

CURRICULUM AND ASSESSMENT (WALES) ACT 2021 (ASC 4)

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 Supplementary

Section 69 - Power to make provision for children receiving education in more than one setting etc

156. **Section 69** enables the Welsh Ministers to make regulations which make provision about teaching and learning to be provided for children who are of compulsory school age and fall within a category specified in the section. The regulations may apply provisions of the Act in relation to those children, with or without modifications.
157. Subsection (2) provides that the power applies in relation to a child who is a registered pupil at a maintained school, if the child is also provided with education at another maintained school, or at a maintained nursery school. It also applies if the child, as well as being a registered pupil at a maintained school, is receiving education at a PRU; or education provided under section 19A of the 1996 Act, but not at a PRU, a maintained school or a maintained nursery school. So this would cover, for instance, a child who is a registered pupil at a maintained school, but is also provided with some education at a PRU, perhaps because the child is being eased back into mainstream education. It would also cover a child who is a registered pupil at a maintained school, but receives some EOTAS provision at home.
158. Subsection (3) duplicates this approach in relation to a child who is a registered pupil at a maintained nursery school.
159. Subsection (4) provides that the power applies in relation to a child who is a registered pupil at a PRU, if the child is also receiving education at another PRU, or (by virtue of arrangements made under section 19A of the 1996 Act) somewhere other than a PRU, a maintained school or a maintained nursery school. An example might be a child who is receiving part-time education at a PRU as a registered pupil there, and also part-time EOTAS at home, perhaps because the child is not yet ready to undertake full time education in the PRU.
160. The intention behind subsections (2) to (4) is to enable regulations to make provision about teaching and learning for children who are registered pupils at a maintained school, maintained nursery school, or PRU, but also receiving education somewhere else, perhaps at home or in another setting.
161. Subsection (5) confers the power to specify further descriptions of children to whom section 69 is to apply.
162. This power is needed to make provision for a further category of children: those who are receiving education at only one setting (whether a maintained school, a maintained nursery school, a PRU, or under section 19A of the 1996 Act, but not in a PRU or

*These notes refer to the Curriculum and Assessment (Wales) Act
2021 (asc 4) (c.4) which received Royal Assent on 29 April 2021*

school) but whose education in that setting is not full-time. (This might for instance be because of illness, or because a child is being eased back into education.)

163. The power conferred by this section reflects the fact that, where a child is receiving education in more than one setting, or only part-time education in one setting, it would be inappropriate for the ordinary curriculum design and implementation duties to apply in relation to a school or a PRU or EOTAS or FNNE provider in respect of the child. This is because the child will not be receiving full-time education with any school or PRU or EOTAS provider.
164. In these circumstances, flexibility will be needed to ensure that the curriculum provided for the child is appropriate, taking into account the child's needs and circumstances, and the range of providers involved – potentially any one or more of a school, a PRU, a provider of FNNE, a pupil referral unit, and another provider of education under section 19A of the 1996 Act. This will be achieved by provision in the regulations. The regulations could, for instance, require the head teacher of a maintained school and a person providing education through section 19A EOTAS at the child's home to work together to ensure that a curriculum meeting certain requirements is implemented for the child.