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STATUTORY INSTRUMENTS

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**1994 No. 2228**

**EDUCATION, ENGLAND AND WALES**

**The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1994**

*Made* - - - - *24th August 1994*

*Coming into force* - - *31st August 1994*

The Secretary of State for Wales, in exercise of the powers conferred on him by section 4(2)(c), (5), (6) 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 3) (Wales) Order 1994 and shall come into force on 31st August 1994.

(2) The provisions of this Order apply for the purpose of ascertaining the achievements of English, Welsh, mathematics and science 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) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1993(3) and the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) (Amendment) Order 1994(4) are revoked.

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

(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. 1993/2191.

(4) S.I. 1994/647.

## 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 English, Welsh<sup>(5)</sup>, mathematics and science, which documents have effect by virtue of the respective section 4(2)(a) and (b) orders for those subjects for the time being in force<sup>(6)</sup>.

“AT” means attainment target;

“the Authority” means the authority known as Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales<sup>(7)</sup>;

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

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

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

“NC tests” and “NC tasks” mean respectively National Curriculum tests and 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 9 which have been published by Her Majesty’s Stationery Office;

“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;

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

“summer term” means the third term in a school year (as defined in section 3(6) of the Education Reform Act 1988<sup>(8)</sup>); and

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; 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 of one half being rounded upwards to the next whole number.

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(5) As defined in the attainment targets and programmes of study entitled “Welsh” in S.I. [1990/1082](#).

(6) The current orders for the third key stage are S.I.s [1990/423](#) (English), [1990/1082](#) as amended by [1991/1683](#), [1992/1698](#) and [1992/3140](#) (Welsh), [1991/2896](#) (mathematics) and [1991/2897](#) (science).

(7) The authority now known as Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales was established by Section 14(1)(b) of the Education Reform Act 1988 under the name of the Curriculum Council for Wales. Its present name was substituted by section 253(1) of the Education Act 1993 (c. 35). The relevant assessment functions were transferred to it by the Education (Schools Curriculum and Assessment Authority) (Transfer of Functions) Order 1994 (S.I. [1994/645](#)).

(8) Section 3(6) was amended by Section 240(3) of the Education Act 1993.

### **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 during the summer term in each year 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 relevant subject which applies to him and, subject to article 7(3), in the subject as calculated in accordance with article 6.

(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.

(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 AT mentioned in paragraph (2) and, subject to article 7(3), of his level in the subject as calculated in accordance with article 6.

(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 and task assessment**

5.—(1) 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) of this article.

(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.

(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.

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

6.—(1) Subject to article 7, 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 AT1 (speaking and listening), AT2 (reading) and AT3 (writing).

(3) In the case of Welsh, a pupil's level of attainment in the subject shall be the average of his levels in each AT, weighted by the following factors:

- AT1 (Oral) 4,
- AT2 (Reading) 3,
- AT3 (Writing) 3.

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

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

7.—(1) Article 6 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, one of AT1, AT2 and AT3 or, in the case of Welsh, mathematics or science, one AT does not apply to such a pupil, article 6 shall have effect as if the number of ATs applying to the pupil were the total number of ATs in the subject.

(3) Where, in the case of English, more than one of AT1, AT2 and AT3, or in the case of Welsh, mathematics or science, more than one AT, does not apply to such a pupil, article 6 shall not apply to him in relation to that subject.

### **Evaluation of Assessment Arrangements**

8.—(1) The Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4 to 7 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 the oral task for Welsh (AT1-Oral and AT2-Reading) as the Authority or that other body may require.

### **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 (other than provisions conferring or imposing functions as mentioned in section 4(5)(a) of the Education Reform Act 1988) 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 are to be administered.

Signed by authority of the Secretary of State for Wales

24th August 1994

*Rod Richards*  
Parliamentary Under-Secretary of State, The  
Welsh Office

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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 the subjects of English, Welsh, mathematics and science (“the relevant subjects”) have been specified by the Orders referred to in the second footnote to article 3.

This Order revokes and replaces the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1993 as amended. It specifies the assessment arrangements for the relevant subjects in the final year of the third key stage, as they apply to maintained and grant-maintained special schools (not established in a hospital) 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 two weeks before the end of the summer term (article 4). National Curriculum tests and tasks known as NC Tests and NC Tasks published by HMSO on behalf of the Secretary of State are to be administered to pupils, their responses to NC Tests provided to an external marking agency to be marked and a record of the results of any NC tasks, consisting of pupils' levels of attainment, is to be made (article 5).

Rules are prescribed for calculating levels of attainment in the subjects using levels in each attainment target as determined by teacher assessment (article 6). These rules are modified in the case of pupils to whom provisions of the National Curriculum do not apply (article 7).

The authority known as Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales, are required to make arrangements to evaluate the effectiveness of the arrangements made by the Order (article 8). The head teacher is required to provide that authority with samples of pupils' responses to the oral task for Welsh. The Secretary of State is empowered to issue further documents, including NC tests and tasks, to give full effect to the arrangements specified by the Order (article 9).