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STATUTORY INSTRUMENTS

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**1995 No. 2073**

**EDUCATION, ENGLAND AND WALES**

**The Education (National Curriculum)  
(Assessment Arrangements for the Core  
Subjects) (Key Stage 3) (England) Order 1995**

*Made* - - - - *1st August 1995*

*Coming into force* - - *7th August 1995*

In exercise of the powers conferred on the Secretary of State by section 4(2)(c), (5), (6) and (8) and section 232(5) and (6) of the Education Reform Act 1988(1), the Secretary of State for Education and Employment hereby makes the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1995 and shall come into force on 7th August 1995.

(2) The provisions of this Order apply for the purpose of ascertaining the achievements in the core subjects of pupils who are in the final year of the third key stage.

(3) This Order applies only to maintained schools and grant-maintained special schools (other than those established in hospitals) in England(2).

**Revocation**

2. The Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1994(3) shall be revoked.

**Interpretation**

3.—(1) In this Order—

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(1) 1988 c. 40; section 4 was amended by section 240 of the Education Act 1993 (c. 35).  
(2) The provisions of the National Curriculum apply to grant-maintained special schools which are not established in hospitals by virtue of regulation 42(1) of, and Parts I and II of the Schedule to, the Education (Grant-maintained Special Schools) Regulations 1994, S.I. 1994/653 (to which there are amendments not relevant to this Order) and, so far as concerns programmes of study and attainment targets for the third key stage, the orders cited in footnote (d) below.  
(3) S.I. 1994/2101.

“the associated documents” means the documents published by Her Majesty’s Stationery Office, setting out any levels of attainment, attainment targets and programmes of study in relation to the core subjects, which documents have effect by virtue of the respective section 4(2)(a) and (b) orders for those subjects for the time being in force;(4)

“AT” means attainment target;

“the Authority” means the School Curriculum and Assessment Authority established under section 244 of the Education Act 1993;

“the core subjects” means English, mathematics and science;

“external marking agency” means a body nominated by the Authority and approved by the Secretary of State to mark NC tests;

“maintained school” has the meaning assigned to that expression by section 25(1) of the Education Reform Act 1988;

“NC tests” and “NC tasks” mean respectively National Curriculum tests and National Curriculum tasks administered to pupils for the purpose of assessing the level of attainment which they have achieved in any core subject and “NC assessment timetable” means a timetable for the administration of NC tests and NC tasks, being respectively tests, tasks and a timetable laid down in provisions made by the Secretary of State under article 9 which have been published by Her Majesty’s Stationery Office;

“section 4(2)(a) and (b) orders” means orders made under section 4(2)(a) and (b) of the Education Reform Act 1988 specifying attainment targets and programmes of study;

“specified” means specified in relation to the third key stage by a section 4(2)(a) and (b) order;

“summer term” means the third term in a school year (as defined in section 3(6) of the Education Reform Act 1988(5)); and

references to the third key stage are, subject to the operation of section 3(4) to (6) of the Education Reform Act 1988, references to the period set out in paragraph (c) of section 3(3) of that Act;(6) and

references to levels of attainment, attainment targets and programmes of study are references to the levels, targets and programmes set out in the associated documents.

(2) In this Order unless the context otherwise requires any reference to a numbered article is a reference to the article in this Order so numbered and any reference to a numbered paragraph is a reference to the paragraph so numbered in the article in which the reference appears.

(3) Where any average number required to be determined by this Order is not a whole number, it shall be rounded to the nearest whole number, the fraction one half being rounded upwards to the next whole number.

### **Teacher assessment**

4.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to be assessed by a teacher in each core subject during the summer term in accordance with the provisions of this article and for a record of the results to be made by that teacher.

(2) The purpose of the assessment shall be to determine the level of attainment achieved by the pupil in each AT specified for each core subject which applies to him and, except where article 7(3) applies, in the subject as calculated in accordance with article 6.

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(4) The relevant orders for the third key stage are S.I. 1995/51 (English), 1995/52 (mathematics) and 1995/53 (science).

(5) Section 3(6) was amended by section 240(3) of the Education Act 1993.

(6) Section 3(3) was amended by paragraph 113 of Schedule 19 to the Education Act 1993 and section 3(5A) was inserted by section 240(2) of that Act.

(3) The pupil shall be assessed and a record of the results made by the teacher not later than two weeks before the end of the summer term.

(4) The record of the results shall consist of a statement of each level of attainment achieved by the pupil (whether or not that level is specified in relation to the third key stage by the relevant section 4(2)(a) and (b) order) in relation to every AT mentioned in paragraph (2) and, except where article 7(3) applies, of his level in the subject so calculated.

(5) In making an assessment of a pupil pursuant to this article a teacher may take into account the results of any previous assessment of the pupil (whether or not made by that teacher).

#### **NC test and task assessment**

5.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to be assessed in each core subject in accordance with the provisions of paragraph (2).

(2) NC tests or NC tasks or both (as the document in which they are published may require) shall be administered to the pupil in accordance with the provisions of the document at the times specified in the relevant NC assessment timetable and as soon as reasonably practicable thereafter—

(a) the pupil's responses to the NC tests shall be provided to the external marking agency determined by the Authority and notified by them to the headteacher to be marked; and

(b) a record of the results of any NC tasks administered to the pupil, consisting of a statement of each level of attainment achieved by the pupil, shall be made.

(3) Following the marking of NC tests the external marking agency shall provide to the head teacher a record of the results consisting of a statement of each level of attainment achieved by the pupil.

#### **Determination of attainment by subject: teacher assessment**

6. Subject to article 7, a pupil's level of attainment in each core subject shall be the average of his levels in each AT determined by teacher assessment, save that in the case of mathematics his level in AT2 (number and algebra) shall be weighted by a factor of two.

#### **Pupils not subject to provisions of the National Curriculum**

7.—(1) Article 6 shall have effect in relation to pupils as respects whom provisions of the National Curriculum do not apply (including pupils with statements of special educational needs) with the modifications specified in this article.

(2) Where in the case of any core subject one AT does not apply to such a pupil article 6 shall have effect as if the number of ATs applying to the pupil were the total number of ATs in the subject.

(3) Where more than one AT in a core subject does not apply to such a pupil article 6 shall not apply to him in relation to that subject.

#### **Evaluation of Assessment Arrangements**

8. The Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4 to 7 and their implementation achieve the purpose mentioned in article 1(2).

#### **Supplementary powers of the Secretary of State**

9. The Secretary of State may make such provisions giving full effect to or otherwise supplementing the provisions made by this Order (other than provisions conferring or imposing functions as mentioned in section 4(5)(a) of the Education Reform Act 1988) as appear to her to be

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expedient, including in particular provisions as to NC tests and NC tasks for the purpose mentioned in the definition of such tests and tasks in article 3(1) and as to the time when and the manner in which the tests and tasks are to be administered.

1st August 1995

*Lord Henley*  
Minister of State,  
Department for Education and Employment

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and replaces the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1994. It specifies the assessment arrangements for the core subjects in the final year of the third key stage, as they apply to maintained and grant-maintained special schools (not established in a hospital) in England.

The main changes from the 1994 Order are in regulation 6 (determination of attainment by subject). A pupil's level of attainment in each core subject is the average of his levels in each AT in that subject but with, in the case of mathematics, his level in AT2 (number and algebra) weighted by a factor of two.