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Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

Modifications etc. (not altering text)

C1 Pt. V (ss. 350-410) modified (1.9.1999) by [S.I. 1999/2262](#), [reg. 57](#)

CHAPTER I

PRELIMINARY

350 Meaning of “maintained school” etc. in Part V.

[^{F1}(1) In this Part “maintained school” means—

- (a) any community, foundation or voluntary school; or
- (b) except where otherwise stated, any community or foundation special school not established in a hospital.]

(2) In this Part “assess” includes examine and test, and related expressions shall be construed accordingly.

Textual Amendments

F1 [S. 350\(1\)\(a\)\(b\)](#) substituted (1.9.1999) for [s. 350\(1\)\(a\)-\(c\)](#) by [1998 c. 31](#), [s. 140\(1\)](#), [Sch. 30 para. 85](#) (with [ss. 138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#)

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351 General duties in respect of the curriculum.

- (1) The curriculum for a school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—
 - (a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and
 - (b) prepares pupils at the school for the opportunities, responsibilities and experiences of adult life.
- (2) The Secretary of State shall exercise his functions with a view to securing that the curriculum for every maintained school satisfies the requirements of this section.
- (3) Every local education authority shall exercise their functions with a view to securing that the curriculum for every maintained school which they maintain satisfies the requirements of this section.
- (4) The governing body and head teacher of every maintained school shall exercise their functions with a view to securing that the curriculum for the school satisfies the requirements of this section.
- (5) The functions referred to in subsections (2) to (4) include in particular functions conferred by this Part in relation to religious education, religious worship and the National Curriculum.
- [^{F2}(6) In exercising any function which may affect the provision of sex education in maintained schools, every local education authority must have regard to the guidance issued by the Secretary of State under section 403(1A).
- (7) Except to the extent provided in subsection (6), nothing in this section shall be taken to impose duties on a local education authority with regard to sex education.]

Textual Amendments

F2 S. 351(6)(7) inserted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(2) (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**

352 Basic curriculum for every maintained school.

- (1) The curriculum for every maintained school shall comprise a basic curriculum which includes—
 - (a) provision for religious education for all registered pupils at the school (in accordance with such of the provisions of [^{F3}Schedule 19 to the School Standards and Framework Act 1998] as apply in relation to the school),
 - (b) a curriculum for all registered pupils at the school of compulsory school age (known as “the National Curriculum”) which meets the requirements of section 353,
 - (c) in the case of a secondary school, provision for sex education for all registered pupils at the school, and
 - (d) in the case of a special school, provision for sex education for all registered pupils at the school who are provided with secondary education.

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- (2) Subsection (1)(a) does not apply in the case of a maintained special school (provision as to religious education in special schools being made by regulations under section 342(6)).
- (3) In this Act “sex education” includes education about—
- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
 - (b) any other sexually transmitted disease.

Textual Amendments

F3 Words in s. 352(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.86** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

Modifications etc. (not altering text)

C2 S. 352(1)(a) explained (1.10.1998) by 1998 c. 31, s. 69(2) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

C3 S. 352(1)(a) modified (1.9.1999) by 1998 c. 31, s. 69, Sch. 19 paras. 2(2)(4), 3(2)(4), **4(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

S. 352(1)(a) modified (1.10.1998 for certain purposes and otherwise 1.9.1999) by 1998 c. 31, s. 69, Sch. 19 paras. 2(4), **3(4)** (with ss. 138(9), 144(6)); 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. I** and 1.9.1999 by S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER II

SECULAR EDUCATION

The National Curriculum: general

353 The National Curriculum.

The National Curriculum shall comprise the core and other foundation subjects and specify in relation to each of them—

- (a) the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of each key stage (referred to in this Part as “attainment targets”),
- (b) the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during each key stage (referred to in this Part as “programmes of study”), and
- (c) the arrangements for assessing pupils in respect of each key stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage (referred to in this Part as “assessment arrangements”).

354 The core subjects and other foundation subjects.

[^{F4}(1) The following are the core subjects—

- (a) mathematics;
- (b) English;

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- (c) science; and
 - (d) in relation to schools in Wales which are Welsh-speaking schools, Welsh.
- (2) In relation to schools in England, the following are the other foundation subjects—
- (a) technology;
 - (b) physical education;
 - (c) in relation to the first, second and third key stages—
 - (i) history;
 - (ii) geography;
 - (iii) art and design;
 - (iv) music;
 - (d) in relation to the third and fourth key stages—
 - (i) citizenship;
 - (ii) a modern foreign language.
- (3) In relation to schools in Wales, the following are the other foundation subjects—
- (a) physical education;
 - (b) Welsh, if the school is not a Welsh-speaking school;
 - (c) in relation to the first, second and third key stages—
 - (i) history;
 - (ii) geography;
 - (iii) art;
 - (iv) music;
 - (v) technology;
 - (d) in relation to the third key stage, a modern foreign language.
- (4) “Modern foreign language”—
- (a) in relation to schools in England, means a modern foreign language specified in an order of the Secretary of State, or, if the order so provides, any modern foreign language; and
 - ^{F5}(b) [in relation to schools in Wales, means a modern foreign language specified in an order of the National Assembly for Wales, or if the order so provides, any modern foreign language].
- (5) An order under subsection (4)(a) [^{F5}or (b)] may—
- (a) specify circumstances in which a language is not to be treated as a foundation subject;
 - (b) provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.]
- (6) The Secretary of State may by order amend subsections (1) to (5).
- (7) In this section “school” includes part of a school.
- (8) For the purposes of this section a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh—
- (a) religious education, and
 - (b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.

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Textual Amendments

- F4** S. 354(1)-(5) substituted (E.) (2.5.2000 in accordance with article 1 of S.I. 2000/1146) by S.I. 2000/1146, arts. 1, 2
- F5** S. 354(1)-(5) substituted (E.) (2.5.2000 in accordance with article 1 of S.I. 2000/1146) by S.I. 2000/1146, arts. 1, 2 and by S.I. 2000/1882, arts. 2-4, Sch. 2 it is provided (20.7.2000) that the said substitution shall have effect in Wales subject to the further amendments set out in art. 3 therein (and duly reflected in the text of this version of s. 354)

355 The key stages.

- (1) The key stages in relation to a pupil are—
- the period beginning with his becoming of compulsory school age and ending at the same time as the school year in which the majority of pupils in his class attain the age of seven (“the first key stage”),
 - the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of eight and ending at the same time as the school year in which the majority of pupils in his class attain the age of 11 (“the second key stage”),
 - the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of 12 and ending at the same time as the school year in which the majority of pupils in his class attain the age of 14 (“the third key stage”), and
 - the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of 15 and ending with the expiry of the school year in which the majority of pupils in his class cease to be of compulsory school age (“the fourth key stage”).
- (2) The Secretary of State may by order—
- amend subsection (1), or
 - provide that, in relation to any subject specified in the order, subsection (1) shall have effect as if for the ages of seven and eight there mentioned there were substituted such other ages (less than 11 and 12 respectively) as may be specified in the order.
- (3) The head teacher of a school may elect, in relation to a particular pupil and a particular subject, that subsection (1) shall have effect as if any reference to the school year in which the majority of pupils in that pupil’s class attain a particular age were a reference to the school year in which that pupil attains that age.
- (4) If at any time, in the case of a pupil of compulsory school age, subsection (1) does not, apart from this subsection, apply to determine the period within which that time falls, that subsection shall have effect as if—
- in the case of paragraphs (a) to (c), any reference to the school year in which the majority of pupils in that pupil’s class attain a particular age were a reference to the school year in which that pupil attains that age, and
 - in the case of paragraph (d), the period were a period beginning at the same time as the school year in which he attains the age of 15 and ending when he ceases to be of compulsory school age.
- (5) In this section—

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- “class”, in relation to a particular pupil and a particular subject, means—
- (a) the teaching group in which he is regularly taught that subject, or
 - (b) where there are two or more such groups, such one of them as may be designated by the head teacher of the school; ^{F6} . . .
- ^{F6} . . .

Textual Amendments

F6 S. 355(5); definition of "school year" and the word immediately preceding it repealed (14.6.1997) by 1997 c. 44, s. 57(4), **Sch.8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.I**

356 Establishment of the National Curriculum by order.

- (1) The Secretary of State shall so exercise the powers conferred by subsection (2) as to—
 - (a) establish a complete National Curriculum as soon as is reasonably practicable (taking first the core subjects and then the other foundation subjects), and
 - (b) revise the National Curriculum whenever he considers it necessary or expedient to do so.
- (2) The Secretary of State may by order specify in relation to each of the foundation subjects—
 - (a) such attainment targets,
 - (b) such programmes of study, and
 - (c) such assessment arrangements,
 as he considers appropriate for that subject.
- (3) An order made under subsection (2) may not require—
 - (a) the allocation of any particular period or periods of time during any key stage to the teaching of any programme of study or any matter, skill or process forming part of it, or
 - (b) the making in school timetables of provision of any particular kind for the periods to be allocated to such teaching during any such stage.
- (4) An order under subsection (2) may, instead of containing the provisions to be made, refer to provisions in a document published [^{F7}as specified in the order] and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.
- (5) An order under subsection (2)(c)—
 - (a) may confer or impose such functions on—
 - (i) the governing body and the head teacher, and
 - (ii) ^{F8} . . . on the local education authority,
 as appear to the Secretary of State to be required, and
 - (b) may specify any such assessment arrangements as may for the time being be made by a person specified in the order.
- (6) Provision shall be made for determining the extent to which any assessment arrangements, and the implementation of the arrangements, achieve the purpose for which the arrangements are made; and such provision may be made by or under the

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order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.

- (7) The duties that may be imposed by virtue of subsection (5)(a) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (6), the duty to permit them—
- (a) to enter the premises of the school,
 - (b) to observe the implementation of the arrangements, and
 - (c) to inspect, and take copies of, documents and other articles.
- (8) An order under subsection (2)(c) may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order (other than provision conferring or imposing functions as mentioned in subsection (5)(a)) as appear to the Secretary of State to be expedient; and any provisions made under such an order shall, on being published [^{F7}as specified in the order], have effect for the purposes of this Part as if made by the order.
- (9) The Secretary of State shall, in exercising his power under subsection (2), ensure that the subject of science does not include—
- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus,
 - (b) any other sexually transmitted disease, or
 - (c) aspects of human sexual behaviour, other than biological aspects.

Textual Amendments

- F7** Words in s. 356(4)(8) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 87(a)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**
- F8** Words in s. 356(5)(a)(ii) repealed (1.4.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 87(b), **Sch.31** (with s. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

357 Implementation of the National Curriculum in schools.

- (1) In relation to any maintained school and any school year—
- (a) the local education authority and the governing body shall exercise their functions with a view to securing, and
 - (b) the head teacher shall secure,
- that the National Curriculum as subsisting at the beginning of that year is implemented.

^{F9}(2)

Textual Amendments

- F9** S. 357(2) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 88, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

The School Curriculum and Assessment Authority

^{F10}**358**

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Textual Amendments

F10 S. 358 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt. I**

F11 **359**

Textual Amendments

F11 S. 359 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt. I**

The Curriculum and Assessment Authority for Wales

F12 **360**

Textual Amendments

F12 S. 360 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. I**

F13 **361**

Textual Amendments

F13 S. 361 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. I**

The National Curriculum: special cases

362 Development work and experiments.

- (1) For the purpose of enabling development work or experiments to be carried out, the Secretary of State may direct in respect of a particular maintained school that, for such period as may be specified in the direction, the National Curriculum—
 - (a) shall not apply, or
 - (b) shall apply with such modifications as may be specified in the direction.
- (2) A direction under subsection (1) may apply either generally or in such cases as may be specified in the direction.
- (3) In the case of [^{F14}a community, voluntary controlled or community special school], a direction shall not be given under subsection (1) except on an application—
 - (a) by the governing body with the agreement of the local education authority,

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- (b) by the local education authority with the agreement of the governing body, or
 - (c) by the appropriate curriculum authority with the agreement of both the local education authority and the governing body.
- (4) In the case of [^{F15}a foundation, voluntary aided or foundation special school], a direction shall not be given under subsection (1) except on an application by the governing body or by the appropriate curriculum authority with the agreement of the governing body.
- (5) The Secretary of State may make it a condition of a direction under subsection (1) that any person by whom or with whose agreement the request for the direction was made should, when so directed or at specified intervals, report to the Secretary of State on any matters specified by him.
- (6) The Secretary of State may by a direction under this subsection vary or revoke a direction under subsection (1).
- (7) In this section “the appropriate curriculum authority” means—
- (a) in relation to England, [^{F16}the Qualifications and Curriculum Authority], and
 - (b) in relation to Wales, [^{F16}the Qualifications, Curriculum and Assessment Authority for Wales].

Textual Amendments

- F14** Words in s. 362(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 89(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F15** Words in s. 362(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 89(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F16** Words in s. 362(7)(a)(b) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 27(a)(b)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III** (subject to savings in art. 4, Sch. 2 Pt. I para. 6)

363 Exceptions by regulations.

Regulations may provide that the National Curriculum, or such of the provisions of the National Curriculum as may be specified in the regulations—

- (a) shall not apply, or
- (b) shall apply with such modifications as may be specified in the regulations, in such cases or circumstances as may be specified in the regulations.

364 Pupils with statements of special educational needs.

The special educational provision for any pupil specified in a statement under section 324 of his special educational needs may include provision—

- (a) excluding the application of the National Curriculum, or
- (b) applying the National Curriculum with such modifications as may be specified in the statement.

365 Temporary exceptions for individual pupils.

- (1) Regulations may enable the head teacher of a maintained school, in such cases or circumstances and subject to such conditions as may be prescribed, to direct in respect

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- of a registered pupil at the school that, for such period as may be specified in the direction (the “operative period” of the direction), the National Curriculum—
- (a) shall not apply, or
 - (b) shall apply with such modifications as may be specified in the direction.
- (2) The conditions prescribed by the regulations shall, in particular, limit the operative period that may be specified in a direction to a maximum period specified in the regulations.
 - (3) Any maximum period specified (whether in relation to directions given under the regulations or in relation to directions given under the regulations in circumstances specified in the regulations) shall be either—
 - (a) a fixed period not exceeding six months, or
 - (b) a period determinable (in such manner as may be specified in the regulations) not later than six months from its beginning.
 - (4) Any maximum period so specified may, without prejudice to the generality of section 569(4) (which provides that regulations under this Act may make different provision for different cases or circumstances etc.), differ according to whether or not the direction in question is given in respect of a period beginning—
 - (a) immediately after the end of the operative period of a previous direction, or
 - (b) within such period after the end of the operative period of a previous direction as may be specified in the regulations.
 - (5) The regulations may enable the head teacher of a maintained school, in such cases or circumstances and subject to such conditions as may be prescribed—
 - (a) to revoke any direction given by him under the regulations, and
 - (b) to vary such a direction, except so as to extend its operative period.
 - (6) Before making any regulations under this section, the Secretary of State shall consult with any persons with whom consultation appears to him to be desirable.

366 Information concerning directions under section 365.

- (1) Where a head teacher gives or varies a direction under regulations made under section 365, he shall, in such manner as may be prescribed, give the information mentioned in subsection (2)—
 - (a) to the governing body, and
 - (b) ^{F17} . . . to the local education authority by whom the school is maintained,
 and shall take such steps as may be prescribed to give that information also to a parent of the pupil concerned.
- (2) That information is—
 - (a) the fact that he has taken the action in question, its effect and his reasons for taking it;
 - (b) the provision that is being or is to be made for the pupil’s education during the operative period of the direction; and
 - (c) either a description of the manner in which he proposes to secure the full implementation of the National Curriculum in relation to the pupil after the end of that period, or an indication that he has the opinion mentioned in subsection (3).

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- (3) That opinion is that the pupil has or probably has special educational needs by virtue of which the responsible authority would be required to determine the special educational provision that should be made for him (whether initially or on a review of any statement of his special educational needs which the authority are for the time being required under section 324 to maintain).
- (4) Where—
- (a) the head teacher of [^{F18}a maintained school] includes an indication of any such opinion in information given under subsection (1), and
 - (b) the local education authority by whom the school is maintained are not the responsible authority in relation to pupil in question,
- the head teacher shall also give that information, in such manner as may be prescribed, to the responsible authority.
- ^{F19}(5)
- (6) Where the responsible authority receive information given to them under subsection [^{F20}subsection (1) or (4)] which includes an indication that the head teacher has the opinion mentioned in subsection (3), they shall consider whether any action on their part is required in the case of the pupil concerned under section 323 (assessment of special educational needs).
- (7) In this section “the responsible authority”, in relation to a pupil, means the local education authority responsible for him for the purposes of Part IV.

Textual Amendments

- F17** Words in s. 366(1)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 90(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F18** Words in s. 366(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 90(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F19** S. 366(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 90(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F20** Words in s. 366(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 90(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

367 Appeals against directions under section 365 etc.

- (1) Where a head teacher—
- (a) gives, revokes or varies a direction under regulations made under section 365,
 - (b) refuses to give, revoke or vary such a direction in response to a request made, in such manner and circumstances as may be prescribed by the regulations, by the parent of a registered pupil at the school, or
 - (c) following the making of such a request, fails within such period as may be prescribed by the regulations to give, revoke or vary such a direction in accordance with the request,
- the parent of the pupil concerned may appeal to the governing body.
- (2) On such an appeal, the governing body may—
- (a) confirm the head teacher’s action, or

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- (b) direct the head teacher to take such action authorised by the regulations as they consider appropriate in the circumstances.
- (3) The head teacher shall comply with any directions of the governing body given under subsection (2)(b).
- (4) The governing body shall notify the appellant and the head teacher in writing of their decision on such an appeal.

The National Curriculum: supplementary provisions

368 Procedure for making certain orders and regulations.

- (1) Subject to subsection (9), this section applies where the Secretary of State proposes to make—
 - (a) an order under section 354(6), 355(2) or 356(2)(a) or (b), or
 - (b) regulations under section 363.
- (2) The Secretary of State shall refer the proposal to the appropriate curriculum authority and shall give them directions as to the time within which they are to report to him.
- (3) The authority shall give notice of the proposal—
 - (a) to such associations of local education authorities, bodies representing the interests of school governing bodies and organisations representing school teachers as appear to the authority to be concerned, and
 - (b) to any other persons with whom consultation appears to the authority to be desirable,
 and shall give them a reasonable opportunity of submitting evidence and representations as to the issues arising.
- (4) The report of the authority to the Secretary of State shall contain—
 - (a) a summary of the views expressed during the consultations,
 - (b) the authority's recommendations as to the proposal, and
 - (c) such other advice relating to the proposal as the authority think fit.
- (5) The authority shall, after submitting their report to the Secretary of State, arrange for the report to be published.
- (6) Where the authority have reported to the Secretary of State, he shall publish in such manner as, in his opinion, is likely to bring them to the notice of persons having a special interest in education—
 - (a) a draft of the proposed order or regulations and any associated document, and
 - (b) a statement explaining his reasons for any failure to give effect to the recommendations of the authority,
 and shall send copies of the documents mentioned in paragraphs (a) and (b) to the authority and to each of the persons consulted by the authority.
- (7) The Secretary of State shall allow a period of not less than one month for the submission of evidence and representations as to the issues arising.
- (8) When the period so allowed has expired, the Secretary of State may make the order or regulations, with or without modifications.

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (9) This section does not apply where—
- (a) the Secretary of State proposes to make such an order as is, or such regulations as are, referred to in subsection (1), and
 - (b) arrangements for consultation about the proposed order or regulations were made before 1st September 1996 under section 242 of the ^{M1}Education Act 1993,
- (and accordingly, the arrangements for consultation applicable in the case of the proposed order or regulations shall be those mentioned in paragraph (b) above).
- (10) In subsection (2) “the appropriate curriculum authority” means—
- (a) in relation to an order or regulations relating to maintained schools in England or pupils at such schools, [^{F21}the Qualifications and Curriculum Authority], and
 - (b) in relation to an order or regulations relating to maintained schools in Wales or pupils at such schools, [the Qualifications, Curriculum and Assessment Authority for Wales].

Textual Amendments

F21 Words in s. 368(10)(a)(b) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 28(a)(b)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.III** (subject to savings in art. 4, Sch. 2 Pt. I para. 6)

Marginal Citations

M1 1993 c. 35.

369 Programmes of research etc. in relation to Wales.

The Secretary of State may incur expenses in connection with the commissioning by him of such work, including programmes of research, development and dissemination, as he may require to be carried out for the purpose of facilitating the discharge, in relation to Wales, of any of his functions under sections 354 to 356.

General functions of LEA, governing body and head teacher in relation to curriculum

^{F22}**370**

Textual Amendments

F22 S. 370 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

^{F23}**371**

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F23 S. 371 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F24 **372**

Textual Amendments

F24 S. 372 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F25 **373**

Textual Amendments

F25 S. 373 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

F26 **374**

Textual Amendments

F26 S. 374 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER III

RELIGIOUS EDUCATION AND WORSHIP

Agreed syllabuses

375 **Agreed syllabuses of religious education.**

- (1) Subject to the provisions of Schedule 31, any agreed syllabus in force immediately before the commencement of this Act shall continue to have effect.
- (2) In this Act “agreed syllabus” means a syllabus of religious education—
 - (a) prepared before the commencement of this Act in accordance with Schedule 5 to the ^{M2}Education Act 1944 or after commencement in accordance with Schedule 31, and
 - (b) adopted by a local education authority under that Schedule, whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Every agreed syllabus shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.
- (4) Any reference in this Act to an agreed syllabus adopted by a local education authority includes a reference to an agreed syllabus deemed to be adopted by such an authority by virtue of paragraph 11 of Schedule 5 to the ^{M3}Education Act 1944 or paragraph 14 of Schedule 31; and accordingly, in relation to an agreed syllabus deemed to be so adopted, any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Secretary of State in a direction under that paragraph.
- (5) Subsection (3) does not apply to any agreed syllabus adopted before 29th September 1988.

Marginal Citations

- M2** 1944 c. 31.
- M3** 1944 c. 31.

Required provision for religious education

^{F27}**376**

Textual Amendments

- F27** S. 376 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

^{F28}**377**

Textual Amendments

- F28** S. 377 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

^{F29}**378**

Textual Amendments

- F29** S. 378 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

^{F30}**379**

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F30 S. 379 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F31 **380**

Textual Amendments

F31 S. 380 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F32 **381**

Textual Amendments

F32 S. 381 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F33 **382**

Textual Amendments

F33 S. 382 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F34 **383**

Textual Amendments

F34 S. 383 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F35 **384**

Textual Amendments

F35 S. 384 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Religious worship

F36 **385**

Textual Amendments

F36 S. 385 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F37 **386**

Textual Amendments

F37 S. 386 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F38 **387**

Textual Amendments

F38 S. 387 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F39 **388**

Textual Amendments

F39 S. 388 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Exceptions and special arrangements

F40 **389**

Textual Amendments

F40 S. 389 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Constitution of standing advisory councils on religious education

390 Constitution of advisory councils.

- (1) A local education authority shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).
- [^{F41}(2) The council shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).]
- (3) The council may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).
- (4) The representative groups required by this subsection are—
 - (a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;
 - (b) except in the case of an area in Wales, a group of persons to represent the Church of England;
 - (c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and
 - (d) a group of persons to represent the authority.
- (5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.
- (6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group’s functions, reflect broadly the proportionate strength of that denomination or religion in the area.
- (7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

Textual Amendments

F41 S. 390(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.93** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

391 Functions of advisory councils.

- (1) The purposes referred to in section 390(1) are—
 - [^{F42}(a) to advise the local education authority on such matters connected with—
 - (i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and
 - (ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,
 as the authority may refer to the council or as the council may see fit, and]

Status: Point in time view as at 11/07/2001.

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- (b) to carry out the functions conferred on them by section 394.
- (2) The matters referred to in subsection (1)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.
- (3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.
- (4) Each representative group concerned shall have a single vote on the question of whether to require such a review.
- (5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.
- (6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.
- (7) The council’s report shall in particular—
 - (a) specify any matters in respect of which the council have given advice to the authority,
 - (b) broadly describe the nature of the advice given, and
 - (c) where any such matter was not referred to the council by the authority, give the council’s reasons for offering advice on that matter.
- ^{F43}(8)
- ^{F43}(9)
- (10) The council shall send a copy of each report published by them under subsection (6)—
 - (a) in the case of a council for an area in England, to [^{F44}the Qualifications and Curriculum Authority], and
 - (b) in the case of a council for an area in Wales, to [^{F45}the Qualifications, Curriculum and Assessment Authority for Wales].

Textual Amendments

- F42** S. 391(1)(a)(i)(ii) substituted (1.9.1999) for s. 391(1)(a) by 1998 c. 31, s. 140(1), **Sch. 30 para. 94(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F43** S. 391(8)(9) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 94(3), Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F44** Words in s. 391(10) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 29(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**
- F45** Words in s. 391(10) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para 29(b)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**

392 Advisory councils: supplementary provisions.

- (1) In this section “the council” means the standing advisory council on religious education constituted by a local education authority under section 390.

Status: Point in time view as at 11/07/2001.

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- (2) Before appointing a person to represent any religion, denomination or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.
- (3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

^{F46}(4)

- (5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.
- (6) A member of the council may at any time resign his office.
- (7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.
- (8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—
 - (a) by a vacancy in the office of any member of the council required by section 390(2), or
 - (b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

Textual Amendments
F46 S. 392(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 95, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

^{F47}**393**

Textual Amendments
F47 S. 393 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 96, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

Determinations by standing advisory councils

394 Determination of cases in which requirement for Christian collective worship is not to apply.

- (1) The council constituted by a local education authority under section 390 shall, on an application made by the head teacher of—
 - (a) any [^{F48}community school] maintained by the authority, or

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- [^{F49}(b) any foundation school which has not been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character,]
consider whether it is appropriate for the requirement imposed by [^{F50}paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship)] to apply in the case of the school or in the case of any class or description of pupils at the school.
- (2) In determining whether it is appropriate for that requirement to apply as mentioned in subsection (1), the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school, or of the pupils of the particular class or description in question, which are relevant for determining the character of the collective worship appropriate in their case.
- (3) The council shall give the head teacher written notification of their decision on the application.
- (4) Where the council determine that it is not appropriate for the requirement to apply as mentioned in subsection (1), the determination shall take effect for the purposes of [^{F51}paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998 (disapplication of requirement for Christian collective worship)] on such date as may be specified in the notification of the council's decision under subsection (3).
- (5) Before making an application under subsection (1), the head teacher of a school shall consult the governing body.
- (6) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.
- (7) An application under subsection (1) shall be made in such manner and form as the council may require.
- (8) Where an application is made under subsection (1)(a) in respect of [^{F52}a community school which becomes a foundation school (by virtue of section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998)] before the application is determined, it shall, unless withdrawn by the head teacher, continue as if made under subsection (1)(b).

Textual Amendments

- F48** Words in s. 394(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F49** S. 394(1)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F50** Words in s. 394(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F51** Words in s. 394(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F52** Words in s. 394(8) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Status: Point in time view as at 11/07/2001.

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395 Review of determinations under section 394.

- (1) Any determination by a council under section 394 by virtue of which the requirement imposed by [^{F53}paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998] does not for the time being apply in the case of a school or a class or description of pupils at a school shall be reviewed by the council—
 - (a) at any time on an application made by the head teacher, and
 - (b) in any event not later than the end of the period of five years beginning with the date on which the determination first took effect or (where it has since been reviewed under this section) with the effective date of the decision on the last review.
- (2) On any review under subsection (1)(b) the council shall give the head teacher an opportunity of making representations as to the determination under review.
- (3) On a review under this section, the council may—
 - (a) confirm the determination, with or without variation, or
 - (b) revoke it (without prejudice to any further determination under section 394).
- (4) The council shall give the head teacher written notification of their decision, specifying the effective date of that decision for the purposes of subsection (1)(b).
- (5) Any determination which is required to be reviewed under subsection (1)(b) shall cease to have effect, if not confirmed on such a review, at the end of the period there mentioned.
- (6) The head teacher of a school shall consult the governing body before making an application under subsection (1)(a) or any representations under subsection (2).
- (7) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.
- (8) An application under subsection (1)(a) shall be made in such manner and form as the council may require.

Textual Amendments

F53 Words in s. 395(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.98** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

396 Power of Secretary of State to direct advisory council to revoke determination or discharge duty.

- (1) Where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any standing advisory council on religious education constituted by a local education authority under section 390—
 - (a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by [^{F54}paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998] to apply in the case of any school or any class or description of pupils at a school, or
 - (b) have failed to discharge any duty imposed under section 394 or 395,

Status: Point in time view as at 11/07/2001.

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he may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to him to be expedient; and the council shall comply with the directions.

- (2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.

Textual Amendments

F54 Words in s. 396(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.99** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Access to meetings and documents

397 Religious education: access to meetings and documents.

- (1) This section applies to—
- (a) any conference convened under any of paragraphs 1 to 3 of Schedule 31, and
 - (b) any standing advisory council on religious education constituted under section 390.
- (2) Regulations may make provision—
- (a) for meetings of conferences or councils to be, subject to prescribed exceptions, open to members of the public,
 - (b) requiring conferences or councils to give notice, in such manner as may be prescribed, of the time and place of such meetings, and
 - (c) requiring conferences or councils, at such time or times as may be prescribed—
 - (i) to make available for inspection, or
 - (ii) to provide on payment of such fee as they think fit (not exceeding the cost of supply),copies of the agendas and reports for such meetings to members of the public.
- (3) Regulations made under subsection (2) may apply to—
- (a) committees appointed by local education authorities under paragraph 4 of Schedule 31,
 - (b) sub-committees appointed by conferences under that Schedule, and
 - (c) representative groups on councils appointed under section 390(4),
- as they apply to conferences and councils.

Miscellaneous

398 No requirement of attendance at Sunday school etc.

It shall not be required, as a condition of—

- (a) a pupil attending a maintained school, or

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(b) a person attending such a school to receive further education or teacher training,
 that he must attend or abstain from attending a Sunday school or a place of religious worship.

399 Determination of question whether religious education in accordance with trust deed.

Where any trust deed relating to [^{F55}a foundation or voluntary school] makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

Textual Amendments

F55 Words in s. 399 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.100** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Courses leading to external qualifications

400 Courses leading to external qualifications.

- (1) No course of study leading to a qualification authenticated by an outside person shall be provided for pupils of compulsory school age by or on behalf of a maintained school unless—
 - (a) the qualification is for the time being approved by the Secretary of State or by a designated body, and
 - (b) subsection (2) is satisfied.
- (2) This subsection is satisfied if either—
 - (a) a syllabus provided by the outside person for the purposes of the course is for the time being approved by a designated body, or
 - (b) criteria provided by the outside person for determining a syllabus for the purposes of the course are for the time being so approved.
- (3) An approval under this section may be given either generally or in relation to particular cases.
- (4) In relation to any maintained school—
 - (a) the local education authority and the governing body shall exercise their functions with a view to securing, and
 - (b) the head teacher shall secure,
 that subsection (1) is not contravened.

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) In this section—

“designated” means designated by the Secretary of State, and

“outside person”, in relation to a school, means a person other than a member of staff of the school.

401 Power to extend section 400 to senior pupils and FE students.

(1) The Secretary of State may by order direct that the provisions of section 400 shall have effect as if—

- (a) any reference to pupils of compulsory school age included a reference to—
 - (i) senior pupils who are of or over that age, and
 - (ii) persons in full-time further education who are of or over that age but have not attained the age of 19 (referred to in this section as “FE students”);
- (b) any reference to a maintained school (except in relation to a local education authority) included a reference to—
 - (i) any institution (other than a university or an institution within the higher education sector) which provides further education and is a grant-aided institution, and
 - (ii) any institution within the further education sector; and
- (c) any reference to the head teacher of such a school included a reference to the principal or other head of such an institution.

(2) An order under this section may make such consequential modifications of section 359(1) as appear to the Secretary of State to be necessary or expedient.

(3) In relation to FE students in relation to whom section 400 has effect by virtue of an order under this section, section 408 shall have effect—

- (a) with the modifications mentioned in subsection (1)(b) and (c) above;
- (b) as if the information referred to in subsection (1)(a) of that section were information with respect to the following matters—
 - (i) the qualifications authenticated by outside persons (within the meaning of section 400) for which courses of study are to be provided by or on behalf of the institution concerned for such students;
 - (ii) the courses of study leading to such qualifications which are to be so provided;
 - (iii) the syllabuses which have been provided or determined for the purposes of those courses, and
 - (iv) the results of the assessments of such students for the purposes of those qualifications;
- (c) as if in subsection (6)—
 - (i) the reference to the results of an individual pupil’s assessment (whether under this Part or otherwise) included a reference to the results of an individual student’s assessment for the purposes of any such qualification, and
 - (ii) any reference to the pupil concerned included a reference to the student concerned; and
- (d) with the omission of subsections (1)(b), (2) and (3).

Status: Point in time view as at 11/07/2001.

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- (4) Before making an order under this section the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.
- (5) For the purposes of this section an institution is at any time a grant-aided institution if it is maintained by persons who have received any grants under regulations made under section 485 in respect of expenditure incurred or to be incurred for the academic year of the institution current at that time.

Obligation to enter pupils for public examinations

402 Obligation to enter pupils for public examinations.

- (1) Subject to subsections (2) and (3), the governing body of a maintained school shall secure that each registered pupil at the school is entered, at such time as they consider appropriate, for each prescribed public examination for which he is being prepared at the school at the time in question in each syllabus for that examination for which he is being so prepared.
- (2) The governing body are not required to secure that a pupil is entered for any examination, or for an examination in any syllabus for that examination, if either—
 - (a) they consider that there are educational reasons in the case of that particular pupil for not entering him for that examination or (as the case may be) for not entering him for that examination in that syllabus, or
 - (b) the parent of the pupil requests in writing that the pupil should not be entered for that examination or (as the case may be) for that examination in that syllabus;
 but this subsection does not apply to an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil.
- (3) The governing body are not required to secure that a pupil is entered for any examination in any syllabus for that examination if they have secured his entry for another prescribed public examination in a corresponding syllabus.
- (4) For the purposes of subsection (3) a syllabus for a prescribed public examination shall be regarded as corresponding to a syllabus for another prescribed public examination if the same course of study is provided at the school in preparation for both syllabuses.
- (5) As soon as practicable after determining whether or not to secure the entry of any pupil for a prescribed public examination in any syllabus for which he is being prepared at the school, the governing body shall notify the pupil's parent in writing of their determination in relation to each such syllabus.
- (6) In this section—
 - (a) “maintained school” includes ^{F56}a community or foundation special school] established in a hospital; and
 - (b) references to a prescribed public examination shall be construed in accordance with section 462.

Textual Amendments

F56 Words in s. 402(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.101** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Status: Point in time view as at 11/07/2001.

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Sex education

403 Sex education: manner of provision.

(1) The [^{F57}local education authority], governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school, it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.

[^{F58}(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools—

- (a) they learn the nature of marriage and its importance for family life and the bringing up of children, and
- (b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.

(1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State’s guidance.

(1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.

(1D) The Secretary of State may at any time revise his guidance under subsection (1A).]

(2) In [^{F59}this section]“maintained school” includes [^{F60}a community or foundation special school] established in a hospital [^{F61}and “NHS body” has the same meaning as in section 22 of the National Health Service Act 1977.]

Textual Amendments

F57 Words in s. 403(1) repealed (1.11.2000 in so far as it relates to England and otherwise *prosp.*) by 2000 c. 21, ss. 148(3), 153, 154, **Sch. 11** (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**

F58 S. 403(1A)-(1D) inserted (1.11.2000 in so far as it relates to England and otherwise *prosp.*) by 2000 c. 21, **ss. 148(4)**, 154 (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**

F59 Words in s. 403(2) substituted (1.11.2000 in so far as it relates to England and otherwise *prosp.*) by 2000 c. 21, **ss. 148(5)(a)**, 154 (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**

F60 Words in s. 403(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 102** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F61 Words in s. 403(2) inserted (1.11.2000 in so far as it relates to England and otherwise *prosp.*) by 2000 c. 21, **ss. 148(5)(b)**, 154 (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**

404 Sex education: statements of policy.

(1) The governing body of a maintained school shall—

- (a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and
- (b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.

[^{F62}(1A) A statement under subsection (1) must include a statement of the effect of section 405.]

Status: Point in time view as at 11/07/2001.

Changes to legislation: Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In subsection (1) “maintained school” includes, in relation to pupils who are provided with secondary education, [^{F63}a community or foundation special school] established in a hospital.

^{F64}(3)

Textual Amendments

- F62** S. 404(1A) inserted (1.11.2000 (E.), 1.9.2001 (W.)) by 2000 c. 21, ss. 148(6), 154 (with s. 150)); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274 art. 2(2) Sch. Pt. II
- F63** Words in s. 404(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 103(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F64** S. 404(3) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 103(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

405 Exemption from sex education.

If the parent of any pupil in attendance at a maintained school requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.

Politics

406 Political indoctrination.

- (1) The local education authority, governing body and head teacher shall forbid—
- (a) the pursuit of partisan political activities by any of those registered pupils at a maintained school who are junior pupils, and
 - (b) the promotion of partisan political views in the teaching of any subject in the school.
- (2) In the case of activities which take place otherwise than on the school premises, subsection (1)(a) applies only where arrangements for junior pupils to take part in the activities are made by—
- (a) any member of the school’s staff (in his capacity as such), or
 - (b) anyone acting on behalf of the school or of a member of the school’s staff (in his capacity as such).
- (3) In this section “maintained school” includes [^{F65}a community or foundation special school] established in a hospital.

Textual Amendments

- F65** Words in s. 406(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.104** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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407 Duty to secure balanced treatment of political issues.

- (1) The local education authority, governing body and head teacher shall take such steps as are reasonably practicable to secure that where political issues are brought to the attention of pupils while they are—
 - (a) in attendance at a maintained school, or
 - (b) taking part in extra-curricular activities which are provided or organised for registered pupils at the school by or on behalf of the school,they are offered a balanced presentation of opposing views.
- (2) In this section “maintained school” includes [^{F66}a community or foundation special school] established in a hospital.

Textual Amendments

F66 Words in s. 407(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.105** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Information

408 Provision of information.

- (1) Regulations may require, in relation to every main|tained school, the local education authority, the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—
 - (a) such information (including information as to the matters mentioned in subsection (2)) relevant for the purposes of any of the relevant provisions of this Part [^{F67}or Part V of the Education Act 1997][^{F68}or section 96 of the Learning and Skills Act 2000], and
 - [^{F69}(b) such copies of the documents mentioned in subsection (3), as may be prescribed.]
- (2) The matters referred to in subsection (1)(a) are—
 - (a) the curriculum for maintained schools,
 - (b) the educational provision made by the school for pupils at the school and any syllabuses to be followed by those pupils,
 - (c) the educational achievements of pupils at the school (including the results of any assessments of those pupils, whether under this Part or otherwise, for the purpose of ascertaining those achievements), and
 - (d) the educational achievements of [^{F70}such classes or descriptions of pupils] as may be prescribed (including results of the kind mentioned in paragraph (c)). [^{F71}, and
 - ^{F71}(e) arrangements relating to external qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) and to courses leading to such qualifications.]
- [^{F72}(3) The documents referred to in subsection (1)(b) are—
 - (a) any written statement made by the local education authority under section 370,

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- (b) any written statement made by the governing body in pursuance of provision made under section 371,
 - (c) any written statement made by the governing body of their policy as to the curriculum for the school, and
 - (d) any report prepared by the governing body under section 161 or paragraph 7 of Schedule 23 (governors' annual reports).]
- (4) For the purposes of subsection (1) the relevant provisions of this Part are—
- (a) sections 350 to 368;
 - [^{F73}(b) sections 375(3) and 384;]
 - [(c) sections 385 and 388 and, so far as relating to county schools, sections 386 and 387;]
 - (d) sections [^{F74}390] to 392;
 - (e) sections 394 to 396;
 - (f) sections 398,400, 401 and 405; and
 - (g) section 409.
- (5) Before making any regulations under this section, the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.
- (6) Regulations under this section shall not require information as to the results of an individual pupil's assessment (whether under this Part or otherwise) to be made available to any persons other than—
- (a) the parents of the pupil concerned,
 - (b) the pupil concerned,
 - (c) in the case of a pupil who has transferred to a different school, the head teacher of that school,
 - (d) the governing body of the school, or
 - (e) the local education authority;
- and shall not require such information to be made available to the governing body, the head teacher or the local education authority except where relevant for the purposes of the performance of any of their functions.
- (7) Regulations under this section may authorise local education authorities, governing bodies and head teachers to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.
- (8) In relation to any maintained school, the local education authority and the governing body shall exercise their functions with a view to securing that the head teacher complies with any regulations made under this section.

Textual Amendments

- F67** Words in s. 408(1)(a) inserted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 30(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**
- F68** Words in s. 408(1)(a) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(2)** (with s. 150)
- F69** S. 408(1)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 106(a)**, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F70** Words in s. 408(2)(d) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

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- F71** S. 408(2)(e) and preceding ", and" inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(3)** (with s. 150)
- F72** S. 408(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F73** S. 408(4)(b)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(d)(i), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F74** Word in s. 408(4)(d) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(d)(ii)** (with ss. 138(9), 144(6))

Complaints and enforcement

409 [^{F75}**Complaints and enforcement: maintained schools.**]

- (1) A local education authority shall, with the approval of the Secretary of State and after consultation with governing bodies [^{F76}of foundation and voluntary aided schools,] make arrangements for the consideration and disposal of any complaint to which subsection (2) applies.
- (2) This subsection applies to any complaint which is to the effect that the authority, or the governing body of [^{F77}any community, foundation or voluntary school maintained by the authority or any community or foundation special school]so maintained which is not established in a hospital—
- (a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred on them by or under a relevant enactment, or
- (b) have acted or are proposing to act unreasonably in relation to the performance of, or have failed to discharge, a duty imposed on them by or under a relevant enactment.
- (3) In subsection (2) “relevant enactment” means—
- (a) any provision which by virtue of section 408(4) is a relevant provision of this Part for the purposes of section 408(1), and
- (b) any other enactment (whether contained in this Part or otherwise) so far as relating to the curriculum for, or religious worship in, maintained schools
- ^{F78}
... ..
- (4) The Secretary of State shall not entertain under section 496 (power to prevent unreasonable exercise of functions) or 497 (powers where a local education authority or governing body fail to discharge their duties) any complaint to which subsection (2) applies, unless a complaint concerning the same matter has been made and disposed of in accordance with arrangements made under subsection (1).

Textual Amendments

- F75** S. 409 sidenote substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F76** Words in s. 409(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F77** Words in s. 409(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F78** Words in s. 409(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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Nursery education

410 Application of Part V in relation to nursery education.

Nothing in this Part applies in relation to a nursery school or in relation to a nursery class in a primary school.

Status:

Point in time view as at 11/07/2001.

Changes to legislation:

Education Act 1996, Part V is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.