



# Learning and Skills (Wales) Measure 2009

**2009 nawm 1**

## **PART 1**

### **LOCAL CURRICULUM FOR PUPILS IN KEY STAGE 4**

#### *Entitlements*

#### **7 Pupils' choices of local curriculum courses**

After section 116C of the Education Act 2002 (c. 32) insert—

##### **“116D Pupils' choices of local curriculum courses**

- (1) A registered pupil of a maintained secondary school has the right to elect to follow, during the fourth key stage, a course or courses of study included within the local curriculum for the pupil's school. But this is subject to regulations made under subsection (2).
- (2) Regulations may make provision as to the making of elections under this section, including in particular provision—
  - (a) specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;
  - (b) identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;
  - (c) as to the period during which elections are to be made.”

#### **8 Pupils' local curriculum entitlements**

After section 116D of the Education Act 2002 (c. 32) insert—

**“116E Pupils' local curriculum entitlements**

- (1) During the fourth key stage, a pupil who has made an election under section 116D(1) is entitled to follow the elected course of study unless—
  - (a) the pupil ceases to be a registered pupil of the school at which he or she was registered when he or she elected under section 116D(1) to follow the course of study; or
  - (b) before the beginning of the fourth key stage, the head teacher of the pupil's school has decided under section 116F that the pupil is not entitled to follow the course of study.
- (2) Where a pupil is entitled to follow a course of study, it is for the head teacher of the pupil's school to decide upon which date during the fourth key stage the course is to begin.”

**9 Head teacher's decision as to entitlement**

After section 116E of the Education Act 2002 (c. 32) insert—

**“116F Head teacher's decision as to entitlement**

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that the pupil is not entitled to follow a course of study which the pupil has elected to follow under section 116D(1).
- (2) The grounds referred to in subsection (1) are that—
  - (a) as a result of the pupil's level of educational attainment, the course of study is not suitable for him or her;
  - (b) as a result of other elections made by the pupil under section 116D(1), it is not reasonably practicable for him or her to follow the course of study;
  - (c) the amount of time likely to be spent travelling to the place at which the course of study is likely to be delivered would be detrimental to the pupil's education;
  - (d) disproportionate expenditure would be incurred if the pupil were to follow the course of study;
  - (e) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision—
  - (a) as to the time or date by which decisions are to be made;
  - (b) as to the procedure to be followed in connection with the making of decisions;
  - (c) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
  - (d) as to the time or date by which appeals are to be determined;
  - (e) as to the procedure to be followed in connection with the determination of an appeal.

- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
  - (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.”

## **10 Delivery of local curriculum entitlements**

After section 116F of the Education Act 2002 (c. 32) insert—

### **“116G Delivery of local curriculum entitlements**

Where a pupil is entitled to follow a course of study under section 116E(1), the governing body of the pupil’s school must ensure that during the fourth key stage the course is made available to the pupil by or on behalf of the governing body.”

## **11 Head teacher’s decision to remove entitlement**

After section 116G of the Education Act 2002 (c. 32) insert—

### **“116H Head teacher’s decision to remove entitlement**

- (1) If the head teacher of a pupil’s school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that a pupil is no longer entitled to follow a course of study that the pupil was entitled to follow under section 116E.
- (2) The grounds referred to in subsection (1) are that—
  - (a) the pupil’s or another person’s health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;
  - (b) disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—
  - (a) as to the procedure to be followed in connection with the making of decisions;
  - (b) for appeals against decisions to be made to the governing body of a pupil’s school or another person specified in the regulations;
  - (c) as to the effect of a decision pending determination of an appeal;
  - (d) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any

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**Status:** *This is the original version (as it was originally enacted).*

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guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.

- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.”