

# 11. The curriculum

1. This chapter has been divided into three sections, each providing an overview of information to aid understanding of role and responsibilities of governors and practitioners in the delivery of:
  - i. the Curriculum for Wales (from 2022);
  - ii. the existing National Curriculum; and
  - iii. other statutory requirements.
2. The Curriculum for Wales is being rolled out to maintained schools and settings from September 2022. In practice this means all primary schools will be required to implement their new adopted curriculum and secondary schools will be subject to a year on year roll out of the new Curriculum for Wales from either 2022 or 2023. More information on secondary schools adopting a curriculum in 2022 can be found at [Curriculum for Wales: the journey to curriculum roll-out](#).

## The Curriculum for Wales

### Overview

3. The Curriculum for Wales requires every school in Wales to design, adopt and implement its own curriculum suitable for its learners. Schools are supported in this by a framework of guidance to enable a national approach that secures a consistency for learners across the country.
4. The aim of the Curriculum for Wales is to enable all learners to develop in the ways described in the four purposes.
5. Guidance made available on HWB has been produced to support schools to design and implement their own curriculum in ways that help their learners to develop towards the four purposes – the starting point and aspiration for every child and young person in Wales.
6. The Curriculum for Wales guidance is available at <https://hwb.gov.wales/curriculum-for-wales/>. It consists of the following:
  - Introduction to the Curriculum for Wales guidance.
  - Summary of legislation.
  - Designing your curriculum.
  - Assessment arrangements.
  - The journey to curriculum roll-out.
  - Implementation plan.
  - Areas of Learning and Experience, including -

- Statements of what matters – the ‘big ideas’ and key principles in each Area.
- Principles of progression – how learners make progress throughout their learning across the curriculum.
- Descriptions of learning – how learners should make progress within each statement of what matters.
- Designing your curriculum – principles for each Area – more Area-specific guidance on developing a curriculum.

## Summary of duties

7. The following is a summary of the duties placed on governing bodies and headteachers under the [Curriculum and Assessment \(Wales\) Act 2021](#) (“the 2021 Act”). A full list of the requirements for all those subject to the 2021 Act can be found at: [Summary of legislation](#).

### In brief:

#### The governing body and the headteacher:

- The headteacher and governing body must jointly adopt and publish a summary of their curriculum.
- The governing body and headteacher must both ensure that the adopted curriculum is implemented in line with [requirements](#).
- The headteacher and governing body must keep their adopted curriculum under review and must revise it if it no longer complies with the design requirements. They may revise it at any time but if they do they must publish an updated summary.
- The headteacher and governing body must implement the [assessment arrangements](#), including the on-entry assessments arrangements.
- The headteacher and governing body must keep the assessment arrangements, including the on-entry assessments arrangements under review and revise them where appropriate in line with the [regulations](#).
- Headteachers and governing bodies have powers to disapply learner choice in some [circumstances](#) as set out in the 2021 Act.
- The headteachers, governing bodies and local authorities must ensure the curriculum for post-compulsory age learners is:
  - is broad and balanced
  - promotes the spiritual, moral, cultural, mental and physical development of learners and of society
  - prepares learners for the opportunities, responsibilities and experiences of later life
- The headteacher and governing body must ensure learning and teaching of RVE is available to those post-compulsory learners who request it.

In addition -

### **The governing body:**

- in cases where an appeal is made to it on the disapplication of learner choice a governing body must either confirm, vary or withdraw the headteacher's decision, and must advise the learner and their parent or carer.
- in carrying out its functions a governing body must ensure that learning and teaching of RSE is provided to post-compulsory age learners if requested.
- act in accordance with statutory requirements relating to [collective worship](#) for the school;
- must hear formal complaints from parents *and others* about the school's curriculum, according to procedures set up by the LA.

### **The headteacher:**

- must design a curriculum for their school's learners.
- must make arrangements for the ongoing assessment of every learner throughout the school year by a practitioner in accordance with the [regulations](#). This includes the use of personalised assessments for learners in Years 2 to 9.
- must ensure learning and teaching of RSE is available to those post-compulsory learners who request it.
- may make a determination to disapply learner choice in the case of a young person before they begin year 10 or after they begin year 10. A determination can only be made on the grounds set out in the 2021 Act.
- may decide that the curriculum will not apply, or will apply differently, to an individual learner for a temporary period;
- decides the arrangements for collective worship, after consulting the governing body; and
- must provide learners aged 16-19, with a learning pathway document, recording his or her learning pathway. Guidance is available [here](#). Updated guidance on learning pathways in time for full implementation of the Curriculum for Wales from September 2026 will follow.

## **National Curriculum**

1. The national curriculum applies to learners of compulsory school age in maintained schools for those years not subject to an adopted curriculum under the 2021 Act. It is organised on the basis of stages, which are broadly as follows:

|             | Learners' ages | Year groups |
|-------------|----------------|-------------|
| Key Stage 3 | 11-14          | 7-9         |
| Key Stage 4 | 14-16          | 10-11       |

### Key Stages 3 - 4

2. The curriculum for key stages 3 - 4 is designed around subjects and skills. It is designed to provide a firm foundation in language, mathematics and science, giving learners the opportunity to achieve their best within a broad and balanced curriculum.
3. The following subjects are included in the national curriculum at the key stages shown:

|             |  |
|-------------|--|
| Key Stage 3 | English, Welsh, Mathematics, science, design and technology, information and communications technology, history, geography, art and design, music, modern foreign language and physical education. |
| Key Stage 4 | English, Welsh, mathematics, science and physical education.   |

4. For each subject, in each of the key stages, programmes of study set out what learners should be taught and attainment targets set out the expected standards of learner performance at the end of Key Stage 3.
5. At Key Stage 4, external qualifications are the main means for assessing attainment in the national curriculum. Qualifications Wales is the independent regulator of non degree qualifications in Wales. The Qualifications in Wales (QiW) database contains details of all qualifications that are approved or designated by Qualifications Wales, under the Qualifications Wales Act 2015, for teaching in Wales, excluding higher education. Any qualifications that are approved or designated by Qualifications Wales are eligible for funding by a Local Authority or by Welsh Government. This funding is for the education provider, not the learner.
6. The local curriculum for 14-19 year olds is also defined by Learning Pathways and qualifications choice.

7. The Subject Orders and the frameworks for personal and social education and careers and the world of work should help deliver the wider aims, including the promotion of:
- education for sustainable development and global citizenship;
  - education for the world of work and entrepreneurship;
  - healthy eating and physical activity; and
  - children's and young people's personal and social development, self-worth and well-being.

### **Assessment arrangements**

8. Headteachers must make arrangements for learners in Years 2 to 9 in all maintained schools in Wales to take personalised assessments in reading and numeracy, and for sharing reports with parents and carers as part of the normal reporting process. This must be done in accordance with requirements set out annually in the [administration handbook](#).
9. Headteachers must make arrangements for each learner in Key Stage 3 to be assessed throughout the year by a teacher for the purpose of monitoring and supporting the learner's progress across the current national curriculum. This includes supporting progress in literacy and numeracy.
10. In addition, headteachers are required to arrange for learners at the end of Key Stage 3 in all maintained schools other than special schools to be assessed by teachers in each relevant subject against the attainment targets outlined in the programmes of study. Attainment is assessed against Level descriptions that run from Level 1 through to Level 8, with Exceptional Performance sitting above this
11. The level descriptions describe the types and range of performance that learners working at a particular level should characteristically demonstrate. The level descriptions refer to a learner's achievement over time and over a range of work, providing a holistic view of a number of different characteristics.
12. A judgement is reached by a best fit analysis, where each description is considered in conjunction with the descriptions for adjacent outcomes or levels, and a learner is allocated the outcome or level at which s/he is secure. It is likely that the learner will exhibit some characteristics of the adjacent outcomes or levels but summative judgement must relate to the outcome or level that best fits the learner's overall achievement.

13. Learners at the end of Key Stage 3 in all maintained schools other than special schools are statutorily assessed against the level descriptors in each of the core curriculum subjects of English, Welsh first or second language (according to the overall language of tuition), mathematics, science, history, geography, ICT, physical education, modern foreign language, art and design, design and technology and music.
14. End of key stage reporting includes an overall assessment for the subject plus, where required, separate assessments for particular aspects of the subject. For example, English, Welsh and Welsh second language have separate attainment targets for oracy, reading and writing.
15. The end of Key Stage 3 teacher assessments will remain in place in all maintained schools other than special schools until Curriculum for Wales roll out reaches Year 9 in September 2024.

### **The non-statutory skills framework**

16. The curriculum is underpinned by a non-statutory skills framework which aims to help equip young people with the skills they need to fulfil their potential at work.

### **Personal and Social Education (PSE)**

17. Personal and social education (PSE) is part of the basic curriculum for all registered pupils at maintained schools, other than those learners subject to a curriculum under the 2021 Act.
18. *The Personal and Social Education Framework for 7 to 19-year-olds in Wales* is the key document that learning providers should use to review and develop PSE provision to ensure they plan and deliver a broad, balanced programme of PSE to meet the specific needs of learners aged 7 to 19 years old<sup>1</sup>.
19. The PSE framework also progresses into the 14-19 Learning Core components that relate to PSE.
20. PSE comprises all that a school undertakes to support and promote the personal and social development and well-being of its learners. It enables children and young people to develop a sense of self-worth and interact effectively with others. Learners are equipped to be more

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<sup>1</sup> This only applies to learners subject to the basic curriculum.

informed, confident and skilled in order to take an active and responsible part in society and enhance learning, motivation and achievement.

### **Work related education**

21. Careers and the World of Work (CWW) forms part of the basic curriculum for all registered pupils aged 11 to 16 at maintained schools, other than those subject to a curriculum under the 2021 Act. It is also part of the requirements of the Learning Core of 14-19 Learning Pathways.
22. *Careers and the World of Work: a framework for 11 to 19-year-olds in Wales* is the key document that learning providers should use to review and develop CWW provision for 11 to 19-year-olds.
23. The framework is supplemented by guidance designed to provide coordinators with a selection of key materials to assist them in the management of this area.
24. In teaching personal and social education and careers and the world of work, governing bodies shall have regard to any guidance issued by the Senedd – see Section 100(8) of the Education Act 2002.

### **Sex education**

25. Governing bodies of all maintained schools are required to make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education.
26. Schools are also required to make copies of this available for inspection by parents of registered pupils at the school. They must also provide a copy of the statement free of charge to any parent who asks for one.
27. Primary schools are not required to provide specific sex and relationship education, but must deliver aspects of sex education that are contained under the national curriculum in Wales, for example, in the subject orders for science.
28. Whether a primary school decides to deliver wider sex education is at the discretion of the school. It is for each school's governing body, in consultation with parents and carers, to determine how best to approach sex education in accordance with learners' needs and the character and ethos of the school.

29. All maintained secondary schools are required to provide sex education for all registered pupils as part of the basic curriculum of the school. There are clear opportunities to teach sex and relationships education within the curriculum. It is mainly delivered through *The Personal and Social Education Framework for 7 to 19-year-olds in Wales*
30. Maintained special schools and Pupil Referral Units can provide sex education for primary age learners. They must provide sex education for secondary age learners registered at the school.
31. Section 403 of the Education Act 1996 places a duty on the governing body and headteacher of a maintained school to take such steps that are reasonably practicable to secure that where sex education is given, it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.
32. Section 403(1A) of the Education Act 1996 places a duty on Welsh Ministers to issue guidance designed to secure that when sex education is given pupils learn the nature of marriage and its importance for family life and the bringing up of children, and that they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.
33. Learners have the right, as provided for by Article 12 of the UNCRC, to contribute in a meaningful way to the development and review of a sex education policy and sex and relationships education programme.
34. The policy must also include a statement about parents' right to withdraw their child from sex education. Schools must keep a written record of their decisions.
35. By virtue of section 405 of the Education Act 1996 *if the parent of any pupil in attendance at a maintained school requests that he or she may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.*
36. Guidance on sex education is provided in *Sex and relationships education in schools*; Welsh Government Circular No: 019/2010 issued in September 2010. Governing bodies and teachers are obliged to have regard to such guidance.

## **Religious education**

37. All maintained schools must provide religious education for all registered pupils (apart from those who have been withdrawn by their parents). Schools follow the agreed syllabus for the area, which is drawn up by the local Standing Advisory Council on Religious Education (SACRE), a local conference of teachers, local churches and faith groups, and the LA and should be reviewed every five years. The governing body shares responsibility with the LA and the headteacher for making sure that the religious education requirements are met.
38. All locally agreed syllabuses must reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain. Religious Education is not intended to promote a particular faith or religion but should explore a range of philosophical, theological, ethical and spiritual questions.
39. The precise nature of religious education at a foundation or voluntary school will depend on the religious character of the school and will be in accordance with the school's trust deed or, where provision is not made by a trust deed, in accordance with the above.

## **Political bias: the teaching of politics in schools**

40. The governing body, headteacher and LA must not allow any teacher to promote one-sided political views when teaching. Teachers must present different views in a balanced way where political issues are covered.
41. However, schools, headteachers, school staff and LAs must comply with the law, which includes the prevention of junior pupils (pupils who are under the age of 12) from pursuing partisan political activities at the school. It also forbids the promotion of partisan political views in the teaching of any subject to any pupil. Where activities take place away from the school premises junior pupils are not allowed to take part if they have been arranged by any member of staff in a school or anyone acting on behalf of the school.
42. They must also take steps to ensure that, in all cases pupils are given a balanced presentation of political issues. This includes where political issues are brought to the attention of pupils whilst they are at school or taking part in extra curricula activities which are provided or organised at the school or on behalf of the school.

## **Circumstances where the curriculum may not apply**

43. The Curriculum offers wide scope for teachers to deal with each child's needs. Only in rare circumstances will there be a need to disapply a pupil from the curriculum.

44. The curriculum documents include a statement on the schools' responsibilities regarding equal opportunities legislation and learners' entitlement. Teachers use their judgment when choosing appropriate curriculum content and there may need to be reasonable adjustments for some learners with additional educational needs.

45. Where it is necessary to disapply a pupil this may be done through:

- a statement of special educational needs, which may say that for an individual pupil some or all of the curriculum should not apply or should be changed. If a child has such a statement, the school will have a copy and will normally have helped in drawing it up. Disapplication should only be used in exceptional cases as there is sufficient flexibility in the curriculum to meet most needs (section 113 of the Education Act 2002);
- the headteacher, who may also make temporary exceptions from the curriculum for individual pupils. Headteachers may make two kinds of directions, lifting or adapting some or all of the requirements for up to six months at a time (section 114 of the Education Act 2002):
  - a. general directions for pupils with short-term problems who are expected to take a full part in the National Curriculum subject again within six months; for example pupils who arrive from such a different educational system that they require adjustment to the curriculum; pupils who have had spells in hospital; pupils who temporarily have severe emotional problems;
  - b. special 'directions' for pupils whom the headteacher considers should be assessed or reassessed for a statement of special education needs and need to have one or more National Curriculum requirements lifted in the meantime. Any direction must specify when the exceptional arrangements will start and end, or the factors that will determine their ending. An initial direction may last no longer than six calendar months.

46. However, it is expected that headteachers use their powers of direction sensitively and sparingly because all pupils should have the opportunity of benefiting from the full range of national curriculum subjects.

47. The headteacher must send copies of any direction to the governing body, the LA and at least one of the pupil's parents. If the parents are not satisfied, they may appeal to the governing body. The governing body may confirm the headteacher's actions or instruct the headteacher to change the decision. If parents believe the governing body has acted unreasonably in deciding their appeal, they may use the LA's procedures, approved by the WG, for handling complaints about the actions of governing bodies and LAs in relation to the curriculum.
48. Further information on the curriculum in relation to pupils with ALN (Additional Learning Needs) is provided in chapter 13.

### **Learning and Skills (Wales) Measure 2009**

49. Each local authority is responsible for forming for its area one or more local curricula for pupils in Key Stage 4. Welsh Ministers will form the local curriculum for learners aged 16 to 18. The local curriculum must comprise a minimum of 25 courses at Key Stage 4 (at least 3 of which must be vocational) and 30 courses at post-16 and must contain a wide range of courses of study both academic and vocational in nature.
50. The governing body and headteacher of maintained secondary schools must assist the local authority in planning the local curricula for pupils in Key Stage 4 and the Welsh Ministers in planning the local curricula for students aged 16 to 18.
51. In relation to the local curriculum for Key Stage 4 pupils and post-16 students, the governing body of a maintained school must take all reasonable steps in order to maximise the availability of courses of study included in a local curriculum for the local authority area.
52. A headteacher must provide pupils and students of the school with a learning pathway document, recording their learning pathway, including courses of study the pupil or student is entitled to follow and any learner support services to be provided.
53. Where a pupil or student (16 to 18) is entitled to follow a course of study at Key Stage 4 or post-16, the governing body of the pupil's or student's school must ensure that the course is made available to the pupil or student.
54. If a headteacher is satisfied that, in relation to decisions as to entitlement, any of the grounds set out in section 116F of the Education Act 2002 or section 33G on the Learning and Skills Act 2000 then the

headteacher may decide that a pupil is not entitled to follow a course of study which he/she had elected to follow.

55. Similarly, if a headteacher is satisfied that, in relation to decisions to remove entitlement, any of the grounds set out in section 116H of the Education Act 2002 or section 33I of the Learning and Skills Act 2000 then the headteacher may decide that a pupil is no longer entitled to follow a course of study that he/she was entitled to follow.

56. Headteachers and governing bodies of maintained secondary schools are under a duty to have regard to a series of guidance issued by Welsh Ministers under the Learning and Skills (Wales) Measure 2009 and to comply with directions of Welsh Ministers.

### **In brief:**

#### **The governing body and the headteacher:**

- have a duty to secure the implementation of the national curriculum in their schools; and
- must assist the local authority and Welsh Ministers in planning the local curriculum for pupils and students for Key Stage 4 and post-16.

#### **The governing body:**

- in primary schools agree a policy on sex and relationship education, and maintain a written statement of the agreed policy;
- in secondary schools, have a written statement of the sex and relationship policy to be provided at the school;
- adopt a curriculum policy for the school;
- act in accordance with statutory requirements relating to religious education and collective worship for the school;
- must hear any appeal against a headteacher's decision to lift or change National Curriculum requirements for a child, and may override that decision;
- must take all reasonable steps in order to maximise the availability of courses of study included in the Key Stage 4 and post-16 local curriculum;
- must, where a pupil or student is entitled to follow a course of study, ensure that the course is made available to them;
- must hear formal complaints from parents and others about the school's curriculum, according to procedures set up by the LA; and

- must ensure that the school's assessment results in full are submitted to the LA.

### **The headteacher:**

- is responsible for the day-to-day running of the school;
- prepares a curriculum policy for the school;
- may decide that the National Curriculum will not apply, or will apply differently, to an individual pupil for a temporary period;
- decides the arrangements for collective worship, after consulting the governing body; and
- must submit end of key stage teacher assessment results for Key Stage 2 and 3 for national data collection; and
- must provide pupils or students, aged 14-19, with a learning pathway document, recording his or her learning pathway.

### **The Law**

[The Education Act 1996](#), Parts 1 & 5

[The Education Act 2002](#), Part 7

[The Education \(National Curriculum\) \(Attainment Targets and Programmes of Study\) \(Wales\) Order 2008](#)

[The Education \(National Curriculum\) \(Foundation Stage\) \(Wales\) Order 2008](#)

[The Education \(National Curriculum\) \(Foundation Stage\) \(Wales\)](#)

[Amendment\) Order 2008](#)

[The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008](#)

[Learning and Skills \(Wales\) Measure 2009](#)

[Qualifications Wales Act 2015](#)

### **Regulations**

[Education \(National Curriculum\) \(Temporary Exceptions for Individual Pupils\) \(Wales\) Regulations 1999](#)

[The School Government \(Terms of Reference\) \(Wales\) Regulations 2000](#)

[Education \(School Performance Information\) \(Wales\) Regulations 2004](#), as amended

[The Education \(Local Curriculum for Pupils in Key Stage 4\) \(Wales\) Regulations 2009](#)

[The Education \(Pupil Information\) \(Wales\) \(Amendment\) Regulations 2007](#)

## Other statutory requirements

### Welsh Baccalaureate

1. The Welsh Baccalaureate Qualification in its current format was introduced in September 2015.
2. The Welsh Baccalaureate at key stage 4 is not compulsory and the Welsh Government's policy is to encourage all schools and colleges to offer it as part of their learning programmes.
3. The Welsh Baccalaureate award is based on specified combinations of qualifications to help learners get the most benefit from these experiences and skills. The qualification includes a Skills Challenge Certificate; this assesses the skills that young people need for college, university, employment and life. Alongside the Skills Challenge Certificate, learners take a selection of GCSE, AS, and A level and vocational qualifications appropriate to their needs in order to be awarded the Welsh Baccalaureate.
4. The Welsh Government has provided a guidance document that explains the Welsh Baccalaureate which can be found at the link below: <https://gov.wales/welsh-baccalaureate>
5. Further information about the Welsh Bacc can be found on the WJEC website: <http://www.wjec.co.uk/qualifications/welsh-baccalaureate/welsh-bacc-from-2015/>
6. Further information about the Welsh Baccalaureate is available via the Qualifications Wales website: <https://qualificationswales.org/english/qualifications/welsh-baccalaureate/>

### Further information on personalised assessments (previously National Reading and Numeracy Tests)

7. National Tests in reading and numeracy have been replaced by online personalised assessments. The requirement for learners in years 2 to 9 in maintained schools in Wales to take personalised assessments in reading and numeracy each year will continue to apply during and after the roll-out of Curriculum for Wales, though the Regulations will be updated to reflect their implementation in practice. Personalised assessments are designed to support understanding of individual learner progression as part of Curriculum for Wales. The assessments are for formative use, and provide a range of feedback on individuals and

groups that support understanding of strengths and areas for improvement.

8. The assessments are available for flexible use throughout the year for schools to schedule at a time they consider most beneficial. All headteachers must accept the data sharing agreement for their school in order for their school staff to schedule assessments and gain access to reports to help them in their planning.
9. Headteachers and teachers should take full account of the content of the [administration handbook](#) when planning, scheduling and administering the personalised assessments.
10. There is no legal requirement for schools to report the outcomes of the personalised assessments to their local authority.
11. Schools are required to share the outcomes of the assessments with parents/carers as part of the normal reporting process. The reports to be shared are: feedback for Numeracy (Procedural) and Reading, and individual learner progress reports in all subjects. Further detail can be found in the [administration handbook](#).
12. The assessments should not be a source of worry or anxiety for learners and it is very important that schools pay attention to how the assessments are presented.

### **Collective worship**

13. All maintained schools must provide a daily act of collective worship which is broadly Christian for all its registered pupils, including those who are post 16 (section 70 of the School Standards and Framework Act 1998 (“SSFA”).
14. A parent or guardian may withdraw their child from collective worship (section 71 of the SSFA).
15. Section 71 of the SSFA 1998 allows sixth form pupils in maintained community, community special, voluntary, foundation and foundation special schools the right to withdraw from collective worship. The Welsh Association of Standing Advisory Councils on Religious Education (WASACRE) also issued guidance to schools on this change in the law.
16. In a voluntary aided or voluntary controlled school with a religious character, collective worship will be in accordance with the school’s trust deed. Where provision is not made by a trust deed, the worship should be in accordance with the beliefs of the religion or denomination specified for the school (section 69 of the SSFA).
17. Collective worship and assembly are distinctive activities. Although they may take place as part of the same gathering, the difference between

the two should be clear. Collective worship can, never the less, be related to the day to day life aspirations and concerns of the school. The governing body shares responsibility with the headteacher and LA for making sure the requirements are met. The headteacher is responsible for arranging collective worship after consulting the governing body.

18. There may be exceptional cases where, in view of the family background of some pupils, the headteacher and governing body feel that a broadly Christian act of worship is not suitable. In these circumstances the headteacher can apply to the local SACRE to lift or modify the requirements. Before doing so, it is advisable for the governing body to consult with parents.

### **Complaints about the curriculum**

19. All LAs must set up procedures for handling complaints about the actions of governing bodies and LAs on the curriculum (section 409 of the Education Act 1996).