



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER I

##### THE CURRICULUM

###### *Principal provisions*

## **2 The National Curriculum.**

- (1) The curriculum for every maintained school shall comprise a basic curriculum which includes—
  - (a) provision for religious education for all registered pupils at the school
  - [<sup>F1</sup>(aa) in the case of a secondary school, provision for sex education for all registered pupils at the school;
  - (ab) in the case of a special school, provision for sex education for all registered pupils at the school who are provided with secondary education]; and
  - (b) a curriculum for all registered pupils at the school of compulsory school age (to be known as the National Curriculum) which meets the requirements of subsection (2) below.
- (2) The curriculum referred to in subsection (1)(b) above shall comprise the core and other foundation subjects and specify in relation to each of them—
  - (a) the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of each key stage (in this Chapter referred to as attainment targets);
  - (b) the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during each key stage (in this Chapter referred to as programmes of study); and

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- (c) the arrangements for assessing pupils [<sup>F2</sup>in respect] of each key stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage (in this Chapter referred to as assessment arrangements).

(3) Subsection (1)(a) above shall not apply in the case of a maintained special school.

#### Textual Amendments

- F1** S. 2(1)(aa)(ab) inserted (1.9.1994) by 1993 c. 35, s. 241(1); S.I. 1994/2038, art. 3(1), Sch.2.  
**F2** Words in s. 2(2)(c) substituted (27.7.1993) by 1993 c. 35, ss. 240(1), 308(3)

#### Modifications etc. (not altering text)

- C1** S. 2 except s. 2(1)(a) applied (with modifications) (1.4.1994) by S.I. 1994/653, reg. 42(1), Sch. Pt. I. Ss. 1-25 (Pt. I) except ss. 2(1)(a), 6, 9(3)-(10), 10(1) s. 2(1)(a) applied (9.5.1994) by S.I. 1994/1084, reg. 9  
**C2** S. 2(1)(ab) extended (1.9.1994) by S.I. 1994/2103, reg. 2(1), Sch. 1 Pt. I para. 3(1).  
**C3** S. 2(1)(a) restricted (1.4.1994) by 1993 c. 35, ss. 138(9), 139(2), 140(2) (with s. 155(11)); S.I. 1994/507, art. 3(1)  
S. 2(1)(a) modified (1.4.1994) by 1993 c. 35, s. 141(2)-(4) (with s. 155(11)); S.I. 1994/507, art. 3(1)

### 3 Foundation subjects and key stages.

- (1) Subject to subsection (4) below, the core subjects are—
- (a) mathematics, English and science; and
  - (b) in relation to schools in Wales which are Welsh-speaking schools, Welsh.
- (2) Subject to [<sup>F3</sup>subsections (2A), (2B) and (4)] below, the other foundation subjects are—
- (a) [<sup>F4</sup>. . . technology <sup>F5</sup>. . . and physical education; [<sup>F6</sup>(aa) in relation to the first, second and third key stages, [<sup>F7</sup>history, geography], art and music;]
  - (b) in relation to the third and fourth key stages, a modern foreign language specified in an order of the Secretary of State; and
  - (c) in relation to schools in Wales which are not Welsh-speaking schools, Welsh.

[<sup>F8</sup>(2A) In relation to schools in England—

- (a) a modern foreign language is not a foundation subject in relation to the fourth key stage before—
  - (i) 1st August 1996, in the case of pupils entering the first year of the key stage in 1996; and
  - (ii) 1st August 1997 in the case of all other pupils.
- (b) technology is a foundation subject in relation to pupils who entered the first year of the fourth key stage in 1993 but is otherwise not a foundation subject in relation to the fourth key stage before—
  - (i) 1st August 1996 in the case of pupils entering the first year of the key stage in 1996; and
  - (ii) 1st August 1997, in the case of all other pupils.

(2B) In relation to schools in Wales—

- (a) a modern foreign language is not a foundation subject in relation to the fourth key stage;

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- (b) technology is a foundation subject in relation to pupils who entered the first year of the fourth key stage in 1993 but is otherwise not a foundation subject in relation to the fourth key stage.]
- (3) Subject to subsections (4) [<sup>F9</sup>(5) and (5A)] below, the key stages in relation to a pupil are as follows—
- (a) the period beginning with his becoming of compulsory school age and ending at the same time as the school year in which the majority of pupils in his class attain the age of seven;
  - (b) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of eight and ending at the same time as the school year in which the majority of pupils in his class attain the age of eleven;
  - (c) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of twelve and ending at the same time as the school year in which the majority of pupils in his class attain the age of fourteen;
  - (d) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of fifteen and ending with the majority of pupils in his class ceasing to be of compulsory school age.
- (4) The Secretary of State may by order—
- (a) amend the foregoing provisions of this section; or
  - (b) provide that, in relation to any subject specified in the order, subsection (3) above shall have effect as if for the ages of seven and eight there mentioned there were substituted such other ages, less than eleven and twelve respectively, as may be so specified.
- (5) The head teacher of a school may elect, in relation to a particular pupil and a particular subject, that subsection (3) above shall have effect as if any reference to the school year in which the majority of pupils in that pupil's class attained a particular age were a reference to the school year in which that pupil attained that age.
- [<sup>F10</sup>(5A) If at any time, in the case of a pupil of compulsory school age, subsection (3) above does not, apart from this subsection, apply to determine the period within which that time falls, that subsection shall have effect as if—
- (a) in the case of paragraphs (a) to (c), any reference to the school year in which the majority of pupils in that pupil's class attained a particular age were a reference to the school year in which that pupil attained that age, and
  - (b) in the case of paragraph (d), the period were a period beginning at the same time as the school year in which he attained the age of fifteen and ending when he ceases to be of compulsory school age.]
- (6) In this section—
- “class”, in relation to a particular pupil and a particular subject, means the teaching group in which he is regularly taught that subject or, where there are two or more such groups, such one of them as may be designated by the head teacher of the school;
- “school”, except in subsection (5) above and the above definition, includes part of a school. [<sup>F11</sup>and
- “school year” means the period beginning with the first school term to begin after July and ending with the beginning of the next school year.]

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- (7) For the purposes of this section a school in Wales is a Welsh-speaking school if more than one half of the following subjects, namely—
- (a) religious education; and
  - (b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school;
- are taught (wholly or partly) in Welsh.

#### Textual Amendments

- F3** Words in s. 3(2) substituted (1.8.1994) by S.I. 1994/1814, art. 2(2).
- F4** Words in s. 3(2)(a) omitted (1.8.1994) by virtue of S.I. 1994/1814, art. 2(3).
- F5** Words in s. 3(2)(a) repealed (1.8.1992) by S.I. 1992/1548, art. 2(a).
- F6** S. 3(2)(aa) inserted (1.8.1992) by S.I. 1992/1548, art. 2(b).
- F7** Words in s. 3(2)(aa) inserted (1.8.1994) by S.I. 1994/1814, art. 2(4).
- F8** S. 3(2A)(2B) inserted (1.8.1994) by S.I. 1994/1814, art. 2(5).
- F9** Words in s. 3(3) substituted (1.4.1994) by 1993 c. 35, s. 307(1), Sch. 19 para. 113(a); S.I. 1994/507, art. 4(1), Sch. 2.
- F10** S. 3(5A) inserted (27.7.1993) by 1993 c. 35, s. 240(2)
- F11** Definition of “school year ” and the preceding word “and ” in s.3(6) added (27.7.1993) by 1993 c. 35, s. 240(3)

#### Modifications etc. (not altering text)

- C4** Ss. 1-25 (Pt. I) except ss. 2(1)(a), 6, 9(3)-(10), 10(1) applied (9.5.1994) by S.I. 1994/1084, reg. 9.

## 4 Duty to establish the National Curriculum by order.

- (1) It shall be the duty of the Secretary of State so to exercise the powers conferred by subsection (2) below as—
- (a) to establish a complete National Curriculum as soon as is reasonably practicable (taking first the core subjects and then the other foundation subjects); and
  - (b) to revise that Curriculum whenever he considers it necessary or expedient to do so.
- (2) The Secretary of State may by order specify in relation to each of the foundation subjects—
- (a) such attainment targets;
  - (b) such programmes of study; and
  - (c) such assessment arrangements;
- as he considers appropriate for that subject.
- (3) An order made under subsection (2) above may not require—
- (a) that any particular period or periods of time should be allocated during any key stage to the teaching of any programme of study or any matter, skill or process forming part of it; or
  - (b) that provision of any particular kind should be made in school timetables for the periods to be allocated to such teaching during any such stage.
- (4) An order under subsection (2) above may, instead of containing the provisions to be made, refer to provisions in a document published by Her Majesty’s Stationery Office

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and direct that those provisions shall have effect or, as the case may be, have effect as amended by the order.

- [<sup>F12</sup>(5) An order under subsection (2)(c) above—
- (a) may confer or impose such functions on the governing body and the head teacher and (in the case of maintained schools) on the local education authority as appear to the Secretary of State to be required, and
  - (b) may specify any such assessment arrangements as may for the time being be made by a person specified in the order.
- (6) Provision shall be made for determining the extent to which any assessment arrangements, and the implementation of the arrangements, achieve the purpose for which the arrangements are made; and such provision may be made by or under the order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.
- (7) The duties that may be imposed by virtue of subsection (5)(a) above include, in relation to persons exercising power in pursuance of provision made by virtue of subsection (6) above, the duty to permit them—
- (a) to enter the premises of the school,
  - (b) to observe the implementation of the arrangements, and
  - (c) to inspect, and take copies of, documents and other articles.
- (8) An order under subsection (2)(c) above may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order (other than provisions conferring or imposing functions as mentioned in subsection (5) (a) above) as appear to the Secretary of State to be expedient; and any provision made under such an order shall, on being published by Her Majesty's Stationery Office, have effect for the purposes of this Chapter as if made by the order.]

#### Textual Amendments

**F12** S. 4(5)-(8) substituted for s. 4(5) (27.7.1993) by 1993 c. 35, s. 240(4)

#### Modifications etc. (not altering text)

**C5** S. 4 restricted (1.9.1994) by 1993 c. 35, s. 241(4); S.I. 1994/2038, art. 3(1), Sch.2.

**C6** Ss. 1-25 (Pt. I) except ss. 2(1)(a), 6, 9(3)-(10), 10(1) applied (9.5.1994) by S.I. 1994/1084, reg.9.

## 5 Courses leading to external qualifications.

- (1) No course of study leading to a qualification authenticated by an outside person shall be provided for pupils of compulsory school age by or on behalf of any maintained school unless the qualification is for the time being approved by the Secretary of State or by a designated body and either—
- (a) a syllabus provided by the outside person for the purposes of the course is for the time being approved by such a body; or
  - (b) criteria so provided for determining a syllabus for those purposes are for the time being so approved.
- (2) An approval under this section may be given either generally or in relation to particular cases.
- (3) In this section—

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“designated ” means designated by the Secretary of State;

“outside person ”, in relation to a school, means a person other than a member of staff of the school.

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**Modifications etc. (not altering text)**

C7 S. 5 applied (with modifications) (1.4.1994) by S.I. 1994/653, reg. 42(1), Sch. Pt.I.

Ss. 1-25 (Pt. I) except ss. 2(1)(a), 6, 9(3)-(10), 10(1) applied (9.5.1994) by S.I. 1994/1084, reg.9.

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