

Curriculum for Wales: summary of legislation

CONTENTS

- [Legislation summary](#)
- [Curriculum and Assessment \(Wales\) Act 2021 – an introduction](#)
- [Maintained schools and maintained nursery schools](#)
- [Funded non-maintained nursery settings](#)
- [Pupil referral units](#)
- [Education other than at school](#)
- [Relationships and sexuality education](#)
- [Religion, values and ethics](#)
- [Careers and work related experiences](#)
- [Wider requirements](#)

Legislation summary

This section of the Curriculum for Wales framework guidance is designed to help schools and settings, as well as others in education with an interest, to better understand what the law is for the Curriculum for Wales and what is required of them.

In addition to setting out the legal basis for guidance, it also provides information relating to legal duties and guidance of a statutory nature that schools or settings must have regard to. It also sets out definitions of what these terms mean.

In setting out this information, this section of guidance also relates to and links with a range of specific aspects of curriculum and assessment guidance throughout the framework.

Curriculum and Assessment (Wales) Act 2021 – an introduction

[The Curriculum and Assessment \(Wales\) Act 2021](#) (the Act) established the Curriculum for Wales in law and replaced the basic curriculum (which includes, for example, the national and local curricula set out in [Part 7 of the Education Act 2002](#)). The Act makes provision about progression and assessment in connection with the curriculum for 3 to 16 year olds. It also has some limited effects on the curriculum for learners above compulsory school age at maintained schools. However, much of what currently applies to them is not affected by the Act, and does not change.

The Act places *duties* on:

- school governing bodies and headteachers
- teachers in charge and management committees of *PRUs*
- the local authority responsible for a PRU
- providers of funded non-maintained nurseries (private nurseries who are funded by the local authority to provide education places)
- local authorities which make provision for learning and teaching for a learner otherwise than at a school, setting or PRU by virtue of arrangements made under section 19A of the [Education Act 1996](#)
- the Welsh Ministers

The mandatory requirements, or duties, set out in the Act, Codes and other regulations referenced below are also set out in the relevant sections of this framework guidance and are highlighted for clarity.

Where there is a requirement for schools or settings to have regard to guidance, this is also explained in the relevant guidance section.

Concepts and mandatory elements

The Act sets out the [four purposes](#) of the curriculum in law. It also sets out the following mandatory elements which, with the exception of English, span the 3 to 16 learning continuum:

- the [cross-curricular skills](#) of literacy, numeracy and digital competence
- the names of the areas of learning and experience (Areas)
- relationships and sexuality education (RSE)
- religion, values and ethics (RVE)
- Welsh
- English – from age 7. Headteachers and providers of funded non-maintained nursery education have discretion over whether and to what extent they introduce English to learners between the ages of 3 and 7. This is to facilitate Welsh language immersion in the early years. Therefore, the expectation is that English medium and bilingual schools will continue to include English in their curricula

The Act requires that the Welsh Ministers issue three Codes that must form the basis of curriculum and assessment arrangements in every school and setting subject to the Act. The Act also requires Welsh Ministers to keep the Codes under review and as necessary develop updates. The Codes are:

- the [statements of what matters Code](#)
- the [progression Code](#)
- the [relationships and sexuality education Code](#)

The Act places a duty on the Welsh Ministers to make provision in relation to assessment arrangements. *Regulations* will require headteachers and other providers to make and implement assessment arrangements as part of their curriculum design and development and to review and revise assessment arrangements as part of self-reflection and curriculum improvement processes. Linked to this, under section 57 of the Act, the Welsh Ministers will be directing head teachers and other education providers to take specific steps to promote and maintain understanding of progression.

Maintained schools and maintained nursery schools

This section summarises requirements for maintained schools and maintained nursery schools. It should also be read in conjunction with the sections relating to RSE, RVE, CWRE and wider requirements.

Section 79 of the Act defines the meaning of such schools. These are:

- a community, foundation or voluntary school maintained by a local authority in Wales
- a community special school maintained by a local authority in Wales, other than a community special school established in a hospital
- a maintained nursery school which is not a special school

Design and assessment

The headteacher must ensure a curriculum is designed for learning and teaching for all registered learners at the school aged 3 to 16. The curriculum must:

- enable learners to develop in the ways described in the [four purposes](#)
- be suitable for learners of differing ages, abilities and aptitudes
- be [broad and balanced](#)

- make provision for learning and teaching that encompasses each of the Areas, including the mandatory elements. A curriculum only does this if it incorporates all the [statements of what matters](#)
- make provision to develop the mandatory [cross-curricular skills](#)
- provide for learning and teaching that accords with the [RSE Code](#) and is developmentally appropriate for their learners
- provide learners in year 1 and above with the learning and teaching of RVE that accords with curriculum design requirements
- provide those learners moving from year 9 into year 10 with a choice of learning within each Area in line with the requirements of this framework guidance
- provide for appropriate progression which must be in accordance with the principles of progression set out in the Progression Code and have regard to this framework guidance. The assessment arrangements must be informed by those [principles of progression](#)
- make ongoing assessments arrangements to support learner progression throughout the school year
- make arrangements for assessing the ability and aptitude of learners in respect of the relevant Curriculum, on entry to a school or setting

Adoption and implementation

The headteacher and governing body must jointly adopt their curriculum and assessment arrangements and publish a summary of it. The head teacher and governing body must jointly adopt the assessment arrangements for learners' on-entry to the school or setting. It is recommended that agreement between the head teacher and governing body be part of a governing body meeting and so be recorded in the minutes for that meeting.

With regard to the content of published curriculum summaries, more detailed guidance may be provided in due course. For now, we recommend such summaries include:

- information on how practitioners, learners, parents, carers and the wider community have been engaged to inform the curriculum's development
- how the curriculum meets the required elements set out in this national framework, starting from the four purposes
- information on how the school is approaching learning progression and its arrangements for assessment
- how the curriculum will be kept under review, including the process for feedback and ongoing revision

Schools must ensure the adopted curriculum is implemented in a way that:

- enables each learner to develop in the ways described in the [four purposes](#)
- secures learning and teaching that offers appropriate progression for each learner, which is informed by the [principles of progression](#) under each Area
- is suitable for each learner's age, ability and aptitude
- takes account of each learner's additional learning needs (if any)

- secures broad and balanced learning and teaching for each learner

For each learner in reception to year 9 (inclusive) the curriculum must be implemented in a way that secures learning and teaching that:

- encompasses the six Areas and all the mandatory elements
- for RSE, is suitable for the learner's stage of development
- for RVE, except in relation to learners in reception (those learners below compulsory school age, typically those aged 3 to 5 years), accords with curriculum design requirements. 3 to 5 year olds should still be provided with pluralistic RVE
- develops the mandatory [cross-curricular skills](#)

For each learner in years 10 and 11 the curriculum must be implemented in a way that secures learning and teaching that:

- secures learning and teaching in each Area. Not everything in the statements of what matters for each Area needs to be included, but all Areas need to form part of the curriculum. This is the only difference for this cohort
- for RSE, is suitable for the learner's stage of development
- for RVE accords with curriculum design requirements
- develops the mandatory [cross-curricular skills](#)

The governing body and head teacher must both ensure that the adopted curriculum is implemented in line with requirements above.

Review and revision

The headteacher and governing body must keep their adopted curriculum under review and must revise it if it no longer complies with the design requirements (as set out above). They may revise it at any time but if they do they must publish an updated summary.

The headteacher and governing body must also keep the assessment arrangements, including the on-entry assessment arrangements, for the adopted curriculum under review. They must review as part of the review of the adopted curriculum and revise them if the adopted curriculum is revised or they no longer meet the assessment requirements.

Learner choice and disapplication

The Act provides headteachers and governing bodies with powers to disapply learner choice in some circumstances.

Headteachers are required to implement the adopted curriculum in a way that gives effect to choices made by learners for years 10 and 11. However, they

may decide not to apply learning and teaching chosen by a learner. The Act sets out the grounds where this may apply in the case of determinations made before a learner begins year 10, and determinations made after a learner has begun year 10. This will replace the local curriculum in Part 7 of the Education 2002 (introduced by the Learning and Skills (Wales) Measure 2009).

Therefore, the legal requirement in the local curriculum for local authorities to offer a minimum of 25 courses at NQF level 2, of which at least 3 must be vocational, will no longer apply to this cohort.

In respect of learners before they begin year 10, a decision to disapply can be made where:

- the learning and teaching is not suitable for the learner due to their level of educational attainment
- it is not reasonably practicable to secure learning and teaching for the learner due to their other learning choices
- the amount of time spent travelling to the place at which the teaching would likely take place would be detrimental to the learner's education
- disproportionate expenditure would be incurred if the learning and teaching were to be secured for the learner
- the learner or another person's health or safety would be placed unacceptably at risk if the learning and teaching were to be secured for the learner

In respect of learners after they begin year 10 the grounds specified below are more limited. This is because the impact on the learner is greater when they have already embarked on their chosen learning and teaching. In these circumstances a decision to disapply can only be made where:

- disproportionate expenditure would be incurred if the learning and teaching were to continue to be secured for the learner
- the learner's or another person's health or safety would be placed unacceptably at risk if the learning and teaching were to continue to be secured for the learner

Where a determination is made to disapply learner choice, the headteacher still has to ensure learning and teaching is secured for the learner in each Area, in addition to the mandatory elements. But a further choice of learning and teaching will not need to be offered to the learner.

If it's determined to disapply the learner's choice then certain information must be provided to the learner and their parent or carer (see [section 32](#) of the Act). [Section 33](#) enables a learner, parent or carer, to require the head teacher to review that determination. If a review is required, the headteacher must either confirm, vary or withdraw the determination, and must advise the learner and their parent or carer of that decision. If a learner, parent or carer is unhappy with the outcome of the review, they may appeal to the school's governing body. If an appeal is made, the governing body must either confirm, vary or withdraw the headteacher's decision, and must advise the learner and their parent or carer.

There is no duty to provide information to the learner about the outcome of a review or appeal if the headteacher considers that they do not have the capacity to understand the information that would be given, or (in the case of a decision on a review) what it would mean to exercise the right to appeal.

Exceptions

These are matters schools should consider when implementing their curriculum on a day to day basis.

For learners with additional learning needs (ALN)

Section 41 makes provision relating to applying exceptions to the curriculum requirements for learners with ALN. Local authorities may disapply or modify parts or all of the curriculum implementation requirements for those learners with individual development plans under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 or with special educational needs under the Children and Families Act for children living in England. The disapplication or modification of the curriculum should be outlined in the learner's individual development plan, or in the case of learners living in England and educated in Wales, in their education, health and care plans.

Temporary exceptions

There is a separate and additional power in section 42 of the Act for head teachers to make temporary exceptions to the implementation of the curriculum to individual learners. Regulations will enable head teachers to

implement temporary exceptions in relation to curriculum requirements, and set out the circumstances where they could be applied (those circumstances will not include the additional learning needs of the learner). For example, if a learner had been ill for some time it would not be practical or fair to expect them to cope with learning and teaching of the full curriculum immediately on return to school. Head teachers will be able to make an informed decision to disapply all or part of the curriculum for learners in exceptional circumstances for a limited time.

Development and work experiments

The Welsh Ministers can give a direction to schools (under section 38 of the Act) to enable them to participate in development work or experiments. Such a direction may modify or disapply curriculum implementation duties for a period specified in the direction, so that the development work or experiment can take place. A direction could, therefore, be used to allow schools to take part in a pilot for proposed curriculum changes. There are specific conditions that must be met in order for the Welsh Ministers to give such a direction, which ensure learners affected by the direction continue to receive a suitable curriculum.

Provision of alternative arrangements

For information, the Welsh Ministers have the power to make regulations in relation to provision for learners registered in more than one setting and those detained in secure homes. If the Welsh Ministers decide to make such regulations there will be a public consultation on the proposals.

Additional duties

The Act contains further duties for those set out in the introduction section above when exercising functions under this Act such as designing, adopting or implementing a curriculum. They must:

- *have regard* to the mental health and emotional well-being of learners likely to be affected by the exercise of the function (section 63). In practice, this means considering the impact of any function on learners' mental health and emotional well-being. This includes how learning is presented, structured and organised and its place in the wider school context, which will affect learners' well-being

- promote knowledge and understanding of Part 1 of the [UNCRC and the UNCPRD](#) to those who provide learning and teaching (section 64)
- co-operate with other *schools, settings, PRUs*, local authorities and further education institutions if doing so will help them exercise their functions under the Act (section 65)
- consider a request for co-operation if one is made (powers to collaborate in the Education (Wales) Measure 2011 remain in force) (section 65)
- *have regard* to any guidance issued by the Welsh Ministers under the Act (section 71)

Post-compulsory education

Headteachers, governing bodies and local authorities must ensure that maintained schools' curricula for post-compulsory age learners:

- is broad and balanced
- promotes the spiritual, moral, cultural, mental and physical development of learners and of society
- prepares learners for the opportunities, responsibilities and experiences of later life

A headteacher must ensure learning and teaching of RSE is available to those post-compulsory learners who request it. In carrying out its functions a governing body must ensure that this learning and teaching is provided if requested.

Similarly, a headteacher and governing body must ensure learning and teaching of RVE is available to those post-compulsory learners who request it. Such RVE provision must 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 learning and teaching must also reflect the fact that a range of non-religious philosophical convictions (such as atheism) are held in Wales.

The RVE provisions do not prevent a school from requiring that all learners in its sixth form undertake 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; the content of which remains a matter for the school.

These requirements will come into force from September 2027.

Where relevant, maintained schools are also required to take into account of existing local curricula requirements in relation to learners aged 16 to 18 set out in [sections 33A to 330 of the Learning and Skills Act 2000](#) (these remain unchanged by the Act).

Funded non-maintained nursery settings

This section summarises requirements for *settings*. It should also be read in conjunction with the sections relating to RSE, RVE, *CWRE* and wider requirements.

Section 80 of the Act defines the meaning of such settings.

Development and assessment

There is no duty to design a curriculum placed on settings. Instead, the Act ([section 13](#)) requires that the Welsh Ministers publish a curriculum suitable for use in settings. That curriculum must comply with Curriculum for Wales requirements, including the mandatory elements. The Welsh Ministers are required to keep this curriculum under review and revise it as necessary. [This curriculum](#) is published on Hwb.

While it may be advantageous to do so, settings are not required to use the curriculum published by the Welsh Ministers; it can develop its own.

However, if a setting decides to develop its own curriculum, it must ensure it complies with the concepts and mandatory requirements set out in the Act.

There is a duty on settings to make and implement assessment arrangements to support learner progression within their adopted curriculum. In order to meet this duty, settings can choose to adopt the assessment arrangements Welsh Ministers will make available ahead of September 2022.

Adoption and implementation

Settings must adopt a curriculum that complies with the concepts and mandatory requirements, and publish a summary of it. This curriculum may be the curriculum published by the Welsh Ministers, but as noted above it doesn't have to be.

With regard to the content of published curriculum summaries, more detailed guidance may be provided in due course. For now, we recommend such summaries include:

- how the curriculum meets the required elements set out in this national framework, starting from the four purposes
- information on how the setting is approaching learning progression and its arrangements for assessment
- how the curriculum will be kept under review, including the process for parental feedback and ongoing revision

There are no specific requirements for settings on how they adopt their curriculum, however, they should be able to evidence that this has been done.

Local authorities must also ensure that settings in their areas implement their curricula in a way that:

- enables each learner to develop in the ways described in the [four purposes](#)
- secures learning and teaching that offers appropriate progression for each learner, which is informed by the [principles of progression](#) under each Area
- is suitable for each learner's age, ability and aptitude
- takes account of each learner's additional learning needs (if any)
- secures broad and balanced learning and teaching for each learner

The adopted curriculum must also be implemented in a way that secures learning and teaching for each learner that:

- encompasses the six Areas and all the mandatory elements
- for RSE, is suitable for the learner's stage of development
- provides pluralistic RVE for learners below compulsory school age (typically those aged 3 to 5 years)
- develops the mandatory [cross-curricular skills](#)

Review and revision

A setting must keep their curriculum under review and must revise it if it no longer complies with the concepts and mandatory requirements set out above. The curriculum can be updated at any time, but on updating a setting must also publish an updated summary.

A setting must keep their assessment arrangements under review and revise them if they no longer comply with assessment requirements or there are revisions to the adopted curriculum, whether that is the Welsh Ministers' published curriculum or one the setting has developed itself.

Exceptions

These are matters settings should consider when implementing their curriculum on a day to day basis.

For learners with ALN

Section 41 makes provision relating to applying exceptions to the curriculum requirements for learners with ALN. Local authorities may disapply or modify parts or all of the curriculum implementation requirements for those learners with individual development plans under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 or with special education needs under the Children and Families Act for children living in England. The disapplication or modification of the curriculum should be outlined in the learner's individual development plan, or in the case of learners living in England and educated in Wales, in their education, health and care plans.

Temporary exceptions

There is a separate and additional power in section 42 of the Act for headteachers to make temporary exceptions to the implementation of the curriculum to individual learners. Regulations will enable headteachers to implement temporary exceptions in relation to curriculum requirements, and set out the circumstances where they could be applied (those circumstances will not include the additional learning needs of the learner). For example, if a learner had been ill for some time it would not be practical or fair to expect them to cope with learning and teaching of the full curriculum immediately on return to school. Headteachers will be able to make an informed decision to disapply all or part of the curriculum for learners in exceptional circumstances for a limited time.

Development and work experiments

The Welsh Ministers can give a direction to settings (under section 38 of the Act) to enable them to participate in development work or experiments. Such a direction may modify or disapply curriculum implementation duties for a period specified in the direction, so that the development work or experiment

can take place. A direction could, therefore, be used to allow settings to take part in a pilot for proposed curriculum changes. There are specific conditions that must be met in order for the Welsh Ministers to give such a direction, which ensure learners affected by the direction continue to receive a suitable curriculum.

Additional duties

The Act contains further duties for those set out in the introduction section above when exercising functions under this Act such as designing, adopting or implementing a curriculum. They must:

- *have regard* to the mental health and emotional well-being of learners likely to be affected by the exercise of the function (section 63). In practice, this means considering the impact of any function on learners' mental health and emotional well-being. This includes how learning is presented, structured and organised and its place in the wider school context, which will affect learners' well-being
- promote knowledge and understanding of Part 1 of the [UNCRC and the UNCPRD](#) to those who provide learning and teaching (section 64)
- co-operate with other *schools, settings, PRUs*, local authorities and further education institutions if doing so will help them exercise their functions under the Act (section 65)
- consider a request for co-operation if one is made (powers to collaborate in the Education (Wales) Measure 2011 remain in force) (section 65)
- *have regard* to any guidance issued by the Welsh Ministers under the Act (section 71)

Pupil referral units

This section summarises requirements for PRUs. It should also be read in conjunction with the sections below relating to RSE, RVE, CWRE and wider requirements.

[Section 81](#) of the Act defines the meaning of PRUs.

Design and assessment

A local authority must secure a curriculum for any learner for which they make education arrangements under section 19A of the Education Act 1996. PRUs (and local authorities) must also ensure they have a curriculum that complies with the Act.

A curriculum must:

- enable learners to develop in the ways described in the [four purposes](#)
- provide for appropriate [progression](#) for learners

- be suitable for learners of differing ages, abilities and aptitudes
- be broad and balanced, so far as is appropriate for learners

A curriculum must make provision for learning and teaching that:

- encompasses the [Health and well-being](#) Area
- encompasses the mandatory [RSE Code](#) (which must be developmentally appropriate for learners)
- develops the mandatory [cross-curricular skills](#)

A curriculum must also make provision, if it is reasonably possible and appropriate to do so, for learning and teaching in:

- the other Areas
- the other mandatory elements

With regard to the content of published curriculum summaries, more detailed guidance may be provided in due course. For now, we recommend such summaries include:

- how the curriculum meets the required elements set out in this national framework, starting from the four purposes
- information on how the PRU is approaching learning progression and its arrangements for assessment
- how the curriculum will be kept under review, including the process for parental feedback and ongoing revision

Assessment in PRUs

The local authority, the management committee and the teacher in charge of a PRU are required to make and implement on-going assessment arrangements to support learner progression throughout the school year, and to make arrangements for assessing the ability and aptitude of learners in respect of the relevant Curriculum, on entry to a setting.

Adoption and implementation

PRUs must ensure the curriculum is implemented in a way that:

- enables the learner to develop in the ways described in the four purposes
- secures learning and teaching that offers appropriate progression for the learner
- is suitable for the learner's age, ability and aptitude
- takes account of the learner's additional learning needs (if any)
- secures learning and teaching that is broad and balanced, so far as is appropriate for the learner

PRUs must ensure their curriculum is implemented in a way that secures learning and teaching for each learner that:

- encompasses the Health and Well-being Area
- encompasses the mandatory RSE Code (which is suitable for each learner's stage of development)
- develops the mandatory cross-curricular skills

PRUs must also consider what learning and teaching it would be appropriate to provide for each learner in the other Areas and the other mandatory elements; and ensure, as far as reasonably possible, that the learning and teaching is provided for the learner.

Review and revision

PRUs must keep their curriculum under review and must revise it if it no longer complies with the requirements of the Act. Likewise, local authorities must keep the curriculum for PRUs in their area under review and must ensure they are revised as necessary. In considering whether a curriculum for a learner complies with those requirements, the local authority must *have regard* to information derived from any assessment arrangements. If a PRU's curriculum is revised, they must publish a summary of the revised curriculum.

The Management Committee, the teacher in charge of a PRU and the responsible local authority must keep the unit's on-going assessment arrangements and the arrangements for assessing on-entry, under review and must revise them if they no longer comply with the requirements of the *regulations*, if the curriculum for the unit is revised or if they consider it appropriate to do so at any time.

Provision for further settings

For information, the Welsh Ministers have the power to make regulations in relation to provision for learners registered in more than one setting. If the Welsh Ministers decide to make regulations on these matters there will be a public consultation on the proposals.

Additional duties

The Act contains further duties for listed persons, including teachers in charge of PRUs and local authorities, when they exercise functions under this Act. Those listed must:

- *have regard* to the mental health and emotional well-being of learners likely to be affected by the exercise of the function. In practice, this means considering the impact of any function on learners' mental health and emotional well-being. This includes how learning is presented, structured and organised and its place in the wider school context, which will affect learners' well-being
- promote knowledge and understanding of Part 1 of the [UNCRC and the UNCPRD](#) to those who provide learning and teaching

- co-operate with other PRUs, EOTAS providers, settings, schools, local authorities and further education institutions if doing so will help them exercise their functions under the Act
- consider a request for co-operation if one is made (powers to collaborate in the Education (Wales) Measure 2011 remain in force)
- *have regard* to any guidance issued by the Welsh Ministers under the Act

Education other than at school

This section summarises requirements for providers of education other than at school (EOTAS), excluding PRUs. It should also be read in conjunction with the sections below relating to RSE, RVE, CWRE and wider requirements.

EOTAS is defined under section 19A of the [Education Act 1996 \(c. 56\)](#).

Design and assessment

A local authority must secure a curriculum for any learner for which they make education arrangements under section 19A of the Education Act 1996. Local authorities must also ensure they have a curriculum that complies with the Act.

A curriculum must:

- enable learners to develop in the ways described in the [four purposes](#)
- provide for appropriate [progression](#) for learners
- be suitable for the learner's age, ability and aptitude
- be broad and balanced, so far as is appropriate for the learner

A curriculum must make provision for learning and teaching that:

- encompasses the [Health and well-being](#) Area
- encompasses the mandatory [RSE Code](#) (which must be developmentally appropriate for the learner)
- develops the mandatory [cross-curricular skills](#).

A curriculum must also make provision, if it is reasonably possible and appropriate to do so, for learning and teaching in:

- the other Areas
- the other mandatory elements

The local authority is required to make and implement on-going assessment arrangements to support learner progression throughout the year for a curriculum secured under section 19A of the Education Act 1996 other than at a PRU. The local authority is also required to make arrangements for assessing the ability and aptitude of learners in respect of the relevant curriculum, on entry to a setting.

Adoption and implementation

Local authorities (for learners for which they make education arrangements under section 19A of the Education Act 1996) must ensure the curriculum is implemented in a way that:

- enables the learner to develop in the ways described in the four purposes
- secures learning and teaching that offers appropriate progression for the learner
- is suitable for the learner's age, ability and aptitude
- takes account of the learner's additional learning needs (if any)
- secures learning and teaching that is broad and balanced, so far as is appropriate for the learner

Review and revision

A local authority must keep the curriculum for any learner for which they make education arrangements under section 19A of the Education Act 1996 (other than at a PRU) under review and must revise it if it no longer complies with the Act. In considering whether a curriculum for a learner complies with those requirements, the local authority must *have regard* to information derived from any assessment arrangements.

The local authority must keep under review the on-going assessment arrangements and the arrangements for assessing on-entry for a curriculum secured for a learner. They must revise these arrangements if they no longer comply with the requirements of the *regulations*; if the secured curriculum for a learner is revised or if the local authority considers it appropriate to do so.

Provision for further settings

For information, the Welsh Ministers have the power to make regulations in relation to provision for learners registered in more than one setting. If the Welsh Ministers decide to make regulations on these matters there will be a public consultation on the proposals.

Additional duties

The Act contains further duties for listed persons, including local authorities, when they exercise functions under this Act. Those listed must:

- *have regard* to the mental health and emotional well-being of learners likely to be affected by the exercise of the function. In practice, this means considering the impact of any function on learners' mental health and emotional well-being. This includes how learning is presented,

structured and organised and its place in the wider school context, which will affect learners' well-being

- promote knowledge and understanding of Part 1 of the [UNCRC and the UNCPRD](#) to those who provide learning and teaching
- co-operate with other PRUs, EOTAS providers, settings, schools, local authorities and further education institutions if doing so will help them exercise their functions under the Act
- consider a request for co-operation if one is made (powers to collaborate in the Education (Wales) Measure 2011 remain in force)
- *have regard* to any guidance issued by the Welsh Ministers under the Act

Relationships and sexuality education

RSE Code

RSE is a mandatory element of the Curriculum for Wales Framework and a curriculum must accord with the RSE Code. This means *schools* and *settings* must include the learning set out in the Code. A curriculum does not encompass RSE unless it accords with the provision in the RSE Code. Learning and teaching also does not encompass the mandatory element of RSE unless it accords with the provision in the RSE Code.

The RSE Code is set out and signposted in the [RSE section](#) of the Framework guidance.

This Code is issued under section 8 of the Act.

RSE guidance

The RSE section of the framework guidance also includes guidance on developing RSE within a curriculum and how to implement it. This is statutory guidance and is issued under section 71 of the Act. Those responsible for designing and developing a curriculum must read and have regard to this guidance when designing it.

Under the Act, this guidance is statutory for the following:

- the headteacher of a maintained school or a maintained nursery school
- the governing body of a maintained school or a maintained nursery school
- a provider of funded non-maintained nursery education
- the teacher in charge of a pupil referral unit
- the management committee for a pupil referral unit
- a person who provides teaching and learning for a child, otherwise than at a maintained school, maintained nursery school or pupil referral unit (EOTAS)
- a local authority in Wales

As outlined in section 50 of the Act, EOTAS settings must include provision for teaching and learning that encompasses RSE, and this must be developmentally appropriate.

RSE is best realised drawing on partnerships with a wide range of people and organisations. It therefore may also be useful for businesses; communities; public sector charitable and voluntary organisations and others who work in partnership with schools and settings. It also includes information that parents and carers are likely to find useful.

Pluralistic requirement

In all schools and settings, RSE must be objective, critical, and pluralistic as to its content and manner of teaching (see the case of 'Dojan and Others v. Germany 2011 application no. 319/08'). By pluralistic we mean that where questions of values are concerned, schools and settings must provide a range of views on a given subject, commonly held within society. This also means providing a range of factual information on RSE issues. In all schools, where they explore specific beliefs or views, this must include a range of other faith and non-religious views on the issue.

For example, schools may include learning about current tensions, disagreements or debates within society, or they may explore different perspectives within faiths on issues. Developing this pluralism is important in ensuring learners develop as informed citizens who are aware of and sensitive to a range of different opinions, values and beliefs. This supports them to engage with and navigate potential tensions.

A good understanding of learners' views, emerging values and backgrounds is central to developing this pluralism. Positive relationships with wider communities can help to create a constructive context for exploring aspects and tensions in a sensitive way.

Children's rights

Children Rights under the [UNCRC](#) are central to all of the Welsh Government's work, in line with its commitments and duty to have regard to the UNCRC in all that it does.

Schools and settings can also link learning to the United Nations Convention on the Rights of Persons with Disabilities ([UNCRPD](#)).

Schools and settings are also encouraged to effectively link learning where appropriate to the Public Sector Equality Duty (2010); and the Well-being of Future Generations (Wales) Act (2015).

Equality Act 2010

Schools are required to comply with relevant requirements of the Equality Act 2010.

In particular, schools and settings should note that compliance with the public sector equality duty is a legal requirement for local authority maintained schools (including PRUs) in Wales and it makes good educational sense to comply with it. The public sector equality duty helps schools to focus on key issues of concern and how to improve outcomes for all learners. The duty includes identifying where we can take action to advance equality of opportunity, eliminate discrimination and foster good relations, and where possible, mitigate negative impacts which may result from decisions.

In all schools and settings teaching should reflect the law (including the Equality Act 2010) as it applies to relationships, so that learners clearly understand what the law allows and does not allow, and the wider legal implications of decisions they may make.

Under the provisions of the Equality Act, schools must not unlawfully discriminate against learners on the basis of their age, sex, race, disability, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, or sexual orientation (collectively known as the *protected characteristics*). Schools must also make reasonable adjustments to alleviate disadvantage.

Provisions within the Equality Act 2010 allow schools to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group because of a protected characteristic. This should be taken into consideration in designing and teaching RSE.

Schools should consider the makeup of their own body of learners, including their gender and age range, and consider whether it is appropriate or necessary to put in place additional support for learners with particular protected characteristics (which mean that they are potentially at greater risk). Schools should consider what they can do to foster healthy and

respectful peer-to-peer communication and behaviour between learners, and provide an environment, which challenges perceived limits based on their gender or any other characteristic, including through curriculum areas and as part of a whole-school approach.

Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

The Welsh Government passed the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. The 2015 Act provides a focus on violence against women and girls by requiring persons exercising functions (local authority and Local Health Board) under the Act (defined in section 2(2) of that Act as “relevant functions”), to have regard to the need to remove or minimise factors which increase the risk, or exacerbate the impact on victims, of violence against women and girls. However, a person exercising relevant functions must also have regard to all other relevant matters. In so doing the Welsh Government has sought to raise awareness of these issues and to impose functions on those strategic bodies to have a plan to remove or minimise such behaviours.

Violence against women, domestic abuse and sexual violence touches many lives. This has particularly serious implications for learners, as victims themselves, in households where domestic abuse plays a part. It can impact on their safety, mental and physical health and general well-being. It affects family and peer relationships, and potential to enjoy healthy, happy, respectful relationships in the future; and it can impact on current and future educational attainment.

There will be learners and staff within schools who are currently experiencing, or at risk of using abusive behaviour against women, domestic abuse or sexual violence, or have done so in the past. Schools and settings should be responsible for making sure their learners and staff are safe and healthy.

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 presents an opportunity to lead the way on prevention work in Wales. Schools and settings provide an environment where positive attitudes

towards gender equality and healthy, respectful relationships can be fostered through a rights-based approach.

Adopting a whole-school approach that includes preventative education within, and which also involves the wider community is vital.

The Welsh Government's Whole Education Approach to Violence against Woman, Domestic Abuse and Sexual Violence in Wales: Good Practice Guide was developed in conjunction with Welsh Women's Aid. It is intended to be a [practical and useful toolkit](#) for embedding principles of a whole education approach to address violence against women, domestic abuse and sexual violence. It recognises the importance of education settings being environments where positive attitudes towards gender equality and healthy, respectful relationships can be fostered.

The Welsh Government has also published [practical guidance for school governors](#) on the need to develop a policy on violence against women, domestic abuse and sexual violence; how to recognise indicators of abuse and where to get support for themselves, their colleagues or their learners.

Religion, values and ethics

Legal status of the RVE guidance

The guidance on RVE contained within the Humanities Area is statutory and published under section 71 of the Curriculum and Assessment (Wales) Act 2021 (the Act) and designed to assist those responsible under the Act for designing the RVE syllabus as part of the school curriculum.

Advice on the United Nation's Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) can also be found in the legislation summary of the Curriculum for Wales Framework.

Legislative changes for the provision of religion, values and ethics

Under the Act the legislative changes set out below have taken place in relation to religious education.

The change from religious education to religion, values and ethics

The change of name reflects the expanded scope of religious education (RVE) and ensures the legislation itself is clear that RVE includes non-religious philosophical views. Provision in the Act is linked to the term “philosophical convictions” within the meaning of Article 2 Protocol 1 of the European Convention on Human Rights (A2P1). In other words the RVE provided in accordance with the Act must be compatible with A2P1 in that it must include teaching on philosophical convictions within the meaning of A2P1.

The scope of RVE

The Act makes it explicit that any agreed syllabus for RVE must reflect both religious beliefs and also non-religious beliefs which are philosophical convictions within the meaning of A2P1. These include beliefs such as humanism, atheism and secularism. That is not an exhaustive list but just examples of the sort of beliefs that are within scope of RVE. These changes make explicit what the law already requires in respect of pluralistic RVE.

Meaning of non-religious philosophical convictions

When considering religions and non-religious philosophical convictions, it is helpful to refer to the 2008 Council of Europe recommendation on the dimension of religions and non-religious convictions within education which states:

“Religious and non-religious convictions are diverse and complex phenomena; they are not monolithic. In addition, people hold religious and non-religious convictions to varying degrees, and for different reasons; for some such convictions are central and may be a matter of choice, for others they are subsidiary and may be a matter of historical circumstances. The dimension of religions and non-religious convictions within intercultural education should therefore reflect such diversity and complexity at a local, regional and international level”.

(Council of Europe 2008a, appendix; paragraph 3).

Signposts – Policy and practice for teaching about religions and non-religious worldviews in intercultural education (Council of Europe, 2014, p.67).

The Act refers to ‘non-religious philosophical convictions’ and not ‘philosophical convictions’. This is because religious philosophical convictions are already covered by the section that refers to ‘religions’.

The Act requires RVE to include non-religious philosophical convictions. The courts have held that when taken on its own, it is not synonymous with the terms “opinions” and “ideas”. It denotes views that attain a certain level of cogency, seriousness, cohesion and importance (Valsamis v Greece, §§ 25 and 27). The refusal of parents to accept corporal punishment at their child’s school was thus covered by their philosophical convictions.

Set out below are some examples where the courts have decided a belief is a philosophical conviction within the meaning of the ECHR. It should be kept in mind that these are just examples and not an exhaustive list:

- atheism, agnosticism, and scepticism have been held to be philosophical convictions. (R (Williamson) v Secretary of State for Education and Employment [2005] AC 246, paras 24 and 75)
- pacifism was found to be a philosophical conviction. (Arrowsmith v the United Kingdom, Commission report, § 69)
- principled opposition to military service was found to be a philosophical conviction. (Bayatyan v Armenia [GC])
- veganism and opposition to the manipulation of products of animal origin or tested on animals was found to be a philosophical conviction (W v the United Kingdom, Commission decision)

Meaning of religion

The Act requires RVE to be designed to include the mandatory element of RVE. What is meant by that is clarified in section 375A of the Education Act 1996 (the 1996 Act) which refers to religious traditions. In summary what must be included is a range of different religions.

Set out below are some examples where the courts have decided a belief is a philosophical conviction within the meaning of the ECHR. These are just examples of some religions and not an exhaustive list.

- Alevism (Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v Turkey; İzzettin Doğan and Others v Turkey)
- Buddhism (Jakóbski v Poland)
- the different Christian denominations among many other authorities (Svyato-Mykhaylivska Parafiya v Ukraine; Savez crkava “Riječ života” and Others v Croatia)
- the various forms of Hinduism, including the Hare Krishna movement (Kovaļkovs v Latvia (dec.); Genov v Bulgaria)
- the various forms of Islam (Hassan and Tchaouch v Bulgaria [GC]; Leyla Şahin v Turkey [GC]), including Ahmadism (Methodiev and Others v Bulgaria)
- Judaism (Cha’are Shalom Ve Tsedek v France [GC]; Francesco Sessa v Italy).
- Sikhism (Phull v France (Dec); Jasvir Singh v France)
- the Jehovah’s Witnesses (Religionsgemeinschaft der Zeugen Jehovas and Others v Austria; Jehovah’s Witnesses of Moscow and Others v Russia)

Community schools, foundation, and voluntary schools without a religious character

In the case of community, foundation and voluntary schools without a religious character, the Act requires the provision in the curriculum for teaching and learning encompassing RVE to have been designed having regard to the agreed syllabus. (The “agreed syllabus” in the context of the Schedule is the RVE syllabus adopted by the local authority under section 375A of the 1996 Act for use in schools maintained by the authority). The Act requires this RVE provision to be implemented for all learners.

Foundation and voluntary controlled schools that have a religious character

For these schools, the Act requires the provision in the curriculum for teaching and learning encompassing RVE to have been designed having regard to the agreed syllabus.

However, in the case of these schools, there is an additional requirement which applies only if the provision that has been designed having regard to

the agreed syllabus does not accord with the school's trust deed, or the tenets of its religion or religious denomination.

The first step in determining whether this additional requirement applies is to consider whether the provision designed having regard to the agreed syllabus accords with any provision in the school's trust deed that relates to teaching and learning in respect of RVE. If there is not any provision in the trust deed that relates to teaching and learning in respect of RVE, the next step will be to consider whether the provision accords with the tenets of the religion or denomination specified in relation to the school by an order under section 68A of the Schools and Standards Framework Act 1998 (the 1998 Act). Only if the provision does not accord with the trust deed or the relevant tenets will the additional requirement apply. If this additional requirement applies, the school's curriculum must also include provision for RVE that does accord with the school's trust deed, or the tenets of its religion or religious denomination.

The Act requires the teaching and learning secured for learners to be designed having regard to the agreed syllabus. But there is an exception to this general requirement which enables a learner's parents to request that their child be provided, instead, with the additional provision that accords with the school's trust deed, or the tenets of its religion or denomination. If a request of this type is made, it must be complied with.

Voluntary aided schools that have a religious character

For these schools the Act requires the curriculum to make provision for teaching and learning in respect of RVE that accords with the school's trust deed or the tenets of its religion or denomination.

Again, there is an additional requirement. For schools of this type, the additional requirement applies only if the provision that has been designed (that is, which accords with the trust deed or tenets of the school's religion or denomination) does not accord with the agreed syllabus. In this case, the

school's curriculum must also include provision for RVE that has been designed having regard to the agreed syllabus.

The Act requires the teaching and learning secured for learners to be that for which provision accords with the school's trust deed or its religion or denomination. But again there is an exception to this general requirement which enables a pupil's parents to request that their child be provided, instead, with the additional provision designed having regard to the agreed syllabus). If a request of this type is made, it must be complied with.

Changes to the constitution of agreed syllabus conferences and standing advisory councils on religious education

The Act provides for the appointment of persons who represent holders of non-religious philosophical beliefs in the same way as they permit the appointment of persons who represent holders of religious beliefs.

It is a matter for the local authority to decide on the appointment of appropriate persons. The final decision on an appointment is dependent on the relevant local authority's determination that such a representative would help ensure the relevant traditions of the area are appropriately reflected. Standing Advisory Councils on Religious Education will be renamed Standing Advisory Councils for RVE.

The local authority must take all reasonable steps to secure that the membership of the group is broadly proportionate to the strength of each religion, denomination, or conviction in its local area (see new subsection (6A) and (6B) of section 390 inserted by paragraph 9(8) of the Schedule.

RVE Post 16

While the Curriculum for Wales Framework relates to learners aged 3 to 16, this guidance is included here for completeness.

RVE post 16 is no longer mandatory by virtue of the Act provisions. In accordance with section 61 of the Act all learners over the age of 16 will now be able to opt into RVE, where previously there was a requirement for all learners in sixth form to study religious education. If a learner chooses to opt into RVE then the school or college must provide RVE which is objective, critical and pluralistic. This approach is consistent with the principle that learners of sufficient maturity should be able to make decisions that relate to their own learning.

Where a learner requests RVE pursuant to section 61 of the Act the RVE must be designed so that it:

- reflects the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales
- also reflects the fact that a range of non-religious philosophical convictions are held in Wales

See paragraphs above for explanations of terms.

Section 61 of the Act does not prevent a school from imposing a requirement that all learners 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.

Agreed syllabus conferences and the agreed syllabus for religion, values and ethics

This section is for local authorities, Standing Advisory Councils on RVE and Agreed Syllabus Conferences to clarify their roles and legal responsibilities with regards to RVE in the Curriculum for Wales and the agreed syllabus under the Act.

Legislative Changes

The legislative changes in the Act relating to the roles and legal responsibilities of Agreed Syllabus Conferences and Standing Advisory Councils are:

- The Act makes it explicit that any agreed syllabus for RVE must reflect both religious beliefs and also non-religious which are philosophical convictions within the meaning of A2P1
- provision for the appointment of persons who represent holders of non-religious philosophical convictions in the same way as they permit the appointment of persons who represent holders of religious beliefs

These are the only legislative changes within the Act relating to the roles and legal responsibilities of Standing Advisory Councils on RVE and Agreed Syllabus Conferences. The legislation relating to all their other existing roles and legal responsibilities remains unchanged.

The Act does not specify a date by which a first Agreed Syllabus Conference must prepare and recommend an agreed syllabus. A new syllabus replacing the current agreed syllabus must be adopted by a local authority for use in schools and settings implementing the Curriculum for Wales. Standing Advisory Council's on RVE and Agreed Syllabus Conferences will therefore need to be constituted in sufficient time to feed through an agreed syllabus in line with the implementation of the Curriculum for Wales in 2022. The administration of this sits with the local authority.

Aims of the agreed syllabus

The agreed syllabus is not designed to be a scheme of work, but rather a helpful guide and legal reference point for schools to support them in designing an appropriate and relevant curriculum for their learners which includes RVE within the Humanities Area. The approach of the Curriculum for Wales Framework is based on the principle of subsidiarity and, as such, each agreed syllabus should recognise and reflect the autonomy of each school and setting in realising its own curriculum. One of the intentions of this statutory RVE guidance is to provide the right balance between the central steer of the Curriculum for Wales Framework and the requirements of local

determination for RVE, as set out in agreed syllabi across Wales. Therefore, the statutory RVE guidance has been written as the basis for the agreed syllabus. Should a local authority wish to adopt or adapt this guidance as their agreed syllabus they may do so. It will ultimately be the responsibility of the provider to ensure that non-denominational RVE is provided pluralistically.

Agreed syllabuses should recognise that while the principal religions and their traditions in Wales should be taught in all schools, other beliefs (including non-religious philosophical convictions such as humanism and atheism) are now a recognised part of life within local areas in Wales and beyond. This is reflected in the Act which states that the agreed syllabus:

- must reflect the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales
- must also reflect the fact that a range of non-religious philosophical convictions are held in Wales

The agreed syllabus and the Curriculum for Wales Framework

Establishing the relationship between the agreed syllabus and the Curriculum for Wales Framework is the legal duty of Agreed Syllabus Conferences. Local authorities, Standing Advisory Councils and Agreed Syllabus Conferences must have regard to the Curriculum for Wales Framework, which includes statutory RVE guidance, when developing and adopting an agreed syllabus. The agreed syllabus is the first point of reference for RVE provision in schools and settings, therefore it is essential for the agreed syllabus to recognise and reflect the approach of the Curriculum for Wales Framework and the principles set out in the statutory RVE guidance in order to create balance and maintain coherence across the Curriculum for Wales. The statutory RVE guidance enables Agreed Syllabus Conferences to establish, with confidence, this relationship between the locally agreed syllabus and the Curriculum for Wales Framework for learners aged 3 to 16. This includes guidance to support schools and settings in ensuring that there is appropriate breadth and depth in RVE while recognising the principle of subsidiarity.

The status of the agreed syllabus

An Agreed Syllabus Conference is a statutory body convened to prepare and recommend, or reconsider an agreed syllabus for RVE for the local authority to adopt. The local authority is responsible for convening the Agreed Syllabus Conference which implies a duty to provide funds and support for its work. The Agreed Syllabus Conference is a separate legal body from a Standing Advisory Council. However, it has the same group structure as the Standing Advisory Councils:

- Group A - a group of persons to represent: Christian denominations and other religions and denominations of such religions; non-religious philosophical convictions. A local authority in Wales, in appointing such persons must take all reasonable steps to secure the outcome that the number of members appointed to the committee to represent a religion, denomination or non-religious philosophical conviction shall, so far as consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that religion, denomination or non-religious philosophical conviction in the area.
- Group B - a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area.
- Group C - a group of persons to represent the authority.

There is no legal provision for an Agreed Syllabus Conference to include co-opted members, but it can seek the advice it considers appropriate from those it considers appropriate, to inform the development of effective RVE provision in its area.

Legal requirements for an agreed syllabus conference

Every local authority is required to establish and support an Agreed Syllabus Conference which must:

- prepare a syllabus of RVE to be adopted by a local education authority which may make different provision in respect of different descriptions of:
 - (a) schools maintained by the local authority
 - (b) learners

- ensure that the syllabus must reflect the fact that:
 - (a) the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales
 - (b) a range of non-religious philosophical convictions are held in Wales
- have regard to any guidance given by the Welsh Ministers
- ensure that any sub-committees appointed by the conference shall include at least one member of each of the committees constituting the conference
- give one vote only for each of the committees constituting the conference, upon any question to be decided by the conference or by any subcommittee thereof
- seek unanimous agreement upon a syllabus of RVE to be recommended for adoption by the local education authority

As with a Standing Advisory Council, the Agreed Syllabus Conference must also meet in public and be chaired by an appointee of the local authority or be permitted to choose its own Chair.

Whenever a local authority is of the opinion (whether upon representations made to it or otherwise) that the agreed syllabus for RVE ought to be reconsidered, the local authority is responsible for convening an Agreed Syllabus Conference for that purpose. Reconsideration of any agreed syllabus for RVE should take place no later than five years after the appointed day on which the local authority adopted the agreed syllabus for RVE.

Questions for agreed syllabus conferences and standing advisory councils to consider

- Are religious and non-religious philosophical convictions appropriately represented?
- Would it be useful to identify faith and belief groups represented locally in the agreed syllabus?
- Would it be appropriate to offer schools and settings useful information about these faith and belief groups and how to contact them?
- Would it be helpful to include exemplar material and resources to support the locally agreed syllabus?

- How can collaboration between the Agreed Syllabus Conference and local authority schools and settings be facilitated to ensure an appropriate agreed syllabus is produced for your area?
- Are there any other groups or organisations in Wales that could support the Agreed Syllabus Conference in developing the locally agreed syllabus for your area?
- How will the locally agreed syllabus be promoted to schools and settings and other interested parties in your area?
- How will your local Standing Advisory Council support schools and settings with RVE provision that has regard to the locally agreed syllabus?
- In addition to the statutory RVE guidance for learners from 3 to 16, do schools and settings in your area require anything further to support curriculum design for RVE in ways which support the principle of subsidiarity? For example:
 - advice on links to other Areas
 - suggestions for optional post 16 RVE
 - a glossary of terms
 - advice on engaging with sensitive issues in RVE
 - guidance on what critical, objective and pluralistic RVE might look like

The right to withdraw in the Curriculum for Wales

From September 2022, there will be no parental right to withdraw from RVE in respect of all learners up to and including year 6, as the Curriculum for Wales will be implemented by all primary schools and settings from this date.

The guidance below is provided to support Standing Advisory Councils in advising secondary schools and settings on phasing out the right to withdraw from RVE correctly and appropriately for learners from year 7 to year 11 from September 2022.

In respect of year 7 learners, schools will have flexibility on whether to ‘opt in’ to the Curriculum for Wales in September 2022, or to introduce the new curriculum for years 7 and 8 together in September 2023. Guidance on the ‘opt in’ is provided in [Journey to the curriculum rollout](#).

During the period of curriculum roll out, as a secondary school or setting ‘adopts’ the Curriculum for Wales Framework for a particular year group, there will be no right to withdraw for learners in that year group from that academic year. Therefore, for those secondary schools and settings that do not opt in to the Curriculum for Wales in respect of year 7 in September 2022, the

right to withdraw will remain for year 7 learners in the 2022 to 2023 academic year but will cease to exist for their year 7 and 8 learners in the 2023 to 2024 academic year.

From September 2023, there will be no right to withdraw in respect of years 7 and 8 as all schools and settings will have implemented the Curriculum for Wales for those learners. Thereafter, the phased roll-out of the Curriculum for Wales will continue, and the right to withdraw will be removed for:

- year 9 learners in September 2024
- year 10 learners in September 2025
- year 11 learners in September 2026

More information for schools and settings on the process for opting in to the Curriculum for Wales in respect of year 7 learners is provided in the [Journey to curriculum rollout](#).

Careers and work related experiences

Status of guidance

Guidance on how to develop a school or setting's curriculum to incorporate careers and work related experiences (CWRE) is contained with the [designing your curriculum section](#) of this framework guidance, as well as for each Area.

The guidance for CWRE is statutory and is issued under section 71 of the Act. Those responsible for designing and developing CWRE must read and *have regard* to this guidance when designing their curriculum.

Under the Act, this guidance is statutory for the following:

- the head teacher of a maintained school or a maintained nursery school
- the governing body of a maintained school or a maintained nursery school
- a provider of funded non-maintained nursery education
- the teacher in charge of a pupil referral unit
- the management committee for a pupil referral unit
- a person who provides teaching and learning for a child, otherwise than at a maintained school, maintained nursery school or pupil referral unit (EOTAS)
- a local authority in Wales

As outlined in section 50 of the Act, *EOTAS* settings are not required to design a curriculum for all Areas. However they must include the Health and Well-

being Area and only include the other Areas to the extent reasonably possible and appropriate to do so. These settings should read the CWRE section of guidance, and in particular alongside the Health and well-being Area, on how to contextualise CWRE in the curriculum. The teacher in charge, management committees and local authorities should refer to separate guidance on designing a curriculum for these settings.

The CWRE guidance can be useful for those who are part of the planning, design and implementation of a curriculum such as:

- senior leaders
- CWRE co-ordinators or leaders
- work placement co-ordinators
- all practitioners in schools and settings, including those working with learners who have additional learning needs
- those working in other education establishments that work in partnership with schools and settings, such as in further and higher education
- those working in funded non-maintained nursery settings

CWRE is best realised in partnership with a wide range of people and organisations. While not statutory for them, it may also be useful for the following people and organisations with an interest in CWRE to note this guidance:

- businesses, communities, charitable and voluntary organisations and others who work in partnership with schools and settings
- learning coaches
- personal tutors
- Careers Wales
- parents and carers

Wider requirements

There are a range of legislative requirements which settings and schools may need to consider or have regard to when managing their organisations. This section is not intended to detail these, but provide a signpost to those that have curriculum and assessment implications.

Well-being of Future Generations (Wales) Act 2015

The [Well-being of Future Generations \(Wales\) Act 2015](#) (the 2015 Act) does not place specific duties on schools. However it does require local and

national government (alongside other public bodies) to carry out sustainable development. This means that they must work to improve the economic, social, environmental and cultural well-being of Wales.

This requires the Welsh Ministers and local authorities, among others, to set objectives designed to maximise their contribution to achieving each of the seven well-being goals and to take all reasonable steps in exercising its functions to meet those goals.

The 2015 Act also requires them to apply the *sustainable development principle* which includes adopting *ways of working* which will help to further sustainable development.

One of the Welsh Ministers' well-being objectives is: 'supporting young people to make the most of their potential.' Our approach to curriculum reform contributes to achieving that objective and, through that, maximising our contribution to the well-being goals. It also reflects the sustainable development principle and the ways of working.

We encourage schools, funded non-maintained nursery settings, providers of EOTAS including PRUs to consider how they can embed the ways of working and contribute towards the well-being goals in the way they go about designing, adopting and implementing their curriculum and engaging learners, parents / carers and their wider communities, businesses and partners in that process.

UNCRC and UNCRPD

Human rights are the freedoms and protections to which all people are entitled. Learners have specific human rights enshrined by the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) and the [United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#), including optional protocols. In Wales children's rights are a fundamental entitlement, not an optional extra. These are enshrined in law through the [Rights of the Children and Young Persons \(Wales\) Measure 2011](#).

In designing, adopting or implementing a curriculum, section 64 of the Act also places a *duty* on schools, settings, and providers of EOTAS including PRUs to promote

knowledge and understanding of Part 1 of the UNCRC, and of the UNCRPD, among those who provide teaching and learning.

Further guidance on the UNCRC and UNCRPD can be found in the [Human rights](#) section of the Curriculum for Wales framework.

Additional Learning Needs and Education Tribunal (Wales) Act 2018

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 creates a legislative framework to improve the planning and delivery of additional learning provision, through a person-centred approach to identifying needs early, putting in place effective support and monitoring, and adapting interventions to ensure they deliver desired outcomes.

The legal framework established by this Act plays a crucial role in enabling the curriculum to deliver strong and inclusive schools committed to excellence, equity and well-being.

The Framework seeks to allow for a broadening of learning, ensuring that all learners with [additional learning needs \(ALN\)](#) are supported to overcome barriers to learning and achieve their full potential.

Both the ALN system and the Framework are designed to deliver an inclusive and equitable education system in Wales. The provisions of the Act give life to this principle by placing a duty on local authorities to ensure that, wherever feasible, children and young people are supported to participate fully in mainstream education.

Phase 1

Phase 2

Phase 3

Practitioners should consider learners' developmental appropriateness for learning in each phase:

From age 3

From age 7

From age 11

The learning supports:

Ability to act with kindness, empathy and compassion in interactions with others immediate to them including family, friendship and peer relationships.

Ability to form and maintain relationships which are equitable, respectful and kind with a range of others.
