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STATUTORY INSTRUMENTS

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**1989 No. 954**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Curriculum and Related Information) Regulations 1989**

<i>Made</i>	- - - -	<i>9th June 1989</i>
<i>Laid before Parliament</i>		<i>12th June 1989</i>
<i>Coming into force</i>		
<i>Except for regulations 8 and 10 in so far as they apply to pupils with statements of special educational needs and regulations 11 and 12</i>		<i>1st August 1989</i>
<i>Regulations 8 and 10 in so far as they apply to pupils with statements of special educational needs, regulation 11, except in so far as it applies to such pupils, and regulation 12</i>		<i>1st August 1990</i>
<i>Regulation 11 in so far as it applies to pupils with statements of special educational needs</i>		<i>1st August 1991</i>

In exercise of the powers conferred on the Secretary of State by section 8(5) and (7) of the Education Act 1980(1) and sections 22, 103 and 232(5) of the Education Reform Act 1988(2), and after consulting with such persons with whom consultation appeared to him to be desirable, the Secretary of State for Education and Science hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (School Curriculum and Related Information) Regulations 1989 and shall come into force—

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(1) 1980 c. 20.

(2) 1988 c. 40. For matters to be prescribed, see section 235(7) of this Act and section 114(1) of the Education Act 1944 (c. 31), and for the transfer of functions to the Secretary of State see S.I. 1964/490, 1970/1536 and 1978/274.

- (a) except for regulations 8 and 10 in so far as they apply to pupils with statements of special educational needs and regulations 11 and 12, on 1st August 1989;
  - (b) as regards regulations 8 and 10 in so far as they apply to pupils with statements of special educational needs, regulation 11, except in so far as it applies to such pupils, and regulation 12, on 1st August 1990; and
  - (c) as regards regulation 11 in so far as it applies to pupils with statements of special educational needs, on 1st August 1991.
- (2) These Regulations, other than regulation 3, apply to schools in England only.
  - (3) The amendments made by regulation 3 apply to schools in England and Wales.
  - (4) These Regulations do not apply in relation to nursery schools.

### **Interpretation**

2.—(1) In these Regulations—

“the 1981 Regulations” means the Education (School Information) Regulations 1981<sup>(3)</sup>;

“the 1986 Act” means the Education (No. 2) Act 1986<sup>(4)</sup>;

“the 1988 Act” means the Education Reform Act 1988;

“computer-readable form” means a form capable of being utilised by any device for storing and processing information;

“education authority” means a local education authority;

“Her Majesty’s Inspector” means an inspector appointed by Her Majesty under section 77(2) of the Education Act 1944<sup>(5)</sup>;

“maintained school” means—

- (a) any county or voluntary school;
- (b) any maintained special school which is not established in a hospital; and
- (c) except in relation to a local education authority, any grant-maintained school; and

“scheme of work” means any written document other than a syllabus describing the content and organisation of any course of study to be followed by pupils at the school.

(2) Where these Regulations require particulars to be supplied in the form set out in Schedule 1 or 2, or a form to the like effect, that requirement may be met by so supplying that information in computer-readable form.

(3) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations, any reference to a numbered paragraph is to the paragraph of that regulation bearing that number, any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph, and any reference to a numbered Schedule is to the Schedule bearing that number to these Regulations.

### **Amendment of the 1981 Regulations (maintained schools other than grant-maintained schools, but including maintained special schools established in a hospital).**

3.—(1) The following paragraph shall be inserted after paragraph (3) of regulation 6 of the 1981 Regulations—

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<sup>(3)</sup> S.I. 1981/630, amended by S.I. 1983/41, 1988/1023 and 1989/398.

<sup>(4)</sup> 1986 c. 61.

<sup>(5)</sup> 1944 c. 31.

“(3A) In the case of any school in England, where any such information as is referred to in paragraph 4A of Schedule 2 is to be published by the education authority, it shall be supplied to them by the governing body and shall be published without material alteration.”

(2) The following paragraphs shall be substituted for paragraph 4 of Schedule 2 to the 1981 Regulations—

“4. In the case of any school in Wales, particulars of the school curriculum including, in particular—

- (a) of the curricula for different age groups;
- (b) of the subject choices, if any, available (including the arrangements for the making by parents and pupils of such choices);
- (c) of the manner and context in which education as respects sexual matters is given;
- (d) except in the case of a primary school, a middle school or a special school, of the level up to which particular subjects are taught; and
- (e) except in the case of a primary school or a middle school, of the careers education provided.

4A. In the case of any school in England, particulars relating to the school curriculum including, in particular—

- (a) (i) in the case of a county, controlled or maintained special school, a summary of the governing body’s statement pursuant to section 18(1) of the Education (No. 2) Act 1986 of their conclusions as to the aims of the secular curriculum for the school and how (if at all) the education authority’s policy as to that curriculum should be modified; or,
  - (ii) in the case of an aided or special agreement school, a summary of any written statement made by the governing body of their policy as to the secular curriculum for the school or an indication (if such is the case) that no such statement has been made;
- (b) a summary of the content and organisation of that part of the curriculum relating to sex education (where such education forms part of the secular curriculum of the school);
- (c) details of the time set aside for teaching during each school day;
- (d) the dates of the school terms and half-term holidays for the next school year;
- (e) a summary in respect of each year group of the content of the school curriculum and how it is organised, indicating in particular how the foundation subjects and religious education are organised, what other subjects and cross-curricular themes are included in the curriculum for all pupils, what optional subjects are available and how choices among them are constrained;
- (f) a list of the external qualifications for which courses of study are provided for pupils of compulsory school age at the school and which are for the time being approved by the Secretary of State or by a designated body under section 5 of the Education Reform Act 1988;
- (g) the titles of the syllabuses associated with the qualifications referred to in subparagraph (f), or where criteria for determining a syllabus have been so approved, a statement to that effect;
- (h) a list of the external qualifications, and the names of the syllabuses associated with them, which are offered to pupils over compulsory school age;

- (i) particulars of any careers education provided and any arrangements made for work experience for pupils;
- (j) in the case of any county, voluntary or maintained special school (other than a special school established in a hospital), particulars of the manner in which complaints are to be made under arrangements pursuant to section 23 of the Education Reform Act 1988; and
- (k) the arrangements for the inspection and (where applicable) the obtaining of copies of any documents which are for the time being required to be made available by or under the Education (School Curriculum and Related Information) Regulations 1989.”.

(3) For the words “without prejudice to paragraph 4” in paragraphs 5(2) and 6 of Schedule 2 to the 1981 Regulations, in both places there shall be substituted the words “without prejudice to paragraphs 4 and 4A”.

#### **Information to be published with the governing body’s annual report to parents and supply of copies of that report**

4.—(1) The governing body of every maintained school shall publish with the annual report required to be prepared under section 30 of the 1986 Act or section 58(5)(j) of the 1988 Act (as the case may be) particulars of the dates of the beginning and end of each term and of half-term holidays for the next school year and a summary of any changes to information contained in the school prospectus since it was last published.

(2) The governing body shall furnish a copy of such a report as is referred to in paragraph (1) and of the particulars and summary referred to therein to the head teacher of the school and—

- (a) in the case of a grant-maintained school, to the Secretary of State; and
- (b) in the case of any other school, to the education authority.

#### **Public access to documents and information**

5.—(1) Each education authority shall furnish the governing body and the head teacher of every county, voluntary and special school maintained by them (other than a special school established in a hospital) with an up to date copy of any written statement made by them under section 17 of the 1986 Act (statement of policy in relation to the secular curriculum).

(2) The governing body of every county, controlled and maintained special school (other than a special school established in a hospital) shall furnish the head teacher and the education authority with an up to date copy of any written statement made by them pursuant to provision made under section 18(1) of the 1986 Act (statement of conclusions as to the aims of the secular curriculum for the school and how (if at all) the education authority’s policy should be modified).

(3) The governing body of every aided school shall, where they have made any written statement of their policy as to the secular curriculum for the school, furnish a copy of it to the head teacher and to the education authority.

(4) The governing body of every grant-maintained school shall, where they have made any written statement of their policy as to the secular curriculum for the school, furnish a copy of it to the head teacher and the Secretary of State.

(5) Every head teacher to whom any copy of a statement is furnished under this regulation shall make it available, at all reasonable times, to persons wishing to inspect it.

6.—(1) Subject to paragraph (2), the head teacher of every maintained school shall make available on request the information referred to in paragraph (3), at all reasonable times.

(2) Paragraph (1) does not apply to such information where it relates solely to a nursery class in a primary school.

(3) The information referred to in paragraph (1) is information relating to—

- (a) any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Science to the head teacher or the governing body relating to the powers and duties imposed by or under Chapter I of Part I of the 1988 Act (The Curriculum);
- (b) any published reports of Her Majesty’s Inspectors referring expressly to the school;
- (c) any schemes of work currently used in the school;
- (d) any syllabuses followed by pupils at the school, whether for qualifications authenticated by an outside person or otherwise;
- (e) in the case of any county, voluntary or maintained special school (other than a special school established in a hospital), the arrangements made by the education authority under section 23 of the 1988 Act for the consideration and disposal of complaints;
- (f) in the case of any grant-maintained school, the arrangements made by the governing body under the school’s articles of government for the consideration and disposal of complaints relating to any matter concerning the curriculum followed within the school;
- (g)
  - (i) in the case of any maintained school other than a grant-maintained school, any agreed syllabus for religious education adopted by the education authority which applies in that school;
  - (ii) in the case of any voluntary school, that part of the trust deed governing religious education and any other written statement produced by the governing body about the arrangements which have been made for religious education in that school; and
  - (iii) in the case of any grant-maintained school, such of the documents referred to in sub-paragraph (g)(i) or (ii) as apply in relation to that school.

(4) The requirement in paragraph (1) may be fulfilled by making available for inspection copies of any documents referred to in paragraph (3), or of any documents containing the information referred to therein.

7.—(1) The head teacher of any maintained school shall, on request, supply a copy of any document which he is required to make available for inspection under regulation 5, and may supply a copy of any document (except those which are copyright) made available pursuant to regulation 6(4).

(2) The head teacher may make a charge (not exceeding the cost of production) in respect of any copies supplied under paragraph (1).

### **Provision of statistical information**

8.—(1) The governing body of every county, voluntary and maintained special school (other than a special school established in a hospital) shall make available to the education authority not later than 30th June in each year such particulars of the educational provision made in the school in that school year in respect of pupils in each year group as are referred to in paragraph (3).

(2) The head teacher of every county, voluntary and maintained special school (other than a special school established in a hospital) shall make available to the governing body of the school not later than 30th June in each year such particulars of the educational provision which is intended to be made in the school in the next following school year in respect of pupils in each year group as are referred to in paragraph (3).

(3) The particulars referred to in paragraphs (1) and (2) are:

- (a) the subjects or courses taught;

- (b) the number of hours per week each subject or course is taught;
  - (c) the length of each course in weeks, a course lasting the whole school year being taken to last 38 weeks;
  - (d) the number of cycles for each course, that number being:
    - (i) for a course lasting the whole school year, 1; and
    - (ii) for a course which consists of parts each lasting less than the whole school year (whether described as a modular course or a rotational course or otherwise), the number of such parts taken in the school year;
  - (e)
    - (i) the total number of hours for which each subject or course is taught in the school year (differentiated to show the number of hours common to all pupils in the year group and the number of hours of additional teaching for particular groups of pupils);
    - (ii) for those subjects or courses common to the whole year group, the time spent in each year on objectives relating to particular subject areas and cross-curricular themes; and
    - (iii) an indication of such objectives relating to those subjects or courses not common to the whole year group.
  - (f) the number of pupils (given both as a total and differentiated by gender) studying the subject or following the course, as the case may be;
  - (g) the number of groups (if any) into which the total number referred to in sub-paragraph (f) is divided; and
  - (h) the grouping criteria determining the groups referred to in sub-paragraph (g), that is to say, whether they are of mixed ability, differentiated by ability, differentiated by gender, or determined in some other way.
- (4) A governing body to which particulars are supplied under paragraph (2) shall make them available, on request, to the education authority and the Secretary of State.
- (5) The governing body of every county, voluntary and maintained special school (other than a special school established in a hospital) shall make available to the education authority not later than 30th June in each year particulars of the numbers of pupils of compulsory school age in the school in that school year in respect of whom—
- (a) a statement of special educational needs is not maintained and for whom the National Curriculum has been modified or disapplied in whole or in part during that year; and
  - (b) a statement of special educational needs is maintained, indicating whether the National Curriculum is not subject to exceptions or is modified or disapplied in whole or in part during that year,
- specifying in either case the foundation subjects so modified or disapplied.

**9.—(1)** The particulars required to be supplied by governing bodies and head teachers under regulation 8(1) and (2) shall be in the relevant form set out in Part 1, 2 or 3 of Schedule 1, or a form to the like effect.

(2) The particulars required to be supplied by governing bodies under regulation 8(5) shall be in the relevant form set out in Part 1 or 2 of Schedule 2, or a form to the like effect.

**10.—(1)** The governing body of every grant-maintained school shall send to the Secretary of State, not later than 30th June in each year, a statement containing the particulars referred to in regulation 8(3) and (5), in the relevant form set out in Schedule 1 or 2 (as the case may be) or a form to the like effect.

(2) The head teacher of every grant-maintained school shall make available to the governing body of the school not later than 30th June in each year such particulars of the educational provision which is intended to be made in the school in the next following school year as are referred to in regulation 8(3).

(3) A governing body to which particulars are supplied under paragraph (2) shall make them available, on request, to the Secretary of State.

(4) The governing body of every grant-maintained school shall make available to the education authority not later than 30th June in each year the particulars referred to in regulation 8(5)(b) in respect of pupils at the school.

**11.** Every education authority shall send to the Secretary of State, not later than 30th September in each year copies of the particulars supplied to them by the governing bodies under regulation 8(1) and (5).

### **Information about religious education and collective worship**

**12.** Every education authority shall—

(1) notify the Secretary of State when a new agreed syllabus for religious education is adopted by them; and

(2) provide annual returns, not later than 30th September in each year, of the number and effect of any determinations made by their standing advisory council on religious education under section 12 of the 1988 Act (which relates to determinations as to whether the requirement for Christian collective worship is or is not to apply in relation to a particular county school or any class or description of pupils at that school).

### **Translation of documents**

**13.—**(1) This regulation shall apply in relation to any document which is mentioned, or which contains such information or particulars as are mentioned, in the preceding provisions of these Regulations and which is published in accordance therewith.

(2) If it appears requisite to an education authority or, as the case may be, the governing body of a maintained school, that any such document should be translated into a language other than English, it shall be so translated and the translated document shall be published or made available in such manner as appears to the governing body to be appropriate:

Provided that where a charge for a copy of the original document may be made, no greater charge shall be made for a copy of any document so translated.

### **Supplementary provisions**

**14.** Where by virtue of any provision made in the 1981 Regulations or these Regulations any duty is placed on the governing body of any school to provide or to publish any information, and that information is not within their knowledge but is within the knowledge of the head teacher of that school, he shall supply it to them; and the converse shall apply in the case of any such duty to provide or publish any information which is placed on a head teacher.







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## SCHEDULE 2

### PART 1

#### RETURN OF PUPILS

School Year \_\_\_\_\_

LEA \_\_\_\_\_

LEA Number \_\_\_\_\_

School \_\_\_\_\_

School Number \_\_\_\_\_

**PUPILS FOR WHOM EXCEPTIONS HAVE BEEN MADE TO  
NATIONAL CURRICULUM REQUIREMENTS (OTHER THAN THROUGH  
STATEMENTS OF SPECIAL EDUCATIONAL NEEDS) UNDER SECTIONS 4, 16, 17 AND  
19 OF THE EDUCATION REFORM ACT 1988**

**Exceptions without statements**

Record in this section the number of pupils for whom any provisions of the National Curriculum were modified or disappplied during the year in question, other than by virtue of a statement of special educational needs, showing clearly the statutory basis for such exceptional provision and the subject(s) covered.

- (a) Number of pupils involved in experimental and development work (section 16).

Subject(s) covered \_\_\_\_\_

- (b) Number of pupils who constitute special cases, or to whom particular circumstances apply, as set out in statutory orders or regulations (sections 4 and 17).

Subject(s) covered \_\_\_\_\_

- (c) Number of pupils for whom National Curriculum requirements have been temporarily modified or disappplied by direction of the head teacher (section 19) divided between:

- (i) pupils who are expected to undertake full participation in the National Curriculum within 6 months;

Subject(s) covered \_\_\_\_\_

- (ii) pupils who may need longer term modifications or disapplications of the National Curriculum requirements, to be made through a statement of special educational needs.

Subject(s) covered \_\_\_\_\_

- (d) Number of pupils in (c) above, if any, who have been the subject of more than one direction during the school year (please give further details below).

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## PART 2

### RETURN OF PUPILS

School Year \_\_\_\_\_

LEA \_\_\_\_\_ LEA Number \_\_\_\_\_

School \_\_\_\_\_ School Number \_\_\_\_\_

**PUPILS WITH STATEMENTS OF SPECIAL EDUCATIONAL NEEDS, WHETHER OR NOT SUBJECT TO EXCEPTIONS TO NATIONAL CURRICULUM REQUIREMENTS UNDER THE EDUCATION REFORM ACT 1988**

Include in this section the number of *all* pupils of compulsory school age with statements of special educational needs, showing clearly whether or not their statements have required exceptions to any National Curriculum requirements, and the subjects covered.

- (a) Number of pupils with statements of special educational needs not subject to exceptions in respect of any National Curriculum requirements.

- (b) Number of pupils with statements of special educational needs for whom the National Curriculum has been *modified*.

Subject(s) covered \_\_\_\_\_

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- (c) Number of pupils with statements of special educational needs for whom the National Curriculum has been *disapplied*.

Subject(s) covered \_\_\_\_\_

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9th June 1989

*Kenneth Baker*  
Secretary of State for Education and Science

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements on local education authorities (“education authorities”), governing bodies and head teachers to provide information about the curriculum in county and voluntary schools, maintained special schools not established in hospitals, and grant-maintained

schools (referred to in the Regulations as “maintained schools”). Regulation 2(2) provides that where information is required to be provided in a form specified in the Regulations, it may be supplied in computer-readable form.

Regulation 3 amends the Education (School Information) Regulations 1981 by substituting two new paragraphs for the existing paragraph 4 of Schedule 2. These require information to be provided by education authorities or governing bodies about various aspects of the school curriculum and apply to schools in Wales and England respectively. In the case of schools in England, regulation 3 further amends the 1981 Regulations to provide that where the information is to be published by the local education authority, it shall be supplied to them by the governing body and shall be published without material alteration.

Regulation 4 requires the governing bodies of maintained schools to include in their annual report particulars of the dates of terms and of half-term holidays, and a summary of any changes to information contained in the school prospectus since it was last published. Copies of the report are to be supplied to the head teacher and to the local education authority or, in the case of a grant-maintained school, to the Secretary of State.

Governing bodies are to give head teachers copies of any statements they have made as to their policy on the curriculum; the head teacher is to make them available for inspection by the public (regulation 5).

Regulation 6 requires the head teachers of maintained schools to provide other information relating to the organisation of the curriculum, and regulation 7 requires head teachers to supply on request copies of the documents referred to in regulation 5 and allows for the supply of copy documents containing the information required by regulation 6; a charge not exceeding the cost of supply may be made.

Regulation 8(1) requires the governing bodies of maintained schools (other than grant-maintained schools) to make available to the education authority the statistical information set out in regulation 8(3) by 30th June in each year in respect of the current school year; the head teacher is to make the same information available to the governing body by 30th June in respect of education provision which is intended to be made in the next school year (regulation 8(2)).

Regulation 8(4) requires governing bodies to make the information supplied to them by the head teacher available on request to the education authority and the Secretary of State. Regulation 8(5) imposes a further requirement on governing bodies to supply the education authority with details of pupils without statements of special educational needs for whom the provisions of the National Curriculum have been modified or disappplied, and of pupils with such statements.

The particulars required by regulation 8(1) and (2) are to be in the relevant form set out in Schedule 1, and those required by regulation 8(5) in the relevant form set out in Schedule 2 (regulation 9).

Regulation 10 makes similar provision to regulations 8 and 9 in respect of grant-maintained schools, but provides that the information should be sent to the Secretary of State and, where it relates to pupils with statements of special educational needs, to the education authority.

Regulation 11 provides for the education authority to send the Secretary of State copies of the particulars supplied to them under regulation 8(1) and (5).

Education authorities are required to notify the Secretary of State of new syllabuses of religious education and to make annual returns by 30th September of determinations by their standing advisory councils as to whether the requirement for Christian collective worship is to apply in particular cases (regulation 12).

Regulation 13 contains supplementary provisions relating to the translation of documents. Finally, regulation 14 places a duty on head teachers and governing bodies to supply information to each other where this is necessary for the other to comply with the Regulations.

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