
STATUTORY INSTRUMENTS

1993 No. 2191

EDUCATION, ENGLAND AND WALES

The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1993

Made - - - - *10th August 1993*
Coming into force - - *31st August 1993*

The Secretary of State for Wales, in exercise of the powers conferred on him by section 4(2)(c), (5), (6), (7) 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 English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1993 and shall come into force on 31st August 1993.

(2) The provisions of this Order apply for the purpose of ascertaining the achievements of pupils who are in the final year of the third key stage in relation to the attainment targets in English, Welsh, mathematics and science for that key stage.

(3) This Order applies to maintained schools in Wales only.

Revocation

2. The Education (National Curriculum) (Assessment Arrangements for English, Welsh Mathematics, Science, Welsh Second Language and Technology) (Key Stage 3) (Wales) Order 1992(2) is revoked.

Interpretation

3.—(1) In this Order—

“the assessment authority” means the School Examinations and Assessment Council and, following its dissolution by section 246 of the Education Act 1993, the School Curriculum and

(1) 1988 c. 40; section 4 was amended by section 240 of the Education Act 1993 (c. 35).
(2) S.I.1992/2042.

Assessment Authority established by section 244 of that Act⁽³⁾ and includes any person or body appointed by either such authority to discharge the authority's functions under 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 English, Welsh⁽⁴⁾, mathematics and science, 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⁽⁵⁾.

"AT" means attainment targets;

"the relevant subjects" means English, Welsh, mathematics and science;

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

"NC tests" mean National Curriculum tests and tasks administered to pupils for the purpose of assessing the level of attainment which they have achieved in any relevant subject and "NC tests timetable" means a timetable for the administration of NC tests, being respectively tests and a timetable laid down in provision 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;

"spring term" and "summer term" means the second and third terms respectively in a school year;

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;

reference 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 of 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 relevant subject during the summer term in each year in accordance with the provision 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 in the subject as calculated in accordance with article 7, except in the cases specified in article 8(3).

(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 third key stage by the relevant

(3) Section 244 and 246 are to be brought into force by commencement order.

(4) As defined in the attainment targets and programmes of study entitled "Welsh" in S.I. 1990/1082.

(5) The current orders for the third key stage are S.I.s 1990/423 (English) 1990/1082 (Welsh), 1991/2896 (mathematics) and 1991/2897 (science).

section 4(2)(a) and (b) order) in relation to every AT mentioned in paragraph (2) and 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 assessment

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

(2) NC tests shall be administered to the pupil and marked in accordance with the provisions of the document in which they are published at the time specified in the relevant NC tests timetable and the results of the tests recorded as soon as reasonably practicable thereafter.

(3) Where a pupil misses an NC test, either through authorised or unauthorised absence, pursuant to the Pupils' Registration Regulations 1956(6), no NC test level may be awarded for that subject.

Verification of NC test assessments

6.—(1) This article makes provision for the verification of NC test assessments by the assessment authority and the substitution for levels of attainment determined by such assessments marked by teachers of levels determined by the authority.

(2) On request by the assessment authority the head teacher shall provide them with the results of NC test assessments of such number or proportion of pupils and in such subjects as they may require, together with the supporting material referred to in paragraph (3), to enable the authority to verify the test results.

(3) The supporting material consists of the pupil's written response to the NC test, the record of results made by the teacher who marked the test and such further material as the authority may reasonably require.

(4) If after such verification the 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 NC test assessments (whether or not verified) shall be the test levels for the subject in question.

(5) If after such verification the assessment 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 authority may request, to be reconsidered by the teachers concerned and subsequently submitted to the authority for verification; and
- (b) provide the authority with the results of the NC test assessments of all other pupils in the subject in question which have not been verified, together with the supporting material referred to in paragraph (3), for verification.

(6) Where the assessment authority consider that a pupil's NC test result is inaccurate, the level determined by the authority after verification shall be his test level of attainment in the subject.

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

- (a) to permit the assessment 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 assessment authority to inspect and take copies of documents and other articles relating to NC test assessment; and

(c) to provide to the authority such information relating to such assessment as it may reasonably request.

(8) References in this article to the assessment authority include references to persons appointed by them to assist them in discharging their functions under the article.

Determination of attainment by subject: teacher assessment

7.—(1) Subject to article 8 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, subject to paragraph (4), be the average of his levels in ATs 1, 2 and 3 (that is: speaking and listening, reading and writing).

(3) In the case of Welsh, a pupil's level of attainment in the subject shall be the average of his levels in each AT, weighted by the following factors:

AT1 (Oral) 4

AT2 (Reading) 3

AT3 (Writing) 3.

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

Pupils not subject to provisions of the National Curriculum

8.—(1) Article 7 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 AT1, AT2 or AT3 in English, or one AT in Welsh, mathematics or science, does not apply to such a pupil, article 7 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 of AT1, AT2 and AT3 in English, or more than one AT in Welsh, mathematics and science, does not apply to such a pupil, article 7 shall not apply to him.

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 as appear to him to be expedient, including in particular provisions as to NC tests for the purpose mentioned in the definition of such tests in article 3(1) and as to the time when and the manner in which the tests are to be taken.

Signed by authority of the Secretary of State

10th August 1993

Gwilym Jones
Parliamentary Under Secretary of State for
Wales

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 subjects of English, Welsh, mathematics and science have been specified by the Orders referred to in the second footnote to article 3.

This Order revokes and replaces the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics, Science, Welsh Second Language and Technology) (Key Stage 3) (Wales) Order 1992. It specifies the assessment arrangements for English, Welsh, mathematics and science in the final year of the third key stage, as they apply to maintained schools in Wales.

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 known as NC Tests published by HMSO on behalf of the Secretary of State are to be administered to pupils and the results recorded (article 5). The marking of the tests is to be verified by the School Examinations and Assessment Council or, following its dissolution, the School Curriculum and Assessment Authority (article 6).

Rules are prescribed for calculating levels of attainment in the subjects using levels in each attainment target as determined by teacher assessment (article 7). These rules are modified in the case of pupils to whom provisions of the National Curriculum do not apply (article 8).

The Secretary of State is empowered to issue further documents, including NC tests, to give full effect to the arrangements specified by the Order (article 9).