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# Curriculum and Assessment (Wales) Act 2021 2021 asc 4

## CURRICULUM AND ASSESSMENT (WALES) ACT 2021

### PART 1

#### BASIC CONCEPTS AND KEY DOCUMENTS

- 1 Introduction
- 2 The four purposes
- 3 The areas of learning and experience
- 4 The mandatory cross-curricular skills
- 5 Power to amend sections 3 and 4
- 6 The What Matters Code
- 7 The Progression Code
- 8 The RSE Code

### PART 2

#### CURRICULUM IN MAINTAINED SCHOOLS, MAINTAINED NURSERY SCHOOLS AND FUNDED NON-MAINTAINED NURSERY EDUCATION

### CHAPTER 1

#### CURRICULUM DESIGN AND ADOPTION

##### *General*

- 9 Introduction and interpretation

##### *Maintained schools and maintained nursery schools*

- 10 Curriculum design
- 11 Curriculum adoption
- 12 Curriculum review and revision

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### *Funded non-maintained nursery education*

- 13 Welsh Ministers' duty to publish a curriculum
- 14 Review and revision of curriculum published by Welsh Ministers
- 15 Curriculum adoption
- 16 Curriculum review and revision

### *Supplementary provision*

- 17 Power to make supplementary provision about curriculum adoption and revision
- 18 Power to make supplementary provision about curriculum summaries

## **CHAPTER 2**

### **CURRICULUM REQUIREMENTS**

#### *General*

- 19 Introduction

#### *Curriculum requirements*

- 20 The four purposes
- 21 Progression
- 22 Suitability
- 23 Breadth and balance
- 24 Areas of learning and experience and cross-curricular skills
- 25 Power to impose further curriculum requirements

## **CHAPTER 3**

### **CURRICULUM IMPLEMENTATION**

#### *General*

- 26 Introduction and interpretation

#### *Maintained schools and maintained nursery schools*

- 27 Duty to ensure implementation of adopted curriculum
- 28 General implementation requirements
- 29 Further implementation requirements for pupils aged 3 to 14
- 30 Further implementation requirements for pupils aged 14 to 16
- 31 Power to disapply duty to implement pupil choice
- 32 Power to disapply duty to implement pupil choice: supplementary
- 33 Reviews and appeals relating to pupil choice

#### *Funded non-maintained nursery education*

- 34 Duty to ensure implementation of adopted curriculum
- 35 General implementation requirements
- 36 Requirements relating to areas of learning and experience and cross-curricular skills

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## CHAPTER 4

### CURRICULUM IMPLEMENTATION: EXCEPTIONS

- 37 Introduction
- 38 Development work and experiments
- 39 Development work and experiments: conditions
- 40 Development work and experiments: supplementary
- 41 Pupils and children with additional learning needs
- 42 Temporary exceptions for individual pupils and children
- 43 Temporary exceptions for individual pupils and children: supplementary
- 44 Provision of information about temporary exceptions
- 45 Appeals about temporary exceptions for individual pupils
- 46 Appeals about temporary exceptions for individual children
- 47 Exception for pupils for whom arrangements are made under section 19A of the Education Act 1996
- 48 Power to make provision for further exceptions

### PART 3

#### CURRICULUM FOR EXCEPTIONAL PROVISION OF EDUCATION IN PUPIL REFERRAL UNITS OR ELSEWHERE

##### *General*

- 49 Introduction

##### *Pupil referral units*

- 50 Curriculum requirements
- 51 Curriculum review and revision
- 52 Curriculum implementation

##### *Other education provided under section 19A of the Education Act 1996*

- 53 Curriculum requirements
- 54 Review and revision
- 55 Curriculum implementation

### PART 4

#### ASSESSMENT AND PROGRESSION

- 56 Duty to make provision about assessment arrangements
- 57 Promoting and maintaining understanding of progression

### PART 5

#### CURRICULUM: POST COMPULSORY EDUCATION IN MAINTAINED SCHOOLS

- 58 Introduction and interpretation
- 59 General curriculum requirement
- 60 Curriculum requirement: Relationships and Sexuality Education
- 61 Curriculum requirement: Religion, Values and Ethics
- 62 Further curriculum requirements

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## PART 6

### SUPPLEMENTARY

#### *Mental health and emotional well-being*

- 63 Duty to have regard to mental health and emotional well-being of children and young persons

#### *UN Conventions*

- 64 Duty to promote knowledge and understanding of UN Conventions on the rights of children and persons with disabilities

#### *Co-operation and facilitation*

- 65 Duty to co-operate  
66 Welsh Ministers' duty to facilitate the performance of functions  
67 Local authorities' duty to facilitate the performance of functions

#### *Welsh language*

- 68 Welsh Ministers' duty to promote access etc to Welsh medium courses of study

#### *Specific provision for further settings etc*

- 69 Power to make provision for children receiving education in more than one setting etc  
70 Power to apply Act to detained children and detained young persons

#### *Guidance*

- 71 Duty to have regard to guidance

## PART 7

### GENERAL

- 72 Status of this Act as an Education Act  
73 Minor and consequential amendments and repeals  
74 Power to make additional provision to give full effect to this Act etc  
75 Regulations  
76 The What Matters Code and the Progression Code: procedure  
77 The RSE Code: procedure  
78 Written information, notices and directions  
79 Meaning of “maintained school”, “maintained nursery school” and associated expressions  
80 Meaning of “funded non-maintained nursery education” and associated expressions  
81 Meaning of “pupil referral unit” and associated expressions  
82 General interpretation  
83 Index of expressions defined in this Act  
84 Coming into force  
85 Short title

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## SCHEDULE 1 — RELIGION, VALUES AND ETHICS PART 1 — CURRICULUM DESIGN

### *Application*

1 This Part applies for the purposes of section 24(3) (provision...

*Community schools and foundation and voluntary schools without a religious character*

2 (1) This paragraph applies to— (a) a community school;

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

3 (1) This paragraph applies to a foundation or voluntary controlled...

*Voluntary aided schools that have a religious character*

4 (1) This paragraph applies to a voluntary aided school that...

## PART 2 — CURRICULUM IMPLEMENTATION

### *Application*

5 This Part applies to the teaching and learning that must...

*Community schools and foundation and voluntary schools without a religious character*

6 (1) This paragraph applies to— (a) a community school;

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

7 (1) This paragraph applies to a foundation or voluntary controlled...

*Voluntary aided schools that have a religious character*

8 (1) This paragraph applies to a voluntary aided school that...

## PART 3 — INTERPRETATION

9 (1) For the meaning of “agreed syllabus”, see section 375A(7)...

## SCHEDULE 2 — MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

### *Education Act 1996 (c. 56)*

1 The Education Act 1996 is amended as follows.

2 In section 4 (schools: general), in subsection (2), after “section...

3 (1) Section 19 (exceptional provision of education in pupil referral...

4 After section 19 insert— Exceptional provision of education in pupil...

5 In Part 5, in the heading of Chapter 3, after...

6 (1) Section 375 (agreed syllabuses of religious education) is amended...

7 After section 375 insert— Agreed syllabus of Religion, Values and...

8 In the italic heading before section 390 (constitution of standing...

9 (1) Section 390 (constitution of advisory councils) is amended as...

10 (1) Section 391 (functions of advisory councils) is amended as...

11 (1) Section 392 (advisory councils: supplementary provisions) is amended as...

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- 12 In section 394 (determination of cases in which requirement for...
- 13 In section 396 (power of Secretary of State to direct...
- 14 After section 396 insert— Power of Welsh Ministers to direct...
- 15 (1) Section 397 (religious education: access to meetings and documents)...
- 16 (1) Section 399 (determination of question whether religious education in...
- 17 In the italic heading before section 403, after “Sex education”...
- 18 (1) Section 403 (sex education: manner of provision) is amended...
- 19 In section 404 (sex education: statements of policy)—
- 20 In section 405 (exemption from sex education)—
- 21 In section 444ZA (application of section 444 to alternative educational...
- 22 In section 569 (regulations), in subsection (2B)—
- 23 In section 579 (general interpretation), in subsection (1), in the...
- 24 In section 580 (index), for the entry for “agreed syllabus”...
- 25 (1) Schedule 1 (pupil referral units) is amended as follows....
- 26 (1) Schedule 31 (agreed syllabuses of religious education) is amended...

*Education Act 1997 (c. 44)*

- 27 The Education Act 1997 is amended as follows.
- 28 In section 56 (construction), in subsection (1), in the definition...

*School Standards and Framework Act 1998 (c. 31)*

- 29 The School Standards and Framework Act 1998 is amended as...
- 30 In section 58 (appointment and dismissal of certain teachers at...
- 31 In section 60 (staff at foundation or voluntary school with...
- 32 In Part 2, in the heading of Chapter 6 (religious...
- 33 Before section 69 (and the italic heading before it) insert—...
- 34 In the italic heading before section 69, at the end...
- 35 (1) Section 69 (duty to secure due provision of religious...
- 36 (1) Section 71 (exceptions and special arrangements: provision for special...
- 37 (1) Section 124B (designation of independent schools as having a...
- 38 In section 138A (procedure for regulations)— (a) in the heading,...
- 39 (1) Section 142 (general interpretation) is amended as follows.
- 40 (1) Section 143 (index) is amended as follows.
- 41 In Schedule 3, in Part 2 (funding of voluntary aided...
- 42 (1) Schedule 19 (required provision for religious education) is amended...
- 43 In Schedule 20 (collective worship), in paragraph 5, in the...

*Education Act 2002 (c. 32)*

- 44 The Education Act 2002 is amended as follows.
- 45 Omit Part 7 (the curriculum in Wales).
- 46 (1) Section 210 (orders and regulations) is amended as follows....

*Licensing Act 2003 (c. 17)*

- 47 The Licensing Act 2003 is amended as follows.
- 48 In Schedule 1 (provision of regulated entertainment), in Part 3,...

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*Anti-Social Behaviour Act 2003 (c. 38)*

- 49 The Anti-Social Behaviour Act 2003 is amended as follows.  
50 In section 24 (interpretation), in the definition of “relevant school”,...

*Education Act 2005 (c. 18)*

- 51 (1) Section 50 of the Education Act 2005 (inspection of...

*National Health Service Act 2006 (c. 41)*

- 52 The National Health Service Act 2006 is amended as follows....  
53 In Schedule 1 (further provision about the Secretary of State...

*National Health Service (Wales) Act 2006 (c. 42)*

- 54 The National Health Service (Wales) Act 2006 is amended as...  
55 In Schedule 1 (further provision about the Welsh Ministers and...

*Learning and Skills (Wales) Measure 2009 (nawm 1)*

- 56 The Learning and Skills (Wales) Measure 2009 is amended as...  
57 Omit Part 1 (local curriculum for pupils in Key Stage...  
58 In section 46 (regulations in connection with the operation of...  
59 In the Schedule (minor and consequential amendments)—

*Education (Wales) Measure 2009 (nawm 5)*

- 60 The Education (Wales) Measure 2009 is amended as follows.  
61 Omit section 21 (foundation phase).

*Equality Act 2010 (c. 15)*

- 62 The Equality Act 2010 is amended as follows.  
63 In Schedule 11 (schools: exceptions), in Part 2 (religious or...  
64 In Schedule 17 (disabled pupils: enforcement), in paragraph 6A (as...  
65 In Schedule 19 (public authorities), in Part 1, in the...

*Education (Wales) Measure 2011 (nawm 7)*

- 66 The Education (Wales) Measure 2011 is amended as follows.  
67 In section 9 (minor and consequential amendments), in subsection (3),...

*School Standards and Organisation (Wales) Act 2013 (anaw 1)*

- 68 The School Standards and Organisation (Wales) Act 2013 is amended...  
69 In section 98 (general interpretation and index of defined expressions)  
—...  
70 In Schedule 5 (minor and consequential amendments), in paragraph  
21,...

*Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1)*

- 71 The Further and Higher Education (Governance and Information)  
(Wales) 2014...  
72 In section 6 (abolition of duties of further education institutions...

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*Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)*

- 73 The Additional Learning Needs and Education Tribunal (Wales) Act 2018...
- 74 In section 14 (duties to prepare and maintain plans: local...
- 75 In Schedule 1 (minor and consequential amendments and repeals), in...



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