

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 45 - Appeals about temporary exceptions for individual pupils

96. This section enables a pupil, or the pupil's parent, to appeal to the school's governing body where the head teacher makes, revokes or varies a determination relating to the pupil under regulations made under section 42. It also allows the pupil, or the pupil's parent, to bring an appeal where they have asked the head teacher to make a determination under those regulations but no determination has been made (for instance, because the head teacher has refused to make the determination or has not responded to the request).
97. However, the pupil may not appeal if the governing body considers that the pupil does not have the capacity to understand what it means to bring an appeal.
98. If an appeal is made, the governing body may confirm the head teacher's decision or direct the head teacher to take the action that it considers appropriate. It must also inform the pupil and the pupil's parent about its decision, unless it considers that the pupil does not have the capacity to understand the information that would be given.
99. The section enables the Welsh Ministers to make further provision, by regulations, in connection with these appeals.