
STATUTORY INSTRUMENTS

1994 No. 2101

EDUCATION, ENGLAND AND WALES

**The Education (National Curriculum)
(Assessment Arrangements for the Core
Subjects) (Key Stage 3) (England) Order 1994**

Made - - - - *4th August 1994*

Coming into force - - *8th August 1994*

The Secretary of State for Education, in exercise of the powers conferred on her by section 4(2)(c), (5), (6) and (8) and section 232(5) and (6) of the Education Reform Act 1988(1), hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1994 and shall come into force on 8th August 1994.

(2) The provisions of this Order apply for the purpose of ascertaining the achievements in the core subjects of pupils who are in the final year of the third key stage.

(3) This Order applies only to maintained schools and grant-maintained special schools (other than those established in hospitals) in England(2).

Revocation

2. The Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) Order 1993(3) is revoked.

Interpretation

3.—(1) In this Order—

(1) 1988 c. 40; section 4 was amended by section 240 of the Education Act 1993 (c. 35).
(2) The provisions of the National Curriculum apply to grant-maintained special schools which are not established in hospitals by virtue of regulation of 42(1) of, and Parts I and II of the Schedule to, the Education (Grant-maintained Special Schools) Regulations 1994, S.I.1994/653, to which there are amendments not relevant to this Order.
(3) S. I. 1993/1984.

“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 relation to the core subjects, which documents have effect by virtue of the respective section 4(2)(a) and (b) orders for those subjects for the time being in force⁽⁴⁾;

“AT” means attainment target;

“the Authority” means the School Curriculum and Assessment Authority established under section 244 of the Education Act 1993;

“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;

“maintained school” has the meaning assigned to that expression by section 25(1) of the Education Reform Act 1988;

“NC tests” and “NC tasks” mean respectively National Curriculum tests and National Curriculum tasks administered to pupils for the purpose of assessing the level of attainment which they have achieved in any core subject and “NC assessment timetable” means a timetable for the administration of NC tests and NC tasks, being respectively tests, tasks and a timetable laid down in provisions made by the Secretary of State under article 9 which have been published by Her Majesty’s Stationery Office;

“section 4(2)(a) and (b) orders” means orders made under section 4(2)(a) and (b) of the Education Reform Act 1988 specifying attainment targets and programmes of study;

“specified” means specified in relation to the third key stage by a section 4(2)(a) and (b) order;

“summer term” means the third term in a school year (as defined in section 3(6) of the Education Reform Act 1988⁽⁵⁾); and

references to the third key stage are references to the period set out in paragraph (c) of section 3(3) of the Education Reform Act 1988; and

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.

(2) In this Order unless the context otherwise requires any reference to a numbered article is a reference to the article in this Order so numbered and any reference to a numbered paragraph is a reference to the paragraph so numbered in the article in which the reference appears.

(3) 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 each year 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, subject to article 7(3), in the subject as calculated in accordance with article 6.

(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.

(4) The current orders for the third key stage are S.I.s 1990/423 (English), 1991/2896 (mathematics) and 1991/2897 (science).

(5) Section 3(6) was amended by section 240(3) of the Education Act 1993.

(4) The 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 third key stage by the relevant section 4(2)(a) and (b) order) in relation to every AT mentioned in paragraph (2) and, subject to article 7(3), 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 (whether or not made by that teacher).

NC test and task assessment

5.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to be assessed in each core subject in accordance with the provisions of paragraph (2).

(2) NC tests or NC tasks or both (as the document in which they are published may require) shall be administered to the pupil in accordance with the provisions of the document at the times specified in the relevant NC assessment timetable and as soon as reasonably practicable thereafter—

- (a) the pupil's responses to the NC tests shall be provided to the external marking agency determined by the Authority and notified by them to the head teacher to be marked; and
- (b) a record of the results of any NC tasks administered to the pupil, consisting of a statement of each level of attainment achieved by the pupil, shall be made.

(3) Following the marking of NC tests the external marking agency shall provide to the head teacher a record of the results consisting of a statement of each level of attainment achieved by the pupil.

Determination of attainment by subject: teacher assessment

6.—(1) Subject to article 7, the provisions of this article regulate the aggregation of AT levels of attainment determined by teacher assessment 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 AT 1 (speaking and listening), AT 2 (reading) and AT 3 (writing).

(3) In the cases of mathematics and science, a pupil's level of attainment in each subject shall be the average of his levels in each AT.

Pupils not subject to provisions of the National Curriculum

7.—(1) Article 6 shall have effect in relation to pupils as respects 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, in the case of English, one of AT1, AT2 and AT3 or, in the case of mathematics or science, one AT does not apply to such a pupil, article 6 shall have effect as if the number of ATs applying to the pupil were the total number of ATs in the subject.

(3) Where, in the case of English, more than one of AT1, AT2 and AT3 or, in the case of mathematics or science, more than one AT, does not apply to such a pupil, article 6 shall not apply to him in relation to that subject.

Evaluation of Assessment Arrangements

8. The Authority shall make such arrangements as seen to them appropriate for determining the extent to which the provisions of articles 4 to 7 and their implementation achieve the purpose mentioned in article 1(2).

Supplementary powers of the Secretary of State

9. 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 4(5)(a) of the Education Reform Act 1988) as appear to her to be expedient, including in particular provisions as to NC tests and NC tasks for the purpose mentioned in the definition of such tests and tasks in article 3(1) and as to the time when and the manner in which the tests and tasks are to be administered.

4th August 1994

Eric Forth
Minister of State,
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

Section 4(1) and (2) of the Education Reform Act 1988 places a duty on the Secretary of State to establish the National Curriculum by specifying by order appropriate attainment targets, programmes of study and assessment arrangements for each of the foundation subjects. Attainment targets and programmes of study for pupils in the third key stage in the core subjects of English, mathematics and science have been specified by the Orders referred to in the first footnote to article 3.

This Order revokes and replaces the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) Order 1993. It specifies the assessment arrangements for the core subjects in the final year of the third key stage, as they apply to maintained and grant-maintained special schools (not established in a hospital) in England.

Pupils are to be assessed by their teachers in relation to each attainment target on the basis of school work, and a record of the results, consisting of pupils' levels of attainment, is to be made by no later than two weeks before the end of the summer term (*article 4*). National Curriculum tests and National Curriculum tasks (known as NC tests and NC tasks) published by HMSO on behalf of the Secretary of State are to be administered to pupils and their responses to NC tests provided to an external marking agency to be marked. (*article 5*).

Rules are prescribed for calculating levels of attainment in the subjects using levels in each attainment target as determined by teacher assessment (*article 6*). These rules are modified in the case of pupils to whom provisions of the National Curriculum do not apply (*article 7*).

The School Curriculum and Assessment Authority are required to make arrangements to evaluate the effectiveness of the arrangements made by the Order (*article 8*). The Secretary of State is empowered to issue further documents, including NC tests and NC tasks, to give full effect to the arrangements specified by the Order (*article 9*).