



Learning and Skills (Wales) Measure 2009

2009 nawm 1

PART 2

LOCAL CURRICULUM FOR STUDENTS AGED 16 TO 18

Entitlements

25 Determination of a pupil's "relevant school or institution"

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

"33D Determination of a pupil's "relevant school or institution"

- (1) Where, during the fourth key stage, a registered pupil of a maintained school requests that the school's head teacher determines the pupil's relevant school or institution, the head teacher must comply with that request. But this is subject to regulations made under subsection (3).
- (2) A pupil's relevant school or institution is the maintained school or institution whose governing body is, in the opinion of the head teacher, likely to be responsible for providing (or making arrangements for the provision of) the majority of the pupil's education once he or she has ceased to be of compulsory school age.
- (3) Regulations may make provision as to the making of requests and determinations under this section, including in particular provision as to the date or time by which a request or determination is to be made.
- (4) This section does not require any person to admit a pupil to a particular school or institution."

Commencement Information

II S. 25 in force at 19.1.2011 by S.I. 2011/97, art. 2(1)(b)

Changes to legislation: Learning and Skills (Wales) Measure 2009, Cross Heading: Entitlements is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

26 Pupils' choices of local curriculum courses

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

“33E Pupils' choices of local curriculum courses

- (1) A registered pupil of a maintained school has the right to elect to follow, during the period described in subsection (2) (“the entitlement period”), a course or courses of study included within the relevant local curriculum for that pupil. But this is subject to regulations made under subsection (3).
- (2) The entitlement period—
 - (a) begins on the first day of the academic year subsequent to the pupil having ceased to be of compulsory school age; and
 - (b) ends on the day on which he or she attains the age of nineteen.
- (3) 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.
- (4) For the purposes of this section the “relevant local curriculum”, in relation to a pupil, means—
 - (a) where it has been determined under section 33D that a pupil's “relevant school or institution” is a school—
 - (i) where the Welsh Ministers have formed under section 33A a single local curriculum for the area of the [F¹local authority] by which the school is maintained, that local curriculum; or
 - (ii) where the Welsh Ministers have formed under section 33A more than one local curriculum for the area of the [F¹local authority] by which the school is maintained, the local curriculum in respect of which the school is designated under section 33C(2);
 - (b) where it has been determined under section 33D that a pupil's “relevant school or institution” is an institution—
 - (i) where the Welsh Ministers have formed under section 33A a single local curriculum for the [F¹local authority] area in which the institution is situated, that local curriculum; or
 - (ii) where the Welsh Ministers have formed under section 33A more than one local curriculum for the [F¹local authority] area in which the institution is situated, the local curriculum in respect of which the institution is designated under section 33C(2).”

Textual Amendments

- F1** Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **3(2)**

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Commencement Information

I2 S. 26 in force at 19.1.2011 by S.I. 2011/97, art. 2

27 Students' local curriculum entitlements

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

“33F Students' local curriculum entitlements

- (1) During the entitlement period, a student who has made an election under section 33E(1) is entitled to follow the elected course of study unless—
 - (a) the governing body of the student's relevant school or institution ceases to be responsible for providing (or making arrangements for the provision of) the majority of the student's education; or
 - (b) before the beginning of the entitlement period, the head teacher or principal of the student's relevant school or institution has decided under section 33G that the student is not entitled to follow the course of study.
- (2) Where a person is entitled to follow a course of study, it is for the head teacher or principal of the relevant school or institution to decide upon which date during the entitlement period the course is to begin.”

Commencement Information

I3 S. 27 in force at 14.2.2011 by S.I. 2011/97, art. 2(2)(d)

28 Head teacher's or principal's decision as to entitlement

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

“33G Head teacher's or principal's decision as to entitlement

- (1) If the head teacher or principal of a student's relevant school or institution is satisfied that any of the grounds in subsection (2) apply, the head teacher or principal may decide that the student is not entitled to follow a course of study which the student has elected to follow under section 33E.
- (2) The grounds referred to in subsection (1) are that—
 - (a) as a result of the student'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 student under section 33E(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 is likely to be delivered would be detrimental to the student's education;
 - (d) disproportionate expenditure would be incurred if the student were to follow the course of study;

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- (e) the student's or another person's health or safety would be placed unacceptably at risk if the student 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 school or institution's governing body 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 or principal 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.”

Commencement Information

- 14** S. 28 in force at 19.1.2011 for specified purposes by S.I. 2011/97, art. 2(1)(d)
- 15** S. 28 in force at 14.2.2011 in so far as not already in force by S.I. 2011/97, art. 2(2)(e)

29 Delivery of local curriculum entitlements

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

“33H Delivery of local curriculum entitlements

Where a student is entitled to follow a course of study under section 33F(1), the governing body of the student's relevant school or institution must ensure that during the entitlement period the course is made available to the student by or on behalf of the governing body.”

Commencement Information

- 16** S. 29 in force at 14.2.2011 by S.I. 2011/97, art. 2(2)(f)

30 Head teacher's or principal's decision to remove entitlement

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

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“33I Head teacher's or principal's decision to remove entitlement

- (1) If the head teacher or principal of a student's relevant school or institution is satisfied that any of the grounds in subsection (2) apply, the head teacher or principal may decide that a student is no longer entitled to follow a course of study that the student was entitled to follow under section 33F.
- (2) The grounds referred to in subsection (1) are that—
 - (a) the student'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 school or institution's governing body 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 or principal 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.”

Commencement Information

I7 S. 30 in force at 19.1.2011 for specified purposes by S.I. 2011/97, **art. 2(1)(e)**

I8 S. 30 in force at 14.2.2011 in so far as not already in force by S.I. 2011/97, **art. 2(2)(g)**

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 43(7) inserted by [2022 asc 1 Sch. 4 para. 25\(3\)](#)