STATUTORY INSTRUMENTS

2003 No. 1037

EDUCATION, ENGLAND

The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2003

Made - - - -	*7th April 2003*
Coming into force - -	*1st May 2003*

In exercise of the powers conferred on the Secretary of State by sections 87(3)(c), (7), (9), (10) and (11) and 210(7) of the Education Act 2002(**a**), the Secretary of State for Education and Skills hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2003 and shall come into force on 1st May 2003.

(2) The provisions of this Order apply for the purpose of ascertaining the achievements in the core subjects of pupils who have completed the programme of study for the first key stage.

(3) This Order applies to maintained schools (other than those established in hospitals) in England.

Revocation

2. The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 1999(**b**), the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 1999(**c**), the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2000(**d**) and the Education (National Curriculum) (Assessment Arrangements) (England) (Amendment) Order 2001(**e**) are hereby 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 and programmes of study in

(**a**) 2002 c.32.
(**b**) S.I. 1999/1236.
(**c**) S.I. 1999/2187.
(**d**) S.I. 2000/1242.
(**e**) S.I. 2001/1286.

relation to the core subjects, which documents have effect by virtue of the respective section 87(3)(a) and (b) orders for those subjects for the time being in force(**a**);

"AT" means attainment target;

"the Authority" means the Qualifications and Curriculum Authority established under section 21 of the Education Act 1997(**b**);

"the core subjects" means English, mathematics and science;

"section 87(3)(a) and (b) orders" means orders made or which have effect as if they were made under section 87(3)(a) or (b) of the Education Act 2002 specifying attainment targets and programmes of study;

"specified" means specified in relation to the first key stage by a section 87(3)(a) and (b) order;

"spring term" and "summer term" mean respectively the penultimate and final terms in the school year.

(2) In this Order references to the first key stage are, subject to the operation of section 82(2) to (5) of the Education Act 2002, references to the period set out in paragraph (a) of section 82(1) of that Act.

(3) In this Order 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.

(4) 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 8(3) applies, in the subject as calculated in accordance with article 7.

(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 or 4th July falling in that term, if earlier.

(4) A 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 first key stage by the relevant section 87(3)(a) and (b) order) in relation to every AT mentioned in paragraph (2) and, except where article 8(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, including assessments by means of standard tasks, whether or not the previous assessments were made by that teacher.

Standard task assessment: English and mathematics

5.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to be assessed in English and mathematics by the administration of tasks and tests (referred to hereinafter as "standard tasks") in accordance with the provisions of this article, and such an assessment shall be known as a "standard task assessment".

(**a**) The relevant orders for the first key stage are S.I. 2000/1604 (English), S.I 2000/1598 (Mathematics), S.I. 2000/1600 (Science), S.I. 2000/1606 (History), S.I. 2000/1605 (Geography), S.I 2000/1599 Design and Technology, S.I. 2000/1602 (Art and Design), S.I. 2000/1597 (Music), S.I. 2000/1607 (PE), S.I. 2000/1601 (Information and Communication Technology).

(**b**) 1997 c.44.

(2) Standard tasks for which provision is made by the Secretary of State pursuant to article 10 shall be administered to the pupil during the period comprising the spring term and the summer term (except the last four weeks thereof) in accordance with the provisions of the document in which they are published(**a**).

(3) An assessment based on the pupil's performance in each standard task shall be made, and a record of the results made, not later than four weeks before the end of the summer term.

(4) Subject to paragraph (5), the record of the results shall consist of a statement of the pupil's level of attainment in each relevant AT or, if the document in which the standard tasks are published so requires, a statement of the pupil's level of attainment in the subject determined in accordance with the provisions of that document or, if that document so requires, both such statements.

(5) Where in the case of English at least one relevant AT does not apply in relation to a pupil, no record of the pupil's level of attainment at that AT shall be determined.

(6) In paragraphs (4) and (5) "relevant AT" means any AT in which the standard tasks enable achievements to be assessed.

(7) As soon as reasonably practicable after standard task assessments have been administered to pupils pursuant to sub-paragraph (1), the head teacher shall provide the local education authority with a signed statement, confirming that those standard task assessments were administered in accordance with the provisions of the document in which they were published(**a**).

Verification of assessments

6.—(1) The local education authority (referred to in this article as "the verification authority") shall make provision for the verification of standard task assessments in respect of the schools which they maintain.

(2) The verifying authority shall exercise the functions conferred by this article in relation to each of English and mathematics and–

(a) subject to paragraph (3), in any school year in relation to at least 25% of all relevant schools;

(b) in each school year, in relation to those schools in relation to which verification took place in the last preceding school year and in the opinion of the verifying authority, having regard to the results of that verification, a further verification should be made.

(3) For the purposes of paragraph (2)(a),

(a) verifications carried out pursuant to paragraph (2)(b) shall not count towards the 25% minimum;

(b) the verifying authority shall so exercise its functions as to secure that in any period of four years verifications have been completed in relation to all relevant schools.

(4) For the purposes of paragraphs (2) and (3), "relevant schools" are all the schools maintained by the verifying authority.

(5) On a request by the verifying authority, the head teacher shall provide them with the results of standard task assessments of such number or proportion of pupils, and in such subjects or attainment targets in subjects as they may require, together with the supporting material referred to in paragraph (6) to enable the verifying authority to verify the assessments.

(6) The supporting material consists of the pupil's written response to the standard tasks and such further material as the verifying authority may reasonably require.

(7) If after verification the verifying authority consider that the results of the standard task assessments are accurate, they shall so notify the head teacher, and the attainment levels of all

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(a) As at the date this Order is made, the document is entitled "Key Stage 1 Assessment and Reporting Arrangements" and is published by the Qualifications and Curriculum Authority. The document can be obtained through QCA Publications, PO Box 99, Sudbury, Suffolk CO10 6SN.

pupils at the school determined by standard task assessments (whether or not verified) shall be the levels for the subject in question.

(8) If after verification the verifying authority consider that any of the results of the standard task assessments are inaccurate, they shall so notify the head teacher and, if the verifying authority so request, the head teacher shall as soon as practicable–

(a) arrange for the results considered to be inaccurate, together with such other results as that authority may request, to be reconsidered by the teachers concerned and subsequently submitted to the verifying authority for verification; and

(b) provide the verifying authority with the results of the standard task assessments of all other pupils in the subject in question which have not been verified, together with the supporting material referred to in paragraph (6) for verification.

(9) Where any level of attainment determined by the verifying authority differs from the level determined by a standard task assessment, the level determined by the authority after verification shall be the level of attainment.

(10) It shall be the duty of the head teacher and the governing body–

(a) to permit the verifying authority to enter the premises of the school at all reasonable times in order to observe the implementation of the arrangements specified by this Order;

(b) to permit the verifying authority to inspect and take copies of documents and other articles relating to standard task assessment; and

(c) to provide to the verifying authority such information relating to assessment as they may reasonably request.

(11) For the purpose of exercising their functions under this article the verifying authority shall appoint such competent persons as they think fit.

(12) A person is not competent for the purposes of paragraph (11) unless he has recent experience of the provision of the National Curriculum in primary schools.

Determination of attainment by subject: teacher assessment

7.—(1) Subject to article 8, the provisions of this article regulate the aggregation of AT levels of attainment determined in accordance with article 4 to calculate subject levels of attainment.

(2) In the case of English, a pupil's level of attainment in the subject shall be the average of his levels in each AT.

(3) In the case of mathematics, a pupil's level of attainment in the subject shall be **a/b** where: **a** is the aggregate of his levels in each AT and his level in AT2 (number and algebra) weighted by a factor of three, and **b** is the number of those ATs, with AT2 weighted by a factor of three.

(4) In the case of science, a pupil's level of attainment in the subject shall be **a/b** where: **a** is the aggregate of his levels in each AT, with his level in AT1 (scientific enquiry) weighted by a factor of three, and **b** is the number of those ATs, with AT1 weighted by a factor of three.

Pupils not subject to provisions of the National Curriculum

8.—(1) The modifications set out in this article apply in respect of pupils to whom provisions of the National Curriculum do not apply (including pupils with statements of special educational needs).

(2) Where in the case of any core subject one AT does not apply to such a pupil, this article shall have effect as if the number of ATs applying to the pupil were the total number of ATs in the subject and the AT which does not apply, and any weighting in respect thereof, were ignored.

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

Evaluation of Assessment Arrangements

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

Supplementary powers of the Secretary of State

10. 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 87(7) of the Education Act 2002) as appear to him to be expedient, including in particular provisions as to standard tasks for the purpose of assessing pupils' levels of attainment in any AT or core subject and as to the time when and the manner in which they are to be administered; and any provisions the Secretary of State may so make, shall be published by the Authority.

Stephen Twigg
Parliamentary Under Secretary of State
Department for Education and Skills

7th April 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts with modifications the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 1999 ("the 1999 Order") as amended by the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 1999, the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2000 and the Education (National Curriculum) (Assessment Arrangements) (England) (Amendment) Order 2001, which are also revoked. It specifies the assessment arrangements for pupils who have completed the programme of study for the first key stage, as they apply to schools maintained by local education authorities (other than any established in a hospital) in England.

The main change from the 1999 Order is to extend the application of the provisions. The 1999 Order applied to pupils in the final year of the first key stage. By virtue of Article 1(2), this Order applies to pupils who have completed the programme of study for the first key stage. Where a head teacher judges a group of pupils, who have completed the Key Stage 1 programmes of study, to be ready to proceed to the programmes of study for Key Stage 2, those pupils may take the National Curriculum assessments early.

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