WELSH STATUTORY INSTRUMENTS

2009 No. 3256 (W.284)

EDUCATION, WALES

The Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009

Made - - - -	*8 December 2009*
Laid before the National Assembly for Wales - -	*10 December 2009*
Coming into force - -	*1 January 2010*

The Welsh Ministers in exercise of the powers conferred on them by sections 116A(5), 116D(2), 116F(3), 116H(3), and 210 of the Education Act 2002(**1**) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009 and they come into force on 1 January 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"local authority" ("*awdurdod lleo*l") means a local education authority in Wales;

"local authority area A" ("*ardal awdurdodau lleol A*") consists of Blaenau Gwent County Borough Council, Caerphilly County Borough Council, Cardiff Council, Denbighshire County Council, Monmouthshire County Council, Newport City Council, City and County of Swansea Council, Vale of Glamorgan Council, Wrexham County Borough Council;

"local authority area B" ("*ardal awdurdodau lleol B*") consists of Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council, Rhondda Cynon Taff County Borough Council, Torfaen County Borough Council;

"local authority area C" ("*ardal awdurdodau lleol C*") consists of Isle of Anglesey County Council, Bridgend County Borough Council, Ceredigion County Council, Conwy County

(**1**) 2002 c. 32. Section 116A was inserted by section 4 of the Learning and Skills (Wales) Measure 2009 (nawm 1). Section 116D was inserted by section 7 of the Learning and Skills (Wales) Measure 2009. Section 116F was inserted by section 9 of the Learning and Skills (Wales) Measure 2009 and section 116G was inserted by section 10 of the Learning and Skills (Wales) Measure 2009.

Borough Council, Flintshire County Council, Gwynedd Council, Merthyr Tydfil County Borough Council, Powys County Council;

"key skill qualification" ("*cymhwyster sgil allweddol*") means a qualification listed as such in the Database of Approved Qualifications in Wales(**2**) maintained and published by the Welsh Ministers from time to time;

"NQF" ("*NQF*") means the National Qualifications Framework comprising qualifications accredited by the Welsh Ministers, the Qualifications and Curriculum Authority and the Council for the Curriculum, Examinations and Assessment in Northern Ireland;

"NQF level" ("*lefel NQF*") means the level or levels to which qualifications are accredited within the NQF;

"points" ("*pwyntiau*") means the points allocated to a course or courses of study by the Database of Approved Qualifications in Wales;

"registered pupil" ("*disgybl cofrestredig*") has the same meaning as in section 434 of the Education Act 1996(**3**);

"relevant person" ("*person perthnasol*") means both the pupil and a parent of his or hers;

"spring term" ("*tymor y gwanwyn*") means the second school term in the school year for the school at which the pupil is a registered pupil and which occurs in the school year immediately before the school year in which the pupil will enter the fourth key stage;

"summer term" ("*tymor yr haf*") means the third school term in school year for the school at which the pupil is a registered pupil and which occurs in the school year immediately before the school year in which the pupil will enter the fourth key stage; and

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(**4**).

Formation of local curriculum

3. A local authority must form for its area one or more local curricula in accordance with section 116A of the 2002 Act and these Regulations in sufficient time before the start of a school year to enable pupils to elect to follow a course of study in accordance with regulation 8.

Minimum number of courses of study of local curricula

4.—(1) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area A for the school year 2010 to 2011 and every subsequent school year must include a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(2) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area B must include—

(a) for the school year 2010 to 2011 a minimum of 28 courses of study at NQF level 2, of which at least 4 must be vocational; and

(b) for every subsequent school year a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(3) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area C must include—

(a) for the school year 2010 to 2011 a minimum of 26 courses of study at NQF level 2, of which at least 4 must be vocational;

(**2**) The website address for the Database of Approved Qualifications in Wales is www.daqw.org.uk.
(**3**) 1996 c. 56.
(**4**) 1971 c. 80.

(b) for the school year 2011 to 2012 a minimum of 28 courses of study at NQF level 2, of which at least 4 must be vocational; and

(c) for every subsequent school year a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(4) A local authority may include a course of study at NQF level 1 instead of a course at NQF level 2 in the local curriculum for a maintained secondary school in its area if the same course is not available at NQF level 2 for pupils in the fourth key stage.

(5) The minimum number of vocational courses of study required by paragraphs (1), (2) and (3) must fall within at least 3 of the learning domains.

Minimum number of points of courses of study of local curricula

5.—(1) Where a local curriculum consists of 26 or 27 courses of study such courses must have a combined points value of no less than 680 points.

(2) Where a local curriculum consists of 28 or 29 courses of study such courses must have a combined points value of no less than 720 points.

(3) Where a local curriculum consists of 30 or more courses of study such courses must have a combined points value of no less than 780 points.

Minimum number of points of vocational courses of study of local curricula

6.—(1) Where a local curriculum consists of 4 vocational courses of study such courses must have a combined points value of no less than 220 points.

(2) Where a local curriculum consists of 5 or more vocational courses of study such courses must have a combined points value of no less than 260 points.

Pupil's choices of local curriculum courses

7. A pupil may not elect to follow a course or a combination of courses of study within a local curriculum if the aggregate points of such a course or such combination of courses of study exceed 180 points excluding any points allotted to a course or courses of study leading to a key skill qualification which a pupil has elected to follow.

Period during which a pupil's election must be made

8. A pupil must elect to follow a course or courses of study within a local curriculum during the spring term.

Head teacher's decision as to entitlement

9.—(1) Where a head teacher decides under section 116F(1) of the 2002 Act that a pupil is not entitled to follow a course or courses of study he or she must do so within 28 working days following the start of the summer term.

(2) Where a head teacher so decides he or she must within 3 working days of that decision inform the relevant person in writing of the following matters—

(a) of the decision and the reasons for it;

(b) that the relevant person may request the head teacher review that decision;

(c) the period within which such a request must be made; and

(d) that the relevant person may make representations in writing about that decision to the head teacher.