
EXPLANATORY NOTE

(This note is not part of the Order)

This is the first Commencement Order made by the Welsh Ministers under the Learning and Skills (Wales) Measure 2009. It brings into force on 7 December 2009 and 1 January 2010 various provisions of the Measure specified in article 2 of the Order.

The provisions of the Measure brought into force on 7 December 2009 are as follows:

- Section 1 contains definitions.
- Section 4 (which is commenced for the purpose of carrying out preparatory work, making regulations and issuing directions) inserts section 116A into the Education Act 2002 (“the 2002 Act”) which requires local authorities to form one or more local curricula for 14-16 year olds.
- Section 7 (which is commenced for the purpose of making regulations) inserts section 116D into the 2002 Act which confers on pupils the right to elect to follow a particular course of study.
- Section 9 (which is commenced for the purpose of making regulations) inserts section 116F into the 2002 Act which makes provision for a head teacher to decide that a pupil is not entitled to follow a particular course or courses of study.
- Section 11 (which is commenced for the purpose of making regulations) inserts section 116H into the 2002 Act which makes provision for a head teacher to decide that a pupil is no longer be entitled to follow a course of study.
- Section 12 inserts section 116I into the 2002 Act. This requires governing bodies of secondary schools, head teachers, governing bodies of further education institutions and their principals to assist local education authorities in planning their local curricula.
- Section 13 inserts section 116J into the 2002 Act which makes provision in relation to maximising the availability of courses of study included in a local curriculum.
- Section 14 inserts section 116K into the 2002 Act which makes provision in relation to the joint-working obligations imposed by section 116J.
- Section 18 inserts section 116O into the 2002 Act and makes provision about directions.
- Section 20 amends section 210 of the 2002 Act in relation to the procedure for making regulations and orders.
- Section 40 makes provision in relation to the provision of learner support services by the governing bodies of schools and further education institutions.
- Section 41 requires governing bodies to comply with a direction given under section 40.
- Section 42 amends section 126 of the Learning and Skills Act 2000 so that it applies in relation to learner support services and section 127 of that Act so that Estyn can arrange for inspections of the provision of learner support services.
- Section 43 makes provision for each “relevant pupil” or “relevant student” to be provided with a document which records his or her learning pathway.
- Section 44 defines terms used in section 43.
- Section 45 inserts a new section 45B into the Education Act 1997 which permits careers services providers to require schools and further education institutions to provide them with curriculum information.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Section 47 and paragraphs 11 to 22 of the Schedule contain minor and consequential amendments.

The provisions of the Measure brought into force on 1 January 2010 are as follows:

- Section 2 amends section 100 of the 2002 Act in relation to the general requirements for the curriculum for a maintained school.
- Section 3 amends section 101 of the 2002 Act in relation to the basic curriculum for schools.
- Section 5 inserts section 116B into the 2002 Act to require local education authorities to promote access to and availability of courses of study which are taught in the Welsh language.
- Section 6 inserts section 116C into the 2002 Act which makes provision for a local education authority that forms more than one local curriculum.
- Section 7 is commenced fully.
- Section 8 inserts section 116E into the 2002 Act which makes provision as to a pupil's entitlement to follow a chosen course of study.
- Section 9 is commenced fully
- Section 10 inserts section 116G into the 2002 Act which imposes a duty on a school governing body to deliver local curriculum entitlements during the fourth key stage.
- Section 11 is commenced fully.
- Section 15 inserts section 116L into the 2002 Act which allows Welsh Ministers to amend section 116A(3) of that Act.
- Section 16 inserts section 116M into the 2002 Act which provides for the making of regulations to apply the local curriculum provisions to children who are not registered pupils of maintained schools.
- Section 17 inserts section 116N into the 2002 Act which provides for the making of regulations to apply the local curriculum provisions in respect of registered pupils of special schools.
- Section 19 amends section 107 of the 2002 Act in relation to the power to alter or remove requirements for the fourth key stage.

Article 3 of the Order makes transitional provision in relation to the report required to be published under section 116B of the 2002 Act on Welsh medium courses.