

# LEARNING AND SKILLS (WALES) MEASURE 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **PART 1 Local Curriculum for Pupils in Key Stage 4**

#### **Sections 4-18 insert new provisions into the Education Act 2002**

#### ***Section 11 Head teacher's decision to remove entitlement (section 116H of the Education Act 2002)***

39. Sometimes, it will be necessary to remove a pupil's entitlement to follow a course of study, for health and safety reasons, for example. The grounds on which a head teacher may decide that a pupil will no longer be entitled to follow a course of study are set out in subsection (2).
40. Subsection (3) enables the Welsh Ministers, in regulations, to make further provision connected with the making of decisions under this section including:
  - (a) the decision making procedure;
  - (b) provision for appeals to the governing body of a school or to another person specified in the regulations;
  - (c) provision regarding the effect of a decision pending determination of an appeal ;
  - (d) The procedure to be followed in connection with determining an appeal.
41. Subsection (4) requires the head teacher and the person charged with determining appeals under the regulations to have regard to guidance issued by the Welsh Ministers as to the exercise of functions under this section.
42. Subsection (5) enables Welsh Ministers by Order to change the grounds for disentitlement.