

# Curriculum for Wales: summary of proposed legislation

## Introduction

A Curriculum and Assessment Bill (Bill) is proposed for introduction in the Senedd in 2020. To assist in the implementation of that Bill, we propose to issue a range of guidance to support practitioners. This will include a summary of the legislation that will underpin the curriculum that schools will develop.

This is an early iteration of that summary. It is not exhaustive and only highlights the key proposals, at this stage.

If the Bill is passed by the Senedd, this summary and the rest of the guidance will be revised to reflect any changes.

## Purpose

The curriculum requirements, set out in legislation, and the supporting guidance we are publishing, form the Curriculum for Wales Framework (Framework).

At this stage, the purpose of this summary and the rest of the guidance is to help schools to start thinking about designing their curriculum and the assessment arrangements to support it. It also aims to assist funded non-maintained nursery settings, pupil referral units (PRUs) and persons who commission education other than at school (EOTAS) in other settings to understand more about the Framework.

It summarises the duties that we propose to place on headteachers and governing bodies of schools by the Bill.

A number of components of the new curriculum framework will be mandatory and will have to be complied with – these are the [curriculum requirements](#). This summary sets out what these are and how they will need to be used in designing a curriculum.

Beyond the curriculum requirements, schools will have discretion as to how they design their curriculum. This summary, and the wider guidance, aims to support schools in preparing for how they will exercise that discretion.

It also summarises the requirements that will be placed on providers of funded, non-maintained nursery education and on PRUs and local authorities as commissioners of EOTAS provision. They will not be subject to the same requirements as schools to design a curriculum. Separate, specific guidance will be provided for these settings in 2021.

This summary also highlights key requirements to be placed on local authorities and the Welsh Ministers.

If the Bill is passed, this summary will be updated and expanded to help in the design, adoption and implementation of a school curriculum or other relevant curriculum. Additional guidance will also be issued about how schools, funded non-maintained nursery education providers, PRUs and persons who arrange EOTAS provision, local authorities and Welsh Ministers can exercise their duties and powers in relation to the new curriculum and assessment arrangements.

### **Who does this Framework apply to?**

The Bill will create new curriculum requirements for all learners aged 3 to 16 in maintained or funded non-maintained nursery education. It will replace the current national curriculum and basic curriculum.

The legislation will place duties on and provide powers for headteachers and governing bodies of maintained schools, providers of funded non-maintained education, persons who arrange EOTAS, the person in charge of a PRU, local authorities and the Welsh Ministers. Duties must be complied with. Powers provide a discretion as to if, and how, they are to be used.

### **Proposed legislative requirements – the curriculum requirements**

We propose to set out core concepts that will apply in relation to each curriculum and any learning for which the Bill makes provision.

#### **The four purposes**

The purpose of a curriculum is to enable learners to develop as:

- ambitious, capable learners, ready to learn throughout their lives
- enterprising, creative contributors, ready to play a full part in life and work
- ethical, informed citizens of Wales and the world
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

Enabling learners to progress in relation to these purposes is intended to inform all decisions in relation to school's curriculum and assessment arrangements. It will also inform all decisions on the learning and teaching for

learners in PRUs and the arrangements made for learners who receive EOTAS in other settings.

### **General requirements**

All maintained schools and funded non-maintained nursery settings must adopt a curriculum. An adopted curriculum must meet the following general requirements.

- Enable learners to make progress towards the four purposes.
- Be broad and balanced.
- Be suitable for learners of differing ages, abilities and aptitudes.
- Provide for appropriate progression for learners and includes a range of provision to ensure this (linked to ages, abilities and aptitudes).

### **The areas of learning and experience**

The following six areas of learning and experience (Area/Areas) must be reflected in the adopted curriculum.

- Expressive Arts.
- Health and Well-being.
- Humanities.
- Languages, Literacy and Communication.
- Mathematics and Numeracy.
- Science and Technology.

The Welsh Ministers will have powers to add and remove Areas.

PRUs and EOTAS must secure learning and teaching in the Health and Well-being Area of Learning and Experience and in the other Areas as far as that is appropriate to the individual learner.

### **Statements of what matters**

The Welsh Ministers will be required to issue a code setting out the statements of what matters. All the elements set out in the statements of what matters code must be covered in each school and funded non-maintained settings' curriculum.

### **Mandatory curriculum elements**

The following will be mandatory curriculum elements.

- Religion, values and ethics.
- Relationships and sexuality education (RSE).
- Welsh.
- English.

The Welsh Ministers will have powers to add and remove mandatory curriculum elements.

In relation to English, headteachers and providers of funded non-maintained nursery education will have discretion over whether and to what extent they introduce English to learners up to the age of 7 for the purpose of supporting learners to gain fluency in Welsh.

### **Mandatory cross-curricular skills**

Literacy, numeracy and digital competence will be mandatory cross-curricular skills and must be embedded in any adopted curriculum.

The Welsh Ministers will have powers to add and remove mandatory cross-curricular skills.

PRUs will be required to secure learning and teaching in the mandatory cross-curricular skills. Persons responsible for providing EOTAS will be required to secure learning in relation to the mandatory cross-curricular skills in so far as that is appropriate to the individual learner.

### **Progression code**

The Welsh Ministers will be required to issue a progression code setting out the way in which progression must be reflected in an adopted curriculum. A school's curriculum will need to reflect the principles of progression set out in the code. The code will be made up of the principles of progression which have been developed by the CAMAU project through engagement with practitioners and, for now, can be found within the area of learning and experience and 'Designing your curriculum' sections of this guidance.

Issuing a progression code with mandatory elements will ensure there is consistency in the approach to progression in school curricula.

It will also support PRUs and providers of EOTAS in considering the appropriate curriculum for each of their learners.

### **Proposed key legislative requirements for schools**

Schools must design, adopt and implement a curriculum that:

- enables learners to develop in the way described in the four purposes
- is broad and balanced
- is suitable for learners of differing ages, abilities and aptitudes
- provides for appropriate progression for learners and includes a range of provision to ensure this.

A school curriculum must:

- contain the six areas of learning and experience
- encompass the statements of what matters (as set out in the statements of what matters code)
- reflect the principles of progression set out in the progression code
- include the mandatory curriculum elements
- encompass the mandatory cross-curricular skills.

In addition to the above, we are proposing the age specific requirements below.

For learners up to age 7:

- the headteacher will have the discretion to decide that English does not form part of the school's curriculum in order to enable learners to gain fluency in Welsh
- all schools must set out in their published summary of their curriculum their approach to teaching English and Welsh up to age 7.

For learners aged 14 to 16, a school must design a curriculum so that, in addition to the mandatory curriculum elements and mandatory cross-curricular skills, it provides:

- choice for learners in the other learning they will undertake, but in such a way that ensures all learners still undertake some learning in each Area
- include other elements which the school requires all learners (or some groups of learners) to undertake.

Additionally:

- the Welsh Ministers may make regulations which specify additional requirements a curriculum must meet for the 14 to 16 age range in relation to:
  - courses of study and/or other learning
  - a minimum number of courses of study that a learner are entitled to undertake.

### **Additional requirements**

Schools must publish a summary of their adopted curriculum and keep their curriculum under review.

The headteacher must implement their school's adopted curriculum in a way which:

- enables learners to progress in the way described in the [four purposes](#)
- is suitable for learners of different ages, abilities and aptitudes
- offers appropriate progression for those learners.

The governing body must exercise its functions with a view to ensuring the curriculum is implemented in that way.

Schools must ensure their curriculum is supported by assessment arrangements which assess the:

- progress made by learners in relation to the relevant curriculum
- next steps in learners' progression and the learning and teaching needed to make that progress.

Welsh Ministers will also make regulations in relation to the following key processes needed for effective learner progression.

- Ensuring a shared understanding of progression.
- Communicating and engaging with parents and carers.
- Transition along the 3 to 16 continuum.

If the Bill is passed, schools will be required to have regard to guidance issued as part of the Framework when designing, adopting and implementing their curriculum and assessment arrangements.

### **Proposed key legislative requirements for funded non-maintained nursery education**

Funded non-maintained nursery settings will be required to adopt a curriculum for their learners.

The Welsh Ministers will be under a duty to design a curriculum for these settings. The Welsh Ministers will make this curriculum available in 2021 and will engage the sector in its development. The Welsh Ministers will be required to keep this curriculum under review and make available any future revisions. Settings can adopt the Welsh Ministers' designed curriculum, design their own, or work with others to design a curriculum.

Any adopted curriculum for a funded non-maintained nursery setting, including the one produced by the Welsh Ministers, must meet the following requirements.

It must:

- enable learners to develop in the way described in the four purposes

- be broad and balanced
- be suitable for learners of differing ages, abilities and aptitudes
- provide for appropriate progression for learners and include a range of provision to ensure this (linked to ages, abilities and aptitudes).

The adopted curriculum must also:

- cover the six areas of learning and experience
- encompass the statements of what matters (as set out in the statements of what matters code)
- reflect the principles of progression set out in the progression code
- include the mandatory curriculum elements
- encompass the mandatory cross-curricular skills.

A provider of funded non-maintained nursery education will have discretion to decide that English does not form part of the curriculum in order to enable learners to gain fluency in Welsh. The published summary of their curriculum must set out their approach to teaching English and Welsh.

A provider of funded non-maintained nursery education must publish a summary of their adopted curriculum and keep their curriculum under review.

A provider of funded non-maintained nursery settings must implement their adopted curriculum so that it:

- enables learners to progress in the way described in the four purposes
- is suitable for learners of different ages, abilities and aptitudes and offers appropriate progression for those learners.

A provider of funded nursery education must ensure their curriculum is supported by assessment arrangements which assess the:

- progress made by learners in relation to the relevant curriculum
- next steps in learners' progression and the learning and teaching needed to make that progress.

If the Bill is passed, funded non-maintained nursery settings will be required to have regard to guidance issued as part of the Framework when designing (where relevant), adopting and implementing their curriculum and assessment arrangements.

### **Proposed legislative requirements: pupil referral units (PRUs) and education otherwise than at school (EOTAS)**

Our intention is to put in place a legislative framework which requires the following.

PRUs will be required to:

- provide learning which enables learners to progress in relation to the [four purposes](#), is suitable for learners' ages, abilities and aptitudes, is broad and balanced, and offers appropriate progression. It must also include learning in relation to the [cross-curricular skills, relationships and sexuality education \(RSE\)](#) and the [Health and Well-being Area of Learning and Experience](#)
- have regard to the other components of the Framework, which includes the other areas of learning and experience (Areas) and the [mandatory curriculum components](#), and secure provision in relation to them so far as that would appropriate for the individual learner.

Where local authorities arrange EOTAS for learners, they must ensure that the arrangements:

- secure provision which furthers the learners' progress towards the four purposes and is suitable for the learners' ages, abilities and aptitudes, is broad and balanced and offers appropriate progression
- secure, as far as appropriate for the individual learner, learning in relation to the [cross-curricular skills, RSE](#) and the [Health and Well-being Area of Learning and Experience](#)
- have regard to the other curriculum components, which include the areas of learning and experience and the [mandatory curriculum components](#), and secure provision in relation to them so far as that would appropriate for the individual learner.

A PRU and a provider of EOTAS must ensure they put in place assessment arrangements which assess the:

- progress made by learners in relation to the curriculum which has been devised for that learner
- next steps in their progression and the learning and teaching needed to make that progress.

### **Proposed legislative requirements: curriculum disapplication**

We propose enabling settings and schools to dis-apply a curriculum in certain circumstances, and to allow temporary exceptions for individual learners. These will be broadly in line with the approach in the current curriculum. If the Bill is passed, further detail will be provided as part of the updating of the guidance in 2021.

### **Proposed legislative requirements for the Welsh Ministers and plans for guidance**

The Welsh Ministers will have functions to make subordinate legislation and mandatory codes in the following main areas (this list is not exhaustive).



- The what matters statement (the proposed contents of which is set out in the statements of what matters).
- The progression code (the proposed contents of which are set out in the principles of progression).
- Regulations specifying additional requirements in relation to the curriculum for 14 to 16-year-olds.
- Regulations specifying how a curriculum is adopted and by when.

The Welsh Ministers plan to issue guidance to help schools and other settings in meeting the curriculum requirements and to make preparations while the Bill is being considered by the Senedd. This includes:

- Curriculum for Wales guidance for curriculum design and implementation (primary audience schools)
- assessment guidance
- the religion, values and ethics framework
- relationships and sexuality education guidance
- Welsh Ministers' curriculum for funded non-maintained nursery settings
- guidance to support PRUs and EOTAS providers to enable their learners to make progress towards the [four purposes](#) and meet the new requirements placed on them in the legislation.

Once the Bill has received Royal Assent, these will be issued as statutory guidance to support curriculum design implementation.

## **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](#) 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 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, PRUs and providers of EOTAS 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.

### **United Nations Convention on the Rights of the Child**

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 \(UNCRC\)](#).

In designing, adopting or implementing a curriculum, we encourage schools, funded non-maintained nursery settings, PRUs and providers of EOTAS to incorporate opportunities for learners to:

- learn about human rights: the acquisition of knowledge and skills about human rights, and the sources of those rights
- learn through human rights: the development of values, attitudes and behaviours that reflect human rights values
- learn for human rights: the motivation of social action and empowerment of active citizenship to advance respect for the rights of all.

### **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 will play 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.