

## **Explanatory Note and Direction Under Section 57 of the Curriculum and Assessment (Wales) Act 2021**

### **Explanatory Note**

#### *Background to Direction:*

The Curriculum and Assessment (Wales) Act 2021 (“the Act”) establishes a new framework for a curriculum and makes provision about assessment for pupils and children in Wales. Section 56 of the Act requires the Welsh Ministers to make regulations for assessing in relation to the relevant curriculum. “Relevant curriculum” has the meaning given to it in section 56(5) of the Act. The Welsh Ministers made the Education (Arrangements for Assessing in the Curriculum for Wales) Regulations 2022 which come into force on 1 September 2022.

In addition, section 57 of the Act provides that, the Welsh Ministers may direct a relevant person or relevant persons (as identified in Section 56 of the Act) to take specified steps with a view to promoting and maintaining understanding of progression in the context of a relevant curriculum (as defined in Section 56 of the Act)<sup>1</sup>. The text of that direction is set out in the following section. That provision was drafted to be wide enough to encompass a direction in relation to practitioners developing and maintaining a shared understanding of progression.

The new curriculum will be mandatory for the year groups in schools and other settings as follows—

- (a) on 1 September 2022 for—
  - (i) children receiving nursery education,
  - (ii) pupils in their reception year,
  - (iii) pupils in years 1 to 6,
- (b) on 1 September 2022 for pupils in year 7 in schools and other settings where there is a curriculum adopted or otherwise provided in accordance with the Act,
- (c) on 1 September 2023 for pupils in year 7 and in year 8,
- (e) on 1 September 2024 for pupils in year 9,
- (f) on 1 September 2025 for pupils in year 10, and
- (g) on 1 September 2026 for pupils in year 11.

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<sup>1</sup> The moderation arrangements in the National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015 have been revoked by Education (Revocation of Assessment Arrangements in the National Curriculum and Miscellaneous Amendments) (Wales) Regulations 2022.

## Direction

This is a direction from the Welsh Ministers pursuant to section 57 of the Curriculum and Assessment Act 2021 ('the Act').

In this direction:

"across the relevant curriculum" ("*ar draws y cwricwlwm perthnasol*") means all aspects of the curriculum as described in section 56(5) of the Act;

"arrangements" ("*trefniadau*") means the practical operational and strategic preparations needed to enable professional dialogue to take place;

"dual registered learner" ("*dysgwr sydd â chofrestriad deuo!*") means a learner that is a registered pupil at 2 or more settings;

"on-going" ("*parhaus*") means continuous. All requirements relating to on-going professional dialogue within this direction must be continuous. However, it is for the relevant persons to identify the appropriate frequency of opportunities for professional dialogue to take place in relation to each applicable requirement;

"practitioner" ("*ymarferydd*") means a person who provides teaching and learning in respect of the relevant curriculum;

"professional dialogue" ("*deialog broffesiynol*") means discussions between practitioners which allows them to share and reflect on their experiences for the purpose of developing and maintaining a shared understanding of progression. Those involved in discussions contribute on an equal basis;

"relevant person" ("*person perthnasol*") means—

- (a) in relation to a maintained school or a maintained nursery school, the head teacher and governing body;
- (b) in relation to the funded non-maintained nursery education, the provider of that education;
- (c) in relation to a pupil referral unit the teacher in charge, the management committee and the local authority that maintains that pupil referral unit;
- (d) in relation to non-PRU EOTAS, the local authority arranging or providing the education under section 19A of the Education Act 1996 (c.56).

"school cluster group" ("*grŵp clwstwr ysgolion*") means a group of schools whereby learners transition on an on-going basis between them. It may be a secondary school and feeder primary schools<sup>2</sup>. However, some schools will voluntarily engage with or belong to more than one cluster depending on the transition arrangements they put in

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<sup>2</sup> For guidance on what is a feeder primary school see the Requirement for the Production of Transition Plans and Guidance 2022 (WG22-21) published under section 198 of the Education Act 2002.

place for their learners<sup>3</sup>. A primary school may also belong to a school cluster group with one or more nursery schools from which learners transition to the primary school; “setting” (“*lleoliad*”) means:

- a) a maintained school,
- b) a maintained nursery school,
- c) a funded non-maintained nursery education provider,
- d) a pupil referral units, and
- e) a person who arranges or provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit, by virtue of arrangements made under section 19A of the Education Act 1996.

Under section 71 of the Act, the Welsh Ministers have issued guidance to support the relevant persons to meet the requirements outlined in this direction. This guidance can be found in *Supporting Learner Progression Assessment Guidance* and the relevant persons should have regard to its content.

### **Developing and maintaining a shared understanding of progression *within* a school or other setting**

#### **Enabling professional dialogue within maintained schools, maintained nursery schools, funded non-maintained nurseries and pupil referral units (PRUs)**

The relevant persons are directed to make arrangements to support on-going professional dialogue between practitioners within their school/setting to develop and maintain a shared understanding of progression across the relevant curriculum.

#### **Non-PRU EOTAS**

In the case of non-PRU EOTAS, the local authority is directed to make arrangements to:

- support the persons employed, or otherwise engaged by it, to provide a curriculum for non-PRU EOTAS learners to come together to participate in on-going professional dialogue to develop and maintain a shared understanding of progression,
- support the same persons to have on-going professional dialogue with practitioners from relevant schools and settings to support dual-registered learners, and
- ensure that the providers they engage to deliver appropriate curricula for learners who receive EOTAS provision other than in a PRU also participate in on-going professional dialogue within their setting/organisation to develop and

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<sup>3</sup> See Requirement for the Production of Transition Plans and Guidance 2022 for the requirements placed on head teachers and governing bodies of schools to prepare transition plans to support learners transitioning from primary to secondary school. Supporting guidance will be published shortly.

maintain a shared understanding of progression relating to the aspects of the curriculum that they provide.

### **Developing and maintaining a shared understanding of progression across schools and other settings**

#### **Maintained schools and maintained nursery schools – Enabling professional dialogue with schools and other settings**

The head teacher and governing body of maintained schools and maintained nursery schools are directed to:

- work with the head teacher and governing body of other schools within their cluster group(s) to make arrangements for practitioners from the schools to participate in on-going professional dialogue within the cluster for the purpose of developing and maintaining a shared understanding of progression.
- if applicable, engage with the teacher in charge and management committee of a PRU/PRUs to which, or from which, they have learners transitioning and/or dual registered learners, inviting them to nominate practitioners to participate in on-going professional dialogue for the purpose of developing and maintaining a shared understanding of progression.
- if applicable, engage with non-PRU EOTAS providers to which, or from which, they have learners transitioning and/or dual registered learners, inviting them to participate in on-going professional dialogue for the purpose of developing and maintaining a shared understanding of progression.
- if applicable, engage with the providers of funded non-maintained nursery education whereby learners transition from that setting to their school, inviting them and their nominated leaders/practitioners to participate in on-going professional dialogue for the purpose of developing and maintaining a shared understanding of progression.
- make arrangements for practitioners from their school to participate in on-going professional dialogue with practitioners from other schools beyond the cluster(s) for the purpose of developing and maintaining a shared understanding of progression.

The head teacher and governing body of secondary schools are directed to work with the head teacher and governing body of one or more other secondary schools to make arrangements for practitioners from their schools to participate in on-going professional dialogue for the purpose of developing and maintaining a shared understanding of progression.

The head teacher and governing body of special schools are directed to work with the head teacher and governing body of one or more other special schools to make arrangements for practitioners from their schools to participate in on-going professional dialogue for the purpose of developing and maintaining a shared understanding of progression.

### **Outlining the arrangements in a plan**

The relevant persons from all schools and other settings are directed to outline in a plan the arrangements put in place to meet the relevant requirements set out in this direction. The plan must also outline how the outcomes of professional dialogue will inform:

- future professional dialogue and
- both curriculum and assessment:
  - design (save for a provider of funded non-maintained nursery education who adopt a Welsh Government curriculum), and;
  - teaching and learning practices within the school/setting.

The plan must be kept under review.

### **Commencement arrangements**

The relevant persons for all schools and other settings who will be teaching under Curriculum for Wales from 1 September 2022 are directed to begin making the arrangements outlined in this direction from that date. The arrangements must be made and outlined in a plan by 1 September 2023.

The relevant persons for all schools and other settings who will be teaching Curriculum for Wales from 1 September 2023 are also directed to have the arrangements in place and outlined in a plan by 1 September 2023.

These arrangements must reflect the Curriculum for Wales roll-out for year groups from Year 7 onwards.

This direction comes into effect at 9am on the day after it is signed. The direction will have effect until it is revoked by the Welsh Ministers.

Signed by Jeremy Miles

Minister for Education and Welsh Language

Date: 23 June 2022