

**2018 No. 452**

**EDUCATION, ENGLAND**

**The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2018**

*Made* - - - - *28th March 2018*

*Coming into force* - - *1st September 2018*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87(3)(c), (7) and (8) of the Education Act 2002(a).

The Secretary of State has consulted the Office of Qualifications and Examinations Regulation and other persons the Secretary of State considered appropriate in accordance with section 87(6A)(a) of the Education Act 2002(b).

**Citation and commencement**

1. This Order may be cited as the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2018 and comes into force on 1st September 2018.

**Amendments to The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003**

2. For Article 4 of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(c) substitute—

**“4. Teacher Assessment**

(1) It shall be the duty of the head teacher to make arrangements —

(a) for each pupil to be assessed by a teacher during the summer term in—

(i) English writing; and

(i) that pupil’s appropriate subjects; and

(b) for that teacher to make a record of the pupil’s assessment results, in accordance with the provisions of this article.

(2) In this article “a pupil’s appropriate subjects” are—

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(a) 2002 c.32. Section 87(7) of the Education Act 2002 was amended by Schedule 12 paragraph 35(3) to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), Schedule 8 paragraph 13 to the Education Act 2011 (c.21) and S.I. 2010/1158.

(b) Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

(c) S.I. 2003/1038. This order was amended by S.I. 2005/900, S.I. 2012/838 and S.I. 2013/1513; there are other amending instruments but none is relevant.

- (a) English reading, for a pupil who, in the opinion of the head teacher, does not have the ability to meet the standard of the NC test in that subject;
  - (b) mathematics, for a pupil who, in the opinion of the head teacher, does not have the ability to meet the standard of the NC test in that subject; and
  - (c) science, for a pupil who, in the opinion of the head teacher, has the ability to meet the standard which applies to that pupil in that subject as calculated in accordance with any delegated supplementary provisions.
- (3) The purpose of the assessment of each pupil is to determine the standard of attainment which—
- (a) the pupil has achieved in English writing and in that pupil’s appropriate subjects; and
  - (b) applies to the pupil as calculated in accordance with any delegated supplementary provisions.
- (4) For each appropriate subject the results recorded must consist of the standard of attainment achieved by the pupil (whether or not that standard is specified in relation to the second key stage by the relevant section 87(3)(a) and (b) order).
- (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.”

28th March 2018

*Nick Gibb*  
Minister of State  
Department for Education

### **EXPLANATORY NOTE**

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

This Order amends the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 to provide for pupils studying to the standards of the National Curriculum tests to be assessed by teachers in English writing and science in Key Stage 2. Pupils not studying to the standards of the National Curriculum tests are to be assessed in English reading, English writing and mathematics.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has a minimal impact on the public sector.

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