

**EXPLANATORY MEMORANDUM TO THE EDUCATION (NATIONAL CURRICULUM) (FOUNDATION PHASE) (WALES) ORDER 2014**

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

**MINISTER'S DECLARATION**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the above Order.

Huw Lewis  
Minister for Education and Skills  
23 July 2014

## **DESCRIPTION**

The Order replaces the Education (National Curriculum) (Foundation Stage) (Wales) Order 2008 so as to reflect the change of name in English to the Foundation Phase

## **MATTERS OF SPECIAL INTEREST TO THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE**

The Committee may wish to note that under section 117 of the Education Act 2002 Welsh Ministers have a duty to make such arrangements for consultation about the proposals as they consider appropriate. As this Order simply amends the term Foundation Stage to Foundation Phase to ensure clarity in law by revoking and remaking the current Order, I do not consider consultation appropriate in this instance

## **LEGISLATIVE BACKGROUND**

This Order is made under Section 102, 108(2) and section 210 of the Education Act 2002. These powers were conferred on the National Assembly for Wales but are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

This Order is being made under the negative resolution procedure.

## **PURPOSE & INTENDED EFFECT OF THE LEGISLATION**

The 'Foundation Phase' was originally called the 'Foundation Stage' in Part 7 of the Education Act 2002.

In practice practitioners referred to the 'Foundation Stage' as the 'Foundation Phase' in English. Consequently the Education (Wales) Measure 2009 (2009 Measure) amended Part 7 of the Education Act 2002 so as to refer to the 'Foundation Phase' instead of the 'Foundation Stage'.

In light of that change made by the 2009 Measure it is considered appropriate to revoke and remake the 2008 Order to reflect in law the change of name used in practice to provide consistency and clarity

## **CONSULTATION**

No consultation has been undertaken on this Order as it simply introduces technical and consequential changes to legislation.

## **REGULATORY IMPACT ASSESSMENT**

A Regulatory Impact Assessment has not been produced for this Order as it makes consequential changes to clarify terminology in law.