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Learning and Skills (Wales) Measure 2009

Local Curriculum for Students aged 16 to 18 Guidance



Guidance

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Local Curriculum for Students aged 16 to 18 Guidance

Audience	Local 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; Governors Wales; Work Based Learning Providers; and Awarding Organisations.
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	<p>Full compliance with the Education (Local Curriculum for Students aged 16 to 18) (Wales) Regulations 2010 by the academic year 2011/2012.</p> <p>Local authorities, the governing bodies and head teachers of maintained secondary schools and the governing bodies and principals of further education institutions to have due regard to this statutory guidance.</p>
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Additional copies	This document can be accessed from the Welsh Assembly Government website at www.wales.gov.uk
Related documents	See Annex A.



Ministerial Foreword

I am delighted to present guidance on the local curriculum for students aged 16 to 18. This guidance is issued in accordance with the Learning and Skills (Wales) Measure 2009 and builds upon developments that have already been undertaken at Key Stage 4.

The Learning and Skills (Wales) Measure makes a significant contribution to the preparation of our young people for high skilled employment and higher education. It assists in the establishment of a strong, enterprising economy based upon quality employment. The Measure is representative of a number of actions being undertaken to promote all age, system wide transformation of learning delivery and learning outcomes across Wales.

This guidance underlines the distinctive approach adopted within Wales. It is an approach that emphasises co-operation between learning providers, working together to secure a better future for young people in Wales. It makes a key contribution to the transformation of learning experiences for our young people.

The guidance in this document covers:

- Planning the local curriculum: 16 to 18.
- Joint working: co-operation arrangements 16 to 18.

I would like to express my appreciation for the considerable work that has already been undertaken by learning providers and local authorities in delivering the 14-19 Learning Pathways agenda.

I would also wish to express my appreciation to all those who have played a role in the formation of this guidance. 14-19 Learning Pathways is recognised as a policy developed upon the basis of strong partnership working between professionals within the education sector and with extensive stakeholder involvement. This is reflected within this guidance.

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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 17 March 2009 and gained Royal Approval on 13 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 study².

Welsh Ministers will form the local curriculum for learners aged 16 to 18. There will be a minimum number of courses of study to be included within a local curriculum and local area curricula contain a wide range of courses of study both academic and vocational in nature.

This guidance is concerned with the local curriculum for learners aged 16 to 18. For pupils in Key Stage 4, local authorities in Wales will form the local curricula subject to the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009 and informed by the Local Curriculum for Pupils in Key Stage 4 Guidance³.

Duties on local authorities

- The local authority must assist Welsh Ministers in planning local curricula for students aged 16 to 18.
- In relation to the local curriculum or curricula for students aged 16 to 18 for the area of a local authority, the local authority must take all reasonable steps in order to maximise the availability of courses of study included in a local curriculum.

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.

³ Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009

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

Learning and Skills (Wales) Measure 2009 Local Curriculum for Pupils in Key Stage 4 Guidance
<http://wales.gov.uk/topics/educationandskills/publications/circulars/learningandskillsmeasure/?lang=en>

Local authorities are also 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 student aged 16 to 18 is entitled to follow a course of study the governing body of the student's relevant school must ensure that the course is made available to the student.
- The governing body and head teacher of maintained secondary schools must assist the Welsh Ministers in planning the local curricula for students aged 16 to 18.
- In relation to the local curriculum or curricula for students aged 16 to 18, the governing body of a secondary school maintained by a local authority must take all reasonable steps in order to maximise the availability of courses of study included in a local curriculum for that local authority's area.
- A head teacher must provide students of the school with a learning pathway document, recording his or her learning pathway, including the courses of study the student 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 33G of the Learning and Skills Act 2000⁴ apply then the head teacher may decide that a student 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 33I of the Learning and Skills Act 2000⁵ apply then the head teacher may decide that a student is no longer entitled to follow a course of study that he/she was entitled to follow.

Head teachers and governing bodies of maintained secondary schools are also 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

- Where a student aged 16 to 18 is entitled to follow a course of study the governing body of the student's relevant institution must ensure that the course is made available to the student.
- The governing body and principal of an institution within the further education sector must assist the Welsh Ministers in planning the local curricula for students aged 16 to 18.

⁴ Inserted by section 28 of the Measure.

⁵ Inserted by section 30 of the Measure.

- In relation to the local curriculum or curricula for students aged 16 to 18, the governing body of an institution within the further education sector situated within a local authority's area must take all reasonable steps in order to maximise the availability of courses of study included in a local curriculum for that local authority's area.
- A principal must provide students (aged 16 to 18) of the further education institution with a learning pathway document, recording his or her learning pathway, including the courses of study the student is entitled to follow and any learner support services to be provided.

If a principal is satisfied that, in relation to decisions as to entitlement, any of the grounds set out in section 33G of the Learning and Skills Act 2000⁶ apply then the principal may decide that a student is not entitled to follow a course of study which he/she had elected to follow.

Similarly, if a principal is satisfied that, in relation to decisions to remove entitlement, any of the grounds set out in section 33I of the Learning and Skills Act 2000⁷ apply then the principal may decide that a student is no longer entitled to follow a course of study that he/she was entitled to follow.

Principals and governing bodies of institutions within the further education sector are also 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 33J and 33L of the Learning and Skills Act 2000⁸ and sets out actions required to support the 16 to 18 provisions. These are:

- **Planning the local curriculum**
The local authority, the governing body and head teacher of any 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 33J (3) of the Learning and Skills Act 2000).
- **Joint-working: guidance and directions**
Local authorities, the governing body of any maintained secondary school and the governing body of an institution within the further education sector must have regard to any guidance from Welsh Ministers as to the discharge of their duties to maximise the availability of courses (Section 33L (1) of the Learning and Skills Act 2000).

⁶ Inserted by section 28 of the Measure.

⁷ Inserted by section 30 of the Measure.

⁸ Inserted by Part 2 of the Measure.

Section 1: Planning the Local Curriculum

Background

1.1 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.

1.2 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 courses of study, both academic and vocational. Delivering a wider choice of courses will help ensure that learners have 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.

1.3 Welsh Ministers will form the local curricula for students aged 16 to 18, advised and informed by local knowledge and expertise of those who are under a duty to assist the Welsh Ministers in planning the local curriculum, “local curriculum planners”⁹.

Duty to assist the Welsh Ministers in planning the local curricula

1.4 Local authorities are under a duty to assist Welsh Ministers in planning the local curricula for students aged 16 to 18¹⁰.

1.5 The governing body and head teacher of any maintained secondary school¹¹ must assist the Welsh Ministers in planning the local curricula.

1.6 Similarly, the governing body and principal or other head of an institution within the further education sector must assist the Welsh Ministers in planning the local curricula.

1.7 Planning the local curricula means the process by which the Welsh Ministers, in consultation with partners, decide which courses of study to include in the local curricula.

Role of the Network

1.8 Prior to the implementation of the Measure the strategic planning of 14-19 provision within a local authority area rested with 14-19 Networks¹².

⁹ The Measure places a duty on head teachers and their governing bodies and on principals and their governing bodies to assist the local authority and Welsh Ministers in forming the local curriculum at key stage 4 and for students aged 16 to 18 respectively. The local authority is also under a duty to assist Welsh Ministers in forming the local curriculum for students aged 16-18. This will provide for coherent planning across the 14-19 age range.

¹⁰ (s.33J Learning and Skills Act 2000).

¹¹ with the exception of community or foundation special schools.

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. Local curriculum planners should fully employ the 14-19 Network to ensure developments and considerations build upon 14-16 developments and extend to the 14-19 context to facilitate continuity and coherence for learners.

Delivery models

1.9 In determining the appropriateness of local curricula clusters or a single local curriculum model for an area, local curriculum planners should be informed by existing 14-19 Network co-operative developments, particularly key stage 4 local curricula arrangements, and the obligation to maximise the availability of courses of study included in local curricula.

1.10 Existing partnerships and co-operative arrangements may show Welsh medium, bilingual or faith institutions working together. Curriculum planners should be sensitive to choices made by learners to attend these institutions and promote local curricula arrangements that reflect these choices.

1.11 Curriculum planners 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.

1.12 The delivery of the local curriculum for students aged 16 to 18 should align with the appropriate approved post 16 Transformation model with the focus upon learner entitlement and the creation of a learning provider network in Wales that is in the interests of learners. This will ensure that institutions work more collaboratively; focus funding on teaching and learner support; and make better use of resources and provide greater opportunities for young people.

Formation of the local curriculum

1.13 Regulations¹³ will make provision as to the elections a pupil may make, the head teacher's or principal's decision as to entitlement, the head teacher's or principal's decision to remove entitlement and determination of a pupil's relevant school or institution.

1.14 The local curricula for students aged 16 to 18 will contain a minimum of 30 courses of study at Qualifications and Credit Framework (QCF) and

¹² A 14-19 Network is a strategic partnership of learning providers, the local authority and other organisations in the statutory and voluntary sector, working toward improved outcomes for 14-19 learners.

¹³ Under part 2 of the Measure.

National Qualification Framework (NQF)¹⁴ level 3. A course of study at NQF level 2 may be included instead of a course at level 3 if the same course is not available at level 3 for students aged 16 to 18. This will provide for appropriate progression from key stage 4 for learners who chose courses which can only be delivered at level 1 for pre-16 learners for health and safety reasons. A course of study will be eligible for inclusion for meeting the minimum requirement provided it is eligible for funding via the National Planning and Funding System.

1.15 The exact composition of the 30 level 3 courses will vary with each local curriculum and will be determined according to local priorities and need. However, each local curriculum will offer a minimum of 5 general courses and 5 vocational courses. The vocational courses will fall across a minimum of 3 domains¹⁵, one of which will be mathematics, science and technology.

1.16 Each local curriculum will score a minimum of 1600 points¹⁶. To be eligible to count as a choice the minimum size of each course will be equivalent to a minimum of 35 points which equates to the new Diplomas available from the Qualifications and Credit Framework. For courses based on qualifications from the NQF such as GCE A Level the minimum size acceptable to count as a choice will be 50 points. Courses at levels 1 and 2 can contribute to the achievement of the 1600 points provided that the requirement of a minimum of 30 choices at level 3 is met.

1.17 The inclusion of additional points could accommodate level 3 courses that are intended to run to GCE AS level only or level 3 certificates from the QCF; level 1 and level 2 courses; or a combination of these and will be determined according to local priorities and need. Level 1 and 2 courses will, as a minimum, be equivalent in size to a full GCSE which score 20 points.

1.18 The local curriculum should be formed in sufficient time to allow pupils to elect to follow courses of study before the start of the academic year.

1.19 Careers Wales on Line¹⁷ provides a mechanism to collect local curricula information and local curriculum planners should ensure that information is appropriately entered onto Careers Wales on Line. Welsh Ministers will use this information to ensure that planned formation of the local curriculum meets minimum requirements.

¹⁴ The Qualifications and Credit Framework and the National Qualification Framework along with Higher Education and Quality Assured Lifelong Learning (QALL) form part of the larger Credit and Qualifications Framework for Wales.

<http://wales.gov.uk/topics/educationandskills/learningproviders/creditqualificationsframework/?lang=en>

“NQF” means the National Qualification Framework comprising relevant qualifications to which section 30(5) of the Education Act 1997 and section 130 of the Apprenticeships, Skills, Children and Learning Act 2009 apply. “QCF” means the Qualifications and Credit Framework comprising relevant qualifications to which section 30(5) of the Education Act 1997 and section 130 of the Apprenticeships, Skills, Children and Learning Act 2009 apply.

¹⁵ The learning domains are (a) mathematics, science and technology, (b) business, administration and law, (c) services for people, (d) arts, media, culture and languages, (e) humanities, social sciences and preparation for life and work.

¹⁶ These points are derived from the relevant threshold score and are included within the Database of Approved Qualifications in Wales (DAQW). www.daqw.org.uk

¹⁷ <http://new.careerswales.com/prof>

1.20 To ensure learners have genuine access to a minimum of 30 courses, 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 requirements and will also be a consideration towards maximising the availability of local curricula courses.

General responsibilities for education

1.21 Curriculum planners should ensure learners who are unable to access level 3 courses have opportunities to pursue a choice of courses that allow them to make good progression at the appropriate level for the learner.

1.22 There should be an appropriate range of courses below level 3 to meet the need of learners for whom these programmes are most suitable.

1.23 Curriculum planners must have regard to guidance issued on Special Education Needs and Additional Learning Needs; the Special Education Needs Code of Practice for Wales 2002.

Cross border co-operation

1.24 It may be advantageous for local curriculum planners to consider the sharing or inclusion of provision with education providers outside of the local 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 authority.

Curriculum design

1.25 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.

1.26 When planning local curricula, Head teachers, Principals and their Governing Bodies and the local authority should take account of Welsh Assembly Government planning priorities. In addition consideration should be given to available labour market intelligence and local and regional priorities¹⁸. 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.

1.27 It is expected that the meeting of the minimum requirement for choices for learners will be achieved by schools and colleges working in co-operation. The

¹⁸ For example see the Learning and Skills Observatory <http://www.learningobservatory.com>

minimum requirement should not be met by the extending of provision at one institution in isolation but should be seen in the context of overall co-operation within the local curriculum area.

1.28 Planners should seek to ensure that local curriculum providers progressively move toward reducing unnecessary duplication of provision. Duplication may be 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 co-operative curriculum offer.

1.29 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 curriculum. Consideration should also be given to the need to develop courses in existing areas of provision if there is an increasing demand for them.

1.30 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.

Promoting access to and availability of Welsh medium courses

1.31 Section 33B of the Learning and Skills Act 2000¹⁹ sets out that Welsh Ministers must exercise their functions so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.

1.32 In planning and forming the local curricula for their area, local curriculum planners should also promote access to and the availability of courses of study which are taught through the medium of the Welsh language. Local curriculum planners should also have due regard to the clear aims for 14-19 education set out in the Welsh Assembly Government's Welsh-medium Education Strategy²⁰ and may wish to be informed by ColegauCymru's National Strategy on Bilingualism in FE²¹.

1.33 Strategic Aim 2 of the Welsh Assembly Government's Welsh-medium Education Strategy 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 curriculum planners should give full consideration to linguistic continuity and progression in developing courses for the local curriculum for students aged 16 to 18.

¹⁹ Inserted by section 23 of the Measure.

²⁰ <http://wales.gov.uk/topics/educationandskills/publications/guidance/welshmededstrat/?lang=en>

²¹ ColegauCymru / CollegesWales strategy is concerned in the main with developments for the 14-19 age-groups. <http://www.collegeswales.ac.uk/publications-24.aspx>

1.34 In promoting access and availability of Welsh medium courses local curriculum planners should continue and build upon the developments made by local authorities in forming local curriculum for pupils in key stage 4. The developments made at key stage 4 should include:

- Supporting networks in ensuring that Welsh medium and bilingual institutions are properly represented.
- Consideration of 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.
- Facilitation of cross-border partnerships between Welsh medium and bilingual providers where this assists the development of 14-19 Welsh medium and bilingual education.
- Ensuring 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

1.35 The promotion of linguistic continuity of study should be an integral part of the planning of local curricula for students aged 16 to 18. It is therefore essential that local curriculum planners should take all appropriate steps to ensure that a young person who has followed some or all subjects through the medium of Welsh at key stage 4 should be given the opportunity to do so at 16 to 18. 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 or her education through the medium of the Welsh language should be fully taken into account when planning the delivery of the local curriculum.

1.36 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 appropriate²².

1.37 Where a student attends a Welsh speaking school²³, or Welsh medium institution then in forming the local curriculum for that institution, local curriculum planners should ensure that the student is able to access a local curriculum that meets the minimum entitlement through the medium of Welsh. However, where there is an existing practice of a Welsh speaking school currently delivering some courses

²² For example, it may be deemed appropriate to use of original source material in a history course in the language of its origin.

²³ 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'.

through the medium of English the school may count this toward the local curricula minimum entitlement.

1.38 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.

1.39 For schools defined as category 1 Welsh medium schools or Bilingual schools in category 2A²⁴ in Information document No: 023/2007: Defining schools according to Welsh medium provision²⁵, any increase in provision should be through the medium of Welsh.

Realisable curriculum offer

1.40 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 any travel requirements through planning of full or half day blocks where possible.

Quality of provision

1.41 The quality of the learning experience should be a fundamental consideration when planning the local curricula. Planners should ensure that any co-operative or shared provision included in a local curriculum meets appropriate quality thresholds as defined within Estyn's inspection framework. The base school or institution²⁶ should ensure that appropriate quality processes are in place for any co-operative 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

1.42 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.

²⁴ **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.

²⁵ <http://new.wales.gov.uk/topics/educationandskills/publications/guidance/definingschools?lang=en>

²⁶ The base school or institution is the school or college at which the pupil is registered.

1.43 The preparation of materials for the selection of courses by learners should therefore treat both co-operative course provision and non co-operative course provision in an equitable way.

Process for co-operative provision

1.44 Curriculum planners should develop agreed processes and protocols for co-operative provision to include a clear policy on examination entries; this will provide support and clarity in partnership working. As a minimum these should set out the roles and responsibilities of the partner organisations in co-operative provision. It is expected that where co-operative course provision exists then these courses will be subject to a common entry requirement.

1.45 Networks and partnerships should already have developed comprehensive processes and protocols or effective service level agreements for key stage 4 co-operative provision. Curriculum planners may wish to be informed by and build upon these arrangements in relation to the local curriculum for students aged 16 to 18, and should satisfy themselves that any processes they may adopt are appropriate and sufficient for their area²⁷. All key partners should be involved in the development of any protocols or processes.

²⁷ 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 2: Joint Working: Co-operation Arrangements

Maximisation and Co-operation arrangements

2.1 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 33K of the Learning and Skills Act 2000 as inserted by section 32 of the Measure provides that the duty includes, but is not limited to, a duty to seek to enter into co-operation arrangements where the relevant persons (i.e. local authorities and governors of schools and further education institutions) have concluded that it would further the objective to enter into such arrangements.

2.2 There is a duty on local 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.

2.3 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.

2.4 When considering whether the objective will be furthered by entering into co-operation arrangements the relevant steps will need to be followed to consider how the range of courses might be enhanced and how entering into co-operation arrangements may lead to the needs of learners being better met. Co-operation between providers is not intended for its own sake but is intended to enhance the learning opportunities and experiences of young people.

2.5 In seeking to secure the maximum from resources available (human, physical and financial) 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 co-operation arrangement²⁸. This should include objective economic justification for the use of available resources and whether the use of available resources would be improved by co-operation. In addition consideration should be given to whether co-operation arrangements would lead to further release of such resources over time. Such co-operation 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.

²⁸ A co-operation arrangement exists where two organisations or more work together to provide a course, or courses of study, for a learner or learners.

- 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.

2.6 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.

2.7 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.

2.8 The relevant persons (referred to in 2.1) should demonstrate that they have addressed the steps set out in 2.5. 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 a broader range of courses, perhaps of improved quality, could be provided by a co-operation arrangement.

2.9 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 the relevant persons will be able to maximise the availability of local curricula courses by entering into co-operative arrangements and that a co-operation arrangement or co-operation arrangements will normally be entered into. Relevant persons that are not seeking to enter into such arrangements should be able to show that they have considered such arrangements properly and have an objective justification for not seeking to enter into them.

2.10 The local authority, the governing body and head teacher of maintained secondary schools and the governing body and principal of further education institutions must assist Welsh Ministers in planning the local curriculum for students aged 16 to 18. Should any of these persons consider that a school or further education institution or local authority is not maximising the availability of the local curricula then they should provide a written statement to the relevant institution as to their opinion. This may occur, for example, where a school or further education institution is not co-operating with other institutions or is engaging in a very limited level of co-operative activity.

2.11 The institution subject to this written opinion should provide a written response to the concerns raised.

2.12 Both parties should seek to resolve the disagreement via a dialogue based on their written responses. Where agreement cannot be reached all persons should forward all their written documentation to the 14-19 Learning Pathways team in the Department for Children, Education, Lifelong Learning and Skills (DCELLS).

2.13 It is possible for Welsh Ministers to request that a local authority, school and further education institution 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.

2.14 Welsh Ministers have the power to direct²⁹ governing bodies of maintained secondary schools, governing bodies of further education institutions and local authorities as to the entering into of co-operation arrangements.

²⁹ Section 33L(3) Learning and Skills Act 2000.

Learning and Skills (Wales) Measure 2009

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

Learning and Skills (Wales) Measure 2009: Local Curriculum for Pupils in Key Stage 4 Guidance

The Collaboration Between Maintained Schools (Wales) Regulations 2008

The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008

Collaborative Arrangements between Further Education Institutions and Schools Guidance

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

Learning and Skills (Wales) Measure 2009: Local Curriculum for Pupils in Key Stage 4 Guidance:

<http://wales.gov.uk/topics/educationandskills/publications/circulars/learningandskillsmeasure/?lang=en>

The Collaboration Between Maintained Schools (Wales) Regulations 2008:

https://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20080168_en_1

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Special Educational Needs Code of Practice for Wales 2002.

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