
STATUTORY INSTRUMENTS

1997 No. 2010

EDUCATION, ENGLAND AND WALES

WALES

**The Education (National Curriculum) (Key Stage
3 Assessment Arrangements) (Wales) Order 1997**

Made - - - - *1st August 1997*
Coming into force - - *31st August 1997*

The Secretary of State for Wales, in exercise of the powers conferred by section 356(2)(c), (5), (6) and (8) and section 568(5) and (6) of the Education Act 1996⁽¹⁾, hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1997 and shall come into force on 31st August 1997.

(2) Subject to paragraph (3), 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.

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

Revocation

2. The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1996⁽³⁾ is revoked.

Interpretation

3.—(1) In this Order—

“the Act” means the Education Act 1996;

“the associated documents” means the documents published by Her Majesty’s Stationery Office, setting out any levels of attainment, attainment targets, end of key stage descriptions

(1) 1996 c. 56.

(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) S.I. 1996/2337.

and programmes of study in relation to the foundation subjects, which documents have effect by virtue of the respective section 356(2)(a) and (b) orders for those subjects for the time being in force⁽⁴⁾;

“AT” means attainment target;

“the Authority” means the authority currently known as Awdurdod Cwricwlwm ac Aesu Cymru or the Curriculum and Assessment Authority for Wales⁽⁵⁾ which will be renamed Awdurdod Cymwysterau, Cwricwlwm ac Aesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales when Section 27 of the Education Act 1997⁽⁶⁾ comes into force;

“external marking agency” means a body nominated by the Authority and approved by the Secretary of State to mark NC tests;

“external verifying agency” means a body nominated by the Authority and approved by the Secretary of State to verify the recorded results of pupils' achievements in Welsh ATI (oral) and AT2 (reading) in accordance with article 11;

“foundation subjects” means the relevant subjects and history, geography, technology, physical education, art, music and a modern foreign language specified in an order of the Secretary of State⁽⁷⁾;

“maintained school” has the meaning assigned to it by section 350(1) of the Act;

“NC tests” and “NC tasks” mean respectively National Curriculum tests and National Curriculum tasks administered to pupils for the purpose of assessing the level of attainment which they have achieved in any relevant subject and “NC assessment timetable” means a timetable for the administration of NC tests and NC tasks, being respectively tests, tasks and a timetable laid down in provisions made by the Secretary of State under article 13 which have been published by Her Majesty’s Stationery Office;

“the relevant subjects” means English, Welsh, mathematics and science;

“section 356(2)(a) and (b) orders” means orders made under section 356(2)(a) and (b) of the Act specifying attainment targets and programmes of study;

“specified” means specified in relation to the third key stage by a section 356(2)(a) and (b) order;

“summer term” means the third term in a school year (as defined in section 355(5) of the Act);

references to the third key shall be construed in accordance with section 355 of the Act; and references to levels of attainment, attainment targets, end of key stage descriptions and programmes of study are references to the levels, targets, descriptions and programmes set out in the associated documents.

3.—(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.

(4) The current orders for the third key stage are S.I. [1995/51](#) (English), S.I. [1995/69](#) (Welsh), S.I. [1995/52](#) (mathematics), S.I. [1995/53](#) (science), S.I. [1995/56](#) (technology), S.I. [1995/60](#) (physical education), S.I. [1995/73](#) (history), S.I. [1995/72](#) (geography), S.I. [1995/71](#) (art), S.I. [1995/70](#) (music) and S.I. [1995/57](#) (modern foreign language).

(5) See section 360 of the Education Act 1996.

(6) [1997 c. 44](#). Section 27 is brought into force on 1st October 1997 by S.I. [1997/1468](#).

(7) See the Education (National Curriculum) (Modern Foreign Languages) Order 1991, S.I. [1991/2567](#) as amended by S.I. [1994/1818](#).

Teacher assessment—general

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 foundation subject during the summer term in accordance with the provisions of this article and articles 5 to 9 and for a record of the results to be made by that teacher.

(2) 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.

(3) 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).

Teacher assessment—English, Welsh, mathematics, modern foreign language, and science

5.—(1) In the cases of English, Welsh, mathematics, a modern foreign language and science, the purpose of the assessment shall be to determine the level of attainment achieved by the pupil in each AT specified for the subject which applies to him and, subject to article 6(3), in the subject as calculated in accordance with paragraph (3).

(2) 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 section 356(2)(a) and (b) order) in relation to every AT mentioned in paragraph (1) and, subject to article 6(3), of his level in the subject so calculated.

(3) Subject to article 6, a pupil's level of attainment in each subject shall be the average of his levels in each AT, save that in the case of mathematics his level in AT2 (number and algebra) shall be weighted by a factor of 2, and in the case of Welsh the following ATs shall be weighted by the factors indicated as follows—

(a) in the case of a pupil following the programme of study known as “Welsh”—

AT1 (oral) 4,
AT2 (reading) 3, and
AT3 (writing) 3,

and

(b) in the case of a pupil following the programme of study known as “Welsh Second Language”—

AT1 (oral) 3,
AT2 (reading) 1, and
AT3 (writing) 1.

Pupils not subject to provisions of the National Curriculum

6.—(1) Article 5(3) 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 subject does not apply to such a pupil, article 5(3) 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 subject does not apply to such a pupil, article 5(3) shall not apply to him in relation to that subject.

(4) In the case of Welsh where the pupil is following the programme of study known as “Welsh Second Language”, article 5(3) shall not apply to that pupil if AT1 (oral) does not apply to him.

Teacher assessment—technology

7.—(1) In the case of technology, the purpose of the assessment shall be to determine the level of attainment achieved by the pupil in each AT specified for the subject which applies to him and, subject to paragraph (3), the average of his levels of attainment in the ATs specified in relation to design and technology as calculated in accordance with paragraph (2).

(2) The record of the results shall consist of a statement of—

- (a) 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 section 356(2)(a) and (b) order) in relation to every AT mentioned in paragraph (1); and
- (b) subject to paragraph (3), the average of his levels in the ATs specified in relation to design and technology weighting his level in AT1 (designing) by a factor of 2 and his level in AT2 (making) by a factor of 3.

(3) Where an AT specified in relation to design and technology does not apply to a pupil, subparagraph (b) of paragraph 2 shall not apply in relation to him.

Teacher assessment—geography and history

8. In the cases of geography and history, the purpose of the assessment shall be to determine the level of attainment achieved by the pupil in the subject, and the record of the results shall consist of a statement of that level.

Teacher assessment—art, music and physical education

9. In the cases of art, music and physical education, the purpose of the assessment shall be to determine what the pupil has achieved in relation to the end of key stage descriptions specified for the attainment target (in the case of physical education) or each attainment target which applies to him (in the cases of art and music), and the record of the results shall consist of a statement of the pupil's achievements.

NC test and task assessment

10.—(1) Subject to paragraphs (4) and (5), 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).

(2) NC tests or NC tasks or both (as the document in which they are published may require) shall be administered to the pupil in accordance with the provisions of the document at the times specified in the relevant NC assessment timetable and as soon as reasonably practicable thereafter—

- (a) the pupil's responses to the NC tests shall be provided to the external marking agency determined by the Authority and notified by them to the head teacher to be marked; and
- (b) a record of the results of any NC tasks administered to the pupil, consisting of a statement of each level of attainment achieved by the pupil, shall be made, subject, however, to article 11(7).

(3) Following the marking of NC tests the external marking agency shall provide to the head teacher a record of the results consisting of a statement of each level of attainment achieved by the pupil.

(4) This article does not apply for the purposes of ascertaining the achievements in Welsh of pupils following the programme of study known as “Welsh Second Language”(8).

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

(5) In the case of English, mathematics and science, this article applies only in relation to a pupil if, in the opinion of the head teacher, his level of achievement in the subject, if he were to be assessed by the administration of NC tests in accordance with the provisions of paragraph (2), would be level 3 or higher.

11.—(1) In this article, any reference to “recorded results” in relation to a pupil is to the level of attainment achieved by the pupil in the ATs for Welsh known as AT1 (oral) and AT2 (reading), as assessed by the administration of NC tasks in accordance with article 10 and recorded in statements made pursuant to that article.

(2) On request by the external verifying agency the head teacher shall provide them with such samples of pupils' responses to the NC tasks administered for the purpose of assessing pupils' levels of attainment in the ATs referred to in paragraph (1), the recorded results and such supporting material as they may reasonably require in order to verify those results.

(3) After examining the samples provided to them in accordance with paragraph (2), the external verifying agency may require the head teacher to provide them with the information referred to in that paragraph in relation to all the pupils to whom the NC tasks were administered for verification.

(4) If the agency consider that all the recorded results provided to them are accurate, they shall so notify the head teacher and paragraphs (5) to (7) shall not apply.

(5) If the agency consider that some or all of the recorded results provided to them are inaccurate, they shall so notify the head teacher and specify a period of at least 3 weeks from the date of such notification for him to arrange for the results to be reviewed by the teachers concerned and resubmitted (with any revisions and comments) to them for verification.

(6) The agency shall, after taking the steps referred to in paragraph (5) and considering any revisions or comments made by the teacher or teachers concerned within the period specified by them in accordance with that paragraph, determine the level of attainment achieved by the pupils concerned in the ATs referred to in paragraph (1) as assessed by NC tasks.

(7) Where any level of attainment as so determined differs from the pupil's recorded result, the level determined in respect of the pupil by the agency pursuant to paragraph (6) shall be the pupil's level of attainment and the head teacher shall arrange for the record made pursuant to article 10(2) (b) to be amended accordingly.

Evaluation of Assessment Arrangements

12.—(1) The Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4 to 11 and their implementation achieve the purpose mentioned in article 1(2).

(2) The head teacher shall provide the Authority, or such other body as may be appointed by the Authority to administer the arrangements referred to in paragraph (1) above, with such samples of pupils' responses to any NC task for assessing oral Welsh as the Authority or that other body may require.

Supplementary powers of the Secretary of State

13. 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 356(5)(a) of the Act) as appear to him to be expedient, including in particular provisions as to NC tests and NC tasks for the purpose mentioned in the definition of such tests and tasks in article 3(1) and as to the time when and the manner in which the tests and tasks are to be administered.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed under the authority of the Secretary of State

1st August 1997

Peter Hain
Parliamentary Under Secretary of State at the
Welsh Office

EXPLANATORY NOTE

(This note is not part of the Order)

Section 356(1) and (2) of the Education Act 1996 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, revokes and replaces the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1996. It specifies the assessment arrangements for pupils in the final year of the third key stage.

The main changes from the 1996 Order are that—

- (a) the present Order provides for the results of pupils' achievements in Welsh AT1 (oral) and AT2 (reading) as assessed by the administration of NC tasks to be verified, and for the records of such results to be amended where necessary in the light of such verification (article 11); and
- (b) it specifies that National Curriculum tests in English, mathematics and science are to be administered only to those pupils who are expected by the head teacher to achieve level 3 or higher.