

*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)**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 6 Supplementary**

#### ***Section 63 - Duty to have regard to mental health and emotional well-being of children and young persons***

141. This section places a duty on the persons listed in subsection (2). The duty is to have regard to the mental health and emotional well-being of children and young people, when exercising functions conferred on them by or under the Act, for instance in relation to assessment arrangements. The duty applies in relation to children and young people who are likely to be affected by the exercise of the function concerned.
142. This duty will ensure that all decisions relating to the development and implementation of a curriculum will need to be taken having regard to the impact on mental health and emotional well-being of learners. These decisions will include, for instance, decisions about the content of the curriculum, and progression.
143. The duty applies in relation to children and young people receiving EOTAS as well as in relation to children and young persons at maintained schools and maintained nursery schools, and children receiving FNNE.