

SL(5)567 – Disapplication of Curriculum Requirements in Wales Notice 2020

Background and Purpose

This Notice is made by the Welsh Ministers under section 38(1) of, and paragraph 7 of Schedule 17 to, the Coronavirus Act 2020.

The Notice disapplies various provisions contained in primary and secondary legislation relating to the curriculum in Wales, during the period 24 June 2020 to 23 July 2020.

The Notice states:

- The temporary disapplication of requirements relating to the provision of the curriculum will give maintained schools, maintained nursery schools and other funded nursery education providers the flexibility to respond in the most appropriate way to the current circumstances and allow them to focus on the changing needs of children. In particular schools and nursery education providers need to be able to focus on the health and well-being of children.
- Much of the National Curriculum is intended to be delivered in a physical classroom and to a full time table. Remote learning may be in place for some time and the requirements imposed relating to the curriculum and assessment under section 108 of the Education Act 2002 were not designed to be delivered remotely, either in whole or in part.
- Disapplying requirements relating to the curriculum does not prevent schools from undertaking assessments in a way which is appropriate and relevant to their local context and the needs of children, many of whom are likely to have been affected differently by the current disruption to their schooling. This will require a more individualised approach to assessment, and that is enabled by the temporary disapplication of requirements relating to the provision of the basic curriculum.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

Two points are identified for reporting under Standing Order 21.7(v) in respect of this Notice.

1. The Coronavirus Act 2020 and laying before the Senedd

We note that the Coronavirus Act 2020 gives the Welsh Ministers power temporarily to disapply primary legislation and secondary legislation relating to the curriculum in Wales.

We also note that the Coronavirus Act 2020 does not require the Notice to be laid before the Senedd, but that the Notice has been [published on the Welsh Government's website](#) and that Kirsty Williams MS, Minister for Education, made a written statement regarding the Notice on 23 June 2020, which was circulated to all Members of the Senedd and has been [published on the Welsh Government's website](#).



2. The period during which the Notice applies

From reading the Notice, it appears to us that the disapplication applies during the period 24 June 2020 to 23 July 2020. However, the Minister for Education's written statement says that the Notice will apply "from 22 June to 21 July".

Implications arising from exiting the European Union

None.

Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

29 June 2020



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee