
STATUTORY INSTRUMENTS

2021 No. 931

EDUCATION, ENGLAND

The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021

Made - - - - *9th August 2021*

Coming into force - - *1st September 2021*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87(3)(c), (7) and (10) and 210(7) of the Education Act 2002(1).

In accordance with section 87(6A) of that Act(2) the Secretary of State has consulted on this Order with the Office of Qualifications and Examinations Regulation and other persons that the Secretary of State considered appropriate.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021 and comes into force on 1st September 2021.

(2) This Order extends to England and Wales.

(3) This Order applies to maintained schools (other than those established in hospitals) in England and maintained nursery schools in England which have registered pupils who will attain the age of six before the end of the school year.

Amendment of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004

2.—(1) The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004(3) is amended as follows.

(1) 2002 c. 32. Section 87(10) was amended by paragraph 10(1) and 8 of Schedule 1 and Part 1 of Schedule 3 to the Childcare Act 2006 (c. 21) and paragraphs 31 and 35(1) of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(2) Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(3) S.I. 2004/2783. This Order was amended by S.I. 2011/3057, 2013/1513, 2020/436, 2020/844 and 2021/479; there are other amending instruments but none is relevant.

(2) In article 5A (assessment: understanding the correspondence between graphemes and phonemes), at the end of paragraph (2)(b), insert—

“; and

(bb) any pupil who in the 2021-22 school year attains the age of seven—

(i) who has already been assessed in the 2021-22 school year under sub-paragraph (b);
and

(ii) whose results in that assessment were lower than the level notified to schools by the Secretary of State in relation to that assessment.”.

(3) In article 6A (monitoring of assessments under article 5A), in paragraph (A1) for “school year” where it first appears substitute “and 2021-22 school year”.

9th August 2021

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 ([S.I. 2004/2783](#)) (“the 2004 Order”).

Article 2(2) amends article 5A of the 2004 Order to provide additionally for the assessment under that article of pupils who in the 2021-22 school year attain the age of seven and have already been assessed under article 5A in that school year, but whose results in that assessment were lower than the level notified to schools by the Secretary of State in relation to that assessment.

Article 2(3) amends article 6A of the 2004 Order so that, in the 2021-22 school year, the monitoring function of the local authority and related obligations on the head teacher and governing body, in relation to an assessment taken under article 5A of the 2004 Order, only apply in relation to an assessment under article 5A taken in the summer term of that school year.