

EDUCATION ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 6 – the Curriculum in England

The National Curriculum for England

Sections 81 to 89

Section 81 and 82: The foundation stage; The key stages

224. These sections re-enact section 355 of the EA 96 and add the foundation stage to the National Curriculum. They set out the key stages in relation to a pupil, which are defined according to age. For example, key stage 2 begins when the majority of children in a pupil's class reach eight and ends when the majority of pupils in a class reach eleven.
225. The foundation stage is defined as beginning when a child first receives publicly funded education on or after his or her third birthday and ending at the same time as the school year in which the child attains the age of five. Key stage 1 begins at the same time as the school year in which the child attains the age of six.

Section 83: Curriculum requirements for the foundation stage

226. This section sets out the proposed content and structure of the foundation stage of the National Curriculum.
227. The foundation stage comprises: early learning goals, which set out what most children are expected to achieve by the end of the foundation stage; six areas of learning; *Curriculum guidance for the foundation stage*, on which the education programmes of all publicly funded provision must be based; and a foundation stage profile, which assesses attainment at the end of the foundation stage. The foundation stage profile will summarise each child's progress in each area of learning and will provide substantial evaluative information about each child.
228. The section also gives the Secretary of State power to amend the areas of learning.

Sections 84 to 86: The key stages in England and the power to alter or remove requirements for the fourth key stage

229. *Sections 84 and 85* re-enact sections 353 and 354 of the EA 96, listing the subjects which are compulsory at each key stage and stating that the National Curriculum is to specify attainment targets, programmes of study and assessment arrangements in relation to each subject for each key stage. Section 86 adds a broad power to alter or remove requirements for the fourth key stage.
230. The requirements of the National Curriculum are now described separately in relation to the Foundation stage, key stages 1 to 3 and key stage 4. This will allow for different

*These notes refer to the Education Act 2002 (c.32)
which received Royal Assent on 24 July 2002*

provisions to apply at each stage. Separating out key stage 4 from the others allows for new requirements for this age group to be introduced in the future.

231. In reproducing in sections 84 and 85 the lists of foundation subjects from section 354 of the EA 96, the reference to “technology” has been replaced by references to “design and technology” and “information and communication technology” (which are the subjects actually taught).

Section 87: Establishment of the National Curriculum for England by order

232. This re-enacts section 356 of the EA 96 to include the foundation stage. The Secretary of State has order-making powers to specify in relation to each of the foundation stage areas of learning, early learning goals, educational programmes and assessment arrangements as appropriate; and in relation to the key stages the attainment targets, programmes of study and assessment arrangements which she considers appropriate for each subject. The previous prohibition on the subject of science including sexually transmitted diseases and human sexual behaviour has not been re-enacted.
233. It extends order making powers in relation to the foundation stage to include all providers who are currently receiving Government early years education funding.

Section 88: Implementation of the National Curriculum for England in schools

234. This re-enacts section 357 of the EA 96 in its application to England. It places a duty on LEAs, governing bodies and head teachers to ensure that the National Curriculum is implemented in maintained schools. This includes a new duty in respect of primary schools as the National Curriculum now includes the foundation stage.

Section 89: Implementation in respect of nursery schools etc

235. This extends the duty to ensure that the foundation stage of the National Curriculum is implemented to include all providers who are receiving Government early years education funding.