
STATUTORY INSTRUMENTS

1996 No. 2337

EDUCATION, ENGLAND AND WALES

WALES

**The Education (National Curriculum) (Key Stage
3 Assessment Arrangements) (Wales) Order 1996**

Made - - - - *21st August 1996*

Coming into force - - *31st August 1996*

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

Citation, commencement and application

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1996 and shall come into force on 31st August 1996.

(2) Subject to paragraph (3), the provisions of this Order apply for the purpose of ascertaining the achievements 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 Wales(2).

Revocation

2. The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1995(3) is revoked.

Interpretation

3.—(1) In this Order—

“the associated documents” means the documents published by Her Majesty’s Stationery Office, setting out any levels of attainment, attainment targets, end of key stage descriptions

(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.
(3) S.I. 1995/2209.

and programmes of study in relation to the foundation 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 authority known as Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales(5);

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

“foundation subjects” means the relevant subjects and history, geography, technology, physical education, art, music and a modern foreign language specified in an order of the Secretary of State(6);

“maintained school” has the meaning assigned to it 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 relevant 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 12 which have been published by Her Majesty’s Stationery Office;

“the relevant subjects” means English, Welsh, mathematics and science;

“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)(7);

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(8); and

references to levels of attainment, attainment targets, end of key stage descriptions and programmes of study are references to the levels, targets, descriptions 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 of one half being rounded upwards to the next whole number.

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- (4) The current orders for the third key stage are S.I. [1995/51](#) (English), S.I. [1995/69](#) (Welsh), S.I. [1995/52](#) (mathematics), S.I. [1995/53](#) (science), S.I. [1995/56](#) (technology), S.I. [1995/60](#) (physical education), S.I. [1995/73](#) (history), S.I. [1995/72](#) (geography), S.I. [1995/71](#) (art), S.I. [1995/70](#) (music) and S.I. [1995/57](#) (modern foreign language).
- (5) The authority now known as Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales was established by section 14(1)(b) of the Education Reform Act 1988 under the name of the Curriculum Council for Wales. Its present name was substituted by section 253(1) of the Education Act 1993 (c. 35). The relevant assessment functions were transferred to it by the Education (Schools Curriculum and Assessment Authority) (Transfer of Functions) Order 1994 (S.I. [1995/645](#)).
- (6) See the Education (National Curriculum) (Modern Foreign Languages) Order 1991, S.I. [1991/2567](#) as amended by S.I. [1994/1818](#).
- (7) Section 3(6) was amended by section 240(3) of the Education Act 1993.
- (8) 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.

Teacher assessment—general

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 foundation subject during the summer term in accordance with the provisions of this article and articles 5 to 9 and for a record of the results to be made by that teacher.

(2) 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.

(3) 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).

Teacher assessment—English, Welsh, mathematics, modern foreign language, and science

5.—(1) In the cases of English, Welsh, mathematics, a modern foreign language and science, the purpose of the assessment shall be to determine the level of attainment achieved by the pupil in each AT specified for the subject which applies to him and, subject to article 6(3), in the subject as calculated in accordance with paragraph (3).

(2) 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 (1) and, subject to article 6(3), of his level in the subject so calculated.

(3) Subject to article 6, a pupil's level of attainment in each subject shall be the average of his levels in each AT, save that in the case of mathematics his level in AT2 (number and algebra) shall be weighted by a factor of 2, and in the case of Welsh the following ATs shall be weighted by the factors indicated as follows—

(a) in the case of a pupil following the programme of study known as “Welsh”—

AT1 (oral) 4,
AT2 (reading) 3, and
AT3 (writing) 3,

and

(b) in the case of a pupil following the programme of study known as “Welsh Second Language”—

AT1 (oral) 3,
AT2 (reading) 1, and
AT3 (writing) 1.

6.—(1) Article 5(3) 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 one AT in a subject does not apply to such a pupil, article 5(3) 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 subject does not apply to such a pupil, article 5(3) shall not apply to him in relation to that subject.

(4) In the case of Welsh where the pupil is following the programme of study known as “Welsh Second Language”, article 5(3) shall not apply to that pupil if AT1 (oral) does not apply to him.

Teacher assessment—technology

7.—(1) In the case of technology, the purpose of the assessment shall be to determine the level of attainment achieved by the pupil in each AT specified for the subject which applies to him and, subject to paragraph (3), the average of his levels of attainment in the ATs specified in relation to design and technology as calculated in accordance with paragraph (2).

(2) The record of the results shall consist of a statement of—

- (a) 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 (1); and
- (b) subject to paragraph (3), the average of his levels in the ATs specified in relation to design and technology weighting his level in AT1 (designing) by a factor of 2 and his level in AT2 (making) by a factor of 3.

(3) Where an AT specified in relation to design and technology does not apply to a pupil, subparagraph (b) of paragraph (2) shall not apply in relation to him.

Teacher assessment—geography and history

8. In the cases of geography and history, the purpose of the assessment shall be to determine the level of attainment achieved by the pupil in the subject, and the record of the results shall consist of a statement of that level.

Teacher assessment—art, music and physical education

9. In the cases of art, music and physical education, the purpose of the assessment shall be to determine what the pupil has achieved in relation to the end of key stage descriptions specified for the attainment target (in the case of physical education) or each attainment target which applies to him (in the cases of art and music), and the record of the results shall consist of a statement of the pupil's achievements.

NC test and task assessment

10.—(1) Subject to paragraph (4), it shall be the duty of the head teacher to make arrangements for each pupil to be assessed in each relevant 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 head teacher 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.

(4) This article does not apply for the purposes of ascertaining the achievements in Welsh of pupils following the programme of study known as “Welsh Second Language”(9).

(9) See S.I. 1995/69 and the document entitled “Welsh in the National Curriculum” ISBN 0-11-701815-5.

Evaluation of Assessment Arrangements

11.—(1) The Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4 to 10 and their implementation achieve the purpose mentioned in article 1(2).

(2) The head teacher shall provide the Authority, or such other body as may be appointed by the Authority to administer the arrangements referred to in paragraph (1) above, with such samples of pupils' responses to any NC task for assessing oral Welsh as the Authority or that other body may require.

Supplementary powers of the Secretary of State

12. 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 him to be 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.

Signed by authority of the Secretary of State for Wales

21st August 1996

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

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

EXPLANATORY NOTE

(This note is not part of the Order)

Section 4(1) and (2) of the Education Reform Act 1988 places a duty on the Secretary of State to establish the National Curriculum by specifying by order such attainment targets, programmes of study and assessment arrangements as he considers appropriate for each of the foundation subjects.

This Order, which applies only to schools in Wales, revokes and replaces the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1995. It specifies the assessment arrangements for pupils in the final year of the third key stage.

The 1995 Order provided for assessment in relation only to English, Welsh, mathematics and science (“the relevant subjects”), but the Order did not apply to pupils following the programme of study known as “Welsh Second Language”. The present Order provides for the first time for teacher assessment in all eleven foundation subjects (articles 4 to 9). The NC tests and NC tasks continue to apply only in relation to the relevant subjects, but in the case of Welsh, again not in relation to pupils following the programme of study known as “Welsh Second Language” (article 10).