

SL(5)613 – Modification of Curriculum Requirements in Wales Notice 2020

Background and Purpose

Paragraph 7(6) of Schedule 17 to the Coronavirus Act 2020 contains a list of education enactments that can be modified by the Welsh Ministers. Paragraph 7(6) also sets out the extent of the modifications that can be made.

The Welsh Ministers can trigger the modifications set out in paragraph 7(6) by giving a notice. A notice must state why the Welsh Ministers consider that issuing the notice is an appropriate and proportionate action to deal with the coronavirus pandemic.

A notice under paragraph 7(6) cannot have effect for more than one month – this Notice lasts for one month, starting on 1 September 2020.

Examples of the modifications triggered by this Notice:

Act	Enactment	Modification
School Standards and Framework Act 1998	Section 69 (duty to secure due provision of religious education)	Any duty imposed on a local authority, governing body or head teacher under section 69(1) is to be treated as discharged if they have used reasonable endeavours to discharge the duty.
Education Act 1997	Section 43 (provision of careers education in schools)	Any duty imposed on a local authority, governing body, head teacher or teacher under section 43(3) is to be treated as discharged if they have used reasonable endeavours to discharge the duty.
Education Act 2002	Section 101 (basic curriculum for every maintained school in Wales)	Any duty imposed on a person by virtue of section 101 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2002	Section 108 and the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004 and the	Any duty imposed on head teachers by these two orders made under section 108 is to be treated as discharged if they used



	National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 made under section 108 (arrangements for pupils to be assessed)	reasonable endeavours to discharge the duty.
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Procedure

No procedure.

Scrutiny under Standing Order 21.7

We note:

1. the significance of this Notice;
2. the kinds of statutory duties that are being modified by this Notice as a result of the coronavirus pandemic;
3. the reasons given by the Minister for Education in paragraph 3 of the Notice for issuing the Notice, including the conclusion in paragraph 3(4) that:

"...the application of the duties described in [the Notice], in their unmodified form, would place unrealistic demands on maintained schools, maintained nursery schools and other funded nursery education providers; would harm their ability to respond flexibly and effectively to the challenges arising as a result of coronavirus and its effects; and would be likely to have a detrimental impact on children."

Implications arising from exiting the European Union

None.

Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

16 September 2020

