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STATUTORY INSTRUMENTS

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**1993 No. 2190**

**EDUCATION, ENGLAND AND WALES**

**The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (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 1) (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 first 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, Technology, Welsh Second Language, History and Geography) (Key Stage 1) (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

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(1) 1988 c. 40; section 4 was amended by section 240 of the Education Act 1993 (c. 35).

(2) S.I.1992/1983.

Assessment Authority established by section 244 of that Act<sup>(3)</sup> and includes any person or body appointed by either such authority to discharge the authority's functions under this Order; "the associated documents" means documents published by Her Majesty's Stationery Office, setting out levels of attainment, attainment targets and programmes of study in relation to the foundation subjects, which documents have effect by virtue of the section 4(2)(a) and (b) orders for those subjects respectively for the time being in force<sup>(4)</sup>;

"the relevant subjects" means—

- (i) mathematics and science;
- (ii) in relation to schools and classes which are Welsh-speaking, Welsh<sup>(5)</sup>; and
- (iii) in relation to schools and classes which are not Welsh-speaking, English;

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

"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 in relation to the relevant subjects;

"specified" means specified in relation to the first key stage by a section 4(2)(a) and (b) order; "spring term" and "summer term" mean the second and third terms respectively in a school year;

a reference to a class which is Welsh-speaking is a reference to a class where in relation to pupils in the first key stage in a class in a school more than one half of the following subjects namely—

- (i) religious education; and
- (ii) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school

are taught (wholly or partly) in Welsh in that class;

references to the first key stage are references to the period set out in paragraph (a) of section 3(3) of the Education Reform Act 1988; and

unless the context otherwise requires references to levels of attainment, attainment targets and programme of study are references to the levels, targets and programmes set out in the associated documents.

(2) 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.

(3) 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.

### **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 not later than four weeks before the end of the summer term in accordance with the provisions of this article and for a record of the results to be made by that teacher.

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

(4) S.I. 1989/907 (English), S.I. 1990/1082 (Welsh), S.I. 1991/2896 (mathematics), and S.I. 1991/2897 (science).

(5) The attainment targets and programmes of study entitled "Welsh" in S.I. 1990/1082.

(2) The purpose of the assessment shall be to determine the pupil's level of attainment in each attainment target specified for each subject which applies to him and in the subject overall as calculated in accordance with article 7, except in the cases specified in articles 8(3) and 8(4).

(3) Subject to paragraph (4), the record of the results shall specify the pupil's level of attainment in each attainment target mentioned in paragraph (2) and in each subject so calculated.

(4) Where it appears to the teacher that the pupil's level of attainment in any attainment target is higher than level 3, but the teacher is unable to state that level in reliance on his assessment of the pupil under this article, the pupil shall be recorded as having achieved level 3.

(5) In making an assessment of a pupil pursuant to this article the teacher may take into account the results of any previous assessments of the pupil including assessments by means of standard tasks, whether or not the previous assessments were made by that teacher.

### **Standard task assessments: English, Welsh and mathematics**

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

(2) Standard tasks specified by the Secretary of State pursuant to article 9 shall be administered to the pupil during the second half of 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.

(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 paragraph (5) the record of the results shall consist of a statement of the pupil's level of attainment in each relevant attainment target, and, 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.

(5) Where, in the case of English, at least one relevant attainment target does not apply in relation to a pupil, or the pupil has not completed a standard task and paragraph (8) does not apply, no record of the pupil's level of attainment in that subject shall be determined.

(6) In the case of Welsh a record of the pupil's level of attainment in the subject shall only be determined where the pupil's level of attainment in the standard task for the Oral attainment target and at least one other relevant attainment target has been determined.

(7) In paragraphs (4), (5) and (6) "relevant attainment target" means any attainment target in which the standard assessment tasks enable achievement to be assessed.

(8) Where a pupil is unable to complete a standard task due to his absence from school (whether because of illness or for any other reason), if, in the opinion of his head teacher, he has done sufficient work on the standard task to enable an assessment of his level of attainment in any attainment targets to be made, any such assessment shall be treated as an assessment made in pursuance of this article.

### **Verification of assessments**

6.—(1) This article makes provision for the verification of teacher and standard task assessments by the local education authority (in the case of schools which they maintain) and the assessment authority (in the case of grant-maintained schools) and the substitution for levels of attainment determined by such assessments of levels determined by such authorities, and in this article each such authority is referred to as "the verifying authority".

(2) In the case of schools maintained by a local education authority, that authority shall exercise the functions conferred by this article in relation to each such school and each relevant subject.

(3) On request by the verifying authority the head teacher shall provide them with the results of teacher assessments and 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 (4), to enable the verifying authority to verify the assessments.

(4) 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 standard tasks and such further material as the authority may reasonably require.

(5) 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 teacher and standard task assessments (whether or not verified) shall be the levels for the subject in question.

(6) 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 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 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.

(7) Where any level of attainment determined by the verifying authority differs from the level determined by a teacher or standard task assessment, the level determined by the verifying authority after verification shall be the level of attainment.

(8) 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 teacher or standard task assessment; and
- (c) to provide the verifying authority with such information relating to such assessment as they may reasonably request.

(9) For the purpose of exercising its functions under this article the local education authority shall appoint such competent persons as they think fit, and each such authority shall consult with at least two other such local education authorities with a view to ensuring that consistent standards and principles are applied by the authority in verifying the results of assessment.

(10) A person is not competent for the purposes of paragraph (9) unless he has recent experience of the provision of the National Curriculum in primary schools.

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

7.—(1) Subject to article 8 the provisions of this article regulate the determination of a pupil's level of attainment in each relevant subject by teacher assessment.

(2) The pupil's level of attainment in each such subject shall be the average of his levels of attainment in each attainment target as determined by teacher assessment, weighted in the case of English, Welsh and science as follows—

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English

Speaking and Listening (AT1)

10

Reading (AT2)	10
Writing (AT3)	7
Spelling (AT4)	2
Handwriting (AT5)	1
Welsh	
Oral (AT1)	20
Reading (AT2)	10
Writing (AT3)	9
Handwriting (AT4)	1
Science	
Scientific investigation (AT1)	3
Life and living processes (AT2)	1
Materials and their properties (AT3)	1
Physical processes (AT4)	1

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

**8.**—(1) Article 7 shall have effect in relation to pupils to 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, mathematics or science, one attainment target in a subject does not apply to such a pupil, article 7 shall have effect as if the number thereof applying to the pupil were the total number in that subject.

(3) Where, in the case of English, mathematics and science, more than one attainment target in a subject does not apply to such a pupil, article 7 shall not apply to him.

(4) Where, in the case of Welsh the Oral attainment target and one other attainment target 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 standard tasks for the purpose of assessing pupils' levels of attainment in any attainment target or relevant subject and as to their administration to pupils.

Signed by authority of the Secretary of State.

10th August 1993

*Gwilym Jones*  
Parliamentary Under 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 subjects.

This Order revokes the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics, Science, Technology, Welsh Second Language, History and Geography) (Wales) (Key Stage 1) Order 1992, and specifies assessment arrangements for pupils studying “the relevant subjects” of the National Curriculum in the final year of the first key stage. “The relevant subjects” are defined as mathematics, science, in relation to schools and classes which are Welsh speaking, Welsh, and in relation to schools and classes which are not Welsh speaking, English. A Welsh-speaking school is defined in section 3(7) of the Education Reform Act 1988 and a Welsh-speaking class is defined in article 3(1) of this Order. This Order only applies to maintained schools in Wales.

Pupils are to be assessed by teachers on the basis of classroom work (ie “teacher assessments”) in the subjects described above not later than four weeks before the end of the summer term. A record of the results, consisting of pupils’ levels of attainment in relation to each relevant attainment target, is to be made (article 4).

Standard tasks in English, Welsh and mathematics, published by HMSO on behalf of the Secretary of State, are to be administered to pupils during the second half of the Spring term and up to four weeks before the end of the summer term, and the results recorded (article 5). This article also specifies the requirements for determination of a subject score in Welsh.

Arrangements are set out for the verification of schools’ assessment standards by the local education authority and an assessment authority for LEA-maintained and grant-maintained schools respectively. For this purpose a right to the production of documents and articles and a right of access to the school premises is conferred on such authorities (article 6).

Rules are specified for applying attainment target levels as determined by teacher assessment to produce subject levels of attainment in English, Welsh, mathematics and science (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 standard tasks, to give full effect to the arrangements specified by the Order (article 9).