2002 No. 2048

EDUCATION, ENGLAND

The Education (National Curriculum) (Exceptions at Key Stage 4) (England) (Amendment) Regulations 2002

Made - - - - -	*1st August 2002*
Laid before Parliament	*9th August 2002*
Coming into force - -	*1st September 2002*

Whereas, following the referral to it of a proposal by the Secretary of State in accordance with subsection (2) of section 368 of the Education Act 1996(**a**), the Qualifications and Curriculum Authority ("QCA")(**b**) has, in accordance with subsection (3) of that section, given notice thereof to the bodies and persons referred to in that subsection and afforded them a reasonable opportunity of submitting evidence and representations as to the issues arising;

And whereas, in accordance with directions given by the Secretary of State under the said subsection (2), the QCA has submitted its report to the Secretary of State in accordance with subsection (4) of the said section 368;

And whereas the QCA has, after submitting its report to the Secretary of State, arranged for it to be published in accordance with subsection (5) of that section;

And whereas the Secretary of State has published a draft of the Regulations and sent copies of it to the QCA and all those who were consulted by the QCA, and has allowed a period of not less than one month for the submission of evidence and representations as to the issues arising in accordance with subsection (7) of that section;

Now therefore the Secretary of State for Education and Skills, in exercise of the powers conferred on the Secretary of State by sections 363, 368 and 569 of the Education Act 1996 hereby makes, with modifications, the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (National Curriculum) (Exceptions at Key Stage 4) (England) (Amendment) Regulations 2002 and shall come into force on 1st September 2002.

Amendment of Regulations

2. The Education (National Curriculum) (Exceptions at Key Stage 4) (England) Regulations 2000(**c**) shall be amended in accordance with regulations 3 to 10 of these Regulations.

(**a**) 1996 (c. 56). Section 368 was amended by paragraph 28 of Schedule 7 to the Education Act 1997 (c. 44). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. For the meaning of "prescribed" and "regulations" see section 579(1).

(**b**) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997.

(**c**) S.I. 2000/1140.

3. In regulation 3(1)—

(a) the definitions of "induction programme" and "the QCA" shall be omitted; and

(b) in the definition of "approved qualification", in place of the words "section 400 of the Act" there shall be substituted "section 98 of the Learning and Skills Act 2000 for the purpose of section 96 of that Act".

4. In regulation 4, sub-paragraph (c) and the word "and" preceding it shall be omitted.

5. In regulation 5, in place of the words "section 400 of the Act" there shall be substituted "section 98 of the Learning and Skills Act 2000 for the purpose of section 96 of that Act".

6.—(1) In regulation 7(1)(b), the words "is emphasising that curriculum area" shall be omitted and the following substituted—

"the course or courses to be studied by the pupil in place of National Curriculum subjects will complement his other studies and will result in an emphasis in a particular curriculum area".

(2) In regulation 7(1)(c), the words "and is consolidating his learning and progress across the curriculum;" shall be omitted and the following substituted—

"and—

(i) the time made available by the disapplication of the National Curriculum will be used to consolidate his learning and progress across the curriculum; and

(ii) the disapplication will lessen the assessment demands on the pupil.".

7.—(1) In regulation 8(1), sub-paragraph (b) shall be omitted and the following sub-paragraphs substituted—

"(b) agree the proposed disapplication with the pupil and his parents; and

(c) in relation to a disapplication under regulation 7(1)(a), ensure that a guidance interview with the pupil has taken place.".

(2) Paragraph (2)(c) of regulation 8 shall be omitted.

(3) Paragraph (3) of regulation 8 shall be omitted and the following substituted—

"(3) The reference to a guidance interview in paragraph (1) means an interview between the pupil and an impartial and informed adult which enables the pupil to consider and discuss his ambitions for his future education and training and which enables guidance to be given to him regarding the curriculum plan and the implications for him of the disapplication of the National Curriculum.".

8. Regulation 9 shall be omitted and the following regulation substituted—

"9. Where the National Curriculum is being disapplied in the circumstances set out in regulation 7(1)(a), the head teacher shall—

(a) ensure that, as far as is practicable, the pupil's timetable is arranged and preparatory work is carried out so as to ensure that the requirements of his curriculum plan are met; and

(b) make arrangements to monitor the attendance, progress and achievements of the pupil.".

9. Regulations 10, 11 and 13 shall be omitted.

10. In regulation 12, in place of the words from "and syllabuses" to the end of the regulation there shall be substituted "that have been approved by the Secretary of State under section 98 of the Learning and Skills Act 2000 for the purpose of section 96 of that Act".

11. The Education (National Curriculum) (Exceptions) Regulations 1996(**a**) are, so far as they relate to England, hereby revoked.

David Miliband
Minister of State
Department for Education and Skills

1st August 2002

(**a**) S.I. 1996/2083.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the Education (National Curriculum) (Exceptions at Key Stage 4) (England) Regulations 2000. The Regulations make amendments to the circumstances in which the provisions of the National Curriculum may be disapplied (*regulation 6*) and to the criteria which are to be satisfied before disapplication (*regulation 7*). The Regulations reduce the additional criteria to be satisfied where a pupil is participating in an extended work-related learning programme (*regulation 8*).

The Regulations remove the additional criteria for disapplying the National Curriculum where a pupil is emphasising a particular curriculum area or is making significantly less progress than others of his age and remove the requirement for information to be supplied by schools to the Qualifications and Curriculum Authority when the National Curriculum is disapplied or modified (*regulation 9*).

The Regulations make other minor and consequential amendments. The Regulations revoke, as respects England, the Education (National Curriculum) (Exceptions) Regulations 1996 (*regulation 11*).

STATUTORY INSTRUMENTS

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