EXPLANATORY MEMORANDUM TO

THE EDUCATION (NATIONAL CURRICULUM) (SCIENCE AT KEY STAGE 4) (ENGLAND) (AMENDMENT) ORDER 2016

2016 No. 432

1. Introduction

1.1 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) (Science at Key Stage 4) (England) Order 2007 (“the 2007 Order") to remove the reference to Science GCSE and Additional Science GCSE, which will not be available for pupils in maintained schools to study after September 2016, and replaces it with a reference to the new Combined Science GCSE that will be available for pupils to study from September 2016.

3. Matters of special interest to Parliament

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

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This instrument amends the 2007 Order which specifies the two sets of science GCSE qualifications for the purpose of enabling pupils at Key Stage 4 to exercise the entitlement (provided by section 85(3A) of the Education Act 2002) to follow a course of study leading to GCSE science qualifications. The governing bodies of schools choose the science GCSE courses of study from the sets of science GCSE qualifications listed in the 2007 Order. One of the two sets of science GCSEs comprises Science GCSE and Additional Science GCSE which are being replaced by the Combined Science GCSE in September 2016. The purpose of this instrument is to amend the 2007 Order to reflect this change.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England only.

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

What is being done and why

7.1 Section 85 of the Education Act 2002 makes provision for a statutory entitlement for pupils in Key Stage 4 to follow, if they wish, a course of study in science chosen by the governing bodies of schools from a set of approved qualifications prescribed by the Secretary of State. The purpose of the 2007 Order is to entitle pupils, if they so elect, to study science GCSE options that will provide them with the foundation they need to study science subjects at A level. The amendment maintains the purpose of the original order which is to help safeguard the majority of pupils taking at least two science GCSEs. The new Combined Science GCSE is worth 2 GCSEs and will enable pupils to keep open their options to study science at A level. This supports the Government's commitment to increase the take-up of science at A level and related subjects at University.

Consolidation

7.2 This is the first amendment to the 2007 Order. There are no plans to consolidate.

8. Consultation outcome

8.1 This instrument makes a small amendment to the 2007 Order to reflect the fact that two science qualifications are being replaced by a single science qualification in September 2016. The change to these science GCSEs was subject to a consultation in 2014. Further consultation is not, therefore, necessary.

9. Guidance

9.1 Schools are already aware that Science GCSE and Additional Science GCSE will be replaced by the new Combined Science GCSE from September 2016. Details of the Combined Science GCSE are available on GOV.UK.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector relates only to maintained schools.

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

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 There are no plans to monitor or review the Statutory Instrument as it simply makes changes to the 2007 Order to ensure it includes the new Combined Science GCSE available from September 2016.

13. Contact

13.1 Stephen Stanton at the Department for Education Telephone: 0207 340 7055 or email: stephen.stanton@education.gsi.gov.uk can answer any queries regarding the instrument.