

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 Post Compulsory Education in Maintained Schools

131. Prior to the coming into force of this Act, the curriculum arrangements for registered pupils at maintained schools in Wales were set out in Part 7 of the Education Act 2002 (“the 2002 Act”). Part 7 of the 2002 Act applied in relation to pupils above compulsory school age (16 – 18 years old), as well as in relation to pupils aged 3 – 16.
132. This Act repeals Part 7 of the 2002 Act. The new curriculum arrangements for pupils who are 3 – 16 years old are set out in Part 2, and those for pupils who are 16 – 18 years old are set out in this Part.

Section 58 – Introduction and interpretation

133. This section describes the contents of Part 5. The Part applies only in relation to pupils at maintained schools who are above compulsory school age.

Section 59 - General curriculum requirement

134. This section requires the head teacher and governing body of a maintained school to ensure that the curriculum for pupils above compulsory school age is a balanced and broadly based curriculum that—
- promotes the spiritual, moral, cultural, mental and physical development of the pupils and of society, and
 - prepares the pupils for the opportunities, responsibilities and experiences of later life.
135. It also requires a local authority to exercise its functions with a view to ensuring a curriculum of this kind for pupils above compulsory school age in every school that the authority maintains. And it also requires the Welsh Ministers to exercise their functions with a view to ensuring a curriculum of this kind for pupils above compulsory school age in every maintained school in Wales.

Section 60 - Curriculum requirement: Relationships and Sexuality Education

136. This section requires the head teacher of a maintained school to provide teaching and learning in RSE where a pupil above compulsory school age has requested it. It also requires the governing body to exercise its functions with a view to ensuring that this teaching and learning is provided if requested.

Section 61 - Curriculum requirement: Religion, Values and Ethics

137. This section requires the head teacher of a maintained school to provide teaching and learning in RVE where a pupil above compulsory school age has requested it. It also requires the governing body to exercise its functions with a view to ensuring that this teaching and learning is provided if requested.
138. Sub-section (3) requires the teaching and learning provided under this section to reflect the fact that religious traditions in Wales are mainly Christian, but also to take account of other (non-Christian) principal religions in Wales. The teaching and learning must also reflect the fact that a range of non-religious philosophical convictions (such as atheism) are held in Wales. This approach reflects the requirements of the European Convention on Human Rights (the “ECHR”).
139. **Section 61** of the Act does not prevent a school from imposing a requirement that all pupils in its sixth form undertake compulsory RVE classes; nor does it prevent a school that adopts this approach from providing compulsory sixth form RVE that accords with the school’s trust deeds, or the tenets of its religion, or religious denomination (“denominational RVE”). The content of such denominational RVE remains a matter for the school.

Section 62 - Further curriculum requirements

140. This section points out that there are other provisions about the curriculum for pupils in maintained schools who are above compulsory school age in sections 33A-33O in the Learning and Skills Act 2000. Those provisions require the creation of local curricula for those pupils.