

2008 No. 1732 (W. 169)

EDUCATION, WALES

The Education (National
Curriculum) (Foundation Stage)
(Wales) Order 2008

EXPLANATORY NOTE

(This note is not part of the Order)

The foundation stage will be introduced for the first year of the foundation stage on 1 August 2008, for the second year of the foundation stage on 1 August 2009, for the third year of the foundation stage on 1 August 2010 and for the fourth year of the foundation stage on 1 August 2011. This Order also specifies the period of the foundation stage and gives legal effect to areas of learning, which set out the desirable outcomes and educational programmes.

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The Education (National
Curriculum) (Foundation Stage)
(Wales) Order 2008

Made *1 July 2008*

Laid before the National Assembly for Wales
3 July 2008

Coming into force *In accordance with*
article 1(2)

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by section 102, section 108(2) and section 210 of the Education Act 2002⁽¹⁾ and now vested in them⁽²⁾, and having made such arrangements for consultation as it appears appropriate in accordance with section 117 of the said Act make the following Order:

Title, commencement, interpretation and application

1.—(1) The title of this Order is the Education (National Curriculum) (Foundation Stage) (Wales) Order 2008.

(2) The provisions of this Order come into force—

- (a) on 1 August 2008 in respect of pupils in the first year of the foundation stage;
- (b) on 1 August 2009 in respect of pupils in the second year of the foundation stage;
- (c) on 1 August 2010 in respect of pupils in the third year of the foundation stage; and
- (d) on 1 August 2011 in respect of pupils in the fourth year of the foundation stage.

⁽¹⁾ 2002 c.32.

⁽²⁾ The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) In this Order—

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002; and

“the document” (“*y ddogfen*”) means the document published by the Welsh Ministers in January 2008 entitled “Foundation Phase Framework for Children’s Learning for 3-7 year olds in Wales”(1).

(4) This Order applies in relation to Wales.

The foundation stage

2.—(1) The foundation stage in relation to a pupil is the period beginning with the relevant time (as defined by paragraph (2)) and ending at the same time as the school year in which the majority of pupils in his or her class attain the age of seven.

(2) In paragraph (1) “the relevant time” (“*yr amser perthnasol*”) means —

- (a) in the case of a child who is provided with funded nursery education before he or she attains the age of three, his or her third birthday;
- (b) in the case of a child who is provided with funded nursery education after he or she attains that age, the time when he or she is first provided with such education; and
- (c) in the case of a child who is not provided with any funded nursery education, the time when he or she first receives primary education other than nursery education.

Areas of learning, desirable outcomes and educational programmes

3.—(1) The provisions relating to areas of learning, desirable outcomes and educational programmes set out in the document have effect for the purpose of specifying the areas of learning, the desirable outcomes and educational programmes for the foundation stage.

(2) The desirable outcomes and educational programmes relating to the area of learning known as Welsh Language Development set out in the document are not to apply to a pupil in the foundation stage if that pupil is taught wholly or mainly through the medium of Welsh.

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Jane Hutt

Minister for Children, Education, Lifelong Learning
and Skills, one of the Welsh Ministers

1 July 2008