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Learning and Skills (Wales) Measure 2009

Local Curriculum for Pupils in Key Stage 4 Guidance



Guidance

Welsh Assembly Government Circular No: 012/2010

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Learning and Skills (Wales) Measure 2009

Audience	Local Education Authorities; Governing bodies of maintained secondary schools; Head teachers of maintained secondary schools; Governing bodies of further education institutions; Principals of further education institutions; 14-19 Network partners; Estyn.
Overview	This statutory guidance aims to provide details about how the Learning and Skills (Wales) Measure 2009 will work in practice to benefit 14-19 young people, the economy and communities in Wales.
Action required	Full compliance with the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009 by the school year 2010/2011.
Further information	Any questions should be addressed to: Rebecca Olney Children and Young People's Strategy Division Department for Children, Education, Lifelong Learning and Skills Welsh Assembly Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6959 e-mail: 14-19@wales.gsi.gov.uk
Additional copies	Further copies may be obtained at the above address. This document can be accessed from the Welsh Assembly Government website at www.wales.gov.uk
Related documents	See Annex C.



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Ministerial Foreword

The Learning and Skills (Wales) Measure 2009 represents a major step in securing wide curriculum choice and high quality learning support for 14-19 year old learners across Wales. It will make a significant contribution to the preparation of our young people for high skilled employment and higher education. It will assist in the establishment of a strong, enterprising and vibrant economy based upon quality employment.

The distinctive approach adopted in Wales places emphasis upon cooperation between learning providers in the transformation of the learning experiences for 14-19 year olds. The challenge is for us to work together to present young people with a wider range of choice that better meets their individual needs complemented with high quality learning support. This will be available across a bilingual Wales.

I am therefore delighted to present within this document guidance covering:

- Promoting access and availability of Welsh Medium courses;
- Planning the local curriculum; and
- Joint working.

I applaud the considerable work that has already been undertaken by local authorities and learning providers in moving the Learning Pathways 14-19 agenda forward. I would also like to convey my thanks to all of those who have assisted in the formation of this guidance.



Leighton Andrews AM
Minister for Children, Education and Lifelong Learning

Summary

The Learning and Skills (Wales) Measure 2009 (“the Measure”) provides a statutory basis for 14-19 Learning Pathways.

The 14-19 Learning Pathways policy has the potential to transform provision and support for learners, raise achievement and attainment, prepare young people for high skilled employment or higher education and enable Wales to compete in Europe in the 21st century. Encompassing the basic principles of this policy in a legal framework ensures that the policy will be implemented in a consistent way to the benefit of 14-19 year old learners across Wales.

The Measure received the support of the National Assembly on 17th March 2009 and gained Royal Approval on 13th May 2009.

The Measure secures the creation of local curricula that will contain a wide range of courses and opportunities which learners aged 14-19¹ in Wales will have right to elect from. The Measure also sets out the entitlement of learners to follow their elected course of study.²

The Measure places a duty on Local Education Authorities in Wales to form local curricula for learners in Key Stage 4. It also provides Welsh Ministers with regulation making powers to stipulate the minimum number of courses of study to be included within a local curriculum, and the minimum number of vocational courses of study to ensure that local area curricula contain a wide range of options of study both academic and vocational in nature.

This guidance is concerned with the local curriculum for pupils in Key Stage 4. For Post 16 learners Welsh Ministers will form the local curricula. Welsh Ministers will set the minimum number of courses of study to be included within a local curriculum, and the minimum number of vocational courses of study to ensure that, as at Key Stage 4, local area curricula contain a wide range of options of study both academic and vocational in nature. Further regulations and guidance will be issued in relation to the local curriculum for students aged 16 to 18 prior to its introduction, currently planned for September 2011.

¹ That is those aged 14 up to (but not including) 19th birthday.

² Should a learner change school/further education college after making their elections, the entitlement ceases. If a head teacher or principal is satisfied that any of the grounds set out in section 9 (Key Stage 4) or section 28 (16-18 learners) of the Measure apply the head teacher or principal may decide a learner is not entitled to follow their elected course study.

Duties on local education authorities

- Each local education authority will be responsible for forming for its area one or more local curricula for pupils in Key Stage 4.
- Each local education authority must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language. Within two months of the end of each academic year, a local education authority must provide the Welsh Ministers with a report describing; the courses of study included in the local curricula through the medium of Welsh; how many pupils elected to follow such courses and were entitled to do so; what the authority plans to do in the following academic year(s) so that pupils are given the opportunity to follow local curricula courses of study taught through the medium of Welsh.
- In relation to the local curriculum or curricula (for Key Stage 4 and students aged 16 to 18) for the area of a local education authority, the local education authority must take all reasonable steps in order to maximise the availability of courses of study included in a local curriculum.

Local Education Authorities will also be under a duty to have regard to a series of guidance issued by Welsh Ministers under the Measure and to comply with directions of Welsh Ministers.

Duties on Head teachers and Governing Bodies of Maintained Schools

- Where a pupil is entitled to follow a course of study (Key Stage 4), the governing body of the pupil's school must ensure that the course is made available to the pupil.
- The governing body and head teacher of maintained secondary schools must assist the local education authority in planning the local curricula for pupils in Key Stage 4.

- In relation to the local curriculum or curricula for Key Stage 4 pupils, the governing body of a maintained secondary school must take all reasonable steps in order to maximise the availability of courses of study included in a local curriculum for the local authority area.
- A head teacher must provide pupils of the school with a learning pathway document, recording his or her learning pathway, including the courses of study the pupil is entitled to follow and any learner support services to be provided.

If a head teacher is satisfied that, in relation to decisions as to entitlement, any of the grounds set out in section 116F of the Education Act 2002, inserted by section 9 of the Measure, apply then the head teacher may decide that a pupil is not entitled to follow a course of study which he/she had elected to follow.

Similarly, if a head teacher is satisfied that, in relation to decisions to remove entitlement, any of the grounds set out in section 116H of the Education Act 2002, inserted by section 11 of the Measure, apply then the head teacher may decide that a pupil is no longer entitled to follow a course of study that he/she was entitled to follow (section 116H of the Education Act 2002 inserted by section 11 of the Measure).

Head teachers and governing bodies of maintained secondary schools will also be under a duty to have regard to a series of guidance issued by Welsh Ministers under the Measure and to comply with directions of Welsh Ministers.

Duties on Principals and Governing Bodies of Further Education Institutions

- The governing body and principal of an institution within the further education sector must assist the local education authority in planning the local curricula for pupils in Key Stage 4.

- In relation to the local curriculum or curricula for Key Stage 4 pupils for the area of a local education authority, the governing body of an institution within the further education sector situated within that area must take all reasonable steps in order to maximise the availability of courses of study included in local curricula.

Principals and governing bodies of institutions within the further education sector will also be under a duty to have regard to a series of guidance issued by Welsh Ministers under the Measure and to comply with directions of Welsh Ministers.

Guidance

This statutory guidance is issued under sections 116B, 116I and 116K of the Education Act 2002 as inserted by Part 1 of the Measure, and sets out actions required to support the Key Stage 4 provisions. These are:

- **Local curricula: Welsh language**

Guidance may be given to a particular local authority, or to authorities of a particular class or to authorities generally, regarding the promotion of access and availability to courses of study taught through the medium of the Welsh language. Local education authorities must have regard to any such guidance given by Welsh Ministers (section 116B(2) of the Education Act 2002).

- **Planning the local curriculum**

The governing body and head teacher of any maintained secondary school maintained by the authority and the governing body and principal or other head of an institution within the further education sector in the authority's area must have regard to any guidance by Welsh Ministers as to exercise of their functions in planning the local curriculum (section 116I (3) of the Education Act 2002).

- **Joint-working: guidance and directions**

Local education authorities, the governing body of any maintained secondary school and the governing body of an institution within the further education sector in the authority's area must have regard to any guidance from Welsh Ministers as to discharge of their duties to maximise the availability of courses (section 116K(1) of the Education Act 2002).

Section 1: 14-16 Local curricula: Promoting access to and availability of Welsh medium courses

Background

1.1 The expansion of Welsh-medium and bilingual learning in post-14 provision is one of the Department for Children, Education, Lifelong Learning and Skills (DCELLS) priorities in line with the 14-19 Learning Pathways agenda and policy document *The Learning Country: Vision into Action*, as well as *Iaith Pawb - A National Action Plan for a Bilingual Wales* and the *One Wales* commitments.

1.2 The Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009 require a minimum number of vocational courses in a local curriculum, and local authorities should in particular bear this in mind when discharging their duty to promote access to and availability of courses of study which are taught through the medium of the Welsh language.

1.3 The Welsh Assembly Government's Welsh-medium Education Strategy³ Strategic Aim 2 is "To improve the planning of Welsh-medium provision in the post 14 phases of education and training, to take account of linguistic progression and continued development of skills". Local education authorities should have due regard to this aim in their future planning of Welsh-medium vocational provision.

Planning at Local Level: LEAs and 14-19 networks

1.4 In planning and forming the local curricula for their area, local education authorities must promote access to and the availability of courses of study which are taught through the medium of the Welsh language. In the discharge of this duty a local education authority must have regard to any guidance given by Welsh Ministers.

1.5 Local education authorities should demonstrate that full consideration has been given to linguistic continuity and progression in developing courses for the local curriculum at Key Stage 4.



³ This document was published for consultation in May 2009.

1.6 In seeking to promote access and availability the local education authority should:

- support networks in ensuring that Welsh medium and bilingual institutions are properly represented;
- consider the appropriateness of establishing Welsh medium sub-groups which would be able to consider the planning needs of the Welsh medium and bilingual sectors in more detail;
- facilitate cross-border partnerships between Welsh medium and bilingual providers where this assists the development of 14-19 Welsh medium and bilingual education;
- ensure that information and good practice in the delivery of Welsh medium and bilingual education is shared.
Where appropriate use should be made of Welsh Medium/ Bilingual Regional Forums.

Linguistic Continuity

1.7 The promotion of linguistic continuity of study should be an integral part of the planning of local curricula at Key Stage 4 by all local authorities. It is therefore essential that the local education authority should take all appropriate steps to ensure that a young person who has followed some or all of his/her subjects through the medium of Welsh at Key Stage 3 should be given the opportunity to do so at Key Stage 4. The quality of a young person's linguistic experience should be viewed holistically when planning the local curriculum. A young person's wish to continue to follow his/her education through the medium of the Welsh language should be fully taken into account when planning the delivery of the curriculum.

1.8 For a course to be classified as a Welsh medium course within a local curriculum, all aspects of the course should be available through the Welsh language; the teaching and the assessment procedure in its entirety, and the learning resources where appropriate⁴.

⁴ For example, it may be deemed appropriate to use of original source material in a history course in the language of its origin.

1.9 In authorities where there is no Welsh speaking school, the local education authority should seek to make arrangements with neighbouring authorities for provision for learners who wish to study through the medium of Welsh. Local education authorities with Welsh speaking schools may also choose to make such arrangements for provision with neighbouring authorities for some pupils within the local education authority area.

1.10 Where a pupil attends a Welsh speaking school,⁵ then in forming the local curriculum for that school, a local education authority should ensure that the pupil is able to access a local curriculum that meets the minimum entitlement (as set out in The Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009) through the medium of Welsh. However, in order to recognise existing practice where Welsh speaking schools currently deliver some courses through the medium of English the institution may count this toward the local curricula minimum entitlement.

1.11 No action should be taken that would unfavourably affect the existing proportion of Welsh medium courses within Welsh speaking schools. Any increase in local curriculum courses offered via a Welsh speaking school should therefore entail an increase in Welsh medium course provision. For schools defined as category 1 Welsh medium schools or Bilingual schools in category 2A⁶ in Information document No: 023/2007: Defining schools according to Welsh medium provision⁷, there should be no increase in the number of English medium courses.

⁵ For the purpose of this guidance the definition of a 'Welsh speaking' school in section 106(4) of the Education Act 2002 (National Curriculum requirements) is used. This states: *'[...] a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh -*
(a) religious education, and
(b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school'.

⁶ **Category 1** - All subjects (including RE and PSE) apart from English are taught through the medium of Welsh to all pupils, although some schools may introduce English terminology in one or two subjects.

Category 2A - At least 80% of subjects apart from English and Welsh are taught only through the medium of Welsh to all pupils. One or two subjects are taught to some pupils in English or in both languages.

⁷ <http://new.wales.gov.uk/topics/educationandskills/publications/guidance/definingschools?lang=en>.

Reporting Requirements

1.12 Section 116B(4) of the Education Act 2002 sets out that within two months of the end of each academic year a local education authority must provide the Welsh Ministers with a report which:-

- (a) describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;
- (b) describes how many pupils elected⁸ to follow such courses under section 116D and how many pupils were entitled⁹ to follow such courses under section 116E;
- (c) explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local curricula courses of study which are taught through the medium of Welsh.

1.13 The first report required under this provision will relate to the academic year 2010 to 2011 (so must be provided within two months of the end of that academic year)¹⁰.

1.14 The local curricula for each local education authority area will be established by January of each year and the curricula offer will specify the courses of study that will be taught through the medium of Welsh.

1.15 Careers Wales on Line¹¹ provides a mechanism to collect local curricula information and the local education authority should ensure that information, including language of delivery, is input on Careers Wales on Line.

1.16 This will enable the local authority to run automated reports that will fulfil reporting obligations under 1.14 (a). An example report is shown at Annex A.



⁸ This is the number of pupils opting for each course described in 1.14(a).

⁹ This is the number of pupils who are studying each of the courses in 1.14(a).

¹⁰ See article 3 of the Learning and Skills (Wales) Measure 2009 (Commencement No. 1 and Transitional provision) Order 2009, S.I. 2009/3174 (W.276).

¹¹ <http://new.careerswales.com/prof>.

1.17 The final two columns will need to be updated to provide information on how many pupils elected to follow these courses and how many pupils were entitled to follow such courses. Completion of these columns will provide the necessary information detailed in 1.14 (b).

1.18 The Welsh Language Board's Preparing Welsh Education Schemes: Advice to Local Authorities under Section 3 of the Welsh Language Act 1993 September 2009 sets out requirements for reporting on expanding provision:

"7.4 Describe the activities of the Learning Pathways Network to extend provision for 14-19 year old pupils and students either in terms of increasing the number of subjects available across the County or in terms of increasing Welsh medium and bilingual provision in those areas where there are currently gaps."

Local authorities are required to report to the Welsh Language Board every three years. The local education authority should extract this detail and submit to Welsh Ministers to fulfil reporting requirements under 1.14 (c).

1.19 In the interim years, local education authorities should review their return and submit an annual update to Welsh Ministers, reporting on progress toward their three year plan and note any revisions.

Section 2: Planning the local curriculum

Background

2.1 14-19 Learning Pathways policy aims to transform provision and support for learners, raise achievement and attainment, prepare young people for high skilled employment or higher education and enable Wales to compete in Europe in the 21st century.

Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009

2.2 The key objective of the Measure is to improve outcomes and attainment for 14-19 learners. The Measure creates a right for learners aged 14-19 in Wales to elect to follow a course of study from a local curriculum. Each local curriculum will contain a wide range of options of study, both academic and vocational. Delivering a wider choice of courses will help ensure that learners have an improved opportunity to pursue the course of study best suited to their individual interests, learning styles, skills and abilities; and will contribute to improved outcomes for learners.

2.3 By regulations¹², Welsh Ministers can specify the minimum number of courses of study necessary to form a local curriculum at Key Stage 4. The Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009 (the local curriculum regulations) set out that by 2012, each local curriculum must contain a minimum of 30 courses and score at least 780 points¹³. This must consist of a minimum of 5 vocational courses of study scoring at least 260 points.

2.4 Banding arrangements for local authorities have already been established which reflect and recognise the different starting points and challenges faced by schools across Wales. A banding position has been agreed for each local education authority and these are set out in the local curriculum regulations. Each area will move progressively toward a Key Stage 4 minimum entitlement of 30, to be achieved across Wales by 2012.



¹² https://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20093256_en_1.

¹³ Further details on the points for individual courses can be found in the Database of Approved Qualifications in Wales <http://www.daqw.org.uk/>.

2.5 Schools in local education authorities in Band A must meet full minimum requirements including the offer of at least 30 courses in 2010; those in Band B must offer at least 28 courses in 2010; and Band C at least 26 courses in 2010. This will increase by 2 courses each year until the minimum of 30 is achieved.

2.6 To ensure learners have genuine access to a minimum of 30 courses by 2012, where a course is offered in both Welsh and English in a single local curriculum, this should constitute just one choice, although the score for each course will contribute to the overall points requirement.

2.7 Where courses, such as GCSE and GCSE short courses in the same subject are included in a single local curriculum, just one choice should be recorded. Where a BTEC First Certificate and a BTEC First Diploma in the same subject are included in a single local curriculum, just one course should be recorded. Again the score for each course will contribute to the overall points requirement.

Formation of the local curricula for pupils in Key Stage 4

2.8 Each local education authority must form, for its area, one or more local curricula for pupils in Key Stage 4¹⁴. In determining the appropriateness of local curricula clusters or a single local curriculum model for its area, a local education authority should be informed by existing 14-19 Network cooperative developments and the obligation to maximise the availability of courses of study included in local curricula. Each local curriculum formed must meet the minimum requirements set out in the local curriculum regulations.

2.9 Existing partnerships and cooperative arrangements may show Welsh medium, bilingual or faith institutions working together. The local education authority should be sensitive to choices made by learners to attend these institutions and promote local curricula clusters that reflect these choices.



¹⁴ (s116A Education Act 2002).

2.10 A local education authority should also consider the efficiency and effectiveness of the local curriculum model. This should include consideration of practical and logistical factors. Any process for the selection of an appropriate local curriculum model should have as its central consideration the need to improve outcomes for learners.

Duty to assist the local education authority in planning the local curricula

2.11 The governing body and head teacher of any maintained secondary school, with the exception of community or foundation special schools, must assist that local education authority in planning the local curricula.¹⁵

2.12 Similarly, the governing body and principal or other head of an institution within the further education sector in the local authority's area must assist a local education authority in planning the local curricula.

2.13 Planning the local curricula means the process by which a local education authority, in consultation with partners, decides which courses of study to include in the local curricula.

Cross border cooperation

2.14 It may be advantageous for those who must assist the local education authority to plan the local curriculum for its area¹⁶ - "local curriculum planners" - to consider the sharing or inclusion of provision with education providers outside of the local education authority. This will be particularly relevant for Welsh medium provision and may also have relevance for some institutions whose nearest school or further education college may be situated in a neighbouring local education authority.

¹⁵ (s.116I Education Act 2002).

¹⁶ S. 116I of the Education Act 2002.

Role of the Network

2.15 Prior to the implementation of the Measure the strategic planning of 14-19 provision within a local authority area rested with 14-19 Networks¹⁷. The 14-19 Networks have worked to expand the choice of courses available to learners within their respective area and secure appropriate progression opportunities for learners. The local education authority should fully employ the 14-19 Network in forming a local curriculum. This will ensure developments and considerations are not restricted to 14-16 years, but extend to the 14-19 context to facilitate continuity and coherence for learners.

General responsibilities for education

2.16 Each local education authority is under a duty to secure that there are sufficient schools available in their area to provide for all pupils the opportunity of appropriate education¹⁸. Appropriate education is that which offers such variety of instruction and training as may be desirable in view of the pupils' different ages, abilities and aptitudes. This includes learners with Additional Learning Needs. Local curriculum planners will need to address the general responsibilities for education, along with the requirements of the local curriculum regulations.

2.17 The local curriculum regulations set out that each local curriculum must consist of a minimum of 30 level 2¹⁹ courses by 2012 and also specifies a minimum point value for each local curriculum. In reaching the minimum point requirement local curriculum planners should consider pupils abilities and aptitudes and promote the inclusion of suitable provision for learners whose needs may be best met by courses at a lower or higher level.

2.18 Curriculum planners must have regard to guidance issued on Special Educational Needs and Additional Learning Needs; the Special Education Needs Code of Practice for Wales 2002, and Inclusion and Pupil Support Guidance 2006.

¹⁷ A 14-19 Network is a strategic partnership of learning providers, the local education authority and other organisations in the statutory and voluntary sector, working toward improved outcomes for 14-19 learners.

¹⁸ (s14 Education Act 1996).

¹⁹ Where level 2 cannot be delivered pre 16, for example due to health and safety requirements, the relevant level 1 qualification will constitute the course.



2.19 Learners who are unable to access level 2 courses due to their additional learning needs should have opportunities to pursue a choice of courses that allow them to make good progression towards level 2 qualifications. Where this is not possible due to the severity of the individual's need, the courses should lead towards independent living and working within the community.

2.20 There should be an appropriate range of courses below level 2 to meet the need of learners for whom these programmes are most suitable.

Curriculum design

2.21 Learner interest and demand should be a key factor in determining the local curriculum. Planners will be aware that for a local curriculum to be viable it has to be attractive to young people. Learner surveys, where available, will provide a valuable insight into local learner interests and preferences. If learner surveys are not available curriculum planners should identify an appropriate means of obtaining such information. For example, this could consist of a sampling of learner opinion.

2.22 When planning local curricula, Head teachers, Principals and their Governing Bodies together with the local education authority should take account of available labour market intelligence and local and regional priorities. This will help ensure the future needs and future priorities of the economy and business sector are reflected and help secure that learners are provided with the opportunity to gain suitable skills and qualifications for the work environment. Use should be made of, but not limited to, information available within local authority and Welsh Assembly Government published reports.

2.23 Planners should seek to ensure that local curriculum providers progressively move toward reducing unnecessary duplication of provision. Duplication can be seen as unnecessary where its existence results in excess capacity within a defined local curriculum area. In such circumstances provision could be more effectively delivered by one partner school or institution on behalf

of others within the cluster. Over time, such adjustments could assist individual institutions in maximising the number of courses they are able to offer their learners. This would, for example, be achieved by the releasing of resources for an expanded cooperative curriculum offer.

2.24 When commissioning or developing a new course for inclusion in local curricula, planners should consider curriculum balance and identify the domains or subject areas that may be relatively less developed in a local curricula. Consideration should also be given to the need to develop courses in existing areas of provision if there is an increasing demand for them.

2.25 Particular attention should be paid to courses that have been included in the local curriculum in any preceding two years but have not run. Curriculum planners should not repeatedly include such provision in a local curriculum without reason to believe the course would attract sufficient learners to run.

Realisable curriculum offer

2.26 All courses included within a local curriculum must be accessible to the learners covered by that local curriculum. This includes travel arrangements where necessary. However curriculum planners should fully explore the potential to use modern technologies to avoid learners having to travel, and also the movement of course deliverers in the first instance. Where planners conclude that travel is necessary to achieve wider choice, they should seek to limit this, and full or half day arrangements should be used where possible.

Quality of provision

2.27 The quality of the learning experience should be a fundamental consideration when planning the local curricula. Planners should ensure that any cooperative or shared provision included in a local curriculum meets appropriate quality thresholds as defined within the common inspection framework. The base school²⁰ should ensure that appropriate quality processes are



²⁰ The base school is the school at which the pupil is registered.

in place for any cooperative course in which their learners are engaged. Sources of information to assist in such considerations could include the most recent Estyn inspection, attainment or value added data from the learning provider, and self assessment report detailed in the Annual Network Development Plan or from the learning provider.

Impartiality

2.28 Information should be given in an impartial manner and advice should be tendered which is considered to promote the best interest of the young person and does not seek to promote the interests or aspirations of any school, institution or other person or body against the best interests of the young person concerned. The preparation of materials for the selection of courses by learners should therefore treat both cooperative course provision and non cooperative course provision in an equitable way.

Process for cooperative provision

2.29 Curriculum planners should develop agreed processes and protocols for cooperative provision to provide support and clarity in partnership working. As a minimum these should set out the roles and responsibilities of the partner organisations in cooperative provision.

2.30 Some Networks and partnerships have developed and are currently operating comprehensive processes and protocols; others have effective service level agreements. Curriculum planners may wish to be informed by these, however they should they should satisfy themselves that any processes they may adopt are appropriate and sufficient for their area.²¹ All key partners should be involved in the development of any protocols or processes.

²¹ Example: Caerphilly Basin, Upper Rhymney Valley 14-19 Protocols for Key Stage 5 <http://www.ascl.org.uk/mainwebsite/resources/document/14-19%20protocols%20-%20caerphilly%20county%20borough%20council%2014-19%20manual.pdf>

Section 3: 14-16 Joint Working: Co-operation arrangements

Maximisation and Cooperation arrangements

3.1 A key objective of Learning and Skills (Wales) Measure 2009 is to maximise the availability of courses of study included in a local curriculum. Section 116J of the Education Act 2002 as inserted by section 13 of the Measure provides that this duty includes, but is not limited to, a duty to seek to enter into co-operation arrangements where the relevant persons, local education authorities and governing bodies of schools and further education institutions) have concluded that it would further that objective to enter into such arrangements.

3.2 There is a duty on local education authorities and governing bodies to take **all reasonable steps** to maximise the availability of courses of study available within the local curriculum. This should ensure that the learner has the widest possible choice of courses from the local curriculum.

3.3 These provisions refer to the establishment of the maximum realisable choice for learners from a local curriculum. Maximisation should be seen in the context of the resource level available.

3.4 When considering whether the objective will be furthered by entering into cooperation arrangements the relevant steps will need to be followed to consider how the range of courses might be enhanced and how entering into cooperation arrangements may lead to the needs of learners being better met.

Cooperation between providers is not intended for its own sake but is intended to enhance the learning opportunities and experiences of young people.

3.5 In seeking to secure the maximum from resources available there are a number of steps to be undertaken. These are:

- i. **Step 1:** Identification of the resource available for the establishment of the local curricula to include the range of courses available within a school or further education institution.



- ii. **Step 2:** Consider the full resource implications of entering into, or not entering into, a cooperation arrangement²². This should include objective economic justification for the use of available resources and whether the use of available resources (human, physical and financial) would be improved by cooperation. In addition consideration should be given to whether cooperation arrangements would lead to further release of such resources over time. Such cooperation arrangements may be with other schools, further education institutions or training providers.
- iii. **Step 3:** Establish an economically viable local curricula offer that meets or exceeds the minimum requirements under the Measure and reflects local and national priorities.
- iv. **Step 4:** Assess whether it is possible to expand the planned available local curricula for some learners within the planning year without compromising the planned available local curricula for other learners within the planning year. This will, where there are a number of local curricula within an area, entail considering whether availability of courses in more than one local curriculum can be secured for learners over time.

3.6 If it is possible to expand the available local curricula for some learners without reducing the local curricula for other learners then the availability of the local curricula for a given year has not been maximised.

3.7 If it is not possible, from the allocated resource base, to expand the availability of the local curricula for some learners without compromising the availability of the local curricula for other learners then the availability of the local curricula can be said to be maximised.

3.8 The governing body should demonstrate that it has addressed the steps set out in 3.5. Furthermore, when assessing the curriculum offer consideration should be given to the quality of the learning experience available at the individual school or further education institution. In particular it should be considered whether

²² A cooperation arrangement exists where two organisations or more work together to provide a course, or courses of study, for a learner or learners.

a broader range of courses, perhaps of improved quality, could be provided by a cooperation arrangement.

3.9 In the normal course of events co-operation arrangements should lead to benefits in terms of more efficient and effective use of resources and to the release of resources. It is expected that a governing body will be able to maximise the availability of local curricula courses by entering into cooperative arrangements and that a co-operation arrangement or cooperation arrangements will be entered into. A governing body that is not seeking to enter into such arrangements should be able to show that it has considered such arrangements properly and has an objective justification for not seeking to enter into them.

3.10 The local education authority has the responsibility to form the local curricula at Key Stage 4. If the local education authority is of the opinion that a school is not maximising the availability of the local curricula then it should provide a written statement to the school as to its opinion. This may occur, for example, where a school is not cooperating with other institutions or is engaging in a very limited level of cooperative activity.

3.11 The school subject to this written opinion of the local education authority should provide a written response to the concerns raised by the local education authority.

3.12 The school and local education authority should seek to resolve the disagreement via a dialogue between the local education authority and the institution based on the written responses of both parties. Where an agreement cannot be reached the local education authority should forward all written documentation to the 14-19 Learning Pathways team in DCELLS.

3.13 It is possible for Welsh Ministers to request that a local education authority and/or school provide an assessment and justification of their actions in regard to the maximisation of the local curriculum should there be, for example, concerns as to whether sufficient development is taking place.



3.14 Welsh Ministers have the power to direct governing bodies of maintained secondary schools, governing bodies of further education institutions and local education authorities as to the entering into of cooperation arrangements.

Learning and Skills (Wales)
Measure 2009
March 2010
Guidance Circular
No: 012/2010

Provider data by domain for:

Name of School _____

Date of Report: 10 September 2009 Date Scoring Refreshed: 4 September 2009

Score

	A	B	C	D	E	Total
Total Score General	160	0	30	200	170	560
Total Score Vocational	160	40	180	0	0	380
Local Curriculum Score	320	40	210	200	170	940

Choice

	A	B	C	D	E	Total
Total Choice General	8	0	1	10	6	25
Total Choice Vocational	3	1	3	0	0	7
Local Curriculum Choice	11	1	4	10	6	32

Qualifications

	A	B	C	D	E	Total
Total General Qualifications Offered	8	0	2	10	11	31
Total Vocational Qualifications Offered	4	1	3	0	0	8
Total Other Qualifications Offered	0	0	0	0	0	0
Total Qualifications Offered	12	1	5	10	11	39

Qualification Title	NQAD Link	Domain	Vocational	Base Score	Choice
EDEXCEL Level 2 BTEC First Certificate in Applied Science	100/5558/7	A	V	40	C
WJEC Level 1/Level 2 GCSE in Applied Science (Double Award)	100/5818/7	A	V	40	C
EDEXCEL Level 1 BTEC Introductory Certificate in Applied Science	100/6161/7	A	V	40	N
EDEXCEL Level 2 BTEC First Certificate in Construction	500/1396/8	A	V	40	C
WJEC Level 1/Level 2 GCSE in Information and Communication Technology	100/0919/X	A	G	20	C
WJEC Level 1/Level 2 GCSE in Biology	100/5815/1	A	G	20	C
WJEC Level 1/Level 2 GCSE in Physics	100/5816/3	A	G	20	C
WJEC Level 1/Level 2 GCSE in Chemistry	100/5817/5	A	G	20	C
WJEC Level 1/Level 2 GCSE in Mathematics	100/6435/7	A	G	20	C
EDEXCEL Level 2 BTEC First Certificate in Business	100/5692/0	B	V	40	C
City & Guilds Level 1 NVQ in Hairdressing	500/1193/5	C	V	100	C
EDEXCEL Level 2 BTEC First Certificate in Travel and Tourism	100/5672/5	C	V	40	C
Edexcel Level 2 BTEC First Certificate in Hospitality	500/1889/9	C	V	40	C
WJEC Level 1/Level 2 GCSE in Physical Education	100/0921/8	C	G	20	C

Language	Multiple	Choice Contribution	Score Contribution	Provider	Number of pupils electing to follow this course	Number of pupils entitled to follow this course
W	1	1	40	Your School		
W	1	1	40	Your School		
W	1	0	40	Your School		
W	1	1	40	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	40	Your School		
W	1	1	100	Your School		
W	1	1	40	Your School		
W	1	1	40	Your School		
W	1	1	20	Your School		

Qualification Title	NQAD Link	Domain	Vocational	Base Score	Choice
WJEC Level 1/Level 2 GCSE (Short Course) in Physical Education	100/0907/3	C	G	10	C
WJEC Level 1/Level 2 GCSE in French	100/0950/4	D	G	20	C
WJEC Level 1/Level 2 GCSE in Spanish	100/0955/3	D	G	20	C
WJEC Level 1/Level 2 GCSE in Music	100/1164/X	D	G	20	C
WJEC Level 1/Level 2 GCSE in English	100/2002/0	D	G	20	C
WJEC Level 1/Level 2 GCSE in English Literature A	100/2003/2	D	G	20	C
WJEC Level 1/Level 2 GCSE in Welsh Literature	100/2866/3	D	G	20	C
WJEC Level 1/Level 2 GCSE mewn Cymraeg (Peilot)	100/6462/X	D	G	20	C
WJEC Level 1/Level 2 GCSE in Drama	500/4619/6	D	G	20	C
WJEC Level 1/Level 2 GCSE in Art and Design	500/4635/4	D	G	20	C
WJEC Level 1/Level 2 GCSE in History A	100/0916/4	E	G	20	C
WJEC Level 1/Level 2 GCSE in Religious Studies A	100/0923/1	E	G	20	C
WJEC Level 1/Level 2 GCSE in Geography A	100/0951/6	E	G	20	C
WJEC Level 1 Welsh Baccalaureate Foundation Diploma (Pilot)	100/6118/6	E	G	20	N
WJEC Level 2 Key Skills in Application of Number	100/0312/5	E	G	15	K
WJEC Level 2 Key Skills in Communication	100/0314/9	E	G	15	K

Learning and Skills (Wales)
Measure 2009
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Language	Multiple	Choice Contribution	Score Contribution	Provider	Number of pupils electing to follow this course	Number of pupils entitled to follow this course
W	1	0	10	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
E	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	2	2	40	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	1	20	Your School		
W	1	0	20	Your School		
W	1	2	15	Your School		
W	1	0	15	Your School		

Qualification Title	NQAD Link	Domain	Vocational	Base Score	Choice
WJEC Level 2 Key Skills in Information and Communication Technology	100/0318/6	E	G	15	K
WJEC Level 2 Key Skills in Improving Own Learning and Performance	100/3830/9	E	G	15	K
WJEC Level 2 Key Skills in Problem Solving	100/3834/6	E	G	15	K
WJEC Level 2 Key Skills in Working With Others	100/3838/3	E	G	15	K
WJEC Level 2 Welsh Baccalaureate Intermediate Diploma	500/1805/X	E	G	0	C

Language	Multiple	Choice Contribution	Score Contribution	Provider	Number of pupils electing to follow this course	Number of pupils entitled to follow this course
W	1	0	15	Your School		
W	1	0	15	Your School		
W	1	0	15	Your School		
W	1	0	15	Your School		
W	1	1	0	Your School		



**OFFERYNNAU STATUDOL
CYMRU**

2009 Rhif 3256 (Cy.284)
ADDYSG, CYMRU

Rheoliadau Addysg (Cwricwlwm
Lleol ar gyfer Disgyblion yng
Nghyfnod Allweddol 4) (Cymru)
2009

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mewnosododd Mesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1) ("y Mesur") ddarpariaethau newydd yn Rhan 7 o Ddeddf Addysg 2002 ("Deddf 2002"). Mae Rhan 7 yn ymwneud â'r cwricwlwm mewn ysgolion a gynhelir yng Nghymru. O ganlyniad i Ran 1 o'r Mesur, caiff y cwricwlwm mewn ysgolion uwchradd a gynhelir yng Nghymru ei ehangu i gynnwys hawlogaethau disgyblion mewn cwricwlwm lleol yng nghyfnod allweddol 4. Mae'r Rheoliadau hyn yn gwneud darpariaeth o ran llunio'r cwricwlwm lleol, y dewisiadau y caiff disgybl eu gwneud, penderfyniad y pennaeth o ran hawlogaeth, a phenderfyniad y pennaeth i ddilcu hawlogaeth.

Mae rheoliad 3 yn darparu bod yn rhaid i awdurdod lleol lunio un cwricwlwm lleol neu fwy ar gyfer ei ardal mewn da bryd i alluogi disgyblion i ddewis dilyn cwrs astudio yn unol â rheoliad 8.

Mae rheoliad 4 yn darparu ar gyfer isafswm o gyrsiau a chyrsiau galwedigaethol i gael eu cynnwys mewn cwricwlwm lleol. Erbyn blwyddyn ysgol 2012-2013 rhaid i bob cwricwlwm lleol gynnwys o leiaf 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

Mae rheoliad 5 yn darparu bod yn rhaid i bob cwricwlwm lleol gael gwerth lleiafswm o bwyntiau. Os bydd cwricwlwm yn cynnwys 30 o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 780. Pennir y gwerth pwyntiau ar gyfer pob cwrs astudio yn y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru (www.daqw.org.uk).

**WELSH STATUTORY
INSTRUMENTS**

2009 No. 3256 (W.284)
EDUCATION, WALES

The Education (Local Curriculum
for Pupils in Key Stage 4) (Wales)
Regulations
2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Learning and Skills (Wales) Measure 2009 (nawm 1) ("the Measure") inserted new provisions into Part 7 of the Education Act 2002 ("the 2002 Act"). Part 7 concerns the curriculum in maintained schools in Wales. As a result of Part 1 of the Measure the curriculum in maintained secondary schools in Wales is expanded to include the local curriculum entitlements of pupils in key stage 4. These Regulations make provision as to the formation of the local curriculum, the elections a pupil may make, the head teacher's decision as to entitlement, and the head teacher's decision to remove an entitlement.

Regulation 3 provides that a local authority must form one or more local curricula for its area in sufficient time to enable pupils to elect to follow a course of study in accordance with regulation 8.

Regulation 4 provides for a minimum number of courses and vocational courses to be included in a local curriculum. By the school year 2012-2013 all local curricula must contain at least 30 courses of study at NQF level 2, of which at least 5 must be vocational.

Regulation 5 provides that each local curriculum must have a minimum points value. Where a curriculum consists of 30 courses of study such courses must have a combined points value of no less than 780. The points value for each course of study is set out in the Database of Approved Qualifications in Wales (www.daqw.org.uk). Regulation 6 provides for the

Mae rheoliad 6 yn darparu ar gyfer gwerth lleiafswm o bwytiau i gyrsiau galwedigaethol a gaiff eu cynnwys mewn cwricwlwm lleol. Os bydd cwricwlwm lleol yn cynnwys 5 o gyrsiau galwedigaethol rhaid iddynt gael gwerth pwyntiau cyfunol nad yw'n llai na 260.

Mae rheoliad 7 yn darparu na chaiff disgybl ddewis dilyn cwrs neu gyrsiau astudio os yw cyfanswm pwyntiau cwrs neu gyrsiau o'r fath yn fwy na 180. Rhaid i'r dewis hwnnw gael ei wneud yn ystod tymor y gwanwyn yn y flwyddyn o flaen honno pan fydd y disgybl yn mynd i gyfnod allweddol 4 (rheoliad 8).

Mae rheoliad 9 yn darparu ar gyfer y weithdrefn sydd i'w dilyn gan y pennaeth pan fydd yn penderfynu, yn unol ag adran 116F(1) o Ddeddf 2002, p'un a oes hawlogaeth gan y disgybl i ddilyn cwrs neu gyrsiau astudio. Mae rheoliad 9 hefyd yn darparu ar gyfer y weithdrefn sydd i'w dilyn os bydd disgybl yn dymuno gofyn i'r pennaeth adolygu ei benderfyniad o dan adran 116F(1) o Ddeddf 2002.

Mae rheoliad 10 yn darparu ar gyfer y weithdrefn sydd i'w dilyn gan y pennaeth pan fydd yn penderfynu, yn unol ag adran 116H(1) o Ddeddf 2002, nad oes bellach gan ddisgybl hawlogaeth i ddilyn cwrs neu gyrsiau astudio. Mae rheoliad 10 hefyd yn darparu ar gyfer y weithdrefn sydd i'w dilyn os bydd disgybl yn dymuno gofyn i'r pennaeth adolygu ei benderfyniad o dan adran 116H(1) o Ddeddf 2002.

Mae rheoliad 11 yn gwneud darpariaeth ar gyfer penderfynu'r terfynau amser i hysbysiadau o dan y Rheoliadau hyn.

minimum points value of vocational courses included in a local curriculum. Where a local curriculum consists of 5 vocational courses they must have a combined points value of no less than 260.

Regulation 7 provides that a pupil may not elect to follow a course or courses of study if the aggregate points of such a course or courses exceed 180. Such election must be made during the spring term in the year preceeding that which the pupil enters key stage 4 (regulation 8).

Regulation 9 provides for the procedure to be followed by the head teacher when he or she determines, pursuant to section 116F(1) of the 2002 Act, whether the pupil is entitled to follow a course or courses of study. Regulation 9 also provides for the procedure to be followed if a pupil wishes to request the head teacher to review his or her determination under section 116F(1) of the 2002 Act.

Regulation 10 provides for the procedure to be followed by the head teacher when he or she determines, pursuant to section 116H(1) of the 2002 Act, whether the pupil is no longer entitled to follow a course or courses of study. Regulation 10 also provides for the procedure to be followed if a pupil wishes to request the head teacher to review his or her determination under section 116H(1) of the 2002 Act.

Regulation 11 makes provision for determining the time limits for notices under these Regulations.

OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 3256 (Cy.284)

ADDYSG, CYMRU

Rheoliadau Addysg (Cwricwlwm
Lleol ar gyfer Disgyblion yng
Nghyfnod Allweddol 4) (Cymru)
2009

Gwnaed 8 Rhagfyr 2009
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Rhagfyr 2009
Yn dod i rym 1 Ionawr 2010

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd iddynt gan adrannau 116A(5), 116D(2), 116F(3), 116H(3), a 210 o Ddeddf Addysg 2002(1) yn gwneud y Rheoliadau canlynol.

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cwricwlwm Lleol ar gyfer Disgyblion yng Nghyfnod Allweddol 4) (Cymru) 2009 ac maent yn dod i rym ar 1 Ionawr 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn—

mae "ardal awdurdodau lleol A" (*"local authority area A"*) yn cynnwys Cyngor Bwrdeistref Sirol Blaenau Gwent, Cyngor Bwrdeistref Sirol Caerffili, Cyngor Caerdydd, Cyngor Sir Ddinbych, Cyngor Sir Fynwy, Cyngor Dinas Casnewydd, Cyngor Dinas a Sir Abertawe, Cyngor Bro Morgannwg, Cyngor Bwrdeistref Sirol Wrecsam;

mae "ardal awdurdodau lleol B" (*"local authority area B"*) yn cynnwys Cyngor Sir Caerfyrddin, Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot.

(1) 2002 c.32. Mewnosodwyd adran 116A gan adran 4 o Fesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1). Mewnosodwyd adran 116D gan adran 7 o Fesur Dysgu a Sgiliau (Cymru) 2009. Mewnosodwyd adran 116F gan adran 9 o Fesur Dysgu a Sgiliau (Cymru) 2009 a mewnosodwyd adran 116G gan adran 10 o Fesur Dysgu a Sgiliau (Cymru) 2009.

WELSH STATUTORY
INSTRUMENTS

2009 No. 3256 (W.284)

EDUCATION, WALES

The Education (Local Curriculum
for Pupils in Key Stage 4) (Wales)
Regulations
2009

Made 8 December 2009
*Laid before the National
Assembly for Wales* 10 December 2009
Coming into force 1 January 2010

The Welsh Ministers in exercise of the powers conferred on them by sections 116A(5), 116D(2), 116F(3), 116H(3), and 210 of the Education Act 2002(1) make the following Regulations.

Title, commencement and application

1.–(1) The title of these Regulations is the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009 and they come into force on 1 January 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 2002 Act" (*"Deddf 2002"*) means the Education Act 2002;

"local authority" (*"awdurdod lleol"*) means a local education authority in Wales;

"local authority area A" (*"ardal awdurdodau lleol A"*) consists of Blaenau Gwent County Borough Council, Caerphilly County Borough Council, Cardiff Council, Denbighshire County Council, Monmouthshire County Council, Newport City

(1) 2002 c.32. Section 116A was inserted by section 4 of the Learning and Skills (Wales) Measure 2009 (nawm 1). Section 116D was inserted by section 7 of the Learning and Skills (Wales) Measure 2009. Section 116F was inserted by section 9 of the Learning and Skills (Wales) Measure 2009 and section 116G was inserted by section 10 of the Learning and Skills (Wales) Measure 2009.

Cyngor Sir Penfro, Cyngor Bwrdeistref Sirol Rhondda Cynon Taf, Cyngor Bwrdeistref Sirol Torfaen;

mae "ardal awdurdodau lleol C" ("local authority area C") yn cynnwys Cyngor Sir Ynys Môn, Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr, Cyngor Sir Ceredigion, Cyngor Bwrdeistref Sirol Conwy, Cyngor Sir y Fflint, Cyngor Gwynedd, Cyngor Bwrdeistref Sirol Merthyr Tudful, Cyngor Sir Powys;

ystyr "awdurdod lleol" ("local authority") yw awdurdod addysg lleol yng Nghymru;

ystyr "cymhwyster sgil allweddol" ("key skill qualification") yw cymhwyster a restrir yn y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru(1) a gynhelir ac a gyhoeddir gan Weinidogion Cymru o bryd i'w gilydd;

ystyr "Deddf 2002" ("the 2002 Act") yw Deddf Addysg 2002;

mae i "disgybl cofrestredig" yr ystyr a roddir i "registered pupil" yn adran 434 o Ddeddf Addysg 1996(2);

ystyr "diwrnod gwaith" ("working day") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, nac yn ŵyl y banc o fewn ystyr Deddf Bancio a Thrafodion Ariannol 1971(3);

ystyr "NQF" ("NQF") yw'r Fframwaith Cymwysterau Cenedlaethol sy'n cynnwys cymwysterau wedi'u hachredu gan Weinidogion Cymru, yr Awdurdod Cymwysterau a Chwricwlwm a'r Cyngor dros Gwricwlwm, Arholiadau ac Aseu yng Ngogledd Iwerddon;

ystyr "lefel NQF" ("NQF level") yw'r lefel neu lefelau yr achredir cymwysterau iddynt o fewn yr NQF;

ystyr "person perthnasol" ("relevant person") yw'r disgybl ynghyd â rhiant iddo;

ystyr "pwyntiau" ("points") yw'r pwyntiau a ddyrennir i gwrs neu gyrsiau astudio gan y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru;

ystyr "tymor y gwanwyn" ("spring term") yw'r ail dymor ysgol yn y flwyddyn ysgol yn yr ysgol y mae'r disgybl yn ddisgybl cofrestredig ynddi ac sy'n digwydd yn y flwyddyn ysgol yn union o flaen y flwyddyn ysgol pan fydd y disgybl yn mynd i gyfnod allweddol pedwar; ac

Council, City and County of Swansea Council, Vale of Glamorgan Council, Wrexham County Borough Council;

"local authority area B" ("ardal awdurdodau lleol B") consists of Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council, Rhondda Cynon Taf County Borough Council, Torfaen County Borough Council;

"local authority area C" ("ardal awdurdodau lleol C") consists of Isle of Anglesey County Council, Bridgend County Borough Council, Ceredigion County Council, Conwy County Borough Council, Flintshire County Council, Gwynedd Council, Merthyr Tydfil County Borough Council, Powys County Council;

"key skill qualification" ("cymhwyster sgil allweddol") means a qualification listed as such in the Database of Approved Qualifications in Wales(1) maintained and published by the Welsh Ministers from time to time;

"NQF" ("NQF") means the National Qualifications Framework comprising qualifications accredited by the Welsh Ministers, the Qualifications and Curriculum Authority and the Council for the Curriculum, Examinations and Assessment in Northern Ireland;

"NQF level" ("lefel NQF") means the level or levels to which qualifications are accredited within the NQF;

"points" ("pwyntiau") means the points allocated to a course or courses of study by the Database of Approved Qualifications in Wales;

"registered pupil" ("disgybl cofrestredig") has the same meaning as in section 434 of the Education Act 1996(2);

"relevant person" ("person perthnasol") means both the pupil and a parent of his or hers;

"spring term" ("tymor y gwanwyn") means the second school term in the school year for the school at which the pupil is a registered pupil and which occurs in the school year immediately before the school year in which the pupil will enter the fourth key stage;

"summer term" ("tymor yr haf") means the third school term in school year for the school at which the pupil is a registered pupil and which occurs in the school year immediately before the school year in which the pupil will enter the fourth key stage; and

(1) Cyfeiriad y wefan ar gyfer y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru yw www.dapw.org.uk.

(2) 1996 c.56.

(3) 1971 c.80.

(1) The website address for the Database of Approved Qualifications in Wales is www.dapw.org.uk.

(2) 1996 c.56.

ystyr "tymor yr haf" ("*summer term*") yw'r trydydd tymor ysgol yn y flwyddyn ysgol yn yr ysgol y mae'r disgybl yn ddisgybl cofrestredig ynddi ac sy'n digwydd yn y flwyddyn ysgol yn union o flaen y flwyddyn ysgol pan fydd y disgybl yn mynd i gyfnod allweddol pedwar.

Llunio'r cwricwlwm lleol

3. Rhaid i awdurdod lleol lunio ar gyfer ei ardal un cwricwlwm lleol neu fwy yn unol ag adran 116A o Ddeddf 2002 a'r Rheoliadau hyn mewn da bryd cyn dechrau'r flwyddyn ysgol i alluogi disgyblion i ddewis dilyn cwrs astudio yn unol â rheoliad 8.

Lleiafswm cyrsiau astudio mewn cwricwla lleol

4.--(1) Yn ddarostyngedig i baragraff (4) rhaid i'r cwricwlwm lleol ar gyfer pob ysgol uwchradd a gynhelir yn ardal awdurdodau lleol A ar gyfer y flwyddyn ysgol 2010 i 2011 a phob blwyddyn ysgol wedyn gynnwys lleiafswm o 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

(2) Yn ddarostyngedig i baragraff (4) rhaid i'r cwricwlwm lleol ar gyfer pob ysgol uwchradd a gynhelir yn ardal awdurdodau lleol B gynnwys--

- (a) ar gyfer y flwyddyn ysgol 2010 i 2011 lleiafswm o 28 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 4 ohonynt fod yn rhai galwedigaethol; a
- (b) ar gyfer pob blwyddyn ysgol wedyn lleiafswm o 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

(3) Yn ddarostyngedig i baragraff (4) rhaid i'r cwricwlwm lleol ar gyfer pob ysgol uwchradd a gynhelir yn ardal awdurdodau lleol C gynnwys--

- (a) ar gyfer y flwyddyn ysgol 2010 i 2011 lleiafswm o 26 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 4 ohonynt fod yn rhai galwedigaethol;
- (b) ar gyfer y flwyddyn ysgol 2011 i 2012 lleiafswm o 28 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 4 ohonynt fod yn rhai galwedigaethol; ac
- (c) am bob blwyddyn ysgol wedyn lleiafswm o 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

(4) Caiff awdurdod lleol gynnwys cwrs astudio ar lefel 1 NQF yn hytrach na chwrs ar lefel 2 NQF yn y cwricwlwm lleol ar gyfer ysgol uwchradd a gynhelir o fewn ei ardal os nad yw'r cwrs hwnnw ar gael ar lefel 2 NQF i ddisgyblion yng nghyfnod allweddol pedwar.

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(1).

Formation of local curriculum

3. A local authority must form for its area one or more local curricula in accordance with section 116A of the 2002 Act and these Regulations in sufficient time before the start of a school year to enable pupils to elect to follow a course of study in accordance with regulation 8.

Minimum number of courses of study of local curricula

4.--(1) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area A for the school year 2010 to 2011 and every subsequent school year must include a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(2) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area B must include--

- (a) for the school year 2010 to 2011 a minimum of 28 courses of study at NQF level 2, of which at least 4 must be vocational; and
- (b) for every subsequent school year a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(3) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area C must include--

- (a) for the school year 2010 to 2011 a minimum of 26 courses of study at NQF level 2, of which at least 4 must be vocational;
- (b) for the school year 2011 to 2012 a minimum of 28 courses of study at NQF level 2, of which at least 4 must be vocational; and
- (c) for every subsequent school year a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(4) A local authority may include a course of study at NQF level 1 instead of a course at NQF level 2 in the local curriculum for a maintained secondary school in its area if the same course is not available at NQF level 2 for pupils in the fourth key stage.

(1) 1971 c.80.

(5) Rhaid i'r lleiafswm o gyrsiau astudio galwedigaethol sy'n ofynnol gan baragraffau (1), (2) a (3) dded o fewn o leiaf 3 o'r meysydd dysgu.

Lleiafswm pwyntiau cyrsiau astudio mewn cwricwla lleol

5.-(1) Os bydd cwricwlwm lleol yn cynnwys 26 neu 27 o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 680 o bwyntiau.

(2) Os bydd cwricwlwm lleol yn cynnwys 28 neu 29 o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 720 o bwyntiau.

(3) Os bydd cwricwlwm lleol yn cynnwys 30 neu fwy o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 780 o bwyntiau.

Lleiafswm pwyntiau cyrsiau astudio galwedigaethol mewn cwricwla lleol

6.-(1) Os bydd cwricwlwm lleol yn cynnwys 4 o gyrsiau astudio galwedigaethol rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 220 o bwyntiau.

(2) Os bydd cwricwlwm lleol yn cynnwys 5 o gyrsiau astudio galwedigaethol neu fwy rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 260 o bwyntiau.

Dewisiadau disgybl o gyrsiau cwricwlwm lleol

7. Ni chaff disgybl ddewis dilyn cwrs neu gyfuniad o gyrsiau astudio o fewn cwricwlwm lleol os yw cyfanswm pwyntiau'r cwrs hwnnw neu'r cyfuniad hwnnw o gyrsiau astudio yn fwy na 180 o bwyntiau heb gynnwys unrhyw bwyntiau a ddyranwyd i gwrs neu gyrsiau astudio sy'n arwain at gymhwyster sgil allweddol y mae disgybl wedi dewis ei ddilyn.

Hyd y cyfnod pan fo'n rhaid i'r disgybl ddewis

8. Rhaid i ddisgybl ddewis dilyn cwrs neu gyrsiau astudio o fewn cwricwlwm lleol yn ystod tymor y gwanwyn.

Penderfyniad y pennaeth ynghylch hawlogoeth

9.-(1) Os bydd pennaeth yn penderfynu o dan adran 116F(1) o Ddeddf 2002 nad oes hawlogoeth gan ddisgybl i ddilyn cwrs neu gyrsiau astudio rhaid iddo wneud hynny o fewn 28 o ddiwrnodau gwaith ar ôl dechrau tymor yr haf.

(2) Os bydd pennaeth yn penderfynu hynny rhaid iddo o fewn 3 diwrnod gwaith o'r penderfyniad hwnnw hysbysu'r person perthnasol yn ysgrifenedig o'r materion canlynol—

- (a) y penderfyniad a'r rhesymau drosto;

(5) The minimum number of vocational courses of study required by paragraphs (1), (2) and (3) must fall within at least 3 of the learning domains.

Minimum number of points of courses of study of local curricula

5.-(1) Where a local curriculum consists of 26 or 27 courses of study such courses must have a combined points value of no less than 680 points.

(2) Where a local curriculum consists of 28 or 29 courses of study such courses must have a combined points value of no less than 720 points.

(3) Where a local curriculum consists of 30 or more courses of study such courses must have a combined points value of no less than 780 points.

Minimum number of points of vocational courses of study of local curricula

6.-(1) Where a local curriculum consists of 4 vocational courses of study such courses must have a combined points value of no less than 220 points.

(2) Where a local curriculum consists of 5 or more vocational courses of study such courses must have a combined points value of no less than 260 points.

Pupil's choices of local curriculum courses

7. A pupil may not elect to follow a course or a combination of courses of study within a local curriculum if the aggregate points of such a course or such combination of courses of study exceed 180 points excluding any points allotted to a course or courses of study leading to a key skill qualification which a pupil has elected to follow.

Period during which a pupil's election must be made

8. A pupil must elect to follow a course or courses of study within a local curriculum during the spring term.

Head teacher's decision as to entitlement

9.-(1) Where a head teacher decides under section 116F(1) of the 2002 Act that a pupil is not entitled to follow a course or courses of study he or she must do so within 28 working days following the start of the summer term.

(2) Where a head teacher so decides he or she must within 3 working days of that decision inform the relevant person in writing of the following matters—

- (a) of the decision and the reasons for it;

- (b) y caiff y person perthnasol wneud cais i'r pennaeth adolygu'r penderfyniad hwnnw;
- (c) o fewn pa gyfnod y mae'n rhaid gwneud cais o'r fath; ac
- (ch) y caiff y person perthnasol wneud sylwadau yn ysgrifenedig ynghylch y penderfyniad hwnnw i'r pennaeth.

(3) Rhaid i gais gan berson perthnasol o dan baragraff (2)(b) ac unrhyw sylwadau o dan baragraff (2)(ch) gael eu gwneud o fewn 5 diwrnod gwaith ar ôl iddo dderbyn hysbysiad y pennaeth o'i benderfyniad.

(4) Os bydd person perthnasol yn gwneud cais o dan baragraff (2)(b) i bennaeth adolygu ei benderfyniad rhaid i'r pennaeth wneud dyfarniad o fewn 10 diwrnod gwaith ar ôl iddo dderbyn y cais ac wrth iddo wneud hynny rhaid iddo ystyried—

- (a) o dan ba amgylchiadau y cafodd ei benderfyniad ei wneud;
- (b) unrhyw sylwadau ysgrifenedig a wnaed gan berson perthnasol ynglŷn â'r penderfyniad hwnnw; ac
- (c) unrhyw amgylchiadau eraill y mae o'r farn eu bod yn berthnasol.

(5) Rhaid i'r pennaeth o fewn 3 diwrnod gwaith o'i ddyfarniad yn unol â pharagraff (4), hysbysu'r person perthnasol yn ysgrifenedig ohono a'r rhesymau drosto.

(6) Mae'r rheoliad hwn yn gymwys yn unig o ran y dewisiad cyntaf y mae disgybl yn ei wneud o dan adran 116D(1) o Ddeddf 2002 yn unol â rheoliad 7 (ac nid o ran unrhyw ddewisiad wedyn).

Penderfyniad pennaeth i ddileu hawlogoeth

10.—(1) Os bydd pennaeth yn penderfynu o dan adran 116H(1) o Ddeddf 2002 nad oes bellach gan ddisgybl hawlogoeth i ddilyn cwrs neu gyrsiau astudio, rhaid iddo o fewn 3 diwrnod gwaith o'r penderfyniad hwnnw hysbysu'r person perthnasol o'r materion canlynol—

- (a) y penderfyniad a'r rhesymau drosto;
- (b) y caiff y person perthnasol wneud cais i'r pennaeth adolygu'r penderfyniad hwnnw;
- (c) o fewn pa gyfnod y mae'n rhaid gwneud cais o'r fath; ac
- (ch) y caiff y person perthnasol wneud sylwadau yn ysgrifenedig ynghylch y penderfyniad hwnnw i'r pennaeth.

(2) Nid oes gan ddisgybl hawlogoeth i ddilyn y cwrs neu'r cyrsiau astudio ar ôl dyddiad penderfyniad y pennaeth o dan adran 116H(1) o Ddeddf 2002.

(3) Rhaid i gais gan berson perthnasol o dan baragraff (1)(b) ac unrhyw sylwadau o dan baragraff (1)(ch) gael eu gwneud o fewn 5 diwrnod gwaith ar ôl iddo dderbyn hysbysiad y pennaeth o'i benderfyniad.

- (b) that the relevant person may request the head teacher review that decision;
- (c) the period within which such a request must be made; and
- (d) that the relevant person may make representations in writing about that decision to the head teacher.

(3) A request by a relevant person under paragraph (2)(b) and any representations under paragraph (2)(d) must be made within 5 working days of his or her receipt of notice of the head teacher's decision.

(4) Where a relevant person requests under paragraph (2)(b) that a head teacher review his or her decision the head teacher must make a determination within 10 working days of receipt of the request and in so doing he or she must consider—

- (a) the circumstances in which his or her decision was made;
- (b) any written representations made by a relevant person about that decision; and
- (c) any other circumstances he or she considers relevant.

(5) The head teacher must within 3 working days of his or her determination pursuant to paragraph (4), inform the relevant person in writing of it and the reasons for it.

(6) This regulation applies only in relation to the first election a pupil makes under section 116D(1) of the 2002 Act in accordance with regulation 7 (and not in relation to any subsequent election).

Head teacher's decision to remove an entitlement

10.—(1) Where a head teacher decides under section 116H(1) of the 2002 Act that a pupil is no longer entitled to follow a course or courses of study, he or she must within 3 working days of that decision inform the relevant person of the following matters—

- (a) of the decision and the reasons for it;
- (b) that the relevant person may request the head teacher review that decision;
- (c) the period within which such a request must be made; and
- (d) that the relevant person may make representations in writing about that decision to the head teacher.

(2) A pupil is not entitled to follow the course or courses of study from the date of the head teacher's decision under section 116H(1) of the 2002 Act.

(3) A request by a relevant person under paragraph (1)(b) and any representations under paragraph (1)(d) must be made within 5 working days of his or her receipt of notice of the head teacher's decision.

(4) Os bydd person perthnasol yn gwneud cais o dan baragraff (1)(b) i bennaeth adolygu ei benderfyniad rhaid i'r pennaeth wneud dyfarniad o fewn 10 diwrnod gwaith ar ôl iddo dderbyn y cais ac wrth iddo wneud hynny rhaid iddo ystyried—

- (a) o dan ba amgylchiadau y cafodd ei benderfyniad ei wneud;
- (b) unrhyw sylwadau ysgrifenedig a wnaed gan berson perthnasol ynglŷn â'r penderfyniad hwnnw; ac
- (c) unrhyw amgylchiadau eraill y mae o'r farn eu bod yn berthnasol.

(5) Rhaid i'r pennaeth o fewn 3 diwrnod gwaith o'i ddyfarniad yn unol â pharagraff (4), hysbysu'r person perthnasol yn ysgrifenedig ohono a'r rhesymau drosto.

Terfynau amser a hysbysiadau'n hepgor yr hawl i gael adolygiad

11. At ddibenion cyfrifo'r cyfnodau y cyfeirir atynt yn rheoliadau 9(2), (3), (4) a (5) a 10(1), (3), (4) a (5), bernir bod yr hysbysiad wedi ei roi i'r person o dan sylw—

- (a) os defnyddir y post dosbarth cyntaf, ar yr ail ddiwrnod gwaith ar ôl dyddiad ei bostio;
- (b) os caiff yr hysbysiad ei draddodi â llaw, ar ddyddiad ei draddodi;
- (c) os defnyddir post electronig, ar y dyddiad y caiff ei anfon,

oni ddangosir i'r gwrthwyneb.

(4) Where a relevant person requests under paragraph (1)(b) that a head teacher review his or her decision, the head teacher must make a determination within 10 working days of receipt of the request and in so doing he or she must consider—

- (a) the circumstances in which his or her decision was made;
- (b) any written representations made by a relevant person about that decision; and
- (c) any other circumstances he or she considers relevant.

(5) The head teacher must within 3 working days of his or her determination pursuant to paragraph (4), inform the relevant person in writing of it and the reasons for it.

Time limits and notices waiving right to review

11. For the purpose of calculating the periods referred to in regulations 9(2), (3), (4) and (5) and 10(1), (3), (4) and (5), the notice is to be taken to have been given to the person in question—

- (a) where the first class post is used, on the second working day after the date of posting;
- (b) where the notice is delivered by hand, on the date of delivery;
- (c) where electronic mail is used, on the date of sending,

unless the contrary is shown.

John Griffiths

Y Dirprwy Weinidog dros Sgiliau, o dan awdurdod y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

8 Rhagfyr 2009

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Deputy Minister for Skills under authority of the Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

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Related documents

Learning and Skills (Wales) Measure 2009:
(http://www.opsi.gov.uk/legislation/wales/mwa2009/mwa_20090001_en_1)

Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009
https://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20093256_en_1

The Collaboration Between Maintained Schools (Wales) Regulations 2008: https://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20080168_en_1

The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008: https://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20083082_en_1

Collaborative Arrangements between Further Education Institutions and Schools Guidance
<http://wales.gov.uk/topics/educationandskills/publications/guidance>

Special Educational Needs Code of Practice for Wales 2002

Inclusion and Pupil Support Guidance 2006

One Wales

The Learning Country: Vision into Action

Learning Pathways 14-19 Guidance II

Skills that Work for Wales

Transforming Education and Training Provision in Wales