
STATUTORY INSTRUMENTS

2020 No. 844

The Education (National Curriculum Assessment Arrangements, Attainment Targets and Programmes of Study) and (Pupil Information and School Performance Information) (Amendment) (England) Regulations 2020

PART 4

Standards of attainment for pupils with special educational needs

Amendment of the Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) Order 2013

7.—(1) The Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) Order 2013⁽¹⁾ is amended as follows.

(2) In article 2 (interpretation)—

(a) before sub-paragraph (a) insert—

“(aa) “the engagement model” means the document published by the Department for Education on 23rd July 2020 entitled “The engagement model””;

(b) for sub-paragraph (b) substitute—

“(b) “NC standards of attainment” means the National Curriculum standards of attainment described in any document (other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model) published by the Department for Education pursuant to an order made under section 87(3)(a) or (b) of the Education Act 2002 for the foundation subjects, setting out any attainment targets and programmes of study for each of those subjects;

(c) “the pre-key stage standards for key stage 1” means the standards set out in the document published by the Department for Education on 23rd July 2020 entitled “Pre-key stage 1: pupils working below the national curriculum assessment standard”;

(d) “the pre-key stage standards for key stage 2” means the standards set out in the document published by the Department for Education on 23rd July 2020 entitled “Pre-key stage 2: pupils working below the national curriculum assessment standard”;

(e) “the relevant key stage” means—

(i) the first key stage, where section 82(1)(a) of the Education Act 2002 applies to a pupil;

(1) S.I. 2013/2232, the relevant amending instruments are S.I. 2014/1941, 3285 and 2015/900.

- (ii) the second key stage, where section 82(1)(b) of the Education Act 2002 applies to a pupil;
 - (f) “special educational needs” is to be interpreted in accordance with section 20(1) of the Children and Families Act 2014(2).”.
- (3) In article 3(3) (specification of attainment targets and programmes of study) omit “Subject to article 5,”.
- (4) For article 5 substitute—

“5.—(1) In relation to any pupil who—

- (a) is in the first key stage;
- (b) has special educational needs;
- (c) is working at a standard below the NC standards of attainment for the first key stage; and
- (d) is engaged in the study of English reading, English writing or mathematics,

the pre-key stage standards for key stage 1 must be used for the purposes of specifying the attainment targets of that pupil in each subject referred to in sub-paragraph (d) that that pupil is studying.

(2) In relation to any pupil who—

- (a) is in the second key stage;
- (b) has special educational needs;
- (c) is working at a standard below the NC standards of attainment for the second key stage; and
- (d) is engaged in the study of English reading, English writing or mathematics,

the pre-key stage standards for key stage 2 must be used for the purposes of specifying the attainment targets of that pupil in each subject referred to in sub-paragraph (d) that that pupil is studying.

(3) In relation to any pupil who—

- (a) is in the first or second key stage;
- (b) has special educational needs;
- (c) during the relevant key stage, is working at a standard below the NC standards of attainment for the relevant key stage; and
- (d) is not engaged in the study of English reading, English writing or mathematics,

the engagement model must be used for the purposes of specifying the attainment targets by way of specifying the achievements and progress of that pupil in the areas of engagement identified in the engagement model.

(4) In relation to any pupil—

- (a) who is in the first key stage; and
- (b) to whom paragraph (1) or (3) applies,

there is no requirement to specify attainment targets in relation to science, art and design, computing, design and technology, geography, history, music and physical education.

(5) In relation to any pupil—

- (a) who is in the second key stage; and

(b) to whom paragraph (2) or (3) applies,
there is no requirement to specify attainment targets in relation to science, art and design, computing, design and technology, a foreign language, geography, history, music and physical education.”