

**EXPLANATORY MEMORANDUM TO:**  
**THE EDUCATION (NATIONAL CURRICULUM) (MODERN FOREIGN  
LANGUAGES) (ENGLAND) ORDER 2008**

**2008 No. 1766**

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.2 The Statutory Instrument will broaden the choice of modern foreign languages which may be taught at key Stage 3 from ‘a working language of the European Union’ to ‘any major spoken world language’.

**3. Matters of special interest to the Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 This Order revokes the Education (National Curriculum) (Modern Foreign Languages) (England) Order 2004, SI 2004/260 (“the 2004 Order”), which specifies that the first modern foreign language that schools teach at Key Stage 3 must be “a working language of the European Union”. The Order retains the requirement for all pupils to learn at least one modern foreign language at Key Stage 3 and does not affect schools’ existing freedom of choice over any second languages they may offer at this Key Stage.

4.2 As a result of this Order, the current requirement to offer a working language of the European Union (EU) will be replaced by a requirement to offer any modern foreign language, which will be supplemented by guidance promoting a choice among “major European or World languages such as Arabic, French, German, Italian, Japanese, Mandarin, Russian, Spanish and Urdu”. The definition of modern foreign language provided for in the 2004 Order continues to apply to any pupil who has already begun the third Key Stage.

**5. Territorial Extent and Application**

5.1 This instrument applies to England only.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7 Policy background**

7.1 At Key Stage 3, current regulations stipulate that schools must offer at least one course in an official working language of the EU. Once this statutory offer has been met, schools may offer any other additional language. A number of anomalies exist, however, with the current situation. As membership of the EU increases, some of the new languages which might currently be offered at Key Stage 3 cannot be continued into Key Stage 4, as there are no qualifications available. A number of the choices which schools may offer at present (Estonian or Latvian, for example) might be deemed 'minority languages' but under current legislation they are afforded a higher status than major world and European languages which could have greater relevance and resonance for English learners (for example, Urdu, Chinese or Russian). Finally, the current prescription over which languages must be taught at Key Stage 3 puts England at a relative disadvantage in relation to other EU member states. All EU member states have a list of languages which are either statutory or permitted in schools but in no other case are they restricted to the list of official EU languages. Our major partners in Europe (Germany and France) both offer Chinese and Japanese in school, for example - languages which are likely to assume an ever greater economic and social importance in the 21st century.

7.2 In line with recommendations made by Sir Ron Dearing in his Languages Review, we have taken the opportunity of the broader secondary curriculum review to remove prescription over which languages may be taught at Key Stage 3. By enabling schools to teach a broader range of languages, we will give schools real freedom of choice over what they offer, creating opportunities to better engage learners and providing a more relevant pool of national expertise in modern foreign languages.

### **Consultation**

7.3 In March 2005, Ministers asked the Qualifications and Curriculum Authority (QCA) to undertake a review of the Key Stage 3 curriculum to give schools the flexibility to meet students' individual needs and strengths more effectively. QCA was asked to review the content of all core and foundation subjects and to carry out a national consultation on proposed changes in each subject.

7.4 As with the other subjects of the National Curriculum, the QCA based its approach to designing a new programme of study for Key Stage 3 languages on feedback from its annual monitoring work with teachers, education researchers, subject specialists, parents and young people. From February 5th to April 30th 2007, QCA ran a national consultation on draft revised programmes of study for all subjects in the new secondary curriculum, including modern foreign languages. The consultation was open to anyone with an interest in what is taught in secondary schools and was achieved predominantly by means of an online survey managed by Ipsos Mori.

7.5 If they wished, consultees had the opportunity to comment on support and guidance materials to accompany the new curriculum via a separate and less formal survey, handled directly by QCA. In the first four weeks of national consultation there were approximately 230,000 hits on the website and about 2,000 people participated

by posting their comments online. In addition to the online surveys, in-depth interviews on the statutory elements of the new curriculum were held with subject specialists and school / curriculum managers. Information was also collected through QCA's contacts with teachers, Local Authorities and other interest groups – including those representing minority ethnic and disabled students. Regional events for parents and Local Authorities were held throughout the country and, in accordance with Section 96(3) of the Education Act 2002, QCA wrote to schools, Local Education Authorities, governing body organisations, organisations representing school teachers (e.g. unions and subject associations) and to others with whom consultation appeared desirable to give them notice of the consultation.

7.6 Those responding to the consultation in relation to modern foreign languages were asked whether they agreed or disagreed that schools should be allowed to offer all of the following languages at Key Stage 3 - major European or World languages such as Arabic, French, German, Italian, Japanese, Mandarin, Russian, Spanish and Urdu. Among those who responded, 82% agreed that schools should be allowed to offer all the languages listed and just nine per cent disagreed.

7.8 Having finalised the shape and content of the new curriculum, the Department sent the draft Order to the QCA and to all those who had been consulted by the QCA as part of the initial consultation. Attached to the Orders were the associated documents including the relevant programme of study and attainment targets as well as an impact assessment and a formal statement by the Secretary of State about the proposed changes to the curriculum. Further steps were taken to bring the draft Orders and associated documents to the attention of others with an interest by posting the same information on the Department's Standards Site. A dedicated e mail address was set up for responses and between 10<sup>th</sup> March and 13<sup>th</sup> April 2008 consultees had the opportunity to submit evidence and make representations on any aspect of the documentation. Of the responses received, none related to the choice of languages at Key Stage 3.

## **Guidance**

7.9 Guidance and support for teachers of modern foreign languages at Key Stage 3 is available via the QCA's secondary curriculum website at [curriculum.qca.org.uk](http://curriculum.qca.org.uk). The site offers subject specific case studies along with guidance on curriculum design and a bigger picture of the new secondary curriculum. Subject-specific workshops and online support for modern foreign languages are being provided by the CfBT Education Trust in partnership with national subject associations. 1,000 places at one day regional training events have been provided for subject leaders in modern foreign languages. These are taking place in schools and are backed up by online resources and regionally-based language advisers to support local networking. Online support for language teachers includes a 'Curriculum Making Guide' for language teachers, case studies, downloadable resources, web casts and recorded presentations from the regional events. In addition, CILT (The National Centre for Languages) and the National Strategies are running a Key Stage 3 Dissemination and Development Programme. 355 Strategic Learning Networks have been set up nationally to provide training and support on the Key Stage 3 framework of objectives for modern foreign languages, supported by a suite of repurposed e-learning modules at ([www.nationalstrategiescpd.org.uk/mfl](http://www.nationalstrategiescpd.org.uk/mfl)).

## **8. Impact**

8.1 An impact assessment covering changes to all subjects of the National Curriculum was prepared as part of the wider secondary curriculum review. This is available to view or download at <http://www.berr.gov.uk>. As there will be no additional impact on the business and voluntary sectors as a result of this change, no separate Regulatory Impact Assessment has been prepared in relation to this Order.

## **9. Contact**

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