
Changes to legislation: There are currently no known outstanding effects for the Curriculum and Assessment (Wales) Act 2021, Paragraph 25. (See end of Document for details)

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Education Act 1996 (c. 56)

- 25 (1) Schedule 1 (pupil referral units) is amended as follows.
- (2) After paragraphs 1 and 2 (general adaptations of enactments) insert—
- “2A Paragraphs 1 and 2 do not apply to references in an enactment in, or made under, the Curriculum and Assessment (Wales) Act 2021.”
- (3) In paragraph 6 (curriculum)—
- (a) in sub-paragraph (1)—
- (i) after “every pupil referral unit” insert “ maintained by a local authority in England ”;
- (ii) omit “or 99(1)”;
- (b) in sub-paragraph (2), after “every pupil referral unit” insert “ maintained by a local authority in England ”;
- (c) omit sub-paragraphs (3) and (4).
- (4) After paragraph 6 insert—
- “6A Paragraphs 6B, 6C and 6D apply in relation to every pupil referral unit maintained by a local authority in Wales.
- 6B (1) The local authority, the management committee (where applicable) and the teacher in charge of a pupil referral unit must exercise their functions—
- (a) in relation to registered pupils of compulsory school age at the unit, in accordance with sections 50 to 52 of the Curriculum and Assessment (Wales) Act 2021 (curriculum requirements);
- (b) in relation to registered pupils above compulsory school age at the unit, with a view to securing that the curriculum for those pupils meets the requirements in sub-paragraph (2).
- (2) The requirements are that the curriculum is a balanced and broadly based curriculum which—
- (a) promotes the spiritual, moral, cultural, mental and physical development of the pupils, and
- (b) prepares them for the opportunities, responsibilities and experiences of later life.
- (3) The Welsh Ministers may, by regulations, make provision in respect of the curriculum for registered pupils above compulsory school age at pupil referral units, including provision as to making, and keeping up to date, a written statement of the policy in relation to the curriculum for those pupils.
- 6C The Welsh Ministers may, by regulations—
- (a) require the local authority, the management committee (where applicable) or the teacher in charge of a pupil referral unit to exercise any functions relating to the curriculum that are specified in regulations, or

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- (b) require those persons, or any of them, to collaborate with each other in exercising any functions relating to the curriculum that are specified in regulations.
- 6D (1) Each local authority in Wales must make arrangements to deal with complaints that the authority, or the teacher in charge of a pupil referral unit maintained by the authority—
- (a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred, or the performance of a duty imposed, on them—
 - (i) by section 50, 51 or 52 of the Curriculum and Assessment (Wales) Act 2021, or
 - (ii) by paragraph 6B, or by regulations made under paragraph 6B or 6C, or
 - (b) have failed to discharge a duty imposed on them by or under any of those provisions.
- (2) The Welsh Ministers must not exercise their powers under Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) in relation to—
- (a) a complaint for which arrangements are required to be made under sub-paragraph (1), or
 - (b) a complaint that a local authority in Wales has failed to exercise its powers to secure compliance by the teacher in charge of a pupil referral unit with a duty referred to in subparagraph (1),
- unless a complaint about the same matter has been made, and has been dealt with, in accordance with arrangements made under that sub-paragraph.”
- (5) In paragraph 8—
- (a) the existing provision becomes sub-paragraph (1);
 - (b) in that sub-paragraph—
 - (i) after “pupil referral units” insert “ in England ”;
 - (ii) after “community schools” insert “ in England ”;
 - (c) after that sub-paragraph insert—
 - “(2) Sections 406 and 407 (political indoctrination, and treatment of political issues) apply in relation to pupil referral units in Wales as they apply in relation to community schools in Wales.”

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