
STATUTORY INSTRUMENTS

2003 No. 1039

EDUCATION, ENGLAND

**The Education (National Curriculum) (Key Stage 3
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⁽¹⁾, 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 3 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 and other foundation subjects of pupils who have completed the programme of study for the third 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 3 Assessment Arrangements) (England) Order 1999⁽²⁾ and the Education (National Curriculum) (Assessment Arrangements) (England) (Amendment) Order 2001⁽³⁾ 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

(1) 2002 c. 32.
(2) S.I. 1999/2189.
(3) S.I. 2001/1286.

relation to the core and other foundation 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(4);

“AT” means attainment target;

“the Authority” means the Qualifications and Curriculum Authority established under section 21 of the Education Act 1997(5);

“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;

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the level of attainment which they have achieved in any core subject;

“NC assessment timetable” means a timetable for the administration of NC tests, being respectively tests and a timetable laid down in provisions made by the Secretary of State under article 12 which have been published by the Authority(6);

“the other foundation subjects” means design and technology, information and communication technology, physical education, history, geography, art and design, music, citizenship and a modern foreign language specified in an order of the Secretary of State or, if the Order so specifies, any modern foreign language(7);

“record of the results”, for the purposes of articles 8 and 10, means a record of the results of a pupil in respect of the NC tests administered to him under article 8, consisting of a statement of each level of attainment achieved by the pupil;

“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 third key stage by a section 87(3)(a) and (b) order;

“summer term” means the final term in the school year.

(2) In this Order references to the third 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 (c) 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 – general

4.—(1) Subject to paragraph (2), it shall be the duty of the head teacher to make arrangements for each pupil to be assessed by a teacher in each core and other foundation subject during the summer term in accordance with the provisions of this article and articles 5 to 7 and for a record of the results to be made by that teacher.

(4) The relevant orders for the third key stage are [S.I. 2000/1604](#) (English), [2000/1598](#) (mathematics), [2000/1600](#) (science), [2000/1606](#) (history), [2000/1605](#) (geography), [2000/1599](#) (design and technology), [2000/1595](#) (modern foreign languages), [2000/1602](#) (art and design), [2000/1597](#) (music), [2000/1607](#) (physical education), [2000/1601](#) (information and communication technology) and [2000/1603](#) (citizenship).

(5) [1997 c. 44](#).

(6) As at the date this Order is made, the document is entitled “Key Stage 3 Assessment and Reporting Arrangements”; the document can be obtained through QCA Publications, PO Box 99, Sudbury, Suffolk CO10 6SN.

(7) See the Education (National Curriculum) (Modern Foreign Languages) Order 1991, [S.I. 1991/2567](#).

(2) In the case of citizenship, the duty in paragraph (1) shall not have effect before 1st January 2004.

(3) The pupil shall be assessed and the results of the assessment recorded 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) In making an assessment of a pupil pursuant to this article and articles 5 to 7 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, mathematics, modern foreign language and science

5.—(1) In the cases of English, 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 that applies to him and, subject to article 6(3), in the subject as calculated in accordance with paragraph (3).

(2) The results recorded 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 87(3)(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 **a/b** where: **a** is the aggregate of his levels in each of the ATs weighted by the following factors: 4:9:4:3 and **b** is the number of those ATs weighted by the same factors (4:9:4:3).

Pupils not subject to provisions of the National Curriculum

6.—(1) Article 5(3) shall have effect in relation to pupils in respect of 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 and as if the AT which does not apply, and any weighting in respect thereof, were ignored.

(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.

Teacher assessment – other foundation subjects

7. In the case of design and technology, information and communication technology, physical education, history, geography, art and design, music and citizenship, 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 (8).

(8) As at the date that this Order is made levels of attainment are set out in "Attainment Targets and Programmes of Study in Design and Technology" (ISBN 011 3700741) given effect by [S.I. 2000/1599](#), "Attainment Targets and Programmes of Study in Information and Communication Technology" (ISBN 011 3700733) given effect by [S.I. 2000/1601](#), "Attainment Targets and Programmes of Study in Geography" (ISBN 011 3700725) given effect by [SI 2000/1605](#), "attainment Targets and Programmes of Study in History" (ISBN 011 3700717) given effect by [S.I. 2000/1606](#), "Attainment Targets and Programmes of Study in Art and Design" (ISBN 011 3700768) given effect by [S.I. 2000/1602](#), "Attainment Targets and Programmes of Study in Music" (ISBN 011 3700776) given effect by [S.I. 2000/1597](#), "Attainment Targets and Programmes of Study in Physical Education" (ISBN 011 3700784) given effect by [S.I. 2000/1607](#), "Attainment Targets and Programmes of Study in Citizenship" (ISBN 011 3700792) given effect by [S.I. 2000/1603](#).

NC test assessment

8.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to whom this article applies in respect of a core subject to be assessed in that subject in accordance with the provisions of paragraph (3).

(2) This article applies to a pupil in respect of a core subject if, in the opinion of his head teacher, his level of attainment in that subject, if he were to be assessed by the administration to him of NC tests in accordance with the provisions of paragraph (3), would be level 3 or higher (in the case of mathematics and science) or level 4 or higher (in the case of English).

(3) Where this article applies to a pupil in respect of a core subject, NC tests shall be administered to the pupil in accordance with the provisions of the document in which they are published at the times specified in the relevant NC assessment timetable. As soon as reasonably practicable thereafter the pupil's responses to the NC tests shall be provided to the external marking agency, determined by the Authority, to be marked. The Authority shall notify the head teacher of the identity of the external marking authority immediately following their determination.

(4) As soon as reasonably practicable after the pupil's responses to the NC tests in all the core subjects have been provided by the head teacher to the external marking agency pursuant to paragraph (3), the head teacher shall provide that agency with a statement, signed by himself, confirming that those NC tests were administered in accordance with the provisions of the document in which they are published at the times specified in the relevant NC assessment timetable.

(5) Following the marking of NC tests, the external marking agency shall provide to the head teacher a record of the results.

Monitoring of assessment arrangements

9.—(1) This article makes provision for the monitoring of the NC test assessment under article 10, by the local education authority (referred to in this article as "the monitoring authority").

(2) In any school year the monitoring authority shall exercise their functions conferred by this article in any school year in relation to 10% of all relevant schools.

(3) For the purposes of paragraphs (2) and (4), "relevant schools" are all schools maintained by the monitoring authority at which in any school year NC tests are administered to pupils under article 8.

(4) Each school year the monitoring authority shall visit the relevant schools during any of the following periods—

- (a) the week before any NC tests are administered to pupils under article 8;
- (b) the period during which NC tests are administered to pupils under that article; or
- (c) three school days after the day on which the last NC test is administered to pupils under that article

and such a visit may be during any of these periods in respect of any of those schools.

(5) The purpose of any such visit as is referred to in paragraph (4) shall be to enable the monitoring authority to monitor whether the assessment arrangements for the purposes of administering the NC tests under article 8 are in accordance with the provisions of the document in which those NC tests are published and the relevant NC assessment timetable, including, in the case of a visit under paragraph (4)(b), whether pupils' written responses to the NC tests represent their own work.

(6) Following any such visit as is referred to in paragraph (4), the monitoring authority shall discuss the outcome of the visit with the head teacher.

(7) Where, as a result of a visit, it appears to the monitoring authority that any of the assessment arrangements in connection with administering the NC tests under article 8 are not in accordance

with the document in which those NC tests are published or the relevant NC assessment timetable or that any pupil's written response to the NC tests does not represent his own work, they shall—

- (a) bring the matter to the attention of the head teacher; and
- (b) report the matter to the Authority.

(8) It shall be the duty of the head teacher and the governing body—

- (a) to permit the monitoring authority to enter the premises of the school at all reasonable times in order to observe the implementation of the arrangements for NC test assessment under article 8;
- (b) to permit the monitoring authority to inspect and take copies of documents and other articles relating to that NC test assessment; and
- (c) to provide to the monitoring authority such information relating to such assessment as they may reasonably request.

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

Investigation by the Authority and correction of record of results

10.—(1) The Authority shall investigate any matter referred to them under article 9(7) or otherwise brought to their attention which, in their opinion, relates to the accuracy or correctness or otherwise of any results of any pupil in respect of the NC tests administered under article 8.

(2) Where, following an investigation under paragraph (1) and before the external marking agency have provided the record of the results to the head teacher under article 8(5), the Authority determine that the accuracy or correctness of a pupil's results in respect of the NC tests administered under article 8 is in doubt, the record of the results to be provided by that agency to the head teacher shall be the record of the results determined by the Authority.

(3) Where, following an investigation under paragraph (1) and the external marking agency have provided the record of the results to the head teacher under article 8(5), the Authority determine that that record of the results is inaccurate or otherwise incorrect, the Authority shall provide to the head teacher a record of the results determined by the Authority and that record of the results shall be the record of the results for the pupil.

Evaluation of Assessment Arrangements

11. 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

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 87(7) of the Education Act 2002) as appear to him to be expedient, including in particular provisions as to NC tests for the purpose mentioned in the definition of such tests in article 3(1) and as to the time when and the manner in which the tests are to be administered.

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

7th April 2003

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts with modifications the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999 (“the 1999 Order”) as amended by the Education (National Curriculum) (Assessment Arrangements) (Amendment) Order 2001 which is also revoked. It specifies the assessment arrangements for pupils who have completed the programme of study for the third 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 third key stage. By virtue of Article 1(2), this Order applies to pupils who have completed the programme of study for the third key stage. Where a head teacher judges a group of pupils, who have completed the Key Stage 3 programmes of study, to be ready to proceed to the programmes of study for Key Stage 4, those pupils may take the National Curriculum assessments early.