

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

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Curriculum in Maintained Schools, Maintained Nursery Schools and Funded Non-Maintained Nursery Education

Chapter 1 - Curriculum Design and Adoption

Section 9 – Introduction and interpretation

18. This section describes the contents of Chapter 1 and specifies that it applies to a curriculum for:
 - pupils at a maintained school who are under compulsory school age;
 - pupils at a maintained nursery school;
 - children for whom FNNE is provided.
19. This means that Chapter 1 does not apply to a curriculum for EOTAS, including PRUS, or to a curriculum for pupils at a maintained school who are over compulsory school age.

Maintained schools and maintained nursery schools

Section 10 – Curriculum design

20. This section requires the head teacher of a maintained school or maintained nursery school to design a curriculum.
21. The curriculum must comply with the requirements set out in Chapter 2 of Part 2 (see sections 20 to 24 and section 25). These requirements are discussed further below. It is important to note that the requirements for curriculum content in the case of pupils aged 14 to 16 differ from the requirements for younger pupils. These different requirements will feed through into the design of a curriculum.

Section 11 – Curriculum adoption

22. This section requires the head teacher and governing body of a maintained school or maintained nursery school to adopt the curriculum designed under section 10 as the curriculum for the school's pupils. It also requires them to publish a summary of their adopted curriculum.
23. Both the head teacher and governing body will need to agree to adopt the curriculum.

Section 12 – Curriculum review and revision

24. This section requires the head teacher and governing body of a maintained school or maintained nursery school to keep the school's adopted curriculum under review. They must ensure that it continues to comply with the requirements mentioned above, if necessary by revising it.
25. In considering whether the adopted curriculum continues to comply with those requirements, the head teacher and governing body must consider what has been shown by any assessment arrangements made by them under the Act. (The results of the assessment arrangements might, for instance, indicate that the curriculum is not making provision for appropriate progression and so needs to be revised to deal with this).

Sections 13 and 14 – Welsh Ministers' duty to publish a curriculum for funded non-maintained nursery education settings

26. **Section 13** requires the Welsh Ministers to publish a curriculum which they consider is suitable for FNNE. This approach – which differs from that for schools – reflects the fact that not all FNNE providers will have the resources or experience to design their own curriculum.
27. The curriculum designed by the Welsh Ministers must comply with the requirements in Chapter 2 of Part 2.
28. **Section 14** requires the Welsh Ministers to keep the FNNE curriculum they have published under review and revise it if necessary to ensure it continues to comply with the requirements mentioned above. If they revise their FNNE curriculum, the Welsh Ministers must publish their revised curriculum.

Sections 15 and 16 – Curriculum adoption, review and revision

29. **Section 15** requires an FNNE provider to adopt a curriculum and publish a summary of it. The adopted curriculum must meet the requirements in Chapter 2 of Part 2.
30. The curriculum adopted by the FNNE provider may be that published by the Welsh Ministers under section 13 or another suitable curriculum.
31. **Section 16** requires an FNNE provider to keep their adopted curriculum under review. They must ensure that it continues to comply with the requirements mentioned above, if necessary by revising it.
32. In considering whether the adopted curriculum continues to comply with those requirements, the FNNE provider must consider what has been shown by any assessment arrangements made by them under the Act. (The results of the assessment arrangements might, for instance, indicate that the curriculum is not making provision for appropriate progression and so needs to be revised to deal with this).
33. If the FNNE provider has adopted the curriculum published by the Welsh Ministers under section 13, and the Welsh Ministers revise that curriculum, the provider must consider whether to revise their adopted curriculum to reflect the revisions made by the Welsh Ministers.

Section 17 – Power to make supplementary provision about curriculum adoption and revision

34. This section enables the Welsh Ministers to make regulations about certain procedural matters, including the date by which a curriculum must be adopted.

Section 18 – Power to make supplementary provision about curriculum summaries

35. This section enables the Welsh Ministers to make regulations about what is to be included in a summary of an adopted curriculum, and about its publication.