



Education Act 2002

2002 CHAPTER 32

PART 6

THE CURRICULUM IN ENGLAND

The National Curriculum for England

81 The foundation stage

- (1) For the purposes of this Part, the foundation stage in relation to a pupil is the period beginning with the relevant time (as defined by subsection (2)) and ending at the same time as the school year in which he attains the age of five.
- (2) In subsection (1) “the relevant time” means—
 - (a) in the case of a child who is provided with funded nursery education before he attains the age of three, his third birthday,
 - (b) in the case of a child who is provided with funded nursery education after he attains that age, the time when he is first provided with such education, and
 - (c) in the case of a child who is not provided with any funded nursery education, the time when he first receives primary education other than nursery education.

82 The key stages

- (1) For the purposes of this Part, the key stages in relation to a pupil are—
 - (a) the period beginning at the same time as the school year in which he attains the age of six 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”),
 - (b) 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 eleven (“the second key stage”),

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- (c) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of twelve and ending at the same time as the school year in which the majority of pupils in his class attain the age of fourteen (“the third key stage”), and
 - (d) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of fifteen and ending at the same time as 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 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.
- (3) 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—
- (a) 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
 - (b) 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 fifteen and ending when he ceases to be of compulsory school age.
- (4) The Secretary of State may by order—
- (a) 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 specified there were substituted such other ages (less than eleven and twelve respectively) as may be specified in the order, or
 - (b) amend subsections (1) to (3).
- (5) In this section “class”, in relation to a particular pupil and a particular subject, means—
- (a) the teaching group in which he is regularly taught in 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.

83 Curriculum requirements for foundation stage

- (1) For the foundation stage, the National Curriculum for England shall comprise the areas of learning and may specify in relation to them—
- (a) the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of the foundation stage (referred to in this Part as “the early learning goals”),
 - (b) the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during the foundation stage (referred to in this Part as “educational programmes”), and
 - (c) assessment arrangements.
- (2) The following are the areas of learning for the foundation stage—
- (a) personal, social and emotional development,
 - (b) communication, language and literacy,
 - (c) mathematical development,

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- (d) knowledge and understanding of the world,
 - (e) physical development, and
 - (f) creative development.
- (3) The Secretary of State may by order amend subsection (2).

84 Curriculum requirements for first, second and third key stages

- (1) For the first, second and third key stages, the National Curriculum for England shall comprise the core and other foundation subjects specified in subsections (2) and (3), and shall specify attainment targets, programmes of study and assessment arrangements in relation to each of those subjects for each of those stages.
- (2) The following are the core subjects for the first, second and third key stages—
- (a) mathematics,
 - (b) English, and
 - (c) science.
- (3) The following are the other foundation subjects for the first, second and third key stages—
- (a) design and technology,
 - (b) information and communication technology,
 - (c) physical education,
 - (d) history,
 - (e) geography,
 - (f) art and design,
 - (g) music, and
 - (h) in relation to the third key stage—
 - (i) citizenship, and
 - (ii) a modern foreign language.
- (4) In this section “modern foreign language” means a modern foreign language specified in an order made by the Secretary of State or, if the order so provides, any modern foreign language.
- (5) An order under subsection (4) may—
- (a) specify circumstances in which a language is not to be treated as a foundation subject, and
 - (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 (2) to (5).

[^{F1}85 Curriculum requirements for fourth key stage

- (1) For the fourth key stage, the National Curriculum for England shall comprise the core and other foundation subjects and the elements referred to in subsection (5).
- (2) The National Curriculum for England shall specify programmes of study in relation to each of the core and other foundation subjects for the fourth key stage.
- (3) The following are the core subjects for the fourth key stage—

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- (a) mathematics,
 - (b) English, and
 - (c) science.
- (4) The following are the other foundation subjects for the fourth key stage—
- (a) information and communication technology,
 - (b) physical education, and
 - (c) citizenship.
- (5) The elements for the fourth key stage referred to in subsection (1) are—
- (a) work-related learning, and
 - (b) in relation to any pupil who so elects, one subject from each of such one or more of the four entitlement areas specified below as the pupil may elect.
- (6) Those entitlement areas are—
- (a) arts, comprising—
 - (i) art and design,
 - (ii) music,
 - (iii) dance,
 - (iv) drama, and
 - (v) media arts,
 - (b) design and technology (comprising only that subject),
 - (c) humanities, comprising—
 - (i) geography, and
 - (ii) history, and
 - (d) modern foreign languages, comprising any modern foreign language specified in an order made by the Secretary of State or, if the order so specifies, any modern foreign language.
- (7) An order under subsection (6)(d) may—
- (a) specify circumstances in which a language is not to be treated as falling within subsection (6)(d), and
 - (b) provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.
- (8) A pupil in the fourth key stage shall, if he so elects, be entitled to follow a course of study in a subject within each of the four entitlement areas specified in subsection (6); but this entitlement is satisfied where one subject within each of those entitlement areas is made available to him by or on behalf of the school at which he is a registered pupil.
- (9) In the exercise of their functions under this Part by virtue of this section, a local education authority, governing body or head teacher shall have regard to any guidance relating to work-related learning or the entitlement areas which is issued from time to time by the Qualifications and Curriculum Authority.
- (10) In this section—
- “course of study” means a course of education or training which leads to a qualification approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;

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“work-related learning” means planned activity designed to use the context of work to develop knowledge, skills and understanding useful in work, including learning through the experience of work, learning about work and working practices and learning the skills for work.]

Textual Amendments

- F1** S. 85 substituted (E.) (15.11.2003) by [Education \(Amendment of the Curriculum Requirements for Fourth Key Stage\) \(England\) Order 2003 \(S.I. 2003/2946\)](#), arts. 1(2), 2 (with art. 3)

86 Power to alter or remove requirements for fourth key stage

The Secretary of State may by order—

- (a) amend any provision of section 85, or
- (b) provide that, while the order remains in force, that section is not to have effect.

87 Establishment of the National Curriculum for England by order

- (1) The Secretary of State shall so exercise the powers conferred by subsections (2) and (3) as to—
 - (a) establish a complete National Curriculum for England for the foundation stage as soon as is reasonably practicable, and
 - (b) revise the National Curriculum for England for the foundation stage and the key stages whenever he considers it necessary or expedient to do so.
- (2) In respect of the foundation stage, the Secretary of State may by order specify in relation to the areas of learning—
 - (a) such early learning goals,
 - (b) such educational programmes, and
 - (c) such assessment arrangements,as he considers appropriate.
- (3) In respect of the first, second and third key stages and (subject to section 86) the fourth key stage, 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.
- (4) An order under subsection (2) or (3) may not require—
 - (a) the allocation of any particular period or periods of time during the foundation stage or any key stage to the teaching of any educational programme or programme of study or any matter, skill or process forming part of it, or
 - (b) the making in school timetables (or the timetables of any person providing funded nursery education) of provision of any particular kind for the periods to be allocated to such teaching during any such stage.
- (5) An order under subsection (2) or (3) may, instead of containing the provisions to be made, refer to provisions in a document published as specified in the order and direct

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that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.

- (6) An order under subsection (2)(c) may confer or impose such functions on—
- (a) the governing body and head teacher of a maintained school or a maintained nursery school,
 - (b) a person providing funded nursery education under the arrangements mentioned in section 77(2)(b),
 - (c) an early years development and childcare partnership, and
 - (d) a local education authority,
- as appear to the Secretary of State to be required.
- (7) An order under subsection (3)(c) may confer or impose such functions on—
- (a) the governing body and head teacher, and
 - (b) the local education authority,
- as appear to the Secretary of State to be required.
- (8) An order under subsection (2)(c) or (3)(c) may specify such assessment arrangements as may for the time being be made by a person specified in the order.
- (9) 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 any such provision may be made by or under the order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.
- (10) The duties that may be imposed by virtue of subsection (6) or (7) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (9), the duty to permit them—
- (a) to enter premises of the school or, as the case may be, premises on which the funded nursery education is being provided,
 - (b) to observe implementation of the arrangements, and
 - (c) to inspect, and take copies of, documents and other articles.
- (11) An order under subsection (2)(c) or (3)(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 (6) or (7)) as appear to the Secretary of State to be expedient; and any provisions made under such an order shall, on being published as specified in the order, have effect for the purposes of this Part as if made by the order.

88 Implementation of the National Curriculum for England in schools

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 for England as subsisting at the beginning of that year is implemented.

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89 Implementation in respect of nursery schools etc.

- (1) In relation to any maintained nursery 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 for England as subsisting at the beginning of that year (so far as it relates to the foundation stage) is implemented.
- (2) In relation to any school year, any person providing funded nursery education under the arrangements mentioned in section 77(2)(b) shall secure that the National Curriculum for England as subsisting at the beginning of that year is implemented (so far as it relates to the foundation stage) in respect of the pupils for whom the funded nursery education is provided.
- (3) The local education authority with whom the arrangements mentioned in section 77(2)(b) are made and the early years development and childcare partnership for the area of the authority shall exercise their respective functions with a view to securing that any person (other than the governing body of a maintained school or maintained nursery school) who provides funded nursery education complies with the obligation imposed by subsection (2).

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