



# Education Act 2002

## 2002 CHAPTER 32

### PART 6

#### THE CURRICULUM IN ENGLAND

##### *General duties in respect of the curriculum*

#### **78 General requirements in relation to curriculum**

- (1) The curriculum for a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—
- (a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and
  - (b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life.

<sup>F1</sup>(2) .....

#### **Textual Amendments**

- F1** S. 78(2) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 1 para. 5, **Sch. 3 Pt. 1**; [S.I. 2008/2261](#), art. 2 (with [Sch. 1](#))

#### **Commencement Information**

- I1** S. 78 wholly in force at 1.10.2002; s. 78 not in force at Royal Assent, see s. 216; s. 78 in force for certain purposes at 26.7.2002 by [S.I. 2002/2002](#), art. 2 and at 1.10.2002 insofar as not already in force by [S.I. 2002/2439](#), art. 2 (with transitional provisions and savings in [Sch.](#))

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## 79 Duty to implement general requirements

- [<sup>F2</sup>(1) The Secretary of State shall exercise his functions with a view to securing that the curriculum for every maintained school or maintained nursery school satisfies the requirements of section 78.
- (2) Every [<sup>F3</sup>local authority] in England shall exercise their functions with a view to securing that the curriculum for every maintained school or maintained nursery school which they maintain satisfies the requirements of section 78.]
- (3) The governing body and head teacher of every maintained school or maintained nursery school shall exercise their functions with a view to securing that the curriculum for the school satisfies the requirements of section 78.
- (4) The functions referred to in subsections (1) to (3) include in particular—
- (a) functions conferred by this Part in relation to the National Curriculum for England, and
  - (b) except in relation to maintained nursery schools <sup>F4</sup>..., functions relating to religious education and religious worship.
- <sup>F5</sup>(5) .....
- [<sup>F6</sup>(6) In exercising any function which may affect the provision of sex education in maintained schools (whether or not as part of the education required to be provided under section 80(1)(d)), every local authority in England must have regard to relevant guidance issued by the Secretary of State under section 80A of this Act or section 403(1A) of the Education Act 1996.]
- (7) Except to the extent provided in subsection (6), nothing in this section shall be taken to impose duties on a [<sup>F3</sup>local authority] with regard to sex education.

### Textual Amendments

- F2** S. 79(1)(2) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 6\(2\)](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(2\)](#)
- F4** Words in s. 79(4)(b) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 6\(3\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F5** S. 79(5) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 6\(4\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F6** S. 79(6) substituted (1.9.2020) by [The Relationships Education, Relationships and Sex Education and Health Education \(England\) Regulations 2019 \(S.I. 2019/924\), reg. 1\(2\), Sch. para. 6](#)

## 80 Basic curriculum for every maintained school in England

- (1) The curriculum for every maintained school in England shall comprise a basic curriculum which includes—
- (a) provision for religious education for all registered pupils at the school (in accordance with such of the provisions of Schedule 19 to the School Standards and Framework Act 1998 (c. 31) as apply in relation to the school),
  - (b) a curriculum for all registered pupils at the school [<sup>F7</sup>who have ceased to be young children for the purposes of Part 1 of the Childcare Act 2006] but

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are not over compulsory school age (known as “the National Curriculum for England”),

- [<sup>F8</sup>(c) provision for relationships education for all registered pupils at the school who are provided with primary education,
- (d) provision for relationships and sex education for all registered pupils at the school who are provided with secondary education, and
- (e) provision for health education for all registered pupils at the school.]

(2) Subsection (1)(a) does not apply—

- (a) in relation to [<sup>F9</sup>pupils who are under compulsory school age] , or
- (b) in the case of a maintained special school (provision as to religious education in special schools being made by regulations under section 71(7) of the School Standards and Framework Act 1998).

[<sup>F10</sup>(2A) Subsection (1)(c) and (e) do not apply in relation to pupils who are under compulsory school age.]

(3) The Secretary of State may by order—

- (a) amend subsection (1) so as to add further requirements (otherwise than in relation to religious education [<sup>F11</sup>relationships education, relationships and sex education or health education]),
- (b) amend subsection (1)(b) by substituting for the reference to compulsory school age (or to any age specified there by virtue of this paragraph) a reference to such other age as may be specified in the order, and
- (c) amend any provision included in subsection (1) by virtue of paragraph (a) of this subsection.

#### Textual Amendments

- F7** Words in s. 80(1)(b) substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 1 para. 7(2)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F8** S. 80(1)(c)-(e) substituted for s. 80(1)(c)(d) (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), **Sch. para. 7(2)**
- F9** Words in s. 80(2)(a) substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 1 para. 7(3)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F10** S. 80(2A) inserted (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), **Sch. para. 7(3)**
- F11** Words in s. 80(3)(a) substituted (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), **Sch. para. 7(4)**

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

- C1** S. 80 applied (in part) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 19** (as amended (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), **Sch. para. 9**)

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## [<sup>F12</sup>80A Guidance about relationships, sex and health education

- (1) The Secretary of State must give guidance about the provision of education under section 80(1)(c), (d) and (e).
- (2) In relation to education provided under section 80(1)(c) and (d), the guidance must be given with a view to ensuring that—
  - (a) the pupils learn about—
    - (i) the nature of marriage and civil partnership and their importance for family life and the bringing up of children,
    - (ii) safety in forming and maintaining relationships,
    - (iii) the characteristics of healthy relationships, and
    - (iv) how relationships may affect physical and mental health and wellbeing, and
  - (b) the education is appropriate having regard to the age and the religious background of the pupils.
- (3) The governing body of a maintained school must have regard to guidance under this section.
- (4) The Secretary of State must review guidance under this section from time to time.
- (5) In this section “maintained school” includes a community or foundation special school established in a hospital.]

### Textual Amendments

**F12** Ss. 80A, 80B inserted (1.9.2020) by [The Relationships Education, Relationships and Sex Education and Health Education \(England\) Regulations 2019 \(S.I. 2019/924\)](#), reg. 1(2), **Sch. para. 8**

### Modifications etc. (not altering text)

**C2** Ss. 80A, 80B applied (with modifications) by [S.I. 2007/2979](#), **Sch. 1 para. 19** (as substituted (1.9.2020) by [The Relationships Education, Relationships and Sex Education and Health Education \(England\) Regulations 2019 \(S.I. 2019/924\)](#), reg. 1(2), **Sch. para. 9**)

## [<sup>F12</sup>80B Relationships education and relationships and sex education: statements of policy

- (1) The governing body of a maintained school must—
  - (a) make, and keep up to date, a separate written statement of their policy with regard to the provision of education under each of paragraphs (1)(c) and (d) of section 80, and
  - (b) publish a copy of the statement on a website and provide a copy free of charge to anyone who asks for one.
- (2) A statement under subsection (1) must include a statement of the effect of section 405(3) of the Education Act 1996 (exemption from sex education: England).
- (3) The governing body must consult parents of registered pupils at the school before making or revising a statement under subsection (1).
- (4) In this section “maintained school” includes a community or foundation special school established in a hospital.]

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