

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Curriculum for Exceptional Provision of Education in Pupil Referral Units Or Elsewhere

Section 49 - Introduction

106. This section describes the contents of Part 3. The Part makes provision about the curriculum for education provided for children of compulsory school age under section 19A of the 1996 Act:
- at pupil referral units, or
 - otherwise than at pupil referral units.
107. Local authorities in Wales are required to make arrangements for the provision of suitable education under section 19A of the 1996 Act for children of compulsory school age who would not receive a suitable education unless such arrangements were made: for example, for children who are ill or excluded from school.
108. **Section 19A** is inserted into the 1996 Act by paragraph 4 of Schedule 2; section 19 of the 1996 Act (which previously imposed similar requirements) ceases to have effect in relation to local authorities in Wales on the coming into force of this Act.

Pupil Referral Units (PRUs)

Section 50 – Curriculum requirements

109. This section requires the local authority, the management committees (if there is one*) and the teacher in charge of a PRU to exercise their functions so as to ensure that the PRU has a curriculum which complies with requirements set out in subsections (2) to (5). It also requires the teacher in charge of the PRU to publish a summary of that curriculum, or to arrange for it to be published.
110. *Under paragraph 15 of Schedule 1 to the 1996 Act, the Welsh Ministers may make regulations requiring local authorities to establish management committees for PRUs. The regulations may include provisions about the membership and functions of the committees. Whilst the Welsh Ministers have made regulations requiring local authorities to establish management committees, the 1996 Act does not require them to retain management committees. The Welsh Ministers may decide, in future, to revoke the regulations without replacing them, which will mean that PRUs will no longer have management committees. The references throughout this Part to “the management committee (if there is one)” allows for this possibility.

111. In a maintained school, the head teacher must design a curriculum for the school and the head teacher and governing body must then adopt it. It then falls to the head teacher to implement that curriculum for each pupil at the school.
112. Subsection (1) takes a different approach for PRUs. Here, the local authority, the management committee and the teacher in charge of a PRU must all exercise their functions so as to ensure that there is a curriculum for the unit that complies with the requirements sets out in subsections (2) to (5). It then falls to the teacher in charge of the unit to implement that curriculum for each pupil at the unit.
113. There are certain differences between the curriculum requirements for maintained schools and PRUs. These reflect the particular challenges of providing teaching and learning in PRUs, as compared to maintained schools, and the particular needs of pupils attending these units.
114. There are a range of reasons why children may attend PRUs, rather than maintained schools. These reasons may include illness, refusal to attend school or having very challenging behaviour associated with social, emotional and behavioural difficulties. Pupils at PRUs have often missed extended periods of education and have gaps in their learning. They may also have low self-esteem and lack confidence, and many have low aspirations for their future. For these reasons, the curriculum requirements for pupils at PRUs are not the same as for those at maintained schools. While PRUs are concerned with educational progress, the teaching and learning at PRUs must also focus on helping these pupils to address and overcome barriers which prevent them from accessing mainstream provision and from participating in education.
115. Subsection (2) therefore requires the local authority, the management committee and the teacher in charge of a PRU to exercise their functions so as to ensure there is a curriculum that:
- enables pupils to develop in the ways described in the four purposes;
 - provides for appropriate progression for pupils;
 - is suitable for pupils of differing ages, abilities and aptitudes;
 - is broad and balanced so far as appropriate for pupils;
 - provides for teaching and learning that:
 - encompasses the Health and Well-being area of learning and experience;
 - encompasses the mandatory element of RSE in a developmentally appropriate way; and
 - develops the cross-curricular skills; and
 - if it is reasonably possible and appropriate, provides for teaching and learning in the other areas of learning and experience and the other mandatory elements.
116. A PRU curriculum does not have to encompass all the areas of learning and experience and all the mandatory elements. It must encompass the Health and Well-being area of learning and experience and the mandatory element of RSE, but the intention is to allow PRUs to decide what is reasonably possible and appropriate to provide in terms of teaching and learning in other areas of learning and experience and other mandatory elements.

Section 51 – Curriculum review and revision

117. This section requires the local authority, the management committee and the teacher in charge of a PRU to keep the unit's curriculum under review. They must ensure that it continues to comply with the requirements set out in section 50(2), (3) and (4), if necessary by revising it. In considering whether the curriculum continues to

comply with those requirements, they must take account of information gathered from assessment arrangements implemented by them under the Act (see section 56).

118. If a PRU curriculum is revised, the teacher in charge of the unit must publish the revised curriculum or arrange for it to be published.

Section 52 – Curriculum implementation

119. This section requires the teacher in charge of a PRU to ensure that the unit's curriculum is implemented in accordance with the requirements set out in subsections (1) to (4). These requirements include a requirement to implement the curriculum in a way that takes account of each pupil's ALN (if any).
120. This section also requires the local authority and the management committee for a PRU to exercise their functions with a view to ensuring that the curriculum is implemented in accordance with these requirements.

Other education provided under section 19A of the Education Act 1996

Section 53 – Curriculum requirements

121. This section applies to local authorities that make arrangements under section 19A of the 1996 Act to provide education for children otherwise than at PRUs. Arrangements of this kind are made for a varied group of learners whose circumstances are often unique. For example, a learner may ordinarily attend a maintained school but for reasons of illness may be unable to attend for a period of time and may need to be taught at home or in hospital.
122. The range of circumstances that may need to be addressed under these arrangements makes it inappropriate and impractical to require a local authority to design a single, common curriculum for the education provided to this cohort of learners. Instead, the Act requires the local authority to ensure that the arrangements that it puts in place for a child's education under section 19A of the 1996 Act secure a bespoke curriculum for that child that complies with the requirements in subsections (2) to (5).
123. The requirements in subsections (2) to (5) are that the curriculum for each child must:
- a. enable the child to develop in the ways described in the four purposes;
 - b. provide for appropriate progression for the child;
 - c. be suitable for the child's ability and aptitude;
 - d. be broad and balanced so far as is appropriate for the child;
 - e. provide, so far as is appropriate for the child, for teaching and learning that:
 - i. encompasses the Health and Well-being area of learning and experience;
 - ii. encompasses the mandatory element of RSE in a developmentally appropriate way; and
 - iii. develops the mandatory cross-curricular skills; and
 - f. provide, so far as is reasonably possible and appropriate, for teaching and learning in the other areas of learning and experience and the other mandatory elements.
124. The arrangements do not have to secure a curriculum for the child that encompasses all the areas of learning and experience and all the mandatory elements. The child's curriculum must encompass Health and Well-being area of learning and experience and the mandatory element of RSE, but the intention is to allow the local authority to decide what is reasonably possible and appropriate to provide for the child in terms

of teaching and learning in the other areas of learning and experience and the other mandatory elements.

Section 54 – Review and revision

125. This section requires a local authority that makes arrangements under section 19A of the 1996 Act to provide education for a child otherwise than at a PRU to keep those arrangements under review. The local authority must ensure that the arrangements continue to secure a curriculum for the child that complies with the requirements set out in section 53, if necessary by revising those arrangements. In considering whether the arrangements continue to secure a curriculum of that kind, the local authority must take account of information gathered from assessment arrangements implemented in relation to the child under the Act (see section 56).

Section 55 – Curriculum implementation

126. This section, again, applies to a local authority that makes arrangements under section 19A of the 1996 Act to provide education for a child otherwise than at a PRU. It requires the local authority to ensure that the arrangements make sure that the curriculum for the child is implemented in accordance with the requirements set out in subsections (1) and (2).
127. These requirements include a requirement to implement the curriculum in a way that takes account of the child's ALN (if any).