
STATUTORY INSTRUMENTS

2000 No. 1140

EDUCATION, ENGLAND

**The Education (National Curriculum) (Exceptions
at Key Stage 4) (England) Regulations 2000**

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| <i>Made</i> | - - - - | <i>19th April 2000</i> |
| <i>Laid before Parliament</i> | | <i>20th April 2000</i> |
| <i>Coming into force</i> | - - | <i>1st August 2000</i> |

Whereas, following the referral to it of a proposal by the Secretary of State in accordance with subsection (2) of section 368 of the Education Act 1996⁽¹⁾, the Qualifications and Curriculum Authority (“QCA”)⁽²⁾ has, in accordance with subsection (3) of that section, given notice thereof to the bodies and persons referred to in that subsection and afforded them a reasonable opportunity of submitting evidence and representations as to the issues arising;

And whereas, in accordance with directions given by the Secretary of State under the said subsection (2), the QCA has submitted its report to the Secretary of State in accordance with subsection (4) of the said section 368;

And whereas the QCA has, after submitting its report to the Secretary of State, arranged for it to be published in accordance with subsection (5) of that section;

And whereas the Secretary of State has published a draft of the Regulations and sent copies of it to the QCA and all those who were consulted by the QCA, and has allowed a period of not less than one month for the submission of evidence and representations as to the issues arising in accordance with subsection (7) of that section;

Now therefore the Secretary of State for Education and Employment, in exercise of the powers conferred on the Secretary of State by sections 363, 368 and 569 of the Education Act 1996 hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (National Curriculum) (Exceptions at Key Stage 4) (England) Regulations 2000 and shall come into force on 1st August 2000.

(1) 1996 c. 56. Section 368 was amended by paragraph 28 of Schedule 7 to the Education Act 1997 (c. 44). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. For the meaning of “prescribed” and “regulations” see section 579(1).

(2) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997.

(2) These Regulations apply in relation to maintained schools in England.

Revocation

2. The Education (National Curriculum) (Exceptions at Key Stage 4) Regulations 1998 are hereby revoked⁽³⁾.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Education Act 1996;

“approved qualification” means a qualification approved under section 400 of the Act;

“curriculum plan” has the meaning given by regulation 4;

“induction programme” means a programme to prepare a pupil for his extended work-related learning programme;

“key skills” has the meaning given by regulation 5;

“Key Stage 4” is to be construed in accordance with section 355(1) of the Act;

“maintained school” means a community, foundation or voluntary school or a community or foundation special school;

“the QCA” means the Qualifications and Curriculum Authority;

“school”, in relation to any pupil, means the school at which he is registered under section 434 of the Act; and

“extended work-related learning programme” has the meaning given by regulation 6.

(2) In these Regulations references to the head teacher include references to a person nominated by him.

(3) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation is a reference to a regulation in these Regulations so numbered and any reference to a paragraph is to a paragraph of the regulations in which the reference is made and any reference to a sub-paragraph is a reference to a sub-paragraph of the paragraph in which the reference is made.

Curriculum Plan

4. In these Regulations a curriculum plan is a plan which sets out—

(a) the contents of the curriculum to be provided for a pupil;

(b) the National Curriculum subjects to be disapplied; and

(c) the educational targets to be achieved by that plan,

with the aim of ensuring that the pupil receives an appropriate, broad and balanced curriculum.

Key Skills

5. In these Regulations “key skills” means those skills known as—

(a) application of number;

(b) communication;

(c) information technology;

(d) working with others;

(3) [S.I.1998/2021](#). These regulations apply only in relation to maintained schools in England.

- (e) improving own learning and performance; and
- (f) problem solving,

which are taken into account by the Secretary of State in approving qualifications under section 400 of the Act.

Extended Work-Related Learning Programme

6. In these Regulations an extended work-related learning programme is a programme which—
- (a) offers pupils experience of the working environment and working practices;
 - (b) provides pupils with the opportunity to develop literacy, numeracy and key skills through such experience;
 - (c) is designed to complement the education being provided to pupils through the remainder of the curriculum which they are studying at school;
 - (d) contributes, so far as is practicable, towards approved qualifications, whether vocational or not; and
 - (e) cannot be provided alongside the full National Curriculum at Key Stage 4.

Disapplication of the National Curriculum

7.—(1) The provisions of the National Curriculum specified in this regulation shall not apply to a pupil in the following circumstances—

- (a) the pupil is participating in an extended work-related learning programme; or
- (b) the pupil has, in the opinion of the head teacher, demonstrated strengths in a particular curriculum area and is emphasising that curriculum area; or
- (c) the pupil is, in the opinion of the head teacher, making significantly less progress than other pupils of his age group and is consolidating his learning and progress across the curriculum.

(2) The head teacher may determine in the case of a pupil to whom paragraph 1(a) applies that the provisions of the National Curriculum regarding one or two of the following subjects should not apply to him:

- (a) modern foreign language;
- (b) design and technology;
- (c) science.

(3) The head teacher may determine in the case of a pupil to whom paragraph 1(b) or (c) applies that the requirements of the National Curriculum regarding one or both of the following subjects should not apply to him:

- (a) modern foreign language;
- (b) design and technology.

(4) In no circumstances shall these Regulations permit a pupil to have more than two of the subjects referred to in paragraph (2) disapplied in relation to him.

Criteria to be satisfied before disapplication of the National Curriculum

- 8.—(1) Before a decision is made to disapply the National Curriculum, a head teacher shall—
- (a) satisfy himself that the educational benefits to the pupil of disapplication of the National Curriculum outweigh any disadvantages he may suffer as a result of not studying the full National Curriculum;

- (b) ensure that a careers interview with the pupil has taken place.
- (2) When a decision to disapply the National Curriculum has been made in respect of a pupil the head teacher shall:
- (a) agree a curriculum plan with the pupil and his parents;
 - (b) ensure that the pupil's entitlement to study a broad curriculum is maintained and his opportunities for continuing his studies beyond Key Stage 4 are safeguarded;
 - (c) ensure that the modified curriculum is properly monitored.
- (3) The reference to a careers interview in paragraph (1) means an interview between the pupil and an impartial and informed adult which enables the pupil to consider and discuss his career ambitions, the proposed programme and the implications for him of the disapplication of the National Curriculum.

Additional criteria to be satisfied for the purposes of Regulation 7(1)(a)

9. Where the National Curriculum is being disapplied in the circumstances set out in regulation 7(1)(a), the head teacher shall—

- (a) nominate a person (“the mentor”) at every place where the pupil participates in the work-related learning programme who shall have day-to-day responsibility for the pupil including—
 - (i) assisting the school with the preparation of the pupil's curriculum plan and induction programme;
 - (ii) supporting and developing the pupil's skills; and
 - (iii) attending the meetings referred to in paragraph (c) below;
- (b) make arrangements for the pupil to have an induction programme;
- (c) arrange a meeting at least every six months between the pupil, his parents, a representative of the school who has responsibility for that programme and his mentor;
- (d) ensure that, as far as is practicable, the pupil's timetable is arranged, preparatory work is carried out, and liaison with those persons mentioned in paragraph (c) is maintained, so as to ensure that the requirements of his curriculum plan are met;
- (e) make arrangements to monitor the attendance, progress and achievements of the pupil and provide a report on them to the pupil each term.

Additional criteria to be satisfied for the purpose of Regulation 7(1)(b)

10. Where the National Curriculum is being disapplied in the circumstances set out in regulation 7(1)(b), the head teacher shall ensure that—

- (a) the course or courses which are to be studied by the pupil in place of National Curriculum subjects complement his other studies and result in an emphasis in a particular curriculum area;
- (b) the disapplication of the National Curriculum takes effect from the commencement of Key Stage 4; and
- (c) the course or courses lead, as far as is practicable, to approved qualifications.

Additional criteria to be satisfied for the disapplication of the National Curriculum for the purpose of regulation 7(1) (c)

11. Where the National Curriculum is being disapplied in the circumstances set out in regulation 7(1)(c), the head teacher shall ensure that—

- (a) the extra time made available to the pupil by disapplication of the National Curriculum is used to consolidate his learning across the curriculum; and
- (b) the disapplication lessens the assessment demands on the pupil.

Modification of statutory programmes of study for National Curriculum subjects

12. A head teacher may modify programmes of study in modern foreign language, design and technology or science to provide pupils with courses leading to qualifications specified for this purpose in the annual circular listing qualifications and syllabuses that have been approved by the Secretary of State under section 400 of the Act(4).

Information to be supplied by schools to the QCA when National Curriculum is disapplied or modified.

13.—(1) The head teacher shall supply the QCA no later than 30th October in each year with details of—

- (a) the number of pupils in the first and second years of Key Stage 4 for whom the National Curriculum has been disapplied under these Regulations;
- (b) the subjects in question; and
- (c) the purposes for which the National Curriculum has been disapplied.

(2) For those pupils for whom the National Curriculum has been disapplied in the circumstances set out in regulation 7(1)(a), the head teacher shall supply the QCA no later than 30th October in each year with details of:

- (a) the content of the extended work-related learning programme;
- (b) the names of the organisations involved in supplying those programmes;
- (c) any approved qualifications to which those programmes contribute.

(3) For those pupils for whom the National Curriculum has been disapplied in the circumstances set out in regulation 7(1)(b), the head teacher shall supply the QCA no later than 30th October in each year with details of—

- (a) the curriculum areas being emphasised;
- (b) any approved qualifications pupils are working towards in these areas.

(4) For those pupils for whom the National Curriculum has been disapplied in the circumstances set out in regulation 7(1)(c), the head teacher shall supply the QCA no later than 30th October in each year with details of the content of the programmes put in place to consolidate the pupils' learning.

(5) The head teacher shall supply to the QCA no later than 30th October in each year details of—

- (a) the number of pupils who are pursuing modified programmes of study for National Curriculum subjects in accordance with regulation 12;
- (b) the subjects in which programmes of study are being modified;
- (c) the qualifications which the pupils are working towards in the subjects where programmes of study have been modified.

(4) A Circular is produced annually and is entitled "Approved qualifications under section 400 of the Education Act 1996". The current Circular is 40/2000.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

19th April 2000

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations revoke the Education (National Curriculum) (Exceptions at Key Stage 4) Regulations 1998 and replace them with an expanded set of exceptions to the National Curriculum at Key Stage 4.

The Regulations retain the provision for the National Curriculum to be disapplied for pupils at Key Stage 4 in maintained schools in England to allow participation in an extended work related learning programme and the extent to which the National Curriculum may be disapplied in this situation has been retained.

Two further purposes for which the National Curriculum may be disapplied (in respect of Design and Technology and a Modern Foreign Language) at Key Stage 4 are included in these Regulations.

Regulation 7(1)(b) allows a school to disapply the requirement for a pupil to study design and technology and/or a modern foreign language where he has demonstrated strengths in a particular curriculum area and is emphasising this curriculum area. The course which the pupil undertakes in place of the National Curriculum subject must complement his other studies and must generally lead to accredited qualifications.

Regulation 7(1)(c) allows a school to disapply the requirement for a pupil to study design and technology and/or a modern foreign language where he is making significantly less progress than others of his age. The disapplication for this purpose is designed to allow a pupil to study fewer National Curriculum subjects with a view to consolidating and improving his learning and progress in the reduced number of subjects he is studying.

Regulation 12 introduces a new provision which gives schools greater flexibility in their teaching of science, design and technology and a modern foreign language. Schools may modify programmes of study in these subjects to provide pupils with courses leading to particular qualifications specified by the Secretary of State for this purpose in the Circular entitled “Approved qualifications under section 400 of the Education Act 1996”. Copies of the Circular can be obtained from the Department for Education and Employment Publications Centre (Telephone 0845 602 2260) and on the DfEE website at <http://www.dfes.gov.uk>.