

2020 (WG20-35)

CORONAVIRUS ACT 2020

Disapplication of Curriculum Requirements in Wales Notice 2020

The Welsh Ministers, in exercise of the powers conferred by section 38(1) of, and paragraph 7 of Schedule 17 to, the Coronavirus Act 2020⁽¹⁾, issue the following notice.

Disapplication of curriculum requirements

1. The following enactments are disapplied for the specified period—

- (a) section 69 of, and Schedule 19 to, the School Standards and Framework Act 1998⁽²⁾ (duty to secure due provision of religious education);
- (b) section 101(1) of the Education Act 2002⁽³⁾ (curriculum of maintained schools in Wales to comprise a basic curriculum);
- (c) section 109 of that Act (implementation of the National Curriculum in maintained schools);
- (d) section 110 of that Act (implementation of the National Curriculum in maintained nursery schools and other nursery education settings);
- (e) sections 116A to 116K of that Act (the local curriculum);
- (f) the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004⁽⁴⁾;
- (g) the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005⁽⁵⁾;

(1) 2020 c. 7.
(2) 1998 c. 31.
(3) 2002 c. 32.
(4) S.I. 2004/2915 (W. 254).
(5) S.I. 2005/1394 (W. 108).

- (h) the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013⁽¹⁾;
- (i) the National Curriculum (Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages) (Wales) Order 2014⁽²⁾;
- (j) the National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015⁽³⁾;
- (k) the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015⁽⁴⁾.

Reasons for issuing the notice

2.—(1) The Welsh Ministers consider that the issuing of this notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus for the following reasons.

(2) Since 20 March 2020 maintained schools, maintained nursery schools and other funded nursery education providers have remained open for vulnerable children and children of critical workers. Schools have also been making provision to deliver education remotely to other children, relying on parents and carers to assist.

(3) Parents and carers assisting children cannot fulfil the same role as teachers. Teachers are providing support remotely but this is not equivalent to the support provided in a classroom. Not all children are able or willing to engage effectively with remote learning, particularly younger children and those with additional learning needs. Some children and households do not have access to adequate resources and technology required to undertake remote learning. It is therefore unlikely that all requirements relating to the provision of the curriculum can be met.

(4) 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. Schools

(1) S.I. 2013/433 (W. 51).
(2) S.I. 2014/1999 (W. 200).
(3) S.I. 2015/1309 (W. 113).
(4) S.I. 2015/1596 (W. 195).

and other funded nursery education providers will also need to be able to focus on supporting children's return as more children attend school and nursery premises again. Many children will have faced different challenges and will therefore have progressed at different paces.

(5) 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.

(6) 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.

Specified period

3. In this notice "specified period" means the period of 30 days beginning with 24 June 2020.

Signed by Kirsty Williams

Minister for Education, one of the Welsh Ministers

23 June 2020