy (Section 99 of 2002 Act). The curriculum<sup>79</sup> for maintained schools must be broad and balanced, and:

- a) Promote the spiritual, moral, cultural, mental and physical development of pupils at the schools and of society, and
- b) Prepare pupils at school for the opportunities, responsibilities and experiences of later life.

Section 100 of the 2002 Act places a duty on local authorities, head teachers and governing bodies to exercise their functions to ensure that the curriculum for every school satisfies the general requirements.

These general requirements are inspected by Estyn as part of the Chief Inspector of Education and Training in Wales’ role as stipulated in Section 20 of the Education Act 2005 – “The Chief Inspector has the general duty of keeping the Welsh Ministers informed about- (a) the quality of the education provided by schools in Wales.”

### **B. Basic Curriculum**

The basic curriculum must be taught in every maintained school in Wales: what must be taught as a result is set out in section 101 of the 2002 Act. Further areas have been added since 2002, including, Personal and Social Education.

The basic curriculum encompasses:

- (a) Religious Education for all registered pupils<sup>80</sup>;

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<sup>79</sup> In current legislation the term ‘curriculum’ is taken to mean the basic curriculum which includes the national curriculum.

<sup>80</sup> ‘Registered pupils’ are those between the ages of three and 19 registered with a school.

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- (b) Personal and Social Education for all registered pupils of compulsory school age<sup>81</sup>;
- (c) Work-related Education for all registered pupils during Key Stage 3 & Key Stage 4;
- (d) Sex Education for all registered pupils in secondary school and those in special schools receiving secondary education;
- (e) In secondary schools, the local curriculum<sup>82</sup> for pupils in Key Stage 4; and
- (f) National Curriculum for all registered pupils at the school who have attained the age of three but are not over compulsory school age.

The provision to provide Religious Education (subsection 1(a)) does not apply to nursery classes in a primary school or in the case of a maintained special school<sup>83</sup>. There is also a parental right to withdraw from religious education in section 71 of the School Standards and Framework Act 1998.

Sex education:

The content of the sex education component of the curriculum is not prescribed by the Welsh Ministers. However, section 579(1) of the 1996 Act does state that it includes education about Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and any other sexually transmitted diseases.

Further section 403 of the 1996 Act provides that the governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school, it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.

There is a duty on the Welsh Ministers to issue statutory guidance under section 403 of the 1996 Act which is designed to secure that when sex education is given to registered pupils at maintained schools they learn the nature of marriage and its importance for family life and the bringing up of children, and they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned. That guidance must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.

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<sup>81</sup> 'Pupils of compulsory school age' (children and young people from 5-16 years).

<sup>82</sup> The local curriculum is defined in the 2002 Act (Section 116A) as consisting of suitable courses of study each of which must fall within the "learning domains" and is from time to time selected by a local authority to form part of that local curriculum.

<sup>83</sup> Provision for religious education in special schools is made through Regulations under section 71(7) of the School Standards Framework Act 1998. This will be covered in the section relating to religious education in the curriculum.

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A school governing body must keep and maintain a policy on the provision of sex education at its school (section 404 of the 1996 Act). Section 405 of the 1996 Act provides that a parent (and not a child) with the right to withdraw (wholly or partly) their child at any time from sex education, except so far such education is comprised in the National Curriculum.

There is a parental right only to withdraw their child (wholly or partly) (section 405 of the Education Act 1996);

Religious education:

36) Religious education is part of the basic curriculum. The legislative provisions in respect of the nature of religious education, the Agreed Syllabus and the role of the Agreed Syllabus Conference are contained in the 1996 Act. There is also the right for the parent to withdraw the child (wholly or partly) which is in section 71 of the School Standards and Framework Act 1998 (“the 1998 Act”). In summary the key points from the legislation are as follows:

- a) the Agreed Syllabus is determined by the Agreed Syllabus Conference (section 375 and Schedule 31 of the 1996 Act);
- b) the Agreed Syllabus Conference is largely constituted along the same lines as the SACRE (section 390 of the 1996 Act);
- c) the Agreed Syllabus for religious education must reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking into account of the teaching and practices of the other principal religions represented in of Great Britain (section 375 of the 1996 Act);
- d) community schools, foundation schools and voluntary schools without a religious character follow the Agreed Syllabus (paragraph 2 of Schedule 19 to the 1998 Act);
- e) foundation and voluntary controlled schools with a religious character provide religious education in accordance with the Agreed Syllabus unless parents request that their child be provided with religious education in accordance with the trust deed for the school, or if there is no trust deed, in accordance with the tenets of the religion;
- f) voluntary aided schools with a religious character provide religious education in accordance with the trust deed for the school, or if there is no trust deed, in accordance with the tenets of the religion. However, if the parents so request the it must be provided in accordance with the Agreed Syllabus (paragraphs 3 and 4 of Schedule 19 to the 1998 Act);

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- g) there is a parental right only to withdraw their child (wholly or partly) (section 71(1) of the 1998 Act);
- h) any question as to whether a religious education purporting is in accordance with a school's trust is to be determined in accordance with the trust deed – if the trust deed provides for this.

### **Careers and the World of Work (CWoW)**

CWoW comprises two elements – work related education and careers education.

Work related education forms part of the basic curriculum for all registered pupils aged 11 to 16 at maintained schools. It is also part of the requirements of the Learning Core of 14-19 [Learning Pathways](#) guidance which include impartial careers advice and guidance, work-focused experience and other work-related skills.

Section 101 of the 2002 Act relating to the basic curriculum includes a provision for schools to teach Work-Related Education (WRE) for pupils across the Key Stage 3 and Key Stage 4 third and fourth key stages (broadly pupils aged 11 to 16). Whilst WRE is not defined, it is considered to be broad, with provision of education/training around skills appropriate careers/work. There is no further statutory provision as to what the content of that type of education might be. In practice, there may be some overlap between the two different sections.

In addition Section 43 of the Education Act 1997 requires all registered pupils at a school in Wales, during the relevant phase of their education (approximately the last year of Key Stage 3 and Key Stage 4, to be provided with a programme of careers education. Careers education is about education and advice to prepare individuals for taking decisions about their careers and around careers choices and how this can be realised to help them implement such decisions i.e. appropriate courses of study for a particular career path. This includes academic and practical studies, advice from potential employers and work experience.

In teaching CWoW, local authorities and governing bodies must have regard to any guidance. Since 2008, non-statutory guidance is available through *Careers and the world of work: a framework for 11 to 19-year-olds in Wales* which is supported by *Careers and the world of work: Supplementary guidance*. This guidance is for teachers, head teachers and governing bodies of maintained schools, colleges and other learning providers for advice and support their plan of careers and the world of work provision for pupils. Further advice from Welsh Government in 2012 clarified roles and responsibilities of careers leaders, teachers, personal tutors, careers and work experience coordinators, learning coaches and careers advisers at a strategic, planning and delivery level.

### **C. The Learning Core**

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In relation to provision for learners aged 14-16 years:

Part 1 of the Learning and Skills (Wales) Measure 2009 inserted sections 116A-116O into the 2002 Act and also amended basic curriculum (section 101) of the same Act to create a right for learners aged 14-16 to elect to follow a course of study from a local curriculum as part of the school curriculum.

All local authorities in Wales must provide a local curriculum for pupils to follow in Key Stage 4. This requirement was introduced by way of the 2009 Measure which amended the 2002 Act - the provisions are at sections 116A to 116O in Part 2 of the 2002 Act. The subjects offered as part of the local curricula must fall within at least one of the following learning domains:

- a) mathematics, science and technology;
- b) business, administration and law;
- c) services for people;
- d) arts, media, culture and languages; and
- e) humanities, social sciences and preparation for life and work.

The Welsh Ministers have a power to add to or otherwise amend the learning domains through an Order. The Welsh Ministers do not have powers to set out educational programmes, attainment targets or assessment arrangements for local curricula subjects. A pupil will make their selection for the subjects they want to study in the local curricula in the last year of Key Stage 3.

To implement the Learning Pathways policy, there is a duty on each local authority to form local curricula of suitable courses of study (within "learning domains") for pupils in Key Stage 4. Pupils must choose courses of study under the local curriculum within a specified period with provisions in place for head teacher to decide on specified grounds whether to keep or remove a pupil's entitlement to follow a course of study. Similarly, duties are also on local authorities to form local curricula through the medium of the Welsh language along with reporting requirements to provide Welsh Ministers with a report showing the type of courses taught through Welsh, how many pupils choose those courses and their plans for the provision of courses in the following academic year.

There are provisions to plan the local curriculum with duties on the governing bodies and headteachers of maintained secondary schools, with the exception of community or foundation special schools to assist the local authority in doing so. Additionally, governing bodies must ensure courses of study are made available to pupils and take all reasonable steps to maximise the number of courses available in local curriculum within local authority area. There are duties to facilitate joint-working arrangements on local curriculum between local authorities, governing bodies of maintained schools and further education institutions. The Welsh

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Ministers have a number of powers in relation to the local curriculum which enable them to:-

- make Regulations specifying the minimum number of courses of study to be included within the local curriculum as a whole and within a particular learning domain including proportion of vocational courses of study;
- issue guidance;
- amend learning domains by order;
- issue direction as to the entering into of co-operation arrangements, planning the local curriculum and designating suitable courses of study for inclusion within the local curriculum; and
- make regulations to make local authority provision for non-registered pupils and those in special schools.

Part Two of the Measure contains requirements for local curriculum for students aged 16-18 and inserted sections 33A-33Q of the Learning and Skills Act 2000.

#### **D. National Curriculum**

The National Curriculum for Wales in legislation is comprised of the foundation phase and key stages. The national curriculum is just one element of the basic curriculum. The national curriculum is further sub-divided into the foundation phase and the key stages as follows:

- a) foundation phase for ages for children aged 3 to 7;
- b) Key Stages 2-4 for children aged 7 to 16.

#### Foundation Phase

The Foundation Phase is the curriculum for 3 to 7 year olds in Wales, in both maintained and funded non-maintained nursery settings.

Within the Foundation Phase, the curriculum is set out in seven areas of learning:

- Personal and Social Development, Well-being and Cultural Diversity
- Language, Literacy and Communication Skills
- Mathematical Development
- Welsh Language Development
- Knowledge and Understanding of the World
- Physical Development
- Creative Development

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Welsh Ministers may specify by way of an Order the areas of learning; desirable outcomes; educational outcomes; and assessment arrangements for the foundation phase (section 108(2) of the 2002 Act).

### Key Stages

Post-Foundation Phase schooling in Wales is currently divided into three key stages, each relating to pupils of different ages (Section 103 of the 2002 Act).

Sections 105 and 106 of the 2002 Act lists the subjects which are compulsory at Key Stage 2 and Key Stage 3 (section 105) and Key Stage 4 (Section 106) and states that the National Curriculum shall specify attainment targets, programmes of study and assessment arrangements in relation to each National Curriculum subject for each key stage.

The core subjects for Key Stage 2 and Key Stage 3:

- Mathematics,
- English,
- Science, and
- in relation to Welsh-medium schools, Welsh.

The foundation subjects for Key Stage 2 and Key Stage 3 are:

- design and technology,
- information and communication technology,
- physical education,
- history,
- geography,
- art and design,
- music,
- Welsh, if the school is not a Welsh-medium school, and
- at Key Stage 3, a modern foreign language.

At Key Stage 4, the core subjects are set out in Section 106 of the 2002 Act:

- Mathematics,
- English,
- Science, and
- in relation to Welsh-medium schools, Welsh.

At Key Stage 4, the foundation subjects are:

- physical education, and
- Welsh, if the school is not a Welsh-medium school.



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Welsh Ministers may by order specify in relation to each of the key stages a) such attainment targets, (b) such programmes of study, and (c) such assessment arrangements (Section 108(3) of the 2002 Act).

The Welsh Ministers may not make provisions to require schools and settings to spend specific periods of time on the teaching of any skill, subject or process; or make provision for school timetables (S.108(4) of the 2002 Act).

Welsh Ministers may, by way of an order, add to, remove and amend the lists of core and foundation subjects.

In practice, the distinction between “core” and “foundation subjects” is a tool to communicate the importance of the core subjects. It would be expected that a school would set aside more time in the school timetable for the teaching of core subjects.

### **E. Maintained settings (including maintained special schools) and nursery funded education**

A maintained school in Wales is a school that is wholly or mainly funded by a local authority (LA). This includes special schools that are maintained and controlled by the LA.

The general requirements of the curriculum (section 100 of the 2002 Act) places a duty on Welsh Ministers, local authorities, head teachers and school governing bodies to exercise their functions to ensure that the curriculum for every maintained school satisfies these general requirements. This applies to maintained schools, maintained special schools, maintained nursery settings and funded non-maintained nursery providers.

Section 109 of the 2002 Act places a duty on LAs, governing bodies and head teachers to ensure that the National Curriculum for Wales is implemented in maintained schools, including primary schools with nursery pupils.

In addition, local authorities are required to ensure all funded nursery education settings deliver the Foundation Phase (section 110 of the 2002 Act).

Section 118 of the School Standards and Framework Act 1998 provides that local authorities must secure the provision of sufficient part-time and full-time nursery education for children in their area who have not obtained compulsory school age or such age as may be prescribed in Regulations by the Welsh Ministers. Accordingly, the Nursery Education and Early Years Development and Childcare Plans (Wales) Regulations 2003 (as amended by the Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) (Amendment) Regulations 2005) are made under section 118 above

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and set out the requirement to provide a nursery place after a child's 3rd birthday.

Funded non-maintained settings covers a wide range of settings, including, but not limited to: private day nurseries; Cylchoedd Meithrin; pre-school providers; play groups and childminders. If the LA chooses to fund a non-maintained setting to deliver the Foundation Phase (at present, 2 LAs don't, they only provide Foundation Phase in schools) those settings are required to deliver the national curriculum in its entirety and will be inspected by Estyn as well as Care Inspectorate Wales.

Those non-maintained settings that aren't receiving funding to deliver Foundation Phase still have to consider the Foundation Phase but are not expected to follow the curriculum as a whole.

#### **F. Educated Other than At School (EOTAS)**

Currently, *Section 19(1) of the Education Act 1996* gives local authorities the power to make "*arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them*". However, there is no legislation preventing EOTAS from, or forcing them to, adopt the curriculum.

#### **G. Pupil Referral Units (PRUs)**

Section 19 of the Education Act 1996 establishes PRUs.

Part 7 of the 2002 Act does not apply to PRUs. However, Schedule 1 to the Education Act 1996 requires PRUs to deliver a 'Broad and Balanced Curriculum' as per the general requirements of the curriculum. This is the same broad requirement as for other settings.

The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 only applies Section 101(d) of the Education Act 2002 to PRUs. This means "Sex Education for all registered pupils in secondary schools and, in special schools, those receiving secondary education" is the only element of the Basic Curriculum applied to secondary age pupils in PRUs.

#### **H. Independent Schools**

Part 7 of the 2002 Act does not apply to independent schools as defined by Section 463 of the Education Act 1996 ("the 1996 Act").

Section 463 of the 1996 Act (as amended by Section 172 of the Education Act 2002) defines an independent school as any school that provides full time education for:

- (a) five or more pupils of compulsory school age; or

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- (b) one or more pupils of compulsory school age with a statement of special educational needs (SEN), or who is in public care (within the meaning of section 22 of the Children Act 1989); *and*
- (c) An independent school is not maintained by a local authority.

There is no legislation which excludes independent schools from following the curriculum if they choose to do so.

### **I. Youth Justice**

Youth Justice covers 10-17 year olds. Many key aspects of Youth Justice remain the responsibility of the UK Government, but as in the adult estate, Welsh Ministers have the power to make the rules in respect of education, training and libraries in remand centres, Young Offenders Institutions and secure training centres in Wales.

This does not constitute a power to secure the provision of education in the secure estate, but complements the Welsh Minister's functions in relation to education and training outside of the secure estate.

Section 44(1) of the Children and Young Persons Act 1933 requires every court to secure proper provisions for education and training for young people.

Section 562 of Education Act 1996 excludes all duties in the Act placed upon government, LEAs and parents, when read in context to persons detained under order of a court. Regardless, it does allow for LEAs to make education arrangements for "a person who is detained in pursuance of such an order to receive the benefit of educational facilities provided by the authority".

There is no requirement for the curriculum to be delivered to learners in secure establishments.

### **J. Guidance Making Powers**

Under Section 33 of the School Standards and Organisation (Wales) Act 2013, there is a power for the Welsh Ministers to issue guidance to local authorities, Governing Bodies and Head Teachers ("school authorities") on how to exercise their education functions in order to improve the standard of education.

The school authorities must have regard to the guidance unless there is a good reason not to follow it and it has published its own policy or, in a particular case, to follow the Welsh Minister's guidance would be unreasonable.

### **K. Development and work experiments**

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Section 111 of the 2002 Act enables the Welsh Ministers to direct that the National Curriculum does not apply (in part or wholly) to particular maintained schools or maintained nursery schools for specified periods of time.

#### **L. Temporary exceptions for individual pupils (disapplication)**

Currently, Section 114 of the 2002 Act provides Welsh Ministers with a power to make Regulations which may enable the head teacher of a maintained school to direct, in respect of a pupil at the school that for a specified period the National Curriculum for Wales shall not apply, or applies with specified moderations. The period specified in the direction has to either be a fixed period not exceeding six months or a period determinable (as specified in the regulations) not later than six months from its beginning.

Education (National Curriculum) (Temporary Exceptions for Individual Pupils) (Wales) Regulations 1999 provide that a direction may only be given where the head teacher considers it is not appropriate for the pupil to follow the National Curriculum and either that:

- (a) Circumstances are likely to change so that within six months the pupil will be able to follow the National Curriculum; or
- (b) The pupil needs to be assessed by the local authority with a view to a statement of SEN being made or, if one already exists, amended.

Section 113 of the 2002 Act provides that a pupil's statement of SEN may include provision excluding the national curriculum or may modify the national curriculum. Once fully implemented the Additional Learning Needs and Educational Tribunal (Wales) Act 2018 will replace the term special educational needs with additional learning needs, and Statements of Special Educational Needs are replaced by Individual Learning Plans.

#### **M. Programmes of research**

Section 118 of 2002 Act enables the Welsh Ministers to fund research and development relating to National Curriculum Functions.

## Annex 5 – Professional Learning

Table 17: Estimated professional learning time required on average per practitioner at innovation schools (any sector)

Estimated professional learning time required on average per practitioner at innovation schools (any sector)																		
	Headteacher			Senior leader			Middle leader			Teacher			TA			Non teaching staff		
	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit
19/20	5	16	212	5	14	230	3	11	70	2	11	57	1	6	14	0	1	7
20/21	5	18	212	4	16	230	8	12	70	7	11	57	3	7	14	0	1	8
21/22	1	17	212	7	14	230	9	12	70	8	12	57	1	7	14	0	1	9
22/23	0	16	212	4	14	230	6	12	70	5	12	57	0	7	14	0	1	10
23/24 onwards	0	12	212	1	11	230	5	10	70	5	11	57	0	6	14	0	1	10

Table 18: Estimated supply days required on average per practitioner at innovation schools (any sector)

Estimated supply days required on average per practitioner at innovation schools (any sector)																		
	Headteacher			Senior leader			Middle leader			Teacher			TA			Non teaching staff		
	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit	Lower limit	Central estimate	Upper limit
19/20	0	0	34	0	2	36	0	2	26	0	2	9	0	0	3	0	1	1
20/21	0	0	34	0	1	36	0	4	26	0	3	9	0	0	3	0	1	1
21/22	0	0	34	0	1	36	0	2	26	0	3	9	0	0	3	0	1	1
22/23	0	0	28	0	1	29	0	3	21	0	3	9	0	0	4	0	1	1
23/24 onwards	0	0	23	0	1	23	0	2	17	0	3	9	0	0	4	0	1	1

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<sup>i</sup> This figure also includes £1.771m for Curriculum Design & Development which is covered under consortia funding table 6 below, as funding for this is met from PL budget.