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WELSH STATUTORY INSTRUMENTS

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**2014 No. 1996 (W. 198)**

**EDUCATION, WALES**

**The Education (National Curriculum)  
(Foundation Phase) (Wales) Order 2014**

<i>Made</i>	- - - -	<i>23 July 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>28 July 2014</i>
<i>Coming into force</i>	- -	<i>1 September 2014</i>

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<sup>(1)</sup> and now vested in them<sup>(2)</sup>, and having made such arrangements for consultation as it appears appropriate in accordance with section 117 of that said Act make the following Order:

**Title, commencement, interpretation and application**

1.—(1) The title of this Order is the Education (National Curriculum) (Foundation Phase) (Wales) Order 2014 and the provisions of this Order come into force on 1 September 2014.

(2) In this Order “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”<sup>(3)</sup>.

(3) This Order applies in relation to Wales.

**Revocation**

2. The Education (National Curriculum) (Foundation Stage) (Wales) Order 2008<sup>(4)</sup> is revoked.

**The foundation phase**

3.—(1) The foundation phase 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 the pupil’s class attain the age of seven.

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(1) [2002 c. 32](#).

(2) The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([c. 32](#)).

(3) ISBNNo. 9780750444293.

(4) [S.I. 2008/1732 \(W. 169\)](#).

(2) In paragraph (1) “the relevant time” (“*yr amser perthnasol*”) means in the case of a child who is—

- (a) provided with funded nursery education before that child attains the age of three, their third birthday;
- (b) provided with funded nursery education after that child attains the age of three, the time when they are first provided with such education; and
- (c) not provided with any funded nursery education, the time when that child first receives primary education other than nursery education.

**Areas of learning, desirable outcomes and educational programmes**

4.—(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 phase.

(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 phase if that pupil is taught wholly or mainly through the medium of Welsh.

23 July 2014

*Huw Lewis*  
Minister for Education and Skills, one of the  
Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The foundation phase was introduced on 1 August 2008 by the Education (National Curriculum) (Foundation Stage) (Wales) Order 2008 (“the 2008 Order”). The 2008 Order also specified the period of the foundation phase and gave legal effect to areas of learning, which set out the desirable outcomes and educational programmes.

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 (“the 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 the 2008 Order (article 2) and re-make that Order so as to reflect the change of name in English to the “foundation phase” (article 3). In Welsh the name “cyfnod sylfaen” is used for the “foundation stage” and the “foundation phase”.

The Welsh Minister’s Code of Practice on the carrying out of Regulatory Impact Assessments was carried out in relation to this Order. As a result, it was not necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with this Order.