



# 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 4

CURRICULUM IMPLEMENTATION: EXCEPTIONS

### 44 Provision of information about temporary exceptions

- (1) A head teacher who makes, varies or revokes a determination under regulations made under section 42 must give the information described in subsections (3) and (4), in writing, to—
  - (a) the pupil to whom the determination relates,
  - (b) the pupil's parent,
  - (c) the governing body of the school, and
  - (d) the local authority that maintains the school.
- (2) A provider of funded non-maintained nursery education who makes, varies or revokes a determination under regulations made under section 42 must give the information described in subsections (3) and (4), in writing, to—
  - (a) the parent of the child to whom the determination relates, and
  - (b) the local authority that secures the education.
- (3) The information is—
  - (a) the fact that the determination has been made, varied or revoked;
  - (b) the effect of the determination, variation or revocation;
  - (c) the reasons for making, varying or revoking the determination;

- (d) information about—
  - (i) the right to make an appeal under section 45 (in the case of a determination that relates to a pupil);
  - (ii) the right to make an appeal under section 46 (in the case of a determination that relates to any other child).
- (4) Where a determination is made or varied, the information must also include—
  - (a) a description of the provision that will be made for the pupil or child’s education during the period specified in the determination;
  - (b) a description of the way in which the head teacher or provider proposes to ensure that the adopted curriculum is implemented for the pupil or child at the end of that period.
- (5) The duty in subsection (1)(a) 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 section 45.