



Learning and Skills (Wales) Measure 2009

2009 nawm 1

PART 2

LOCAL CURRICULUM FOR STUDENTS AGED 16 TO 18

Joint-working

31 Planning the local curriculum

After section 33I of the Learning and Skills Act 2000 (c. 21) insert—

“33J Planning the local curriculum

- (1) The following persons must assist the Welsh Ministers in planning the local curriculum or curricula for a local education authority’s area—
 - (a) the local education authority;
 - (b) the governing body and head teacher of any maintained school maintained by the authority;
 - (c) the governing body and principal of an institution in the authority’s area.
- (2) In subsection (1), “planning the local curriculum or curricula” means the process by which the Welsh Ministers decide under section 33A which courses of study to include in the local curriculum or curricula.
- (3) The persons mentioned in subsection (1) (a) to (c) must—
 - (a) have regard to any guidance given from time to time; and
 - (b) comply with any directions given,by the Welsh Ministers as to the exercise of their functions under that subsection.”

32 Delivery of local curriculum entitlements: joint-working

After section 33J of the Learning and Skills Act 2000 (c. 21) insert—

“33K Delivery of local curriculum entitlements: joint-working

- (1) The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 33A.
- (2) In relation to the local curriculum or curricula for a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.
- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are—
 - (a) the local education authority;
 - (b) the governing body of a secondary school maintained by the authority; and
 - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.
- (5) In this section and section 33L “co-operation arrangements” means—
 - (a) arrangements under which any person provides, on behalf of the governing body of a maintained school, a course of study included within the relevant local curriculum for the school;
 - (b) arrangements under which any person provides, on behalf of the governing body of an institution, a course of study included within the relevant local curriculum for the institution;
 - (c) arrangements made under regulations under section 26 of the Education Act 2002 (collaboration between schools); and
 - (d) arrangements made under regulations under section 166 of the Education and Inspections Act 2006 (collaboration arrangements: maintained schools and further education bodies).
- (6) For the purposes of this section, “relevant local curriculum” means—
 - (a) in relation to a maintained school—
 - (i) where the Welsh Ministers have formed a single local curriculum for the area of the local education authority by which the school is maintained, that local curriculum; or
 - (ii) where the Welsh Ministers have formed more than one local curriculum for the area of the local education authority by which the school is maintained, the local curriculum in respect of which the school is designated under section 33C(2);
 - (b) in relation to an institution—
 - (i) where the Welsh Ministers have formed a single local curriculum for the local education authority area in which the institution is situated, that curriculum; or

- (ii) where the Welsh Ministers have formed more than one local curriculum for the local education authority area in which the institution is situated, the local curriculum in respect of which the institution is designated under section 33C(2).”

33 Joint-working: guidance and directions

After section 33K of the Learning and Skills Act 2000 (c. 21) insert—

“33L Joint-working: guidance and directions

- (1) A local education authority, a governing body of a maintained school and the governing body of an institution must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 33K.
- (2) Guidance given under subsection (1) may relate to the contents of co-operation arrangements.
- (3) The persons mentioned in subsection (1) must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.
- (4) A direction under subsection (3)—
 - (a) may require persons to enter into specified arrangements;
 - (b) may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);
 - (c) in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction.”