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STATUTORY INSTRUMENTS

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**1999 No. 1236**

**EDUCATION, ENGLAND AND WALES**

**The Education (National Curriculum) (Key Stage 1  
Assessment Arrangements) (England) Order 1999**

*Made* - - - - - *28th April 1999*  
*Coming into force* - - - - - *1st May 1999*

In exercise of the powers conferred on the Secretary of State by sections 356(2)(c) and (5) to (8) and 568(5) and (6) of the Education Act 1996(1), the Secretary of State for Education and Employment hereby makes the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 1999 and shall come into force on 1st May 1999.

(2) The provisions of this Order apply for the purpose of ascertaining the achievements in the core subjects of pupils who are in the final year of the first key stage.

(3) This Order applies only to Grant-maintained schools(2) in England.

**Revocation**

2. The Orders referred to in the Schedule to this Order shall be revoked.

**Interpretation**

3.—(1) In this Order—

“the associated documents” means the documents published by Her Majesty’s Stationery Office, setting out any levels of attainment, attainment targets and programmes of study in relation to the core 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(3),

“AT” means attainment target;

“the core subjects” means English, mathematics and science;

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(1) 1996 c. 56.

(2) Grant-maintained and grant-maintained special schools are, as from 1st April 1999, maintained by local education authorities by virtue of regulation 2 of S.I. 1998/2670.

(3) The relevant orders for the first stage are S.I. 1995/51 (English), 1995/52 (mathematics) and 1995/53 (science).

“maintained school” means—

- (a) in relation to the period before 1st September 1999,
  - (i) any county, voluntary or grant-maintained school, or
  - (ii) any maintained special or grant-maintained special school which is not established in a hospital<sup>(4)</sup>; and
- (b) in relation to the period on and after that date,
  - (i) any community, foundation or voluntary school, or
  - (ii) any community or foundation special school which is not established in a hospital<sup>(5)</sup>;

“section 356(2)(a) and (b) orders” means orders made under section 356(2)(a) and (b) of the Education Act 1996 specifying attainment targets and programmes of study;

“specified” means (except in article 7) specified in relation to the first key stage by a section 356(2)(a) and (b) order;

“spring term” and “summer term” mean respectively the second and third terms in a school year (as defined in section 579(1) of the Education Act 1996);

and references to the first key stage are, subject to the operation of section 355(2) to (5) of the Education Act 1996, references to the period set out in paragraph (a) of section 355(1) of that Act; and

references 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 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 core subject during the summer term in accordance with the provisions 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 core subject which applies to him and, except where article 9(3) applies, in the subject as calculated in accordance with article 8.

(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 or 4th July falling in that term, if earlier.

(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 first key stage by the relevant section 4(2)(a) and (b) order) in relation to every AT mentioned in paragraph (2) and, except where article 9(3) applies, of his level in the subject so calculated.

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(4) 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) and, so far as concerns programmes of study and attainment targets for the first key stage, the orders cited in footnote (c) above.

(5) The categories of maintained schools referred to in relation to the period on and after 1st September 1999 are the new categories of maintained schools which are to apply on and after that date by virtue of section 20 of the School Standards and Framework Act 1998 (c. 31); they are to replace the existing categories referred to in relation to the period before that date.

(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, including assessments by means of standard tasks, whether or not the previous assessments were made by that teacher.

### **Standard task assessment: English and mathematics**

5.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to be assessed in English and mathematics in accordance with the provisions of this article, and such an assessment shall be known as a “standard task assessment”.

(2) Standard tasks for which provision is made by the Secretary of State pursuant to article 11 shall be administered to the pupil during the period comprising the spring term and the summer term (except the last four weeks thereof) in accordance with the provisions of the document in which they are published(6).

(3) An assessment based on the pupil’s performance in each standard task shall be made, and the result thereof recorded, not later than four weeks before the end of the summer term.

(4) Subject to paragraphs (5) and (6), the record of the results shall consist of a statement of the pupil’s level of attainment in each relevant AT or, if the document in which the standard tasks are published so requires, a statement of the pupil’s level of attainment in the subject determined in accordance with the provisions of that document or, if that document so requires, both such statements.

(5) In the case of English, if the document in which the standard tasks are published so requires, the record of the pupil’s level of attainment in AT3 (writing) shall include a statement of the pupil’s level of attainment in spelling.

(6) Where in the case of English at least one relevant AT does not apply in relation to a pupil, no record of the pupil’s level of attainment in that AT shall be determined.

(7) In paragraphs (4) and (6) “relevant AT” means any AT in which the standard tasks enable achievements to be assessed.

### **Verification of assessments**

6.—(1) This article makes provision for the verification of standard task assessments by the local education authority in respect of the schools which they maintain and the substitution for levels of attainment determined by such assessments of levels determined by the local education authority and in this article the local education authority is referred to as “the verifying authority”.

(2) The verifying authority shall exercise the functions conferred by this article in relation to each of English and mathematics and—

- (a) subject to paragraph (3), in any school year in relation to at least 25% of all relevant schools;
- (b) in each school year, in relation to those schools in relation to which verification took place in the last preceding school year and in the opinion of the verifying authority, having regard to the results of that verification, a further verification should be made.

(3) For the purposes of paragraph (2)(a),

- (a) verifications carried out pursuant to paragraph (2)(b) shall not count towards the 25% minimum;

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(6) As at the date this Order is made, the document is entitled “Key Stage 1 1999 Assessment and Reporting Arrangements” (reference number QCA/98/262) and is published by the Qualifications and Curriculum Authority, which body was established under section 21 of the Education Act 1997 (c. 44). The document can be obtained through QCA Publications, PO Box 99, Sudbury, Suffolk CO10 6SN.

- (b) the verifying authority shall so exercise its functions as to secure that in any period of four years they have been exercised in relation to all relevant schools.
- (4) For the purposes of paragraphs (2) and (3), the “relevant schools” are all the schools maintained by the verifying authority.
- (5) On request by the verifying authority, the head teacher shall provide them with the results of standard task assessments of such number or proportion of pupils, and in such subjects or attainment targets of subjects as they may require, together with the supporting material referred to in paragraph (6) to enable the verifying authority to verify the assessments.
- (6) The supporting material consists of the pupil’s written response to the standard tasks and such further material as the verifying authority may reasonably require.
- (7) If after such verification the verifying 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 standard task assessments (whether or not verified) shall be the levels for the subject in question.
- (8) If after such verification the verifying 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 that authority may request, to be reconsidered by the teachers concerned and subsequently submitted to that authority for verification; and
  - (b) provide that authority with the results of the assessments of all other pupils in the subject in question which have not been verified, together with the supporting material referred to in paragraph (6) for verification.
- (9) Where any level of attainment determined by the verifying authority differs from the level determined by a standard task assessment, the level determined by the authority after verification shall be the level of attainment.
- (10) It shall be the duty of the head teacher and the governing body—
- (a) to permit the verifying 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 verifying authority to inspect and take copies of documents and other articles relating to standard task assessment; and
  - (c) to provide to the verifying authority such information relating to such assessment as they may reasonably request.
- (11) For the purpose of exercising their functions under this article the local education authority shall appoint such competent persons as they think fit.
- (12) A person is not competent for the purposes of paragraph (11) unless he has recent experience of the provision of the National Curriculum in primary schools.

### **Further Assessment: English and mathematics**

7.—(1) Where in the opinion of his head teacher a pupil’s level of attainment in English or mathematics would, if the pupil were assessed by the administration to him of the NC tests for that subject laid down for the purposes of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995(7), be level 4 or higher, it shall be the duty of the head teacher to make arrangements for the pupil to be assessed in that subject by the administration to him of those tests at such time as is specified by the Secretary of

State pursuant to article I 1; and article 5(3) and (4) of that Order shall apply in relation to that pupil accordingly.

(2) In this article “NC tests” has the meaning assigned to that expression by article 3(1) of that Order.

#### **Determination of attainment by subject: teacher assessment**

8.—(1) Subject to article 9, the provisions of this article regulate the aggregation of AT levels of attainment determined in accordance with article 4 to calculate subject levels of attainment.

(2) In the case of English, a pupil’s level of attainment in the subject shall be the average of his levels in each AT.

(3) In the case of mathematics, a pupil’s level of attainment in the subject shall be the average of his levels in each AT but with his level in AT2 (number and algebra) weighted by a factor of two.

(4) In the case of science, a pupil’s level of attainment shall be the average of his levels in each AT but with his level in AT1 (experimental and investigative science) weighted by a factor of three.

#### **Pupils not subject to provisions of the National Curriculum**

9.—(1) Article 8 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 in the case of any core subject one AT does not apply to such a pupil, article 8 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 core subject does not apply to such a pupil, article 8 shall not apply to him in relation to that subject.

#### **Evaluation of Assessment Arrangements**

10. The Qualifications and Curriculum Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4 to 9 and their implementation achieve the purpose mentioned in article 1(2).

#### **Supplementary powers of the Secretary of State**

11. 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 Education Act 1996) as appear to him to be expedient, including in particular provisions as to standard tasks for the purpose of assessing pupils’ levels of attainment in any AT or core subject and as to the time when and the manner in which they are to be administered; and any provisions the Secretary of State may so make, shall be published by the Qualifications and Curriculum Authority.

28th April 1999

*Charles Clarke*  
Parliamentary Under Secretary of State,  
Department for Education and Employment

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

## SCHEDULE

Article 2

## REVOCATIONS

<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995.	S.I. <a href="#">1995/2071</a> .	The whole Order.
The Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) (Amendment) Order 1996.	S.I. <a href="#">1996/2114</a> .	The whole Order.
The Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) (Amendment) Order 1997.	S.I. <a href="#">1997/1931</a> .	The whole Order.
The Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stages 1, 2 and 3) (England) (Amendment) Order 1997.	S.I. <a href="#">1997/2176</a> .	In so far as it amends S.I. <a href="#">1995/2071</a> above.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and replaces the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995. It specifies the assessment arrangements for the core subjects in the final year of the first key stage, as they apply to maintained schools in England. “Maintained schools” are now defined to mean, in relation to the period before 1st September 1999, any county, voluntary or grant-maintained school or any maintained special or grant-maintained special school which is not established in a hospital and, in relation to the period on and after that date, to mean any community, foundation or voluntary school or any community or foundation special school not established in a hospital (article 3(1)).

The other main change from the 1995 Order is in article 6 (verification of assessments). The verifying authority for schools to which this Order applies is the local education authority.

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