



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 5

#### CURRICULUM AND ENTITLEMENTS

#### 74 Curriculum requirements for the fourth key stage

(1) For section 85 of EA 2002 (curriculum requirements for fourth key stage) substitute—

**“85 Curriculum requirements for the fourth key stage**

- (1) For the fourth key stage, the National Curriculum for England shall comprise—
  - (a) the core and other foundation subjects,
  - (b) work-related learning, and
  - (c) in relation to any pupil, such other courses of study as are necessary to satisfy the entitlements conferred on him by subsection (5) and section 85A.
- (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—
  - (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.

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*Status: Point in time view as at 31/10/2010. This version of this part contains provisions that are prospective.*

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- (5) A pupil in the fourth key stage is entitled, if he so elects, to follow a course of study in science which leads to such qualification or set of qualifications as the governing body may choose from among those—
- (a) approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act, and
  - (b) specified by the Secretary of State by order for the purposes of this subsection.
- (6) In the exercise of their functions under this Part so far as those functions relate by virtue of this section to work-related learning a [F<sup>1</sup>local authority], governing body or head teacher shall have regard to any guidance issued from time to time by the Qualifications and Curriculum Authority.
- (7) In this section “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.

### **85A Entitlement areas for the fourth key stage**

- (1) A pupil in the fourth key stage is also entitled to do either of the following (as he may elect)—
- (a) to follow a course of study in a subject within each of such one or more of the four entitlement areas specified in subsection (2) as he may choose, or
  - (b) to follow a course of study within an entitlement area specified by the Secretary of State by order for the purposes of this paragraph.
- (2) The entitlement areas referred to in subsection (1)(a) 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.
- (3) An order under subsection (2)(d) may—
- (a) specify circumstances in which a language is not to be treated as falling within subsection (2)(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.
- (4) The entitlement conferred on a pupil by this section is to be taken to be satisfied—

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- (a) where he elects as mentioned in paragraph (a) of subsection (1), if a course of study in a subject within each of the entitlement areas specified in subsection (2) is made available to him by or on behalf of the school at which he is a registered pupil, or
  - (b) where he elects as mentioned in paragraph (b) of subsection (1), if a course of study within one of the entitlement areas specified by order under that paragraph is made available to him by or on behalf of the school at which he is a registered pupil.
- (5) In the exercise of their functions by virtue of this Part in relation to courses of study falling within subsection (1)(a) or (b), a [<sup>F1</sup>local authority], governing body or head teacher shall have regard to any guidance issued from time to time by the Secretary of State or the Qualifications and Curriculum Authority.
- (6) In this section “course of study” means—
  - (a) in relation to a subject within an entitlement area specified in subsection (2), a course of education or training which leads to such qualification as the governing body may choose from among those approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;
  - (b) in relation to an entitlement area specified by order under subsection (1)(b), a course of education or training which leads to such qualification as the governing body may choose from among those specified by the Secretary of State by order for the purposes of this paragraph.”
- (2) In section 86 of EA 2002 (power to alter or remove requirements for fourth key stage)  
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  - (a) in paragraph (a), for “section 85,” substitute “ sections 85 and 85A, ”,
  - (b) in paragraph (b), for “that section is” substitute “ those sections are ”, and
  - (c) renumber the section as so amended as subsection (1) of the section and at the end insert—
    - “(2) An order under this section may make such amendments of this Act as appear to the Secretary of State to be necessary or expedient in connection with the provision made by virtue of subsection (1).”
- (3) [<sup>F2</sup>In section 88 of EA 2002, after subsection (1A) insert—]
  - “(2) In relation to any maintained school and any school year, the [<sup>F1</sup>local authority], the governing body and the head teacher shall, in addition to their duties by virtue of [<sup>F2</sup>subsections (1) and (1A)], exercise their functions with a view to securing that courses of study within all of the entitlement areas specified by the Secretary of State by order for the purposes of section 85A(1) (b) (“the specified entitlement areas”) are made available by or on behalf of the school, unless the [<sup>F1</sup>local authority] determine that the making available of a course of study within a particular specified entitlement area would involve disproportionate expenditure.
- (3) Nothing in subsection (2) entitles a pupil who elects as mentioned in section 85A(1)(b) to follow a course of study within a particular specified entitlement area or to follow more than one course of study within different specified entitlement areas (provision as to the entitlement of individual pupils being made by section 85A(4)(b)).

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- (4) For the purposes of discharging their functions by virtue of this Part in relation to courses of study within the specified entitlement areas, the governing body of a maintained school shall, in particular, consider whether it would be appropriate to make any collaboration arrangements.
- (5) In subsection (4) “collaboration arrangements” means—
- (a) arrangements made, in pursuance of regulations under section 26(a), with the governing body of one or more other maintained schools, and
  - (b) arrangements made, in pursuance of regulations under section 166(1) (a) of the Education and Inspections Act 2006, with one or more further education bodies (within the meaning of that section).
- (6) For the purposes of discharging their functions by virtue of this Part in relation to courses of study within the specified entitlement areas, a [<sup>F1</sup>local authority] may make arrangements with an institution within the further education sector under which a course of study within a specified entitlement area is made available to pupils of a school at the institution within the further education sector.
- (7) The Learning and Skills Council for England must co-operate with a [<sup>F1</sup>local authority] who propose to make arrangements in pursuance of subsection (6).”
- (4) Until the commencement of subsection (1), section 85 of EA 2002 has effect with the following modifications—
- (a) in subsection (1) after “other foundation subjects” insert “ , the entitlement conferred by subsection (3A) ”, and
  - (b) after subsection (3) insert—
 

“(3A) A pupil in the fourth key stage is entitled, if he so elects, to follow a course of study in science which leads to such qualification or set of qualifications as the governing body may choose from among those—

    - (a) approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act, and
    - (b) specified by the Secretary of State by order for the purposes of this subsection.”
- (5) Any order made (by virtue of subsection (4) of this section) under section 85(3A) of EA 2002 before the commencement of subsection (1) of this section is to have effect from that commencement as if made under subsection (5) of section 85 (as substituted by subsection (1)).

#### Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)
- F2** Words in s. 74(3) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), [Sch. 1 para. 87](#)

#### Commencement Information

- I1** S. 74(4) in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(k\)](#)

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PROSPECTIVE

**F<sup>3</sup>75**    **Education and training to satisfy entitlements**

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**Textual Amendments**

**F3**    S. 75 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 59, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 13, 14) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

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