
EXPLANATORY NOTE

(This note is not part of the Regulations)

The [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#) (“the Measure”) inserted new provisions into Part 7 of the Education Act 2002 (“the 2002 Act”). Part 7 concerns the curriculum in maintained schools in Wales. As a result of Part 1 of the Measure the curriculum in maintained secondary schools in Wales is expanded to include the local curriculum entitlements of pupils in key stage 4. These Regulations make provision as to the formation of the local curriculum, the elections a pupil may make, the head teacher’s decision as to entitlement, and the head teacher’s decision to remove an entitlement.

Regulation 3 provides that a local authority must form one or more local curricula for its area in sufficient time to enable pupils to elect to follow a course of study in accordance with regulation 8.

Regulation 4 provides for a minimum number of courses and vocational courses to be included in a local curriculum. By the school year 2012-2013 all local curricula must contain at least 30 courses of study at NQF level 2, of which at least 5 must be vocational.

Regulation 5 provides that each local curriculum must have a minimum points value. Where a curriculum consists of 30 courses of study such courses must have a combined points value of no less than 780. The points value for each course of study is set out in the Database of Approved Qualifications in Wales (www.daqw.org.uk). Regulation 6 provides for the minimum points value of vocational courses included in a local curriculum. Where a local curriculum consists of 5 vocational courses they must have a combined points value of no less than 260.

Regulation 7 provides that a pupil may not elect to follow a course or courses of study if the aggregate points of such a course or courses exceed 180. Such election must be made during the spring term in the year preceeding that which the pupil enters key stage 4 (regulation 8).

Regulation 9 provides for the procedure to be followed by the head teacher when he or she determines, pursuant to section 116F(1) of the 2002 Act, whether the pupil is entitled to follow a course or courses of study. Regulation 9 also provides for the procedure to be followed if a pupil wishes to request the head teacher to review his or her determination under section 116F(1) of the 2002 Act.

Regulation 10 provides for the procedure to be followed by the head teacher when he or she determines, pursuant to section 116H(1) of the 2002 Act, whether the pupil is no longer entitled to follow a course or courses of study. Regulation 10 also provides for the procedure to be followed if a pupil wishes to request the head teacher to review his or her determination under section 116H(1) of the 2002 Act.

Regulation 11 makes provision for determining the time limits for notices under these Regulations.