

Explanatory Memorandum to the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) (Amendment) Regulations 2014

This Explanatory Memorandum has been prepared by the 14-19 Learning Pathways team of the Department for Education and Skills, and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) (Amendment) Regulations 2014.

Huw Lewis AM
Minister for Education and Skills

13 January 2014

1. Description

These Regulations reduce the minimum number of courses required to be offered to learners starting Key Stage 4 (KS4) at maintained schools in Wales, as part of the local curriculum offer, from thirty to twenty five. They reduce the corresponding vocational course element from that minimum course offer from five to three. The Regulations also remove the restrictions, in terms of the domains, currently applied in the selection of vocational courses at KS4.

In addition, they remove the requirement on schools of a points scoring system, as part of the local curriculum offer, at both KS4 and post-16.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None

3. Legislative background

The Regulations are made under sections 116A(5), 116D(2) and 210 of the Education Act 2002, and amend existing education legislation, specifically the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2011.

This statutory instrument is subject to annulment (the negative procedure).

4. Purpose & intended effect of the legislation

The policy and legislation changes recognise the positive impact on learners that a more flexible approach to KS4 provision has brought about. But they also reflect the importance of ensuring that the course offer is a quality one; both in terms of the content of courses and the relevance of provision to the learner and local needs.

The legal minimum of thirty course choices (of which five must be vocational) was seen to be putting pressure on some schools (particularly smaller / rural schools) in terms of the number of choices being offered, which deflected consideration around the quality of that offer. These Regulations will enable all schools to be able to focus on the quality of local provision at KS4 and an appropriate range of courses geared to learner and employer needs.

5. Consultation

The independent Task and Finish Group comprised of all the main stakeholder organisations. The review was also informed by a specific learner voice survey.

A consultation was undertaken between 4 November and 4 December 2013.

A total of thirty one consultation responses were received from organisations/individuals from across the following sectors: Schools; Trade Unions; 14-19 Networks / Local Authorities; Education Bodies; Awarding Bodies; Charities; Sector Skills.

A full summary of consultation responses was published in January 2014 at: <http://wales.gov.uk/consultations/education/14-19-learning-pathways-policy-the-way-ahead/?status=closed&lang=en> and can also be requested by emailing 14-19@wales.gsi.gov.uk.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been produced for these Regulations as the changes reflect a relaxation of existing Regulations on schools, allowing them greater freedom to determine the nature, content and quality of the local curriculum offer for KS4 learners. No further impact on schools is foreseen as a consequence of these Regulations.