

Status: This version of this provision is prospective.

Changes to legislation: Curriculum and Assessment (Wales) Act 2021, Section 33 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Curriculum and Assessment (Wales) Act 2021

2021 asc 4

PART 2

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

CHAPTER 3

CURRICULUM IMPLEMENTATION

Maintained schools and maintained nursery schools

PROSPECTIVE

33 **Reviews and appeals relating to pupil choice**

- (1) A pupil or parent who is given information about a determination made by a head teacher under section 31—
 - (a) may require the head teacher to review the determination, and
 - (b) if dissatisfied with the head teacher's decision on the review, may appeal to the governing body of the school against that decision.
- (2) On a review, the head teacher—
 - (a) may confirm, vary or revoke the determination, and
 - (b) must give written notice of that decision to—
 - (i) the pupil,
 - (ii) the pupil's parent, and
 - (iii) the governing body.

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- (3) But subsection (2)(b)(i) does not apply if the head teacher considers that the pupil does not have the capacity to understand—
 - (a) the information that would be given, or
 - (b) what it means to exercise the right conferred by subsection (1)(b).
- (4) On an appeal, the governing body—
 - (a) may confirm the head teacher's decision on the review or direct the head teacher to take the action that it considers appropriate, and
 - (b) must give written notice of its decision to—
 - (i) the pupil,
 - (ii) the pupil's parent, and
 - (iii) the head teacher.
- (5) But subsection (4)(b)(i) does not apply if the governing body considers that the pupil does not have the capacity to understand the information that would be given.
- (6) The head teacher must comply with a direction given under subsection (4)(a).
- (7) The head teacher and governing body of a school within subsection (8) must publish information setting out a procedure for reviews and appeals under this section.
- (8) A school is within this subsection if the adopted curriculum applies to pupils who have completed the school year in which the majority of the pupils in their class attained the age of 14.

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Changes and effects yet to be applied to :

- s. 33 coming into force by [S.I. 2022/652 art. 8\(a\)](#)
- s. 33 coming into force by [S.I. 2022/652 art. 9\(a\)](#)