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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1309 (W. 113)**

**EDUCATION, WALES**

**The National Curriculum (Moderation of  
Assessment Arrangements for the Second  
and Third Key Stages) (Wales) Order 2015**

<i>Made</i>	- - - -	<i>6 May 2015</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>11 May 2015</i>
<i>Coming into force</i>	- -	<i>1 September 2015</i>

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 108(3)(c), (7), and 210 of the Education Act 2002<sup>(1)</sup> and now vested in them, make the following Order:

**Title, commencement and application**

**1.**—(1) This Order is called the National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015 and it comes into force on 1 September 2015.

(2) This Order applies in relation to maintained schools in Wales.

**Interpretation**

**2.**—(1) In this Order—

“the Act” (“*y Ddeddf*”) means the Education Act 2002;

“maintained school” (“*ysgol a gynhelir*”) means a community, foundation or voluntary school maintained by a local authority in Wales and which is not a special school;

“moderation” (“*cymedrolï*”) means the review of teacher assessment processes and results to ensure consistency in teacher assessment during the second and third key stages and “moderating” is to be construed accordingly;

“preliminary determination” (“*penderfyniad rhagarweiniol*”) means any determination made by a teacher as to the level of attainment of a pupil following teacher assessment of that pupil

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(1) [2002 c.32](#). The functions of the National Assembly for Wales in section 108 of the Education Act 2002 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#).

prior to making a final determination as to that pupil's level of attainment in those teacher assessments;

"spring term" ("*tymor y gwanwyn*") means the school term immediately preceding the summer term;

"standardisation of teacher assessment practices" ("*safoni arferion asesiadau athrawon*") means the review of teacher assessment judgements and teacher assessment processes to ensure consistency in those judgements and processes;

"summer term" ("*tymor yr haf*") means the final term in the school year;

"teacher assessment" ("*asesiad athro neu athrawes*") means such assessment arrangements as are prescribed from time to time by the Welsh Ministers in relation to the second and third key stages under section 108(3)(c) of the Act<sup>(2)</sup>.

(2) References to the second key and third stage are to be construed in accordance with section 103 of the Act.

### **Moderation of teacher assessment**

3. This Order makes provision for the moderation of the teacher assessment of all pupils in the final year of the second and third key stages.

### **Duty to join a school moderation cluster group**

4.—(1) A head teacher must put in place arrangements to ensure that the—

- (a) school at which they are employed becomes a member ("school member") of a school moderation cluster group; and
- (b) school moderation cluster group meets at least once in every school year during either the spring or summer terms.

(2) A school moderation cluster group is a group of 2 or more schools established for the purposes of—

- (a) developing accurate and consistent standardisation of teacher assessment practices in all school members before teacher assessment of pupil's school work;
- (b) developing accurate and consistent teacher moderation in all school members following teacher assessment of pupil's school work;
- (c) reviewing from time to time the standardisation of teacher assessment practices and the moderation practices in paragraphs (2)(a) and (b) in school members with a view to improving their accuracy and consistency; and
- (d) reviewing examples of work produced by registered pupils of the school member and assess them against the desirable outcomes.

### **Duty to implement determinations and decisions of the school moderation cluster group**

5. A head teacher must put in place arrangements to ensure that before the end of the school year in which the school moderation cluster group met the teachers at the school ("the current school year")—

- (a) are made aware of the determinations and decisions of the school moderation cluster group in relation to the standardisation and moderation of the teacher assessment of pupils at the school during the current school year;

(2) The current assessment arrangements are set out in [S.I. 2004/2915 \(W. 254\)](#), [S.I. 2005/1394 \(W. 108\)](#), [S.I. 2013/433 \(W. 51\)](#) and [S.I. 2014/1999 \(W. 200\)](#).

- (b) review and if necessary revise any preliminary determination made during the current school year to take account of the determinations and decisions of the school moderation cluster group in relation to the standardisation and moderation of the teacher assessment of pupils for the current school year; and
- (c) implement the determinations and decisions of the school moderation cluster group in relation to the standardisation and moderation of the teacher assessment of pupils during the school year immediately proceeding the current school year.

#### **Attendance at school moderation cluster group meetings**

6.—(1) The following persons must attend any meeting of a school moderation cluster group—

- (a) the head teacher, or their representative, of every maintained school that is a member of the school moderation cluster group; and
- (b) such other persons as the school members determine.

(2) Where pursuant to paragraph (1)(a) the head teacher arranges for their representative to attend a school moderation cluster group meeting in their place the head teacher must be satisfied that the representative has the necessary skills, experience and expertise to do so.

(3) The chief education officer of each local authority which has a maintained school in its area that is a school member of the school moderation cluster group, or that person's representative, may attend any meeting of a school moderation cluster group for the purpose of seeking to ensure consistency in school moderation and standardisation of teacher assessment practices across all school moderation cluster groups in that local authority's area.

(4) Where pursuant to paragraph (3) the chief education officer arranges for their representative to attend a school moderation cluster group meeting in their place the chief education officer must be satisfied that the representative has the necessary skills, experience and expertise to do so.

#### **Procedure of school moderation cluster group meetings**

7. Subject to any other provision of this Order the school members may regulate their own procedures.

#### **Acting head teacher**

8. For the purposes of this Order a person is to be regarded as serving as the head teacher of a maintained school if that person is carrying out the functions of the head teacher of the school—

- (a) pending the appointment of a head teacher, or
- (b) in the absence of a head teacher.

6 May 2015

*Huw Lewis*  
Minister for Education and Skills, one of the  
Welsh Ministers

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## EXPLANATORY NOTE

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

Section 108(3)(c) of the Education Act 2002 (“the 2002 Act”) provides a power for the Welsh Ministers to prescribe by way of an order assessment arrangements for the key stages. In addition section 108(7) of the 2002 Act allows the Welsh Ministers to impose functions on a school governing body, head teacher and local authority in relation to any such order made under section 108(3)(c) of the 2002 Act.

Article 3 of this Order provides that the moderation provisions set out in it apply in relation to all statutory teacher assessments of pupils in maintained schools in Wales in the final year of the second and third key stages. The statutory teacher assessments were given legal effect by way of an order made pursuant to section 108(3)(c) of the 2002 Act. This Order does not apply to special schools maintained by local authorities in Wales.

Article 4 of this Order places a duty on a head teacher of a maintained school in Wales to make arrangements to ensure that their school joins school moderation cluster group and that the group meets at least once every school year in the spring or summer school terms. Article 4 also sets out the purpose of the school moderation cluster group. School moderation cluster groups may contain schools from more than one local authority area.

Article 5 of this Order places a duty on the head teacher to make arrangements to ensure that teachers at their school are made aware of and implement the determinations and decisions of the school moderation cluster group.

Article 6 of this Order makes provision in relation to the persons who must and who may attend meetings of the school moderation cluster group. This article provides that the chief education officer of the local authority in whose area the school is situated may attend meetings of the school moderation cluster group.

Article 7 provides that it is for the school moderation cluster group to regulate their own procedures.

Article 8 of this Order provides that a person serving as an acting head teacher is to be regarded as the head teacher for the school for the purposes of this Order.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Curriculum Division in the Department for Education and Skills.