



Curriculum and Assessment (Wales) Act 2021

2021 asc 4

PART 2

CURRICULUM IN MAINTAINED SCHOOLS, MAINTAINED NURSERY
SCHOOLS AND FUNDED NON-MAINTAINED NURSERY EDUCATION

CHAPTER 3

CURRICULUM IMPLEMENTATION

Maintained schools and maintained nursery schools

31 Power to disapply duty to implement pupil choice

- (1) This section applies to the teaching and learning chosen by a pupil by virtue of section 24.
- (2) If the head teacher of a maintained school is satisfied that a relevant ground applies, the head teacher may determine that the duty to secure the teaching and learning does not apply.
- (3) In the case of a determination made before the pupil begins the relevant school year, the relevant grounds are that—
 - (a) the teaching and learning is not suitable for the pupil, due to the pupil's level of educational attainment;
 - (b) it is not reasonably practicable to secure the teaching and learning for the pupil, due to other choices made by the pupil by virtue of section 24;
 - (c) the amount of time likely to be spent travelling to the place at which the teaching is likely to be delivered would be detrimental to the pupil's education;

- (d) disproportionate expenditure would be incurred if the teaching and learning were to be secured for the pupil;
 - (e) the pupil or another person’s health or safety would be placed unacceptably at risk if the teaching and learning were to be secured for the pupil.
- (4) In the case of a determination made after the pupil has begun the relevant school year, the relevant grounds are that—
- (a) disproportionate expenditure would be incurred if the teaching and learning were to continue to be secured for the pupil;
 - (b) the pupil’s or another person’s health or safety would be placed unacceptably at risk if the teaching and learning were to continue to be secured for the pupil.
- (5) In subsections (3) and (4), the “relevant school year” is the school year in which the majority of the pupils in the pupil’s class will attain the age of 15.
- (6) Regulations may amend subsections (3) and (4).