
STATUTORY INSTRUMENTS

1998 No. 2021

EDUCATION, ENGLAND AND WALES

**The Education (National Curriculum)
(Exceptions at Key Stage 4) Regulations 1998**

<i>Made</i>	- - - -	<i>13th August 1998</i>
<i>Laid before Parliament</i>		<i>13th August 1998</i>
<i>Coming into force</i>	- -	<i>3rd September 1998</i>

Whereas, following the referral to it of a proposal by the Secretary of State in accordance with subsection (2) of section 368 of the Education Act 1996⁽¹⁾, the Qualifications and Curriculum Authority (“the Authority”⁽²⁾) has, in accordance with subsection (3) of that section, given notice thereof to the bodies and persons referred to in that subsection and afforded them a reasonable opportunity of submitting evidence and representations as to the issues arising:

And whereas, in accordance with directions given by the Secretary of State under the said subsection (2), the Authority has submitted its report to the Secretary of State in accordance with subsection (4) of the said section 368;

And whereas the Authority has, after submitting its report to the Secretary of State, arranged for it to be published in accordance with subsection (5) of that section;

And whereas the Secretary of State has published a draft of these Regulations and sent copies of it to the Authority and all those who were consulted by the Authority, and has allowed a period of not less than one month for the submission of evidence and representations as to the issues arising in accordance with subsection (7) of that section:

Now therefore the Secretary of State for Education and Employment, in exercise of the powers conferred on the Secretary of State by sections 363, 368 and 569 of the Education Act 1996 hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Education (National Curriculum) (Exceptions at Key Stage 4) Regulations 1998 and shall come into force on 3rd September 1998.

(2) These Regulations apply in relation to maintained schools in England.

(1) *c. 56*. Section 368 was amended by paragraph 28 of Schedule 7 to the Education Act 1997 (*c. 44*).

(2) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997.

Interpretation

2. In these Regulations—

- “the Act” means the Education Act 1996;
- “approved qualification” means a qualification approved under section 400 of the Act⁽³⁾;
- “the Authority” means the Qualifications and Curriculum Authority;
- “careers adviser” has the same meaning as in section 44 of the Education Act 1997;
- “careers education” has the same meaning as in section 43 of the Education Act 1996;
- “curriculum plan” has the meaning given by regulation 3;
- “induction programme” means a programme to prepare a pupil for the curriculum to be provided by his work-related learning programme;
- “location” means the place where a pupil receives his work-related learning;
- “key skills” has the meaning given by regulation 4;
- “Key Stage 4” is to be construed in accordance with section 355(1) of the Act;
- “mentor” has the meaning given by Regulation 8;
- “parent” has the meaning given by section 576 of the Act;
- “school”, in relation to any pupil, means the school at which he is registered under section 434 of the Act; and
- “work-related learning programme” has the meaning given by regulation 5.

3.—(1) A curriculum plan is a plan which sets out—

- (a) the contents of the curriculum to be provided for a pupil attending a work-related learning programme; and
- (b) the educational targets to be achieved by that programme

with the aim of ensuring that the pupil receives a broad and balanced curriculum.

(2) In paragraph (1) of this regulation, the reference to the curriculum for a pupil is a reference to the whole of that curriculum, both in respect of the National Curriculum as modified pursuant to regulation 6 and in respect of the work-related learning programme attended by him.

4. “Key skills” means those skills known as—

- (a) application of number;
- (b) communication;
- (c) information technology;
- (d) working with others;
- (e) improving own learning and performance; and
- (f) problem solving;

which are taken into account by the Secretary of State in approving qualifications under section 400 of the Act.

5. A work-related learning programme is a programme which—

- (a) offers pupils experience of the working environment and working practices;

(3) The current list of approved qualifications is contained in Department for Education and Employment circular number 3/98, which is available from the Publications Centre (telephone 0845 6022260), or on the Internet at <http://www.open.gov.uk/dfec/publicdb/index/htm>.

- (b) provides pupils with the opportunity to develop literacy, numeracy and key skills through such experience;
- (c) is designed to complement the education being provided to pupils through the remainder of the National Curriculum which they are studying at school; and;
- (d) contributes, so far as is practicable, towards approved qualifications, whether vocational or not.

Disapplication of the National Curriculum

6.—(1) If the requirements of regulation 7 are satisfied, the National Curriculum shall not apply to a pupil in Key Stage 4 to the extent specified in paragraph (2), and his school may accordingly arrange for him to attend a work related learning programme.

(2) A pupil to whom paragraph (1) of this regulation applies shall not be subject to the requirements of the National Curriculum in respect of not more than two of the subjects mentioned in paragraph (3).

(3) Those subjects are—

- (a) modern foreign language;
- (b) design and technology; and;
- (c) science.

(4) The choice of which of the subjects in paragraph (3) shall be disapplied in relation to any pupil shall rest with his school, but before making that choice it shall consult the pupil and his parents.

7. The requirements of this regulation are satisfied if the school has made arrangements for the pupil to have

- (a) an interview (whether with the careers adviser who has responsibility for him or otherwise) for the purposes of careers education, before his work-related learning programme commences;
- (b) a curriculum plan prepared after discussion with the pupil and his parents; and;
- (c) an induction programme.

Mentors

8.—(1) At every location there shall be a person nominated by the school (“the mentor”) who shall have day-to-day responsibility for the pupil.

(2) Without prejudice to the generality of paragraph (1), the mentor’s duties shall in particular include responsibility for—

- (a) assisting the school with the preparation of the pupil’s curriculum plan and induction programme;
- (b) supporting and developing the pupil’s skills; and
- (c) attending the meetings mentioned in Regulation 9.

Meetings

9. During any period when a pupil is attending a work related learning programme, the school shall arrange a meeting to be attended by the pupil, his parents, a representative of the school (who has responsibility for that programme) and his mentor no less frequently than once in every six months.

Timetabling, preparatory work and liaison

10. The school shall ensure that, so far as is practicable, the pupil's timetable is so arranged, preparatory work is carried out, and liaison with those persons mentioned in regulation 9 is maintained, as to ensure that the requirements of his curriculum plan are met.

Information

11. The School shall make arrangements to monitor the attendance, progress and achievements of each pupil attending a work-related learning programme and shall provide a report relating to these matters to the pupil each term that he attends such a programme.

Information

12. Schools shall supply the Authority no later than 30 October in each year with details of—
- (a) the number of pupils in the first and second years of Key Stage 4 for whom the National Curriculum has been disapplied under these regulations;
 - (b) the subjects in respect of which the National Curriculum has been disapplied;
 - (c) the content of the work-related learning programmes attended by those pupils;
 - (d) the names of the persons involved in supplying those programmes and their locations; and
 - (e) any approved qualifications to which those programmes contribute.

13th August 1998

Andrew Smith
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the National Curriculum to be disapplied for pupils at Key Stage 4 in maintained schools in England, to allow attendance on a work-related learning programme. Regulations 2–5 contain definitions; regulation 6 provides for the extent of the permitted disapplication of the National Curriculum; and regulations 7 to 12 prescribe conditions. The latter include preparatory interviews, curriculum plans and induction programmes (regulation 7), mentors (regulation 8), meetings (regulation 9), timetabling (regulation 10) and reports and information (regulations 11 and 12).