

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 5: Curriculum and Entitlements

Section 74: Curriculum requirements for the fourth key stage

326. This section substitutes two sections for section 85 of the 2002 Act, and introduces two new entitlements to the key stage 4 curriculum for pupils aged between 14 and 16 (“the fourth key stage” is defined at section 82(1)(d) of that Act). It does not change the present key stage 4 entitlement to the arts, design & technology, the humanities and modern foreign languages.
327. It is intended that all key stage 4 students will have a new entitlement to study science programmes leading to at least two GCSEs. The Department propose to make an order under new section 85(5)(b) specifying the combinations of GCSEs that would meet the entitlement and that will adequately prepare students for physics, chemistry and biology ‘AS’ and ‘A’ levels.
328. Under section 85A(1)(b), all key stage 4 students will be entitled to choose (as an alternative to the current key stage 4 entitlement) to follow a course of study (which will lead to a specialised diploma) in an entitlement area specified by the Secretary of State (referred to in the following notes as a ‘Diploma entitlement area’).
329. *Subsection (3)* of the section amends section 88 of the 2002 Act. Section 88(2) places new duties on local education authorities, governing bodies and head teachers to exercise their functions with a view to securing that courses of study within the Diploma entitlement areas are made available. This duty does not apply in relation to a particular Diploma entitlement area if the local education authority have determined that its provision would lead to disproportionate expenditure
330. **Section 88(3)** provides that section 88(2) does not entitle a pupil to follow a course within a particular Diploma entitlement area or to follow more than one course within different Diploma entitlement areas.
331. A school, in satisfying its duties in relation to courses of study within the Diploma entitlement areas, can do so by itself or in collaboration with another school or FE institution. Section 88(4) requires the governing body of a maintained school in particular to consider whether it would be appropriate to make “collaboration arrangements” with another school or a further education institution in order to secure provision of courses of study within the Diploma entitlement areas. Section 88(5) defines what is meant by “collaboration arrangements”.
332. **Section 88(6)** gives local education authorities new powers to make arrangements to secure provision of courses in Diploma entitlement areas from further education institutions.

*These notes refer to the Education and Inspections Act 2006
(c.40) which received Royal Assent on 8 November 2006*

333. [Section 88\(7\)](#) requires the Learning and Skills Council for England to co-operate with local education authorities in making arrangements to secure the provision of courses of study in the Diploma entitlement areas.