
STATUTORY INSTRUMENTS

1999 No. 2188

EDUCATION, ENGLAND

**The Education (National Curriculum) (Key Stage 2
Assessment Arrangements) (England) Order 1999**

Made - - - - *9th August 1999*

Coming into force - - *13th August 1999*

In exercise of the powers conferred on the Secretary of State by sections 356(2)(c), (5), (6) and (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 2 Assessment Arrangements) (England) Order 1999 and shall come into force on 13th August 1999.

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

(3) This Order applies only to maintained schools (other than those established in hospitals) in England.

Revocation

2. The Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995⁽²⁾, the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) (Amendment) Order 1996⁽³⁾ and the Education (National Curriculum) (Assessment Arrangements for Key Stages 1, 2 and 3) (England) (Amendment) Order 1997⁽⁴⁾ for all remaining purposes, shall be revoked.

Interpretation

3.—(1) In this Order—

(1) 1996 c. 56. By virtue of S.I. 1999/672, the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.
(2) S.I. 1995/2072.
(3) S.I. 1996/2115.
(4) S.I. 1997/2176, partially revoked by S.I. 1999/1236 as from 1st May 1999.

“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⁽⁵⁾;

“AT” means attainment target;

“the Authority” means the Qualification and Curriculum Authority established under section 21 of the Education Act 1997⁽⁶⁾;

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

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

“maintained school” has the meaning assigned to that expression by section 350(1) of the Education Act 1996;

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the level of attainment which they have achieved in any core subject and “NC assessment timetable” means a timetable for the administration of NC tests, being respectively tests and a timetable laid down in provisions made by the Secretary of State under article 11 which have been published by the Authority⁽⁷⁾;

“record of the results”, for the purposes of articles 5 and 7, means a record of the results of a pupil in respect of the NC tests administered to him under article 5, consisting of a statement of each level of attainment achieved by the pupil;

“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 specified in relation to the second 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 579(1) of the Education Act 1996); and

references to the second 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 (b) 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.

(5) The relevant orders for the second key stage are [S.I. 1995/51](#) (English), [1995/52](#) (mathematics) and [1995/53](#) (science).

(6) [1997 c. 44](#).

(7) As at the date this Order is made, the document is entitled “Key Stage 2 Assessment and Reporting Arrangements” (reference number QCA/98/263); the document can be obtained through QCA Publications, PO Box 99, Sudbury, Suffolk, CO10 6SN.

(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 attainment achieved by the pupil (whether or not that level is specified in relation to the second key stage by the relevant section 356(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.

(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 whom this article applies in respect of any core subject to be assessed in that subject in accordance with the provisions of paragraph (3).

(2) This article applies to a pupil in respect of a core subject if, in the opinion of his head teacher, his level of attainment in that subject, if he were to be assessed by the administration to him of NC tests in accordance with the provisions of paragraph (3), would be level 3 or higher.

(3) Where this article applies to a pupil in respect of a core subject NC tests shall be administered to him in accordance with the provisions of the document in which they are published at the times specified in the relevant NC assessment timetable and as soon as reasonably practicable thereafter 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.

(4) As soon as reasonably practicable after the pupil's responses to the NC tests in all the core subjects have been provided by the head teacher to the external marking agency pursuant to paragraph (3), the head teacher shall provide that agency with a statement, signed by himself, confirming that those NC tests were administered in accordance with the provisions of the document in which they are published at the times specified in the relevant NC assessment timetable.

(5) Subject to article 7, following the marking of NC tests the external marking agency shall provide to the head teacher a record of the results.

Monitoring of assessment arrangements

6.—(1) This article makes provision for the monitoring of the NC test assessment under article 5, by the local education authority (referred to in this article as "the monitoring authority").

(2) The monitoring authority shall exercise their functions conferred by this article in any school year in relation to 10% of all relevant schools.

(3) For the purposes of paragraphs (2) and (4), the "relevant schools" are all schools maintained by the monitoring authority at which in any school year NC tests are administered to pupils under article 5.

(4) The monitoring authority shall, each school year, visit the relevant schools during any of the following periods—

- (a) the week before any NC tests are administered to pupils under article 5;
- (b) the period during which NC tests are administered to pupils under that article; or
- (c) three school days after the day on which the last NC test is administered to pupils under that article;

and, such a visit may be during any of these periods in respect of any of those schools.

(5) The purpose of any such visit as is referred to in paragraph (4) shall be to enable the monitoring authority to monitor whether the assessment arrangements for the purposes of administering the NC tests under article 5 are in accordance with the provisions of the document in which those NC tests are published and the relevant NC assessment timetable, including in the case of a visit under paragraph (4)(b), whether pupils' written responses to the NC tests represent their own work.

(6) Following any such visit as is referred to in paragraph (4), the monitoring authority shall discuss the outcome of the visit with the head teacher.

(7) Where, as a result of a visit, it appears to the monitoring authority that any of the assessment arrangements in connection with administering the NC tests under article 5 are not in accordance with the document in which those NC tests are published or the relevant NC assessment timetable or that any pupil's written response to the NC tests does not represent his own work, they shall—

- (a) bring the matter to the attention of the head teacher; and
- (b) report the matter to the Authority.

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

- (a) to permit the monitoring authority to enter the premises of the school at all reasonable times in order to observe the implementation of the arrangements for the NC test assessment under article 5;
- (b) to permit the monitoring authority to inspect and take copies of documents and other articles relating to that NC test assessment; and
- (c) to provide to the monitoring authority such information relating to such assessment as they may reasonably request.

(9) For the purpose of exercising their functions under this article, the local education authority shall appoint such competent persons as they think fit.

Investigation by the Authority and correction of record of results

7.—(1) The Authority shall investigate any matter referred to them under article 6(7) or otherwise brought to their attention which, in their opinion, relates to the accuracy or correctness otherwise of any results of any pupil in respect of the NC tests administered under article 5.

(2) Where, following an investigation under paragraph (1) and before the external marking agency have provided the record of the results to the head teacher under article 5(5), the Authority determines that the accuracy or correctness otherwise of a pupil's results in respect of the NC tests administered under article 5 is in doubt, the record of the results to be provided by that agency to the head teacher shall be the record of the results determined by the Authority.

(3) Where, following an investigation under paragraph (1) and the external marking agency have provided the record of the results to the head teacher under article 5(5), the Authority determines that record of the results is inaccurate or otherwise incorrect, the Authority shall provide to the head teacher a record of the results determined by the Authority and that record of the results shall be the record of the results for the pupil.

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 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 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 in the subject 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 two.

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 subjects 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 Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4, 5, 8 and 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 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 administered.

9th August 1999

Estelle Morris
Minister of State,
Department of 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.

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 2) (England) Order 1994 (“the 1994 Order”), the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) (Amendment) Order 1996 and the Education (National Curriculum) (Assessment Arrangements for Key Stages 1, 2 and 3) (England) (Amendment) Order 1997. It specifies the assessment arrangements for the core subjects in the final year of the second key stage as they apply to maintained schools (other than any established in a hospital) in England.

The main change from the 1994 Order is to provide for monitoring of the NC test assessment arrangements under article 5 by local education authorities and for determination of a pupil’s record of results by the Qualifications and Curriculum Authority in cases where the results of the NC test assessment are inaccurate or otherwise incorrect (*articles 6 and 7*). The head teacher is also required to provide a statement, signed by himself, to the external marking agency confirming that the NC tests were administered in accordance with the document in which they are published at the times specified in the relevant NC assessment timetable (*article 5(4)*).