EXPLANATORY MEMORANDUM TO

THE EDUCATION (NATIONAL CURRICULUM) (ATTAINMENT TARGETS AND PROGRAMMES OF STUDY) (ENGLAND) ORDER 2013

2013 No. 2232

1. 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 revokes the Orders which give effect to the current attainment targets and programmes of study for individual core and other foundation subjects and in its place gives effect to a Framework Document which contains all the new attainment targets and programmes of study for core and other foundation subjects at each key stage which first take effect in the school year 2014/15, subject to certain exceptions.

2.2 The exceptions are that:

- the current attainment targets and programmes of study for the core subjects of the national curriculum (English, mathematics and science) continue to have effect in relation to pupils who are in the final year of the first and second key stages in the school year 2014/15 only; and
- the current attainment targets and programmes of study for the core subjects of the national curriculum for the fourth key stage continue to have effect in the school year 2014/15 only.

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) of the Education Act 2002 (c. 32) to implement new attainment targets and programmes of study in core and other foundation subjects of the national curriculum for all four key stages, except for English, mathematics and science for pupils in the final year of the first and second key stages and for pupils in the fourth key stage in the school year 2014/15 only. The instrument requires pupils who have special educational needs and who are working at a level set out in the P Level Document to be assessed under the P Level attainment targets, as set out in the P Level Document.

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

appropriate attainment targets and programmes of study 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 is subject to the negative resolution procedure. The instrument will come into force on 1 September 2014.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

Elizabeth Truss, Parliamentary Under Secretary of State (Education and Childcare) has made the following statement regarding Human Rights:

In my view the provisions of the Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) Order 2013 are compatible with the Convention rights.

7. Policy background

7.1 In January 2011, the Rt Hon Michael Gove MP, Secretary of State for Education, launched a review of the national curriculum in England with the following aims:

- to ensure that the new national curriculum embodies rigour and high standards and creates coherence in what is taught in schools
- to ensure that all children are taught the essential knowledge in the key subject disciplines
- beyond that core, to allow teachers greater freedom to use their professionalism and expertise to help all children realise their potential.

7.2 On 7 February 2013, the Secretary of State launched a public consultation on the Government's proposals for the reform of the national curriculum in England. The consultation closed on 16 April and received responses from a wide range of groups including schools, teachers, teaching unions, colleges and universities, subject associations, local authorities, employers, parents and young people. The Government reviewed the content of the draft attainment targets and programmes of study in the light of feedback to the consultation and discussions with key subject organisations, teachers and other subject experts. As required, the Government then undertook a one-month consultation on the draft Order that will give effect to the new attainment targets and programmes of study. This consultation ran from 8 July to 8 August 2013.

7.3 The Government has subsequently finalised the content of the attainment targets and programmes of study in all core and other foundation subjects, except for English, mathematics and science at the fourth key stage which are being reviewed and will be implemented in September 2015. The new national curriculum will be taught by maintained schools from September 2014.

8. Consultation outcome

8.1 There were 17,312 responses to the national curriculum consultation document which ran from February to April. The vast majority of respondents commented on the draft programmes of study and attainment targets for each of the subjects of the national curriculum. A summary of the responses has been published on the Department's website: (https://www.education.gov.uk/consultations/downloadableDocs/NC%20in%20England%20consultation%20report%20-%20FINAL%20-%20Accessible.pdf). Having carefully considered the responses to the consultation, the Government decided to proceed with plans to replace the existing programmes of study in core and other foundation subjects with new ones.

8.2 Following the consultation, the Government reviewed the content of the attainment targets and programmes of study in light of the comments received. In doing so, the Government was mindful of the guiding principles of the review and the fundamental aim of returning the national curriculum to its original purpose as a guide to study in key subjects. The new programmes of study have been designed to be more ambitious and rigorous than the existing programmes of study and place greater emphasis on teaching the essential knowledge required in all core and other foundation subjects.

8.3 A range of detailed changes were made to the programmes of study in response to the comments received to the consultation. In certain subjects, such as history and design and technology, revisions were more extensive than in other subjects, reflecting the comments received. No changes were made to the attainment targets.

8.4 In accordance with section 96(6) of the Education Act 2002, the Government then undertook a one-month consultation on the draft Order and associated attainment targets and programmes of study for all relevant core and other foundation subjects of the national curriculum. This consultation closed on 8 August and attracted 750 responses from schools, local authorities, national organisations and other stakeholders. Twelve respondents commented on the draft Order and said that they found the draft Order too wordy and making use of difficult technical terms. Other respondents focused on the policy of the new national curriculum and commented on the revised draft programmes of study. A summary of responses received has been published on the Department's website: (https://www.gov.uk/government/consultations/national-curriculum-review-new-programmes-of-study-and-attainment-targets-from-september-2014)

8.5 As a result of the consultation the draft Order has been updated for clarity and explanatory notes added. Some minor revisions to the programmes of study have also been made to reflect the responses to the consultation.

9. Guidance

9.1 The statutory programmes 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 programmes 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. It is intended that the new attainment targets and programmes of study will be available to schools in autumn 2013. Schools will start teaching the programmes of study from September 2014.

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 new attainment targets and programmes of study will be introduced from September 2014.

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.