

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 4 – Curriculum Implementation: Exceptions

Section 43 – Temporary exceptions for individual pupils and children: supplementary

90. This section makes further provision about regulations under section 42.
91. Subsection (2) provides that such regulations must not allow a determination to be made on the grounds that a pupil or child has, or may have, additional learning needs. If any curriculum implementation duties are to be disapplied or modified on the grounds of a pupil or child's additional learning needs, the appropriate course of action is to include provision to that effect in the individual development plans or EHC (see section 41).
92. Subsection (3) requires the regulations to ensure that the operative period of a determination does not exceed 6 months. However, the regulations may allow consecutive determinations to have a combined operative period of more than 6 months.