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STATUTORY INSTRUMENTS

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**1992 No. 2042**

**EDUCATION, ENGLAND AND WALES**

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

*Made* - - - - *7th August 1992*

*Coming into force* - - *29th August 1992*

The Secretary of State for Wales, in exercise of the powers conferred on him by section 4(2)(c) and (5) 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, Science, Welsh Second Language and Technology) (Key Stage 3) (Wales) Order 1992 and shall come into force on 29th August 1992.

(2) The provisions of this Order apply in respect of pupils at or near the end of the final year of the third key stage in the relevant subjects, for the purpose of ascertaining the achievements of the pupils in those subjects.

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

**Interpretation**

2.—(1) In this Order—

“the associated documents” means the documents published by Her Majesty’s Stationery Office entitled “English in the National Curriculum (No. 2)”(2), “Welsh in the National Curriculum” and “Cymraeg yn y Cwricwlwm Cenedlaethol”(3), “Mathematics in the National Curriculum (1991)”(4), “Science in the National Curriculum (1991)”(5), and “Technology

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(1) 1988 c. 40.  
(2) ISBN 0 11 270708 4.  
(3) ISBN 0 11 701484 2.  
(4) ISBN 0 11 270787 4.  
(5) ISBN 0 11 270786 6.

in the National Curriculum”(6) (which documents have effect by virtue of the relevant section 4(2)(a) and (b) order);

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

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the levels of attainment which they have achieved in attainment targets;

“NC tests 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 Her Majesty’s Stationery Office;

“profile component” means an attainment target or a grouping of attainment targets in the subjects of English and technology referred to in article 7;

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

“the relevant section 4(2)(a) and (b) order” means either the Education (National Curriculum) (Attainment Targets and Programmes of Study in English) (No. 2) Order 1990(7), or the Education (National Curriculum) (Attainment Targets and Programmes of Study in Welsh) Order 1990(8), or the Education (National Curriculum) (Attainment Targets and Programmes of Study in Technology) Order 1990(9), or the Education (Attainment Targets and Programmes of Study in Mathematics) Order 1991(10), or the Education (National Curriculum) (Attainment Targets and Programmes of Study in Science) Order 1991(11);

“specified” means specified in relation to the third key stage by a section 4(2)(a) and (b) order and

“spring term” and “summer term” mean the second and third terms respectively in a school year.

(2) In this order 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.

(3) In this order 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.

(4) 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.

(5) 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**

**3.—**(1) Each pupil shall be assessed by a teacher during the summer term in accordance with the provisions of this article.

(2) The purpose of the assessment shall be to determine the level of attainment achieved by the pupil in relation to each attainment target specified for each of the relevant subjects which applies to him.

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(6) ISBN 0 11 270709 2.

(7) S.I.1990/423.

(8) S.I. 1990/802.

(9) S.I. 1990/424; amended by S.I. 1990/1531.

(10) S.I. 1991/2896.

(11) S.I. 1991/2897.

(3) The teacher shall each year not later than 31st May assess the pupil and record the results of the assessment.

(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 section 4(2)(a) and (b) order) in relation to every attainment target mentioned in paragraph (2).

(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**

4.—(1) Subject to articles 9 and 10 each pupil shall be assessed in accordance with the provisions of this article, and such an assessment shall be known as an “NC test assessment”.

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

(3) 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 4(2)(a) and (b) order) in relation to each relevant attainment target.

(4) In paragraph (3) and article 5 “relevant attainment target” means any attainment target in which the NC tests enable achievement to be assessed.

### **Determination of levels of attainment**

5.—(1) Subject to the provisions of this article and articles 6 and 9 a pupil’s level of attainment in each relevant attainment target (except the attainment target referred to in paragraph (2)) shall be the level determined by NC test assessment and in each other attainment target the level determined by teacher assessment.

(2) Subject as aforesaid in the case of the attainment target in technology entitled “information Technology” the level shall be the average of the teacher assessment and NC test assessment levels.

(3) If the pupil’s level determined in an attainment target by NC test assessment is lower than the lowest level which the test was designed to assess (“the lowest test level”), the pupil’s level of attainment shall be one level below the lowest test level unless paragraph (4) applies.

(4) This paragraph applies where —

- (a) the pupil’s level of attainment in the attainment target determined by teacher assessment is two or more levels below the lowest test level; or
- (b) the pupil’s level of attainment in at least one other attainment target in the subject determined by NC test assessment is lower than the lowest test level; or
- (c) the attainment target is also a profile component; or
- (d) the attainment target is one of the attainment targets comprising the profile component in English entitled “Writing”.

(5) Where paragraph (4) applies the pupil’s level of attainment in the attainment target shall be zero and articles 7 and 8 shall not apply for the purpose of determining a level of attainment in the subject and any profile component in the subject.

### **Verification of assessments**

6.—(1) This article makes provision for the verification of teacher assessments and NC test assessments by a body designated by the Secretary of State for that purpose and the substitution

for levels of attainment determined by such assessments of levels of attainment determined by the designated body.

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

(3) The supporting material consists of the records and other evidence of a pupil’s achievements relied on by a teacher in making a teacher assessment, the pupil’s written response to the NC test and such further material as the designated body may reasonably require.

(4) If after such verification the designated body considers that the results of the assessment are accurate, it shall so notify the head teacher, and the levels of attainment of all pupils at the school determined by teacher and NC test assessments (whether or not verified) shall be the levels of attainment for the subject in question for the purposes of article 8.

(5) If after consideration of the information provided in accordance with paragraphs (2) and (3) the designated body considers that some of the results are inaccurate, it shall so notify the head teacher and, if it so requests, the head teacher shall as soon as practicable —

- (a) arrange for the results considered to be inaccurate together with such other results as the designated body may request, to be reconsidered by the teachers concerned and subsequently submitted to the designated body for verification; and
- (b) provide the designated body 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 (3), for verification.

(6) Where any level of attainment determined by the designated body differs from the level determined by a teacher or NC test assessment, the level of attainment determined by that body after verification shall be the level of attainment for the purposes of article 8.

(7) References in this article and article 10 to the designated body are to the body designated by the Secretary of State which has responsibility for verifying assessments of the school in question.

**Determination of attainment by profile component: English and technology**

7.—(1) Subject to articles 5(5), 9 and 10 the provisions of this article regulate the determination of profile component levels of attainment in English and technology.

(2) Where a profile component consists of a single attainment target, the level of attainment for that target shall be the pupil’s level in that profile component.

(3) In the case of the profile component in technology entitled “Design and Technology”, the level for that component shall be the average of the levels attained by the pupil in the four attainment targets in that profile component, weighted by the following factors:

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Identifying needs and opportunities	3
Generating a design	5
Planning and making	8
Evaluating	4.

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(4) In the case of the profile component in English entitled “Writing” (which consists of three attainment targets: Writing, Spelling and Handwriting), the level for that component shall be the average of the levels attained by the pupil in the three attainment targets, calculated in accordance with the following provisions of this article.

(5) Where the pupil's level of attainment in Writing does not exceed level 7, and either his levels in both Spelling and Handwriting do not exceed level 4 or his level in Presentation is level 5, 6 or 7, the levels shall be weighted by the following factors:

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Writing	8
Spelling	1
Handwriting	1
Presentation	2.

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(6) Where the pupil's level of attainment in Writing is level 8, 9 or 10, and either his levels in Spelling and Handwriting do not exceed level 4 or his level in Presentation does not exceed level 6, the levels shall be weighted as provided in paragraph (5).

(7) Where the pupil's level of attainment in Writing is level 8, 9 or 10 and his level in Presentation is level 7, his level in the profile component Writing shall be that achieved in the attainment target Writing.

**Determination of attainment by subject**

8.—(1) Subject to articles 5(5), 9 and 10 the provisions of this article regulate the aggregation of attainment target and profile component levels of attainment to determine the subject levels of attainment in each relevant subject.

(2) In the case of English and technology, a pupil's level of attainment shall be the average of the profile component levels of attainment in that subject, calculated in accordance with paragraph (3).

(3) (a) In the case of English, each profile component shall be weighted by the following factors:

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Speaking and listening	1
Reading	2
Writing	2.

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(b) In the case of technology, the profile components shall be weighted by the following factors:

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Design and Technology	3
Information Technology	1.

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

(5) In the case of Welsh, each attainment target shall be weighted by the following factors:

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Oral (Listening, Viewing and Speaking)	4
Reading	3
Writing	3.

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(6) In the case of Welsh Second Language, each attainment target shall be weighted by the following factors:

Oral (Listening, Viewing and Speaking)	3
Reading	1
Writing	1.

(7) The results of the application of the provisions of this article and of articles 6 and 7 in relation to a pupil shall be recorded in a statement consisting of his level of attainment in each relevant subject and each attainment target and profile component in each such subject.

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

**9.**—(1) Articles 7 and 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 English and technology one attainment target in a profile component does not apply to such a pupil, or in the case of Welsh, Welsh Second Language, mathematics and science one attainment target in the subject does not so apply, article 7 (in the case of English and technology) and article 8 (in the case of Welsh, Welsh Second Language, mathematics and science) shall have effect as if the number of attainment targets applying to the pupil were the total number of attainment targets in the profile component or subject, as the case may be.

(3) Where by virtue of paragraph (2) one or more profile component levels of attainment cannot be determined, or where more than one attainment target in a subject does not apply to such a pupil paragraphs (1)-(4) of article 8 shall not apply.

(4) If the “Writing” attainment target of the profile component in English entitled “Writing” does not apply to such a pupil, articles 7 and 8 shall not apply for the purpose of determining a subject level of attainment in English.

(5) Where in the case of Welsh Second Language the Oral attainment target does not apply to such a pupil article 8 shall not apply to him.

(6) Article 8(7) shall apply in respect of all levels of attainment in attainment targets, profile components and in each relevant subject which have been assessed in relation to the pupil.

### **Pupil’s absence**

**10.**—(1) Where a pupil is unable to take an NC test due to his absence, and his absence was authorised or not treated as unauthorised (within the meaning of the Pupils’ Registration Regulations 1956(12)), the head teacher shall provide the results of the teacher assessment of the pupil to the designated body, together with such supporting material as it may reasonably require.

(2) If the designated body is satisfied that the results of the teacher assessment are accurate the levels of attainment determined by the assessment shall be the pupil’s levels of attainment.

(3) If and to the extent that the designated body is not so satisfied the pupil’s levels of attainment shall be those which the designated body considers accurately represent the pupil’s achievements.

(4) Where a pupil is unable to take an NC test due to his unauthorised absence (within the meaning of the said Regulations of 1956), his level of attainment in the attainment targets in which the NC test enables achievement to be assessed in any profile component of which those attainment targets form part and in the relevant subject shall be recorded as not having been assessed.

### **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 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 2(1) and as to the time when and the manner in which the tests are to be taken.

7th August 1992

*David Hunt*  
Secretary of State for Wales

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

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## 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 English, Welsh, mathematics, science, Welsh Second Language and technology were specified by the respective Orders (S.I.s [1990/423](#), [1990/802](#), [1991/2896](#) and [2897](#), and [1990/424](#) respectively).

This Order specifies the assessment arrangements for these foundation subjects 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 31 May (article 3). On dates specified in the NC Test Timetable (to be published by HMSO) 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 4).

Arrangements are set out for the verification of schools' assessment standards by a body appointed by the Secretary of State (article 6) and for the use of verified attainment target levels for the purposes of determining profile component and subject levels in English and technology, and overall subject levels in Welsh, Welsh Second Language, mathematics and science (articles 7 and 8).

The requirements in these Regulations are modified in the case of pupils to whom provisions of the National Curriculum do not apply (article 9), and in the case of pupils who miss NC Tests through absence from school (article 10).

The Secretary of State is given power to give full effect to the provisions of the Order or to supplement its provisions (article 11).