

**2020 No. (WG20-46)**

**CORONAVIRUS ACT 2020**

**Modification 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<sup>(1)</sup>, issue the following notice.

**Modification of curriculum requirements**

1. The following enactments are modified, for the period specified in paragraph 2, in the manner described in the table in paragraph 7(6) of Schedule 17 to the Coronavirus Act 2020—

- (a) section 69 of the School Standards and Framework Act 1998<sup>(2)</sup> (duty to secure due provision of religious education);
- (b) section 43 of the Education Act 1997<sup>(3)</sup> (provision of careers education in schools in Wales);
- (c) section 101 of the Education Act 2002<sup>(4)</sup> (basic curriculum for maintained schools in Wales);
- (d) section 108 of the Education Act 2002 (establishment of National Curriculum for Wales by order), in relation to any duty imposed on a person by—
  - (i) the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004<sup>(5)</sup>;
  - (ii) the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005<sup>(6)</sup>;

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(1) 2020 c. 7.  
(2) 1998 c. 31.  
(3) 1997 c. 44.  
(4) 2002 c. 32.  
(5) S.I. 2004/2915 (W. 254).  
(6) S.I. 2005/1394 (W. 108).

- (iii) the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013(1);
- (iv) the National Curriculum (Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages) (Wales) Order 2014(2);
- (v) the National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015(3);
- (vi) the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015(4);
- (e) section 109 of the Education Act 2002 (implementation of the National Curriculum for Wales in schools);
- (f) section 110 of the Education Act 2002 (implementation of the National Curriculum for Wales in respect of nursery schools etc);
- (g) sections 116A to 116K (local curricula for pupils in Key Stage 4).

### **The specified period**

2. The specified period is the period of 30 days beginning with 1 September 2020.

### **Reasons for issuing the notice**

3.—(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) Maintained schools, maintained nursery schools and other funded nursery education providers will continue to face additional burdens, during the autumn term and beyond, which will limit their ability to perform their duties fully.

- The schools and providers will need to support children in re-integrating into the school or setting. Many children may be unready or unmotivated to learn and the schools and providers will need flexibility in order to be able to invest time in developing their readiness to learn.

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(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).

- The schools and providers may need to adapt their teaching and learning to ensure that the key concepts that would have been taught, and the key issues that would have been covered, during the summer term are reinforced alongside the introduction of new teaching and learning. They will need the flexibility to be able to prioritise the reinforcement of that key learning (drawing on the support provided by the Welsh Government’s ‘Recruit, Recover and Raise Standards’ plan<sup>(1)</sup> where appropriate).
- The schools and providers will need to respond to an increase in children’s well-being needs. The time spent away from the school or setting is likely to have had a negative impact on the well-being of some children and the feedback received from schools and providers indicates that they expect to face significant well-being challenges in the autumn term. Although such challenges are often encountered at the beginning of a new term, the disruption caused by coronavirus is likely to make the situation significantly worse. The schools and providers will need the flexibility to be able to invest time in supporting children’s well-being, as well as responding to a range of well-being needs which will place additional demands on their time.
- The schools and providers will need to be given an opportunity to develop robust and coherent school-level and nursery-level plans to ensure that teaching and learning can continue in all operational scenarios, including the partial or full closure of those settings for certain periods. They may need to transition quickly from one operational scenario to another, whilst ensuring that the full range of learning continues to take place. Guidance has been issued by the Welsh Government<sup>(2)</sup> and at regional level to help schools and providers to ensure that teaching and learning can continue safely and that children’s learning and progression is given priority in all operational scenarios.

(3) Maintained schools, maintained nursery schools and other funded nursery education providers will also face a number of logistical challenges which will place increased administrative and logistical burdens upon them, even when operating fully on site.

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(1) Welsh Government announcement, 9 July 2020.  
 (2) ‘Guidance on learning in schools and settings from the autumn term’, Welsh Government, July 2020.

- The schools and providers will need to place children into contact groups and minimise the interaction between children in different contact groups. This will limit, to a significant extent, their ability to mix staff and children. It may also require schools and providers to think differently, and to take different approaches, in order to secure broad and balanced learning that reflects the priorities set out in Welsh Government guidance<sup>(1)</sup>. It may also limit their ability to allow children to move to different parts of the school or nursery site in order to access the full breadth of the curriculum (e.g, for science, physical education, music or drama).
- The schools and providers will need to estimate and manage risk in planning their operations. Welsh Government guidance<sup>(2)</sup> recommends that schools and providers should consider the full range of interactions and activities that ordinarily occur in school or nursery life in order to minimise the risk of coronavirus transmission. The schools and providers will need time and flexibility in order to be able to devise and test their plans: these will need to make provision for all children to be on site, whereas previously no more than a third of their pupils will have been on site at any one time. The schools and providers will also need to monitor and re-evaluate their plans over time, taking account of any further changes to their operations. These demands will go well beyond their normal administrative burdens.
- The schools and providers will need to manage the implications of the Welsh Government’s “Test Trace Protect” strategy<sup>(3)</sup>. This strategy may require a child’s contact group to self-isolate if the child tests positive for coronavirus. In relation to secondary schools, Welsh Government guidance<sup>(4)</sup> states that the child’s contact group may include the child’s entire year group and anyone who has shared transport with that child. Staff members may also need to self-isolate if they have been in close contact with the child. These matters mean that there may be prolonged periods during

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(1) ‘Guidance on learning in schools and settings from the autumn term’, Welsh Government, July 2020.

(2) ‘Operational guidance for schools and settings from the autumn term’, Welsh Government, July 2020.

(3) ‘Test Trace Protect’, Welsh Government, May 2020, as amended from time to time.

(4) ‘Operational guidance for schools and settings from the autumn term’, Welsh Government, July 2020.

which members of staff and groups of children will be absent. This will cause disruption and will have a clear impact on the schools' and providers' ability to perform their duties fully.

(4) For these reasons, the application of the duties described in paragraph 1, 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.

*Kirsty Williams*

Minister for Education, one of the Welsh Ministers

27 August 2020