



# Learning and Skills (Wales) Measure 2009

## 2009 nawm 1

A Measure of the National Assembly for Wales to make provision about the entitlement to education of children in the last two years of compulsory schooling and young persons who have not attained the age of nineteen; to make provision as regards the provision by maintained schools and institutions within the further education sector of services related to education; to make provision for the disclosure of curriculum information; and for connected purposes.

**This Measure, passed by the National Assembly for Wales on 17 March 2009 and approved by Her Majesty in Council on 13 May 2009, enacts the following provisions:—**

## PART 1

### LOCAL CURRICULUM FOR PUPILS IN KEY STAGE 4

#### *General*

#### **1 Interpretation**

- (1) Section 97 of the Education Act 2002 (c. 32) (interpretation of Part 7) is amended in accordance with this section.
- (2) After the definition of “attainment targets”, insert—

““course of study” means a course of education or training which leads to a qualification or set of qualifications approved under section 99 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;”.
- (3) After the definition of “key stage”, insert—

““local curriculum” and “local curricula” are to be construed in accordance with section 116A and, in relation to a pupil's school, “local curriculum” means—

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- (a) where the [<sup>F1</sup>local authority] by which the school is maintained has formed a single local curriculum under section 116A, that local curriculum; or
- (b) where the [<sup>F1</sup>local authority] by which the school is maintained has formed more than one local curriculum under section 116A, the local curriculum in respect of which the school is designated under section 116C(2);”.

(4) After the definition of “maintained nursery school”, insert—

““maintained secondary school”, in sections 116A to 116K, means a maintained school which is a secondary school unless it is a community or foundation special school which is maintained by a [<sup>F1</sup>local authority] in Wales;”.

(5) After the definition of “pupil”, insert—

““regulations” means regulations made by the Welsh Ministers;

“school”, in sections 116E to 116H, in relation to a pupil, means the maintained secondary school of which he or she was a registered pupil when he or she made an election under section 116D(1);”.

#### Textual Amendments

- F1** Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **3(2)**

#### Commencement Information

- I1** S. 1 in force at 7.12.2009 by [S.I. 2009/3174](#), **art. 2(1)(a)**

## 2 Duty to implement general requirements

- (1) Section 100 of the Education Act 2002 (c. 32) (duty to implement general requirements) is amended in accordance with this section.
- (2) Omit “and” at the end of subsection (4)(a) and insert “ , and ” at the end of subsection (4)(b).
- (3) After subsection (4)(b), insert—
  - “(c) functions conferred by this Part in relation to the local curriculum or curricula for a local education authority's area.”

#### Commencement Information

- I2** S. 2 in force at 1.1.2010 by [S.I. 2009/3174](#), **art. 2(2)(a)**

## 3 Basic curriculum for every maintained school in Wales

- (1) Section 101 of the Education Act 2002 (c. 32) (basic curriculum for every maintained school in Wales) is amended in accordance with this section.
- (2) Omit “and” at the end of subsection (1)(c).

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(3) After subsection (1)(c), insert—

“(ca) in the case of a secondary school, provision for education which satisfies the entitlements of registered pupils at the school under section 116E, and”.

#### Commencement Information

**I3** S. 3 in force at 1.1.2010 by [S.I. 2009/3174](#), **art. 2(2)(b)**

### *Formation of local curricula*

## **4 Formation of local curricula for pupils in Key Stage 4**

After section 116 of the Education Act 2002 (c. 32) insert—

### *“The local curricula*

#### **116A Formation of local curricula for pupils in Key Stage 4**

- (1) Each [<sup>F1</sup>local authority] in Wales must form for its area one or more local curricula for pupils in the fourth key stage.
- (2) A local curriculum must consist of suitable courses of study each of which—
  - (a) falls within a category in subsection (3) (the “learning domains”); and
  - (b) is from time to time selected by a [<sup>F1</sup>local authority] to form part of that local curriculum.
- (3) The learning domains are—
  - (a) mathematics, science and technology;
  - (b) business, administration and law;
  - (c) services for people;
  - (d) arts, media, culture and languages;
  - (e) humanities, social sciences and preparation for life and work.
- (4) Subject to any regulations made under subsection (5), a [<sup>F1</sup>local authority] may form a local curriculum as it sees fit.
- (5) Regulations may make provision as to the formation of a local curriculum, including in particular provision—
  - (a) requiring a minimum number of courses of study to be included within—
    - (i) a local curriculum; or
    - (ii) a particular learning domain of a local curriculum;
  - (b) specifying—
    - (i) a minimum proportion of vocational courses of study (as compared with other courses of study) that must be included within a local curriculum; or
    - (ii) a minimum number of vocational courses of study that must be included within a local curriculum;

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- (c) preventing during a specified period any alteration to the contents of a local curriculum.
- (6) For the purposes of this section—
  - (a) a course of study is suitable if it is designated as suitable for inclusion in local curricula by direction given by the Welsh Ministers;
  - (b) a vocational course of study is a course of study designated as such by direction given by the Welsh Ministers;
  - (c) a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.
- (7) Regulations under subsection (5) may make different provision in relation to local curricula formed by different local education authorities.”

#### Textual Amendments

**F1** Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, [3\(2\)](#)

#### Commencement Information

**I4** S. 4 in force at 7.12.2009 for specified purposes by [S.I. 2009/3174](#), [art. 2\(1\)\(b\)](#)

**I5** S. 4 in force at 1.1.2010 in so far as not already in force by [S.I. 2009/3174](#), [art. 2\(2\)\(c\)](#)

## 5 Local curricula: Welsh language

After section 116A of the Education Act 2002 (c. 32) insert—

### “116B Local curricula: Welsh language

- (1) Each [<sup>F1</sup>local authority] must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.
- (2) In the discharge of its duty under subsection (1), a [<sup>F1</sup>local authority] must have regard to any guidance given by the Welsh Ministers.
- (3) Guidance under subsection (2) may be given to a particular authority, or to authorities of a particular class or to authorities generally.
- (4) Within two months of the end of each academic year, a [<sup>F1</sup>local authority] must, in accordance with any instructions given by the Welsh Ministers, provide the Welsh Ministers with a report which—
  - (a) describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;
  - (b) describes how many pupils elected to follow such courses under section 116D and how many pupils were entitled to follow such courses under section 116E;
  - (c) explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local

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curricula courses of study which are taught through the medium of Welsh.

- (5) For the purposes of subsection (4), “academic year” means the period of 12 months beginning on 1 September.”

#### Textual Amendments

- F1** Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **3(2)**

#### Commencement Information

- I6** S. 5 in force at 1.1.2010 by [S.I. 2009/3174](#), **art. 2(2)(d)** (with art. 3)

## 6 Authorities with more than one local curriculum

After section 116B of the Education Act 2002 (c. 32) insert—

### “116C Authorities with more than one local curriculum

- (1) This section applies where a <sup>[F1]</sup>local authority] forms more than one local curriculum under section 116A.
- (2) In relation to each local curriculum, the<sup>[F1]</sup>local authority] must designate the maintained secondary schools whose registered pupils are to be entitled to elect under section 116D to follow courses of study included within the curriculum.”

#### Textual Amendments

- F1** Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **3(2)**

#### Commencement Information

- I7** S. 6 in force at 1.1.2010 by [S.I. 2009/3174](#), **art. 2(2)(e)**

### Entitlements

## 7 Pupils' choices of local curriculum courses

After section 116C of the Education Act 2002 (c. 32) insert—

### “116D Pupils' choices of local curriculum courses

- (1) A registered pupil of a maintained secondary school has the right to elect to follow, during the fourth key stage, a course or courses of study included within the local curriculum for the pupil's school. But this is subject to regulations made under subsection (2).
- (2) Regulations may make provision as to the making of elections under this section, including in particular provision—