



Education Act 1997

1997 CHAPTER 44

PART IV

BASELINE ASSESSMENTS AND PUPILS' PERFORMANCE

CHAPTER I

BASELINE ASSESSMENTS

15 **Introductory**

In this Chapter—

“baseline assessment scheme” means a scheme designed to enable pupils at a maintained primary school to be assessed for the purpose of assisting the future planning of their education and the measurement of their future educational achievements;

“designated” means designated by the Secretary of State; and

“maintained primary school” means a primary school which is—

- (a) a county or voluntary school,
- (b) a grant-maintained school, or
- (c) a maintained or grant-maintained special school (other than one established in a hospital),

or (in relation only to Wales) a maintained nursery school.

16 **Adoption of baseline assessment schemes**

- (1) The governing body of each maintained primary school with pupils who are required to be assessed under section 17 shall adopt a baseline assessment scheme for the school in accordance with the following provisions of this section; but subsections (2) to (5) below have effect subject to subsection (6).

Status: This is the original version (as it was originally enacted).

- (2) A baseline assessment scheme may be so adopted if (and only if) the scheme has been accredited by a designated body in accordance with criteria determined with the approval of the Secretary of State, and published, by that body.
- (3) A local education authority may prepare, and seek accreditation of, a baseline assessment scheme with a view to its being adopted by the governing bodies of primary schools maintained by the authority.
- (4) Each local education authority shall select an accredited baseline assessment scheme which they consider suitable to be so adopted (and which may be a scheme prepared by them under subsection (3)).
- (5) However, in the case of any particular maintained primary school, the baseline assessment scheme which is to be adopted for the school under this section by its governing body shall be such scheme to which subsection (2) applies as is chosen—
 - (a) by the head teacher after consulting the governing body; or
 - (b) if such a scheme is not so chosen by him within a reasonable time, by the governing body;
 and, when choosing the scheme to be adopted for a school which is maintained by a local education authority, the head teacher or (as the case may be) the governing body shall ensure that the scheme selected by the authority under subsection (4) is considered (whether on its own or with any other schemes).
- (6) The Secretary of State may by order require the governing body of each maintained primary school with pupils who are required to be assessed under section 17 to adopt for their school such baseline assessment scheme as is referred to in the order; and so long as any such order is in force subsections (2) to (5) above shall not apply.

17 Assessment of pupils in accordance with scheme

- (1) Subject to subsections (3) and (4), all pupils at a maintained primary school who are at the relevant stage of their education must be assessed in accordance with a baseline assessment scheme adopted for the school under section 16.
- (2) The assessment must be completed before the end of the prescribed period.
- (3) Subsection (1) does not apply to a pupil if it appears to the head teacher from a record of a previous assessment under that subsection that such an assessment has already been carried out in relation to the pupil at another school.
- (4) Regulations may enable a head teacher of a maintained primary school, in such cases or circumstances and subject to such conditions as may be prescribed, to direct—
 - (a) that subsection (1) is not to apply to a particular registered pupil at the school, or
 - (b) that, for the purposes of the assessment under that subsection of a particular registered pupil at the school, the school's baseline assessment scheme is to have effect with such modifications as are specified in the direction.
- (5) Where the head teacher gives such a direction he shall notify—
 - (a) the governing body, and
 - (b) if the school is maintained by a local education authority, that authority,
 of the matters set out in subsection (6); and he shall take such steps as are prescribed to notify a parent of the pupil concerned of those matters.

- (6) The matters referred to in subsection (5) are—
- (a) the fact that the head teacher has given the direction in question and his reasons for doing so;
 - (b) in the case of a direction under subsection (4)(b), the effect of the modifications specified in the direction; and
 - (c) whether the direction is to have permanent effect (and, if not, the period for which it is to have effect).
- (7) In relation to any maintained primary school—
- (a) the governing body and (except in the case of a grant-maintained or grant-maintained special school) the local education authority shall exercise their functions with a view to securing, and
 - (b) the head teacher shall secure,
- that subsection (1) is complied with.
- (8) Regulations shall prescribe the circumstances in which a pupil is to be regarded as being at the relevant stage of his education for the purposes of subsection (1), and any such circumstances may be framed by reference to, or to matters which include, the pupil's age.

18 Regulations for purposes of this Chapter

- (1) The Secretary of State may by regulations confer or impose such functions—
- (a) on the governing body and the head teacher of a maintained primary school,
 - (b) (except in relation to any grant-maintained or grant-maintained special school) on a local education authority, and
 - (c) on a designated body,
- as appear to him to be required in connection with any provision of this Chapter.
- (2) Regulations under this section may in particular make provision requiring—
- (a) the local education authority, or (in the case of a grant-maintained or grant-maintained special school) a designated body, to be notified—
 - (i) of the baseline assessment scheme for the time being adopted for any maintained primary school with pupils who are required to be assessed under section 17, and
 - (ii) where any assessment has been carried out under that section at any such school, that it has been so carried out;
 - (b) the results of any assessments carried out under that section to be recorded and notified—
 - (i) to such persons as are specified in the regulations, and
 - (ii) where the pupils in question transfer to other schools, to those other schools.
- (3) Regulations under this section may also make provision requiring a local education authority—
- (a) to notify a designated body of any assessments notified to the authority in pursuance of regulations under subsection (2)(a)(ii); and
 - (b) to collect other information relating to assessments carried out under section 17 at schools maintained by the authority and to forward such information to a designated body.