EXPLANATORY MEMORANDUM TO THE EDUCATION (NATIONAL CURRICULUM) (ATTAINMENT TARGETS AND PROGRAMMES OF STUDY) (ENGLAND) (AMENDMENT) (No. 3) ORDER 2014

2014 No. 3285

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends The Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) Order 2013 to give effect to a revised National Curriculum Framework Document published on 2 December 2014. It includes a new programme of study for science for pupils in the fourth key stage at maintained schools, which will be phased in from 2016.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The instrument is made under section 87(3) (a) and (b) and (5) and 210(7) of the Education Act 2002 (c. 32) to phase in a new programme of study for science for pupils in the fourth key stage at maintained schools from the school year 2016/17.

4.2 Section 87 provides for the establishment of the National Curriculum for England by Order. Sub-sections 3 (a) and (b) provide for the Secretary of State to specify (by Order) such attainment targets and programmes of study as she considers appropriate in relation to each of the core and other foundation subjects of the National Curriculum.

4.3 The instrument is subject to the consultation process in section 96 of the Education Act 2002, which requires a consultation on the proposal and then a consultation on the draft Order and associated documents (the revised Framework Document), and is subject to the negative resolution procedure. The instrument will come into force on 1 September 2015 The effect of this is twofold: (i) all provisions, except article 3, which phase in the new key stage 4 programme of study for science from 2016 and phase out the current key stage 4 programme of study for science from that date come into force on 1 September 2015; and (ii) the revised Framework Document (containing the new key stage 4 programme of study for science) replaces the current Framework Document (published on 16/7/2014) on 1 August 2016.

4.4 The effect of phasing in the new key stage 4 programme of study is that in school year 2016/17, the new Framework Document (containing the new programme of study)

will apply to year 10 pupils, whereas in that same year the current key stage 4 programme of study will continue to have effect in relation to year 11 pupils. In conjunction with these changes, the Department will continue to disapply the current key stage 4 programme of study for science in relation to key stage 4 pupils in the school year 2015//16 and year 11 pupils in the school year 2016/17. The latter will be brought into effect by making amendments to The National Curriculum (Exceptions for First, Second, Third and Fourth Key Stages) (England) Regulations 2013.

4.5 From 2017, the new key stage 4 programme of study for science (as contained in the revised Framework Document) will be fully phased in and apply to all key stage 4 pupils.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As part of the review of the national curriculum, the Government published a National Curriculum Framework Document on 11 September 2013 which covered the whole National Curriculum except for the programmes of study for key stage 4 English, mathematics and science. Ministers agreed that the key stage 4 programmes of study for English and mathematics should be prepared in tandem with the development of new GCSE content for these subjects. This is because at key stage 4 schools pay attention to both the GCSE subject content and the programmes of study in preparing pupils for the end of key stage 4 examinations. The GCSE subject content for English and mathematics was published in November 2013 and will be taught from September 2015. The new key stage 4 programmes of study for English and mathematics (published as part of the revised National Curriculum Framework Document in July 2014) will accordingly come into effect alongside the new GCSEs in September 2015.

7.2 On 11 June 2014, the Secretary of State launched a public consultation on the Government's proposals for the new programme of study for key stage 4 science to be added to the National Curriculum Framework Document. The consultation closed on 23 July 2014 and the Department received 54 responses from schools, teachers, subject associations, local authorities and parents. The key points of the responses were: the lack of content about sex education, and issues such as sexually transmitted diseases including HIV/AIDS; and the exclusion of topics relating to plate tectonics and geology.

7.3 The Government reviewed the content of the draft key stage 4 programme of study for science, in light of feedback to the consultation, and has now finalised the content of the

fourth key stage programme of study for science and, accordingly, updated the National Curriculum Framework Document.

8. Consultation outcome

8.1 There were 54 responses to the consultation on the draft programme of study for key stage 4 science which ran from 11 June to 23 July 2014. A summary of the responses has been published on the Department's website: https://www.gov.uk/government/consultations/national-curriculum-reform-england-key-stage-4-science

8.2 The Government reviewed the content of the programme of study in light of the consultation responses received and, in doing so, was mindful of the need to align the new programme of study with the new GCSE content for this subject (published in April 2014). Like the new GCSE subject content, the new programme of study has been designed to be more ambitious and rigorous than the existing programme of study and place greater emphasis on teaching essential knowledge. The programme of study was amended to cover sexually transmitted diseases.

8.3 In accordance with section 96(6) of the Education Act 2002, the Government then undertook a further one-month consultation on the draft Order and draft Regulations (referred to in paragraph 4.4) and the associated National Curriculum Framework Document. This consultation closed on 30 October 2014 and attracted 12 responses. Two respondents provided comments on the draft Order by supporting the phasing of the new programme of study, particularly as it is consistent with the introduction of the new GCSE in science. The other respondents commented on the programme of study or on the policy of the new national curriculum, mostly reiterating comments made during the first consultation which ran from June to July 2014. A summary of responses received has been published on the Department's website: https://www.gov.uk/government/consultations/draft-order-and-regulations-key-stage-4-science

8.4 As a result of the consultation, the draft Order has been finalised and explanatory notes added. Some minor revisions to the programme of study have also been made to ensure correct format and style.

9. Guidance

9.1 The statutory programme of study set out the key matters, skills and processes which should be taught to pupils in each subject of the national curriculum. The Government has no plans to give schools guidance on how to prepare their lessons or teach the content of the programme of study. Teachers should use their professional judgement and have the freedom to design lessons and decide how best to teach them to meet the needs of their pupils. Schools will start teaching the new programme of study for science for pupils in the fourth key stage from September 2016.

10. Impact

10.1 No impact on business, charities or voluntary bodies is expected.

10.2 It is envisaged that the programme of study will cover only the key matters, skills and processes so that schools can design a fuller curriculum to meet the needs of their pupils effectively, taking account of local circumstances and other relevant factors.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This instrument will not be subject to monitoring or review as it is envisaged that the new programme of study for key stage 4 science will be introduced from September 2016.

13. Contact

Maleck Boodoo (Tel: 0207 340 8119 or email maleck.boodoo@education.gsi.gov.uk) at the Department for Education can answer any queries regarding the instrument.