

# **SL(6)217 – The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Secondary Legislation) (No. 2) Regulations 2022**

## **Background and Purpose**

The Curriculum and Assessment (Wales) Act 2021 establishes a new legal framework for a curriculum and makes provision about assessment for pupils and children in Wales, the Curriculum for Wales (the “CFW”).

These Regulations have been laid as part of a suite of regulations to support the implementation of the CFW from September 2022.

These Regulations make amendments to secondary legislation required to give full effect to provisions under the 2021 Act and the implementation of the CFW from September 2022. Several instruments are revoked by these Regulations, with others being gradually disapplied, before being revoked.

## **Procedure**

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## **Merits Scrutiny**

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

There are some inconsistencies and errors in respect of the definitions included in regulation 2. The definition of “2021 Act” in the English text includes an incorrect corresponding Welsh definition. This reads “y Ddeddf” (the Act). This should instead read “Deddf 2021”. The definition of “head teacher” includes no corresponding Welsh language definition (e.g. “pennaeth”) in the English text. “Year 2” and “year 11” are not defined in, despite all other



school years from “reception year” to “year 10” being defined. It is unclear why these definitions are not included for completeness. We note that regulation 11(2)(c) refers to years 1 to 6 (which would include year 2). Year groups from reception year through to year 11 were defined, for example, in regulation 2 of The Education (Temporary Exceptions for Individual Pupils and Children) (Wales) Regulations 2022, which also forms part of this suite of regulations. As such, there appears to be an inconsistency in approach between these instruments.

## Welsh Government response

### Merit Scrutiny point:

The Welsh Government notes the report in respect of regulation 2 regarding the definitions of “the 2021 Act” and “head teacher” in the English text and agrees with that. We propose to amend these definitions at the next available opportunity.

The Welsh Government notes the report in respect of “year 2” and “year 11” not being defined in regulation 2, but we do not agree. Whilst the Welsh Government notes the comparison with another set of regulations, it is not proposed to insert definitions as these specific terms are not used in these Regulations.

## Committee Consideration

The Committee considered the instrument and Government response at its meeting on 4 July 2022 and reports to the Senedd in line with the reporting point above.

