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STATUTORY INSTRUMENTS

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**1995 No. 2207**

**EDUCATION, ENGLAND AND WALES**

**WALES**

**The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1995**

*Made* - - - - *14th August 1995*

*Coming into force* - - *31st August 1995*

The Secretary of State for Wales, in exercise of the powers conferred by section 4(2)(c) and (5) to (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 English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1995 and shall come into force on 31st August 1995.

(2) Subject to paragraphs (3) and (4), the provisions of this Order apply for the purpose of ascertaining the achievements in English, Welsh, mathematics and science of pupils who are in the final year of the first key stage.

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

(4) This Order does not apply for the purpose of ascertaining the achievements in Welsh of pupils following the programme of study known as “Welsh Second Language”(3).

**Revocation**

2. The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1993(4), the Education (National

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(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 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) See S.I. 1995/69 and the Document entitled “Welsh in the National Curriculum”, ISBN 0-11-701815-5.

(4) S.I. 1993/2190.

Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) (Amendment) Order 1994<sup>(5)</sup> and the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) (Amendment) Order 1994<sup>(6)</sup> are revoked.

### Interpretation

#### 3.—(1) In this Order—

“the associated documents” means the documents published by Her Majesty’s Stationery Office, setting out levels of attainment, attainment targets and programmes of study in relation to the relevant 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<sup>(7)</sup>;

“AT” means attainment target;

“the Authority” means the Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales<sup>(8)</sup>;

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

“the relevant subjects” means—

- (i) mathematics and science;
- (ii) in relation to schools and classes which are Welsh-speaking, Welsh; and
- (iii) in relation to schools and classes which are not Welsh-speaking, English;

“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 in relation to the relevant subjects;

“specified” means (except in article 7) specified, in relation to the first key stage, by a section 4(2)(a) and (b) order;

“spring term” and “summer term” mean the second and third terms respectively in a school year (as defined in section 3(6) of the Education Reform Act 1988<sup>(9)</sup>);

a reference to a class or school which is Welsh-speaking is a reference respectively to a class or school in which, in relation to pupils in the first key stage, more than one half of the following subjects namely—

- (i) religious education; and
- (ii) the subjects other than English and Welsh which are foundation subjects in relation to pupils in the first key stage,

are taught (wholly or partly) in Welsh;

references to the first key stage are, subject to the operation of section 3(4) to (6) of the Education Reform Act 1988, references to the period set out in paragraph (a) of section 3(3) of that Act<sup>(10)</sup>;

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<sup>(5)</sup> S.I. 1994/646.

<sup>(6)</sup> S.I. 1994/2226.

<sup>(7)</sup> The current orders are S.I. 1995/51 (English), S.I. 1995/69 (Welsh), S.I. 1995/52 (mathematics) and S.I. 1995/53 (science).

<sup>(8)</sup> The authority now known as Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales was established by section 14(1)(b) of the Education Reform Act 1988 under the name of the Curriculum Council for Wales. Its present name was substituted by section 253(1) of the Education Act 1993 (c. 35). The relevant assessment functions were transferred to it by the Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1994 (S.I. 1994/645).

<sup>(9)</sup> Section 3(6) was amended by section 240(3) of the Education Act 1993.

<sup>(10)</sup> Section 3(3) was amended by paragraph 113 of Schedule 19 to the Education Act 1993, and section 3(5A) was inserted by section 240(2) of that Act.

unless the context otherwise requires 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) 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 of one half being rounded upwards to the next whole number.

(3) 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.

### **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 relevant subject during the summer term 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 relevant subject which applies to him and, except where article 9(3) applies, in the subject as calculated in accordance with article 7.

(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 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 first key stage by the relevant section (4)(2)(a) and (b) order) in relation to every AT mentioned in paragraph (2) and, except where article (9)(3) applies, 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 including assessments by means of standard tasks, whether or not the previous assessments were made by that teacher.

### **Standard task assessment: English, Welsh and mathematics**

5.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to be assessed in English, Welsh and mathematics in accordance with the provisions of this article, and such an assessment shall be known as a “standard task assessment”.

(2) Standard tasks for which provision is made by the Secretary of State pursuant to article 11 shall be administered to the pupil during the period comprising the spring term and the summer term (except the last four weeks thereof) in accordance with the provisions of the document in which they are published.

(3) An assessment based on the pupil’s performance in each standard task shall be made, and the result thereof recorded, not later than four weeks before the end of the summer term.

(4) Subject to paragraphs (5) and (6), the record of the results shall consist of a statement of the pupil’s level of attainment in each relevant AT, or, if the document in which the standard tasks are published so requires, a statement of the pupil’s level of attainment in the subject determined in accordance with the provisions of that document, or, if that document so requires, both such statements.

(5) Where, in the case of English, at least one relevant AT does not apply in relation to a pupil, or the pupil has not completed a standard task and paragraph (8) does not apply, no record of the pupil’s level of attainment in that subject shall be determined.

(6) Where, in the case of Welsh, more than one relevant AT does not apply in relation to a pupil, or the pupil has not completed a standard task and paragraph (8) does not apply, no record of the pupil's level of attainment in that subject shall be determined.

(7) In paragraphs (4), (5) and (6) "relevant AT" means any AT in which the standard tasks enable achievement to be assessed.

(8) Where a pupil is unable to complete a standard task due to his absence from school (whether because of illness or for any other reason), if, in the opinion of his head teacher, he has done sufficient work on the standard task to enable an assessment of his level of attainment in any attainment targets to be made, any such assessment shall be treated as an assessment made in pursuance of this article.

### **Verification of assessments**

6.—(1) This article makes provision for the verification of standard task assessments by the local education authority (in the case of schools which they maintain) and the Authority (in the case of grant-maintained schools and grant-maintained special schools) and the substitution for levels of attainment determined by such assessments of levels determined by them, and in this article each authority is referred to as "the verifying authority".

(2) In the case of schools maintained by a local education authority, that authority shall exercise the functions conferred by this article in relation to each such school and each relevant subject.

(3) On request by the verifying authority the head teacher shall provide them with the results of standard task assessments of such number or proportion of pupils, and in such subjects or attainment targets of subjects as they may require, together with the supporting material referred to in paragraph (4), to enable the verifying authority to verify the assessments.

(4) The supporting material consists of the pupil's written response to the standard tasks and such further material as the authority may reasonably require.

(5) If, after such verification, the verifying authority consider that the results of the assessments are accurate, they shall so notify the head teacher, and the levels of all pupils at the school determined by standard task assessments (whether or not verified) shall be the levels for the subject in question.

(6) If, after such verification, the verifying authority consider that some of the results are inaccurate, they shall so notify the head teacher and, if they so request, the head teacher shall as soon as practicable—

- (a) arrange for the results considered to be inaccurate, together with such other results as the verifying authority may request, to be reconsidered by the teachers concerned and subsequently submitted to the verifying authority for verification; and
- (b) provide the verifying authority with the results of the assessments of all other pupils in the subject in question which have not been verified, together with the supporting material referred to in paragraph (4), for verification.

(7) Where any level of attainment determined by the verifying authority differs from the level determined by a standard task assessment, the level determined by the verifying authority after verification shall be the level of attainment.

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

- (a) to permit the verifying authority to enter the premises of the school at all reasonable times in order to observe the implementation of the arrangements specified by this Order;
- (b) to permit the verifying authority to inspect and take copies of documents and other articles relating to standard task assessment; and
- (c) to provide the verifying authority with such information relating to such assessment as they may reasonably request.

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

(10) A person is not competent for the purposes of paragraph (9) unless he has recent experience of the provision of the National Curriculum in primary schools.

### **Further Assessment: English, Welsh and mathematics**

7.—(1) Where in the opinion of his head teacher a pupil's level of attainment in English or mathematics would, if the pupil were assessed by the administration to him of the NC tests for that subject laid down for the purposes of the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) Order 1995(11), be level 4 or higher, it shall be the duty of the head teacher to make arrangements for the pupil to be assessed in that subject by the administration to him of those tests at such time as is specified by the Secretary of State pursuant to article 11, and article 5(2)(a) and (3) of that Order shall apply in relation to that pupil accordingly.

(2) Where in the opinion of his head teacher a pupil's level of attainment in Welsh would, if the pupil were assessed by the administration to him of the NC tests and tasks for that subject laid down for the purposes of the Order referred to in paragraph (1) above, be level 4 or higher in the case of both the NC tests and tasks, it shall be the duty of the head teacher to make arrangements for the pupil to be assessed in that subject by the administration to him of those tests and tasks at such time as is specified by the Secretary of State pursuant to article 11, and articles 5(2), (3) and (4) and 8(2) of that Order shall apply in relation to that pupil accordingly.

(3) In this article "NC tests" and "NC tasks" have the meanings respectively assigned to those expressions by article 3(1) of the Order referred to in paragraph (1).

### **Determination of attainment by subject: teacher assessment**

8.—(1) Subject to article 9, the provisions of this article regulate the aggregation of AT levels of attainment determined in accordance with article 4 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 level in each AT.

(3) In the case of Welsh, a pupil's level of attainment in the subject shall be in the average of his level in each AT but with his level in AT1 (Oral (Speaking, Listening and Viewing)) weighted by a factor of two.

(4) In the case of mathematics, a pupil's level of attainment in the subject shall be the average of his level in each AT but with his level in AT2 (number and algebra) weighted by a factor of two.

(5) In the case of science, a pupil's level of attainment in the subject shall be the average of his level in each AT but with his level in AT1 (experimental and investigative science) weighted by a factor of three.

### **Pupils not subject to provisions of the National Curriculum**

9.—(1) Article 8 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 one AT in a relevant subject does not apply to such a pupil, article 8 shall have effect as if the number of ATs applying to the pupil were the total number of ATs in the subject.

(3) Where more than one AT in a relevant subject does not apply to such a pupil, article 8 shall not apply to him in relation to that subject and no level of attainment shall be determined for him in respect of that subject.

#### **Evaluation of Assessment Arrangements**

**10.** The Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4 to 9 and their implementation achieve the purpose mentioned in article 1(2).

#### **Supplementary powers of the Secretary of State**

**11.** 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 him to be expedient, including in particular provisions as to standard tasks for the purpose of assessing pupil's levels of attainment in any AT or relevant subject and as to the time when and the manner in which they are to be administered.

Signed by authority of the Secretary of State for Wales

14th August 1995

*Rod Richards,*  
Parliamentary Under Secretary of State, Welsh  
Office

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## 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 such attainment targets, programmes of study and assessment arrangements as he considers appropriate for each of the foundation subjects.

This Order, which applies only to schools in Wales, consolidates (with some changes mentioned below) the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1993 as amended by subsequent orders. The Order specifies assessment arrangements for pupils studying “the relevant subjects” of the National Curriculum in the final year of the first key stage. “The relevant subjects” are defined as mathematics, science and, in relation to schools and classes which are Welsh speaking (as defined in article 3(1)), Welsh, or, in relation to schools and classes which are not Welsh speaking, English.

The main changes are in article 8 (determination of attainment by subject). A pupil’s level of attainment in English is the average of his levels in each AT with no weightings. His level of attainment in Welsh is the average of his levels in each AT but with his level in AT1 (Oral (Speaking, Listening and Viewing)) weighted by a factor of two. His level of attainment in mathematics is the average of his levels in each AT but with his level in AT2 (number and algebra) weighted by a factor of two. His level of attainment in science remains the average of his levels in each AT with his level in AT1 (experimental and investigative science) weighted by a factor of three.