# EXPLANATORY MEMORANDUM TO

# THE NATIONAL CURRICULUM (EXCEPTIONS FOR FIRST, SECOND, THIRD AND FOURTH KEY STAGES) (ENGLAND) REGULATIONS 2012

## 2012 No. 1926

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

## 2. Purpose of the instrument

2.1 This instrument provides for the current programme of study, attainment targets and assessment arrangements for the National Curriculum subject of Information and Communication Technology to cease to apply at all four key stages in maintained schools from September 2012 to August 2014. However, during this period schools will continue to be required to teach the subject of Information and Communication Technology but teachers will have the freedom to teach a programme of study of their choice, as part of a broad and balanced curriculum, to ensure that they meet the needs of their pupils more effectively.

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

3.1 None

## 4. Legislative Context

4.1 The current programmes of study are considered by schools and other stakeholders to be outdated and no longer fit-for-purpose. The instrument is being made to disapply those programmes of study (and the related attainment targets and assessment arrangements) so as to allow maintained schools to teach programmes of study for Information and Curriculum Technology which better meet the needs of pupils.

4.2 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 regulations, and is subject to the negative resolution procedure.

4.3 This instrument is being made in line with wider Government policy to allow schools greater autonomy and decision-making powers, and to reduce burdens placed on schools in legislation.

## 5. Territorial Extent and Application

5.1 This instrument applies to England.

## 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 2012 the Secretary of State for Education announced proposals to remove the duty on maintained schools to teach the current Programmes of Study, to monitor pupils' achievement according to the current Attainment Targets and to undertake statutory assessment arrangements for Information and Communication Technology at Key Stage 3 for a period of two years from September 2012. This was the result of growing concerns from stakeholders that the existing content was not fit for purpose. Initial feedback on the proposal to disapply the current programmes of study, attainment targets and assessment arrangements was very positive. Under the proposal, schools would still have to teach Information and Communication Technology but teachers would have the freedom to decide what is best for their pupils. There was general consensus that the existing Programmes of Study are not fit for purpose.

7.2 As these Regulations have the effect of removing rather than imposing a duty on schools, the Department considers that this proposal falls outside the spirit of the commitment to the Merits Committee, to give schools a full term's notice of Statutory Instruments requiring implementation by schools. It is preferable that the programmes of study and associated attainment targets and assessment arrangements are disapplied as soon as possible to increase school freedoms. Schools are anticipating the change and have planned their curricula accordingly.

## 8. Consultation outcome

8.1 A public consultation on these proposals was undertaken between 18 January and 11 April 2012. The Department gave notice of the proposal to associations of local authorities, bodies representing the interests of schools' governing bodies, and to organisations representing school teachers. Notice was also given to organisations connected with Information and Communication Technology and to others via publication of the proposals on the Department's website. Respondents largely agreed with the proposals in the consultation. 58 per cent of responses supported the disapplication of the programmes of study. There was slightly less support for disapplication of the attainment targets (50%) and statutory assessment arrangements (47%). Across all the responses, approximately 30 per cent of respondents disagreed with the proposals although many recognised the problems with the current Information and Communication Technology curriculum and accepted that it was in need of reform.

8.2 A draft of the proposed regulations and a summary of the views expressed during the public consultation were published on 11 June 2012 by the Secretary of State and a period of 5 weeks was allowed for the submission of further evidence and representations as to the issues arising. It attracted 48 responses. Of these, only five respondents

commented on the specific question asked – about the appropriateness of the draft regulations - and they either agreed with the wording of the regulations or had no comments to make, other than one suggestion that the disapplication should not be time-limited. Other respondents tended to respond in more general terms on the principle of disapplication and its effects, reiterating a number of the arguments put forward during the public consultation earlier this year.

## 9. Guidance

9.1 The Department does not consider that any guidance is necessary. Teachers and other key stakeholders are familiar with the proposal and the freedom they will enjoy in terms of deciding the programme to teach from September 2012.

## 10. Impact

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

10.2 Schools will be free to design their own Information and Communication Technology curriculum or to choose a programme of study available from subject associations or other organisations. They will also be free to continue to use the current National Curriculum programmes of study if they so wish.

10.3 An Impact Assessment has not been prepared for this instrument because no impact is envisaged.

## 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 programmes of study, attainment targets and assessment arrangements will be introduced from September 2014.

## 13. Contact

Jane Bennett (Tel: 01142742339 or email: jane.bennett@education.gsi.gov.uk) or Maleck Boodoo (Tel: 0207 3408119 or email maleck.boodoo@education.gsi.gov.uk ) at the Department for Education can answer any queries regarding the instrument.