



# Education Act 2002

## 2002 CHAPTER 32

### PART 7

#### THE CURRICULUM IN WALES

#### *[<sup>F1</sup>The local curricula*

#### Textual Amendments

- F1** S. 116A and cross-heading inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 4, 49(2); S.I. 2009/3174, art. 2(1)(b)(2)(c)

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

- (1) Each local education authority in Wales must form for its area one or more local curricula for pupils in the fourth key stage.
- (2) A local curriculum must consist of suitable courses of study each of which—
  - (a) falls within a category in subsection (3) (the “learning domains”); and
  - (b) is from time to time selected by a local education authority to form part of that local curriculum.
- (3) The learning domains are—
  - (a) mathematics, science and technology;
  - (b) business, administration and law;
  - (c) services for people;
  - (d) arts, media, culture and languages;
  - (e) humanities, social sciences and preparation for life and work.
- (4) Subject to any regulations made under subsection (5), a local education authority may form a local curriculum as it sees fit.

*Status: Point in time view as at 07/12/2009.*

*Changes to legislation: Education Act 2002, Cross Heading: The local curricula is up to date with all changes known to be in force on or before 11 June 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) Regulations may make provision as to the formation of a local curriculum, including in particular provision—
- (a) requiring a minimum number of courses of study to be included within—
    - (i) a local curriculum; or
    - (ii) a particular learning domain of a local curriculum;
  - (b) specifying—
    - (i) a minimum proportion of vocational courses of study (as compared with other courses of study) that must be included within a local curriculum; or
    - (ii) a minimum number of vocational courses of study that must be included within a local curriculum;
  - (c) preventing during a specified period any alteration to the contents of a local curriculum.
- (6) For the purposes of this section—
- (a) a course of study is suitable if it is designated as suitable for inclusion in local curricula by direction given by the Welsh Ministers;
  - (b) a vocational course of study is a course of study designated as such by direction given by the Welsh Ministers;
  - (c) a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.
- (7) Regulations under subsection (5) may make different provision in relation to local curricula formed by different local education authorities.]

### [<sup>F2</sup>116D Pupils' choices of local curriculum courses

- (1) A registered pupil of a maintained secondary school has the right to elect to follow, during the fourth key stage, a course or courses of study included within the local curriculum for the pupil's school. But this is subject to regulations made under subsection (2).
- (2) Regulations may make provision as to the making of elections under this section, including in particular provision—
  - (a) specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;
  - (b) identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;
  - (c) as to the period during which elections are to be made.]

#### Textual Amendments

**F2** S. 116D inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by Learning and Skills (Wales) Measure 2009 (nawm 1), ss. 7, 49(2); S.I. 2009/3174, art. 2(1)(c)(2)(f)

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### [<sup>F3</sup>116F Head teacher's decision as to entitlement

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that the pupil is not entitled to follow a course of study which the pupil has elected to follow under section 116D(1).
- (2) The grounds referred to in subsection (1) are that—
  - (a) as a result of the pupil's level of educational attainment, the course of study is not suitable for him or her;
  - (b) as a result of other elections made by the pupil under section 116D(1), it is not reasonably practicable for him or her to follow the course of study;
  - (c) the amount of time likely to be spent travelling to the place at which the course of study is likely to be delivered would be detrimental to the pupil's education;
  - (d) disproportionate expenditure would be incurred if the pupil were to follow the course of study;
  - (e) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision—
  - (a) as to the time or date by which decisions are to be made;
  - (b) as to the procedure to be followed in connection with the making of decisions;
  - (c) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
  - (d) as to the time or date by which appeals are to be determined;
  - (e) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
  - (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.]

#### Textual Amendments

- F3** S. 116F inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 9, 49(2); S.I. 2009/3174, art. 2(1)(d)(2)(h)

### [<sup>F4</sup>116H Head teacher's decision to remove entitlement

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that a pupil is no longer entitled to follow a course of study that the pupil was entitled to follow under section 116E.
- (2) The grounds referred to in subsection (1) are that—

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- (a) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;
  - (b) disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—
- (a) as to the procedure to be followed in connection with the making of decisions;
  - (b) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
  - (c) as to the effect of a decision pending determination of an appeal;
  - (d) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.]

#### Textual Amendments

**F4** S. 116H inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 11**, 49(2); S.I. 2009/3174, art. 2(1)(e)(2)(j)

#### [<sup>F5</sup>116I Planning the local curriculum

- (1) The following persons must assist a local education authority in planning the local curriculum or curricula for its area—
- (a) the governing body and head teacher of any maintained secondary school maintained by the authority;
  - (b) the governing body and principal or other head of an institution within the further education sector in the authority's area.
- (2) In subsection (1), “planning the local curriculum or curricula” means the process by which a local education authority decides under section 116A which courses of study to include in the local curriculum or curricula for its area.
- (3) The persons mentioned in subsection (1) must—
- (a) have regard to any guidance given from time to time; and
  - (b) comply with any directions given,
- by the Welsh Ministers as to the exercise of their functions under that subsection.]

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#### Textual Amendments

**F5** S. 116I inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 12**, 49(2); S.I. 2009/3174, art. 2(1)(f)

### [<sup>F6</sup>116J Delivery of local curriculum entitlements: joint-working

- (1) The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 116A.
- (2) In relation to the local curriculum or curricula for the area of a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.
- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are—
  - (a) the local education authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.
- (5) In this section and section 116K “co-operation arrangements” means—
  - (a) arrangements under which any person provides, on behalf of the governing body of a maintained secondary school, a course of study included within the relevant local curriculum for the school;
  - (b) arrangements made under regulations under section 26 (collaboration between schools); and
  - (c) arrangements made under regulations under section 166 of the Education and Inspections Act 2006 (collaboration arrangements: maintained schools and further education bodies).
- (6) For the purposes of this section, in relation to a maintained secondary school, “relevant local curriculum” means—
  - (a) where the local education authority by which the school is maintained has formed a single local curriculum for its area, that curriculum; or
  - (b) where the local education authority by which the school is maintained has formed more than one local curriculum for its area, the curriculum in respect of which the school is designated under section 116C(2).]

#### Textual Amendments

**F6** S. 116J inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 13**, 49(2); S.I. 2009/3174, art. 2(1)(g)

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### [<sup>F7</sup> 116K Joint-working: guidance and directions

- (1) A local education authority, a governing body of a maintained secondary school and the governing body of an institution within the further education sector in Wales must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 116J.
- (2) Guidance given under subsection (1) may relate to the content of co-operation arrangements.
- (3) The persons mentioned in subsection (1) must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.
- (4) A direction under subsection (3)—
  - (a) may require persons to enter into specified arrangements;
  - (b) may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);
  - (c) in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction.]

#### Textual Amendments

- F7** S. 116K inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\), ss. 14, 49\(2\); S.I. 2009/3174, art. 2\(1\)\(h\)](#)

### [<sup>F8</sup> 116O Local curriculum: directions

Any direction given by the Welsh Ministers under sections 116A(6), 116I(3) and 116K(3) may be varied or revoked by a further direction.]

#### Textual Amendments

- F8** S. 116O inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\), ss. 18, 49\(2\); S.I. 2009/3174, art. 2\(1\)\(i\)](#)

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