



# Curriculum and Assessment (Wales) Act 2021

2021 asc 4

VALID FROM 01/09/2022

## PART 3

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

#### *General*

#### **49 Introduction**

- (1) This Part makes provision about a curriculum for education provided under section 19A of the Education Act 1996 (c. 56) (exceptional provision of education at pupil referral units or elsewhere: Wales).
- (2) Sections 50 to 52 apply to education provided at pupil referral units.
- (3) Sections 53 to 55 apply to education provided otherwise than at pupil referral units.
- (4) References in this Part to pupils, in relation to a pupil referral unit, are to registered pupils at the unit, except those over compulsory school age.

#### *Pupil referral units*

#### **50 Curriculum requirements**

- (1) The local authority, the management committee (if there is one) and the teacher in charge of a pupil referral unit must exercise their functions with a view to

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ensuring that there is a curriculum for the unit that complies with the requirements in subsections (2) to (5).

- (2) The first requirement is that the curriculum must—
  - (a) enable pupils to develop in the ways described in the four purposes,
  - (b) provide for appropriate progression for pupils,
  - (c) be suitable for pupils of differing ages, abilities and aptitudes, and
  - (d) be broad and balanced, so far as is appropriate for pupils.
- (3) The second requirement is that the curriculum must make provision for teaching and learning that—
  - (a) encompasses the Health and Well-being area of learning and experience,
  - (b) encompasses the mandatory element of Relationships and Sexuality Education, and
  - (c) develops the mandatory cross-curricular skills.
- (4) The third requirement is that the provision made under subsection (3)(b) must be developmentally appropriate for pupils.
- (5) The fourth requirement is that the curriculum must make provision, if it is reasonably possible and appropriate to do so, for teaching and learning—
  - (a) in the other areas of learning and experience, and
  - (b) in the other mandatory elements.
- (6) The teacher in charge of a pupil referral unit must publish a summary of the curriculum for the unit, or arrange for it to be published.

## **51 Curriculum review and revision**

- (1) The local authority, the management committee (if there is one) and the teacher in charge of a pupil referral unit must—
  - (a) keep the curriculum for the unit under review, and
  - (b) ensure that it continues to comply with the requirements in section 50.
- (2) In considering whether the curriculum continues to comply with the requirements in section 50, they must have regard to information derived from any assessment arrangements implemented by them under regulations made under section 56.
- (3) They must revise the curriculum if they consider it necessary to do so to ensure that it continues to comply with the requirements in section 50.
- (4) They may also revise the curriculum at any time they consider it appropriate to do so.
- (5) If the curriculum is revised, the teacher in charge of the unit must publish a summary of the revised curriculum, or arrange for it to be published.

## **52 Curriculum implementation**

- (1) The teacher in charge of a pupil referral unit must ensure that the curriculum for the unit is implemented 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,

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- (c) is suitable for each pupil's age, ability and aptitude,
  - (d) takes account of each pupil's additional learning needs (if any), and
  - (e) secures broad and balanced teaching and learning for each pupil.
- (2) The teacher in charge of a pupil referral unit must ensure that the curriculum for the unit is implemented in a way that secures teaching and learning for each pupil that—
- (a) encompasses the Health and Well-being area of learning and experience,
  - (b) encompasses the mandatory element of Relationships and Sexuality Education, and
  - (c) develops the mandatory cross-curricular skills.
- (3) The teacher in charge of a pupil referral unit must ensure that the teaching and learning secured under subsection (2)(b) is suitable for each pupil's stage of development.
- (4) The teacher in charge of a pupil referral unit must—
- (a) consider what teaching and learning it would be appropriate to provide for each pupil in the other areas of learning and experience and the other mandatory elements for which the curriculum makes provision, and
  - (b) ensure, as far as reasonably possible, that the teaching and learning is provided for the pupil.
- (5) The local authority and the management committee (if there is one) for a pupil referral unit must exercise their functions with a view to ensuring that the curriculum for the unit is implemented for pupils in accordance with this section.

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

### **53 Curriculum requirements**

- (1) A local authority that makes arrangements under section 19A of the Education Act 1996 (c. 56) to provide education for a child otherwise than at a pupil referral unit must ensure that the arrangements secure a curriculum for the child that complies with the requirements in subsections (2) to (5).
- (2) The first requirement is that the curriculum must—
- (a) enable the child to develop in the ways described in the four purposes,
  - (b) provide for appropriate progression for the child,
  - (c) be suitable for the child's age, ability and aptitude, and
  - (d) be broad and balanced, so far as is appropriate for the child.
- (3) The second requirement is that the curriculum must make provision, so far as is appropriate for the child, for teaching and learning that—
- (a) encompasses the Health and Well-being area of learning and experience,
  - (b) encompasses the mandatory element of Relationships and Sexuality Education, and
  - (c) develops the mandatory cross-curricular skills.
- (4) The third requirement is that the provision made under subsection (3)(b) must be suitable for the child's stage of development.

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- (5) The fourth requirement is that the curriculum must make provision, if it is reasonably possible and appropriate to do so, for teaching and learning—
- (a) in the other areas of learning and experience, and
  - (b) in the other mandatory elements.

#### **54 Review and revision**

- (1) A local authority that makes arrangements under section 19A of the Education Act 1996 (c. 56) to provide education for a child otherwise than at a pupil referral unit must—
- (a) keep the arrangements under review, and
  - (b) ensure that they continue to secure a curriculum for the child that complies with the requirements in section 53.
- (2) In considering whether the arrangements continue to secure a curriculum for the child that complies with those requirements, the local authority must have regard to information derived from any assessment arrangements implemented in relation to the child under regulations made under section 56.
- (3) The local authority must revise the arrangements if they consider it necessary to do so to ensure that they continue to secure a curriculum for the child that continues to comply with the requirements in section 53.

#### **55 Curriculum implementation**

- (1) A local authority that makes arrangements under section 19A of the Education Act 1996 (c. 56) to provide education for a child otherwise than at a pupil referral unit must ensure that the arrangements ensure that the curriculum for the child is implemented in a way that—
- (a) enables the child to develop in the ways described in the four purposes,
  - (b) secures teaching and learning that offers appropriate progression for the child,
  - (c) is suitable for the child's age, ability and aptitude,
  - (d) takes account of the child's additional learning needs (if any), and
  - (e) secures teaching and learning that is broad and balanced, so far as is appropriate for the child.
- (2) The local authority must also ensure that the arrangements ensure the teaching and learning for which the curriculum must make provision under section 53(3), (4) and (5).

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