

LEARNING AND SKILLS (WALES) MEASURE 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 2 LOCAL CURRICULUM FOR STUDENTS AGED 16 TO 18

Sections 21 – 39 amend, in most cases by inserting new sections, the **Learning and Skills Act 2000**

Section 25 *Determination of a pupil’s “relevant school or institution” (section 33D of the Learning and Skills Act 2000)*

71. The 16 to 18 local curriculum provisions operate by reference to the concept of a pupil’s “relevant school or institution”. The decision as to “relevant school or institution” (the identification of the school or institution from whose local curriculum a pupil is to be entitled to elect to follow courses) is the first stage in the decision-making process that eventually leads to an entitlement to follow a course of study.
72. It is for the head teacher of the school attended by a pupil during Key Stage 4 to decide which is a pupil’s relevant school or institution. It may be the school attended during Key Stage 4 (where it has a sixth form) or it may be a different institution for example a Further Education Institution. The identification of the relevant school or institution will depend on which school or institution the head teacher thinks the pupil is likely to attend once s/he ceases to be of compulsory school age. Before arriving at a conclusion, the head teacher will need to consult with the pupil in question as well as any school or institution which the pupil would like to attend. Once a determination has been made as to a pupil’s relevant school or institution, then, if the pupil actually attends that school or institution, it becomes responsible, in accordance with the following provisions of this Measure, for delivering 16 to 18 local curriculum entitlements enjoyed by that pupil.
73. Subsection (1) requires head teachers to determine a pupil’s relevant school or institution, if a pupil requests such a determination.
74. Subsection (2) defines a pupil’s relevant school or institution as one which in the opinion of the head teacher is likely to be responsible for the provision of the majority of the pupil’s education once the pupil is over compulsory school age.
75. Subsection (3) enables the Welsh Minister, in regulations, to may make provision as to the making of requests and determinations under this section. For example, provision as to the date or time by which a request or determination is to be made.
76. Subsection (4) expressly provides that this section does not create a duty on any person to admit a pupil to a particular schools or institution.