



Learning and Skills (Wales) Measure 2009

2009 nawm 1

PART 1

LOCAL CURRICULUM FOR PUPILS IN KEY STAGE 4

Entitlements

9 Head teacher's decision as to entitlement

After section 116E of the Education Act 2002 (c. 32) insert—

“116F Head teacher's decision as to entitlement

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that the pupil is not entitled to follow a course of study which the pupil has elected to follow under section 116D(1).
- (2) The grounds referred to in subsection (1) are that—
 - (a) as a result of the pupil'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 pupil under section 116D(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 of study is likely to be delivered would be detrimental to the pupil's education;
 - (d) disproportionate expenditure would be incurred if the pupil were to follow the course of study;
 - (e) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to follow the course of study.

Status: This is the original version (as it was originally enacted).

- (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 governing body of a pupil's school 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 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.”