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**REVISED GUIDANCE ON DISAPPLICATION OF THE NATIONAL CURRICULUM AT
KEY STAGE 4 FOR SPECIFIC PURPOSES UNDER SECTION 363 OF THE EDUCATION ACT 1996**
A Summary of DfES Guidance - DfES/0667/2002, September 2002

1. INTRODUCTION

The *Education (National Curriculum) (Exceptions at Key Stage 4)(England) Regulations 2000* have been amended and the amending regulations (SI 2002/2048) came into force on **1 September 2002**. The revised *Guidance* explains changes made to KS4 disapplication regulations but does not replace the *Guidance* issued in July 2000, *Disapplication of the National Curriculum* [DfEE 0084/2000]. Therefore, both guidance documents should be read when schools are considering disapplication.

2. DISAPPLICATION REGULATIONS WHICH REMAIN UNALTERED

The amendment regulations refer to disapplication under section 363 of the Education Act 1996 and do not affect other disapplication arrangements under sections 365, 364 and 362 of the Act, as follows:

- for a temporary period through regulations under section 365;
 - through a statement of SEN under section 364;
- or for groups of pupils or the school community:
- to enable curriculum development or experimentation for groups of pupils under section 362.

3. THE PURPOSE OF DISAPPLICATION

These amendments signal a shift in emphasis so that disapplication at KS4 should no longer be considered exceptional provision but used more widely to create a more appropriate curriculum for individual pupils. However, it is important that schools continue to involve pupils and parents in any such decisions as access to the full NC remains a pupil entitlement and parental consent is still required before any disapplication may take place. Disapplication should always be in the best interests of the pupil and disapplication of any of the permitted subjects is not appropriate simply because a school does not have enough teachers for those subjects, or because a pupil is not good at the subject.

4. CHANGES TO THE REGULATIONS

The main changes are that the **statutory criteria** have been reduced and the requirement on schools to provide **monitoring data** to QCA annually has been removed.

4.1 The three purposes for which NC subjects can be disapplied remain the same:

- to allow a pupil to participate in extended work-related learning;
- to allow a pupil with individual strengths to emphasise a particular curriculum area; or
- to allow a pupil making significantly less progress than other pupils of his/her age to consolidate his/her learning and progress across the curriculum.

4.2 The subjects that may be disapplied also remain the same: Up to 2 NC subjects may be disapplied for any one pupil in the following way:

- for extended work-related learning: design & technology, modern foreign languages and science may be disapplied, and
- for curriculum emphasis and consolidated learning: design & technology and modern foreign languages may be disapplied.

Pupils must continue to study all remaining NC subjects and religious education, careers education and sex education. They must also work towards qualifications that are approved for use by pre-16s [see www.dfes.gov.uk/section96]

4.3 Statutory criteria applying to all three purposes: Before a decision is taken, the head teacher, or person nominated by him/her, must:

- satisfy him/herself that the educational benefits to the pupil of disapplication of the NC outweigh any disadvantages the pupil may suffer as a result of not studying the full NC;
- agree the proposed disapplication and a curriculum plan with the pupil and his/her parents;
- ensure that the pupil's entitlement to study a broad curriculum is maintained and his/her opportunities for continuing studies beyond KS4 are safeguarded.

4.4 Additional criteria applying to extended work-related learning: The headteacher, or a person nominated by him/her must:

- before a decision is taken, ensure that a guidance interview with the pupil has taken place;
- ensure that, as far as is practicable, the pupil's timetable is arranged and preparatory work is carried out so as to ensure that the requirements of his curriculum plan are met; and
- make arrangements to monitor the attendance, progress and achievements of the pupil.

Thus the criteria have been simplified and a number deleted where it was judged that either they were duplicating actions that schools were already obliged to carry out, such as monitoring the modified curriculum, or were adequately covered in good practice guidance.

In response to comments from schools during the consultation on the proposals to change the regulations, the requirement that disapplication for curriculum emphasis should take effect from the start of Year 10 has also been removed. Schools now have the flexibility to disapply after the start of Year 10. This may support pupils whose needs change during Year 10 or who may have moved schools. As with all decisions concerning disapplication, it is important that schools involve parents in the process.

5. GUIDANCE INTERVIEW

The requirement that a careers interview is held with a pupil has been retained for those following a work-related learning programme though it has been renamed a **guidance interview**. The guidance interview is defined as:

An interview between the pupil and an impartial and informed adult which enables the pupil to consider and discuss his ambitions for his future education and training and which enables guidance to be given to him regarding the curriculum plan and the implications for him of the disapplication of the NC.

Schools are also free to carry out a guidance interview for the other purposes if they wish.

6. QCA MONITORING

The requirement on schools to provide monitoring information to QCA annually, by the end of October, has been removed. QCA will, however, continue to review the use of the disapplication regulations as part of its overall monitoring of 14-19 provision. In addition, OFSTED will also include the use of the disapplication arrangements in their inspections.

Schools are encouraged to keep their own records of disapplications, both in terms of which pupils are affected and attainment at the end of the Key Stage. This will help ensure that the requirements have been followed correctly. It may also help schools with future disapplication decisions.

**Copies of the Guidance are available from DfES Publications Tel. 0845 60 222 60
Or from the DfES website at: <http://www.teachernet.gov.uk/docbank/index.cfm?ID=2916>**