EXPLANATORY MEMORANDUM TO

THE EDUCATION (NATIONAL CURRICULUM) (EXCEPTIONS AT KEY STAGE 4) (REVOCATION AND SAVINGS) (ENGLAND) REGULATIONS 2006

2006 No. 2495

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

2. Description

2.1 These regulations revoke previous regulations which, at Key Stage 4, allow schools to disapply from science a pupil participating in an extended work-related learning programme.

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

3.1 None

4. Legislative Background

4.1 S.I. 2003 No. 252 *The Education (National Curriculum) (Exceptions at Key Stage 4) (England) Regulations 2003* set out the circumstances in which the requirements of the National Curriculum might be disapplied or modified in relation to pupils studying Modern Foreign Languages (MFL), Design and Technology (D&T) and science at Key Stage 4. The disapplication or modification applied for the purposes of extended work-related learning or the obtaining of relevant qualifications, as set out in the Regulations. The 2003 Regulations were amended by S.I. 2004 No. 264 *The Education (National Curriculum) (Exceptions at Key Stage 4) (England) (Amendment) Regulations 2004* to take account of the introduction of MFL and D&T as entitlement subjects at Key Stage 4. This meant that the disapplication and modification provisions relating to MFL and D&T were no longer required. This left science as the only subject in respect of which a disapplication could be made for pupils taking part in extended work-related learning programmes or a modification made to provide pupils with courses leading to relevant qualifications. A new reduced programme of study (PoS) for science has been introduced at the start of the autumn term in September 2006, effectively ending the need for disapplication at Key Stage 4. Therefore, S.I. 2003 No. 252 should now be revoked.

5. Extent

5.1 This instrument applies to England only.

6. European Convention on Human Rights

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

7. Policy background

7.1 In January 2004, following a statutory consultation conducted by the Qualification and Curriculum Authority, Ministers made new S.I.s supporting Key Stage 4 curriculum changes that would allow greater flexibility and choice for 14-16 year olds. A part of that consultation was that MFL and D&T would cease to be compulsory for all pupils at Key Stage 4 and become entitlement subjects. In addition, proposals for a reduced PoS in science were agreed. All changes to the curriculum were agreed and the changes for MFL and D&T were implemented in September 2004. The reduced science PoS was planned to be introduced at the start of the autumn term in September 2006.

7.2 A consequence of the 2004 curriculum changes was that from September 2004 the Key Stage 4 disapplication regulations relating to MFL and D&T were no longer required and the regulations were amended accordingly, leaving in place only the requirement relating to science which could still be disapplied for a pupil participating in an extended work-related learning programme.

7.3 At the beginning of the autumn term in September 2006, the reduced PoS for science was introduced and there is no longer any need to retain those parts of the disapplication arrangements relating to science. As a result, the Key Stage 4 disapplication regulations will be withdrawn with a saving for those pupils who are part way through a Key Stage 4 science course and in respect of whom a disapplication has already been made.

8. Impact

8.1 The impact is on state maintained schools in England that have pupils taking part in extended work-related learning programmes.

9. Contact

Douglas Stewart at the Department for Education and Skills, tel: 020 7925 5478 e-mail: douglas.stewart@dfes.gsi.gov.uk.