



# 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*

#### 27 Duty to ensure implementation of adopted curriculum

- (1) The head teacher of a school must ensure that the adopted curriculum is implemented for the school's pupils in accordance with sections 28, 29 and 30.
- (2) The governing body of a school must exercise its functions with a view to ensuring that the adopted curriculum is implemented for the school's pupils in accordance with sections 28, 29 and 30.

#### Commencement Information

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| <b>I1</b> | S. 27 in force at 1.9.2022 for specified purposes by S.I. 2022/652, art. 5(1)(2)(b), Sch. |
| <b>I2</b> | S. 27 in force at 1.9.2023 for specified purposes by S.I. 2022/652, art. 6(1)(2)(b)       |

#### 28 General implementation requirements

The adopted curriculum must be implemented in a way that—

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**Changes to legislation:** There are currently no known outstanding effects for the Curriculum and Assessment (Wales) Act 2021, Cross Heading: Maintained schools and maintained nursery schools. (See end of Document for details)

- (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,
- (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.

#### Commencement Information

**I3** S. 28 in force at 1.9.2022 for specified purposes by S.I. 2022/652, art. 5(1)(2)(b), Sch.

**I4** S. 28 in force at 1.9.2023 for specified purposes by S.I. 2022/652, art. 6(1)(2)(b)

### 29 Further implementation requirements for pupils aged 3 to 14

- (1) The adopted curriculum must be implemented in accordance with subsection (2) for pupils who have not yet completed the school year in which the majority of the pupils in their class attain the age of 14.
- (2) The adopted curriculum must be implemented in a way that secures teaching and learning for each pupil that—
  - (a) encompasses the areas of learning and experience (including the mandatory elements within those areas), and
  - (b) develops the mandatory cross-curricular skills.
- (3) The teaching and learning secured under subsection (2)—
  - (a) in respect of the mandatory element of Relationships and Sexuality Education, must be suitable for the pupil's stage of development, and
  - (b) in respect of the mandatory element of Religion, Values and Ethics, must accord with Part 2 of Schedule 1, except where subsection (4) applies.
- (4) This subsection applies where the teaching and learning is for pupils in a class in which the majority of the pupils are below compulsory school age at the beginning of the school year.

#### Commencement Information

**I5** S. 29 in force at 1.9.2022 for specified purposes by S.I. 2022/652, art. 5(1)(2)(b), Sch.

**I6** S. 29 in force at 1.9.2023 for specified purposes by S.I. 2022/652, art. 6(1)(2)(b)

PROSPECTIVE

### 30 Further implementation requirements for pupils aged 14 to 16

- (1) The adopted curriculum must be implemented in accordance with subsection (2) for pupils who have completed the school year in which the majority of the pupils in their class attained the age of 14.
- (2) The adopted curriculum must be implemented in a way that—

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- (a) secures teaching and learning for each pupil that encompasses the mandatory elements within the areas of learning and experience, and
  - (b) secures other teaching and learning for each pupil in each area of learning and experience.
- (3) The teaching and learning secured under subsection (2) must develop the mandatory cross-curricular skills.
- (4) The teaching and learning secured under subsection (2) must include—
  - (a) teaching and learning in respect of any provision made in the curriculum, so far as it applies to the pupil, by virtue of regulations made under section 25, and
  - (b) the teaching and learning chosen by the pupil by virtue of section 24.
- (5) For an exception to the duty to secure the teaching and learning chosen by the pupil, see section 31.
- (6) The teaching and learning secured under subsection (2)—
  - (a) in respect of the mandatory element of Relationships and Sexuality Education, must be suitable for the pupil's stage of development, and
  - (b) in respect of the mandatory element of Religion, Values and Ethics, must accord with Part 2 of Schedule 1.

PROSPECTIVE

### **31 Power to disapply duty to implement pupil choice**

- (1) This section applies to the teaching and learning chosen by a pupil by virtue of section 24.
- (2) If the head teacher of a maintained school is satisfied that a relevant ground applies, the head teacher may determine that the duty to secure the teaching and learning does not apply.
- (3) In the case of a determination made before the pupil begins the relevant school year, the relevant grounds are that—
  - (a) the teaching and learning is not suitable for the pupil, due to the pupil's level of educational attainment;
  - (b) it is not reasonably practicable to secure the teaching and learning for the pupil, due to other choices made by the pupil by virtue of section 24;
  - (c) the amount of time likely to be spent travelling to the place at which the teaching is likely to be delivered would be detrimental to the pupil's education;
  - (d) disproportionate expenditure would be incurred if the teaching and learning were to be secured for the pupil;
  - (e) the pupil or another person's health or safety would be placed unacceptably at risk if the teaching and learning were to be secured for the pupil.
- (4) In the case of a determination made after the pupil has begun the relevant school year, the relevant grounds are that—
  - (a) disproportionate expenditure would be incurred if the teaching and learning were to continue to be secured for the pupil;

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- (b) the pupil's or another person's health or safety would be placed unacceptably at risk if the teaching and learning were to continue to be secured for the pupil.
- (5) In subsections (3) and (4), the “relevant school year” is the school year in which the majority of the pupils in the pupil's class will attain the age of 15.
- (6) Regulations may amend subsections (3) and (4).

## PROSPECTIVE

### 32 Power to disapply duty to implement pupil choice: supplementary

- (1) A head teacher who makes a determination under section 31 must give the information described in subsection (2) to—
  - (a) the pupil to whom the determination relates, and
  - (b) the pupil's parent.
- (2) The information is—
  - (a) the fact that the determination has been made,
  - (b) the effect of the determination,
  - (c) the head teacher's reasons for making the determination,
  - (d) information about the teaching and learning that will be secured for the pupil in place of the teaching and learning in respect of which the determination has been made, and
  - (e) information about the right to request a review, or make an appeal, under section 33.
- (3) The information must be given in writing.
- (4) The duty in subsection (1)(a) does not apply if the head teacher considers that the pupil in question does not have the capacity to understand—
  - (a) the information that would be given, or
  - (b) what it means to exercise the rights conferred by section 33.
- (5) Regulations may make further provision in connection with determinations under section 31.

## 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

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- (b) must give written notice of that decision to—
  - (i) the pupil,
  - (ii) the pupil's parent, and
  - (iii) the governing body.
- (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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