

## WELSH STATUTORY INSTRUMENTS

### 2013 No. 433 (W.51)

## EDUCATION, WALES

### The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013

<i>Made</i>	- - - -	27 February 2013
<i>Laid before the National Assembly for Wales</i>	- -	28 February 2013
<i>Coming into force</i>	- -	1 May 2013

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 108(2)(b)(iii), (3)(c), (5), (6), (7), (8), (10) and (11) and section 210 of the Education Act 2002 <sup>M1</sup> and now vested in them <sup>M2</sup> make the following Order:

#### Modifications etc. (not altering text)

- C1** Order: power to disapply conferred (temp.) by 2020 c. 7, **Sch. 17 para. 7(5)(j)** (with ss. 88-90) (as inserted (23.6.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(5\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020](#) (S.I. 2020/624), regs. 1(2), **2(c)**)
- C2** Order applied (30.5.2022) by [The Education \(Revocation of Assessment Arrangements in the National Curriculum and Miscellaneous Amendments\) \(Wales\) Regulations 2022](#) (S.I. 2022/517), regs. 1(2), **5(1)** (with reg. 5(2)-(5))

#### Marginal Citations

- M1** 2002 c. 32.
- M2** The functions of the National Assembly for Wales under these sections was transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the [Government of Wales Act 2006](#) (c. 32).

#### Title, commencement and application

1.—(1) The title of this Order is the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 and it comes into force on 1 May 2013.

(2) This order applies to maintained schools (other than those established in hospitals) in Wales.

#### Interpretation

2.—(1) In this Order—

“monitoring authority” (“*awdurdod monitro*”) means the maintaining local authority;

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**Changes to legislation:** The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 is up to date with all changes known to be in force on or before 09 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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F1  
...

“the NNT” (“y PRhC”) means the National Numeracy Test being a National Curriculum test administered to pupils for the purpose of assessing their numeracy skills;

“the NRTE” (“y PDCCS”) means the English-medium National Reading Test being a National Curriculum test administered to pupils for the purpose of assessing their reading skills in English;

“the NRTW” (“y PDCCC”) means the Welsh-medium National Reading Test being a National Curriculum test administered to pupils for the purpose of assessing their reading skills in Welsh;

“the NT” (“y PC”) means the National Tests being the NRTE, the NRTW and the NNT”;

“the NT administration handbook” (“llawlyfr gweinyddu'r PC”) means a handbook that details the administrative arrangements of the NT made by the Welsh Ministers under article 9”;

“the NT assessment timetable” (“amserlen asesu'r PC”) means a timetable for the administration of the NT tests, being respectively tests and a timetable laid down in provisions made by the Welsh Ministers under article 9”;

“the NT disapplication guidance” (“canllawiau datgymhwysu'r PC”) means guidance that sets out which pupils need not be administered the NT;

“the NT mark scheme” (“cynllun marcio'r PC”) means the mark scheme issued to head teachers with the NT;

“the Welsh document” (“y ddogfen Gymraeg”) means the document published by the Welsh Ministers in January 2008 entitled “Welsh in the National Curriculum for Wales <sup>M3</sup>” and referred to in the Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) Order 2008 <sup>M4</sup>;

“Welsh programme of study” (“rhaglen astudio Cymraeg”) means the programme of study referred to in that part of the Welsh document entitled “Welsh”;

“Welsh second language programme of study” (“rhaglen astudio Cymraeg ail iaith”) means the programme of study referred to in that part of the Welsh document entitled “Welsh second language”;

“year 2” (“blwyddyn 2”) means the final year of the foundation phase;

“year 3” (“blwyddyn 3”) means the first year of the second key stage;

“year 4” (“blwyddyn 4”) means the second year of the second key stage;

“year 5” (“blwyddyn 5”) means the third year of the second key stage;

“year 6” (“blwyddyn 6”) means the fourth year of the second key stage;

“year 7” (“blwyddyn 7”) means the first year of the third key stage;

“year 8” (“blwyddyn 8”) means the second year of the third key stage;

“year 9” (“blwyddyn 9”) means the third year of the third key stage.

(2) Any references in this Order to the foundation phase are to be interpreted in accordance with section 102 of the Education Act 2002.

(3) Any references in this Order to the second and third key stages are to be interpreted in accordance with section 103(1)(b) and (c) of the Education Act 2002.

**F1** Words in art. 2(1) omitted (1.9.2018) by virtue of [The Education \(National Curriculum\) \(Assessment Arrangements for Reading and Numeracy\) \(Wales\) \(Amendment\) Order 2018 \(S.I. 2018/811\)](#), arts. 1(2), 2(a)

### Marginal Citations

**M3** At the time of printing of this Order, the Welsh document is published on [www.wales.gov.uk](http://www.wales.gov.uk).

**M4** [S.I. 2008/1409](#) (W.146).

### National Reading Test — English

3.—(1) Subject to paragraph (4), this article applies to—

- (a) a pupil in years 4 to 9;
- (b) a pupil in year 3 who is following the Welsh second language programme of study; and
- (c) a pupil in year 2 where, in the opinion of the head teacher, the majority of that pupil's lessons are taught through the medium of English.

(2) The head teacher must make arrangements for the NRTE to be administered to each pupil —

- (a) in accordance with the provisions of the document in which the NRTE are published;
- (b) in accordance with the NT administration handbook; and
- (c) during the time period specified in the NT assessment timetable.

(3) As soon as reasonably practical thereafter, the head teacher must make arrangements—

- (a) for the pupils responses to the NRTE to be marked in accordance with the relevant NT mark scheme provided to the head teacher;
- (b) for the marks referred to in paragraph (a) to be provided to the Welsh Ministers in accordance with the NT assessment timetable and the NT administration handbook.

(4) This article does not apply to a pupil who, in the opinion of the head teacher, falls within one of the categories listed in the NT disapplication guidance.

[<sup>F2</sup>(5) Paragraph (3) does not apply to pupils sitting the on-line version of the NRTE.]

**F2** Art. 3(5) inserted (1.9.2018) by [The Education \(National Curriculum\) \(Assessment Arrangements for Reading and Numeracy\) \(Wales\) \(Amendment\) Order 2018 \(S.I. 2018/811\)](#), arts. 1(2), **2(b)**

### National Reading Test — Welsh

4.—(1) Subject to paragraph (4), this article applies to—

- (a) a pupil in years 3 to 9 who is following the Welsh programme of study; and
- (b) a pupil in year 2 where, in the opinion of the head teacher, the majority of that pupil's lessons are taught through the medium of Welsh.

(2) The head teacher must make arrangements for the NRTW to be administered to each pupil —

- (a) in accordance with the provisions of the document in which the NRTW are published;
- (b) in accordance with the NT administration handbook; and
- (c) during the time period specified in the NT assessment timetable.

(3) As soon as reasonably practical thereafter, the head teacher must make arrangements—

- (a) for the pupils responses to the NRTW to be marked in accordance with the relevant NT mark scheme provided to the head teacher;
- (b) for the marks referred to in paragraph (a) to be provided to the Welsh Ministers in accordance with the NT assessment timetable and the NT administration handbook.

(4) This article does not apply to a pupil who, in the opinion of the head teacher, falls within one of the categories listed in the NT disapplication guidance.

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[<sup>F3</sup>(5) Paragraph (3) does not apply to pupils sitting the on-line version of the NRTW.]

**F3** Art. 4(5) inserted (1.9.2018) by [The Education \(National Curriculum\) \(Assessment Arrangements for Reading and Numeracy\) \(Wales\) \(Amendment\) Order 2018 \(S.I. 2018/811\)](#), arts. 1(2), **2(c)**

### National Numeracy Test

5.—(1) Subject to paragraph (4), this article applies to a pupil in Years 2 to 9.

(2) The head teacher must make arrangements for the NNT to be administered to each pupil —

- (a) in accordance with the provisions of the document in which the NNT are published;
- (b) in accordance with the NT administration handbook; and
- (c) during the time period specified in the NT assessment timetable.

(3) As soon as reasonably practical thereafter, the head teacher must make arrangements—

- (a) for the pupils responses to the NNT to be marked in accordance with the relevant NT mark scheme provided to the head teacher;
- (b) for the marks referred to in paragraph (a) to be provided to the Welsh Ministers <sup>F4</sup>... in accordance with the NT assessment timetable and the NT administration handbook.

(4) This article does not apply to a pupil who, in the opinion of the head teacher, falls within one of the categories listed in the NT disapplication guidance.

[<sup>F5</sup>(5) Paragraph (3) does not apply to pupils sitting the on-line version of the NNT.]

**F4** Words in art. 5(3)(b) omitted (1.9.2018) by virtue of [The Education \(National Curriculum\) \(Assessment Arrangements for Reading and Numeracy\) \(Wales\) \(Amendment\) Order 2018 \(S.I. 2018/811\)](#), arts. 1(2), **2(e)**

**F5** Art. 5(5) inserted (1.9.2018) by [The Education \(National Curriculum\) \(Assessment Arrangements for Reading and Numeracy\) \(Wales\) \(Amendment\) Order 2018 \(S.I. 2018/811\)](#), arts. 1(2), **2(d)**

### Head teacher's declaration

6. The head teacher must, within 7 school days of the date set out in the NT timetable for the provision to the Welsh Ministers <sup>F6</sup>... of the information referred to in articles 3 (3)(b), 4(3)(b) and 5(3)(b), provide to the monitoring officer a statement, signed by the head teacher, confirming that —

- (a) the NT were administered in accordance with the provisions of the document in which they are published;
- (b) the NT were administered during the time period specified in the NT assessment timetable;
- (c) the NT were administered in accordance with the NT administration handbook; and
- (d) that the pupils responses to the NT were marked in accordance with the NT mark scheme.

**F6** Words in art. 6 omitted (1.9.2018) by virtue of [The Education \(National Curriculum\) \(Assessment Arrangements for Reading and Numeracy\) \(Wales\) \(Amendment\) Order 2018 \(S.I. 2018/811\)](#), arts. 1(2), **2(e)**

### Monitoring of assessment arrangements

7.—(1) This article makes provision for the monitoring of the NT by the monitoring authority.

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

(3) For the purposes of paragraphs (2) and (4), “relevant schools” are all the schools maintained by the monitoring authority at which in any school year NT are administered to pupils in accordance with this Order.

(4) In each school year, the monitoring authority must visit the relevant schools during any of the following periods—

- (a) the week before the NT are administered to pupils;
- (b) the period during which the NT are administered to pupils; or
- (c) twenty school days after the last day on which any of the NT may be administered to pupils 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 is to enable the monitoring authority to monitor whether the assessment arrangements for the purposes of administering the NT are in accordance with—

- (a) the provision of the document in which those NT are published;
- (b) the relevant NT assessment timetable;
- (c) the relevant NT administration handbook;
- (d) in the case of a visit under paragraph (4)(b) or (c), whether the pupils' written responses to the NT represent their own work; and
- (e) in the case of a visit under paragraph (4)(c) whether the pupils responses to the NT have been marked in accordance with the relevant NT mark scheme.

(6) Following any such visit the monitoring authority will 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 NT under this Order are not in accordance with the document in which those NT were published or the relevant NT assessment timetable or NT administration handbook or that any pupil's written response to the NT does not represent that pupil's own work, they will—

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

(8) The head teacher and the governing body must—

- (a) permit the monitoring authority to enter the premises of the school at all reasonable times so that they may observe the implementation of the NT under this Order;
- (b) permit the monitoring authority to inspect and take copies of documents and other articles relation to that NT assessment; and
- (c) provide the monitoring authority such information relating to such assessment as they may reasonably request.

(9) For the purposes of exercising their functions under this article, the monitoring authority will appoint such competent person as they see fit.

### **Investigation by Welsh Ministers and correction of record of results**

**8.—(1)** The Welsh Ministers will investigate any matter referred to them under article 7 or otherwise brought to their attention which, in their opinion, relates to the accuracy or correctness of any results of any pupils in respect of the NT tests administered under this Order.

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(2) Where, following an investigation, the Welsh Ministers determine that the pupil's results in respect of the NT administered under this Order are in doubt, inaccurate or otherwise incorrect, the record of the results for that pupil is to be the record of the results determined by the Welsh Ministers.

### **Supplementary powers of Welsh Ministers**

9.—(1) The Welsh Ministers may make such provisions giving full effect to or otherwise supplementing the provisions made by this Order as appear to them to be expedient, including in particular—

- (a) provisions as to the NT for the purpose mentioned in the definition of such tests in article 2(1); and
  - (b) provisions as to the time when and the manner in which NT are to be administered.
- (2) Any provisions made under this article are to be published by the Welsh Ministers.

*Leighton Andrews*  
Minister for Education and Skill, one of the  
Welsh Ministers

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## EXPLANATORY NOTE

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

Section 108 of the Education Act 2002 provides a power for the Welsh Ministers to prescribe by way of an Order assessment arrangements of the National Curriculum.

This Order gives legal effect to the assessment arrangements for reading and numeracy for pupils who attend schools maintained by a local authority (other than any established in a hospital) in Wales.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Order revoked by S.I. 2022/517 reg. 5\(6\)\(a\)](#)