



# Learning and Skills (Wales) Measure 2009

## 2009 nawm 1

### PART 2

#### LOCAL CURRICULUM FOR STUDENTS AGED 16 TO 18

##### *Entitlements*

#### **28 Head teacher's or principal's decision as to entitlement**

After section 33F of the Learning and Skills Act 2000 (c. 21) insert—

##### **“33G Head teacher's or principal's decision as to entitlement**

- (1) If the head teacher or principal of a student's relevant school or institution is satisfied that any of the grounds in subsection (2) apply, the head teacher or principal may decide that the student is not entitled to follow a course of study which the student has elected to follow under section 33E.
- (2) The grounds referred to in subsection (1) are that—
  - (a) as a result of the student's level of educational attainment, the course of study is not suitable for him or her;
  - (b) as a result of other elections made by the student under section 33E(1), it is not reasonably practicable for him or her to follow the course of study;
  - (c) the amount of time likely to be spent travelling to the place at which the course is likely to be delivered would be detrimental to the student's education;
  - (d) disproportionate expenditure would be incurred if the student were to follow the course of study;
  - (e) the student's or another person's health or safety would be placed unacceptably at risk if the student were to follow the course of study.

**Changes to legislation:** Learning and Skills (Wales) Measure 2009, Section 28 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision—
- (a) as to the time or date by which decisions are to be made;
  - (b) as to the procedure to be followed in connection with the making of decisions;
  - (c) for appeals against decisions to be made to the school or institution's governing body or another person specified in the regulations;
  - (d) as to the time or date by which appeals are to be determined;
  - (e) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher or principal and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.”

#### Commencement Information

- I1** S. 28 in force at 19.1.2011 for specified purposes by S.I. 2011/97, art. 2(1)(d)
- I2** S. 28 in force at 14.2.2011 in so far as not already in force by S.I. 2011/97, art. 2(2)(e)

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**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 43(7) inserted by [2022 asc 1 Sch. 4 para. 25\(3\)](#)