

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 28 *Head teacher's or principal's decisions as to entitlement (section 33G of the Learning and Skills Act 2000)*

85. It would probably be impossible to establish a system under which all elections to follow courses of study were converted into entitlements. For example, if only a handful of students in a local education authority area chose to follow a particular course it may not be an efficient use of resources to deliver that course. This is why subsection (1) enables head teachers or principals to decide, on specified grounds, that a student is not entitled to follow a particular course or courses of study.
86. Subsection (2) sets out the grounds on which a head teacher or principal may decide that a pupil is not entitled to follow a course of study.
87. Subsection (3) enables the Welsh Ministers in regulations to make provision connected with the making of decisions under subsection (1). For example regulations may provide for:
- (a) the time or date by which decisions are to be made;
 - (b) the procedure to be followed in making decisions.
 - (c) appeals to the governing body of the school or institution or to another person.
 - (d) the time or date for determining appeals
 - (e) the procedure to be followed in connection with determining appeals.
88. Subsection (4) imposes a duty on the head teacher or principal and the person charged with determining appeals under the regulations, to have regard to any guidance given by the Welsh Ministers about the exercise of the person's functions under this section. This could deal with matters such as liaison with other heads or principals (with a view to offering courses of study to students from each other's schools or institutions) before making a decision as to entitlement.
89. Subsection (5) enables Welsh Ministers by Order to amend or remove the existing grounds, add to them, and amend or remove any additions.