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WELSH STATUTORY INSTRUMENTS

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**2002 No. 45 (W.4)**

**EDUCATION, WALES**

**The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002**

*Made* - - - - *14th January 2002*

*Coming into force* - - *4th February 2002*

The National Assembly for Wales makes the following Order in exercise of the powers conferred on the Secretary of State by section 356(2)(c) and (5) to (8) and section 568(5) and (6) of the Education Act 1996(1) and now vested in the Assembly(2).

**Name, commencement and application**

1.—(1) This Order is called the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002 and shall come into force on 4th February 2002.

(2) Subject to paragraphs (3) and (4), the provisions of this Order apply for the purpose of ascertaining the achievements in English, Welsh, mathematics and science of pupils who are in the final year of the first key stage.

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

(4) This Order does not apply for the purpose of ascertaining the achievements in Welsh of pupils following the programme of study known as “Welsh Second Language”(3).

**Revocation**

2. The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1997(4) is revoked.

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(1) 1996 c. 56. Section 356 (5) and (8) were amended by paragraph 87 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). Section 568(5) was amended by paragraph 175 of that Schedule.  
(2) The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).  
(3) See S.I. 2000/1101 (W.79) and the document entitled “Welsh in the National Curriculum”, ISBN 07504 24036.  
(4) S.I. 1997/2011.

## Interpretation

### 3.—(1) In this Order—

“the Act” (“*y Ddeddf*”) means the Education Act 1996;

“the associated documents” (“*y dogfennau cysylltiedig*”) means the documents published by the Authority, setting out levels of attainment, attainment targets and programmes of study in relation to the relevant 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<sup>(5)</sup>;

“AT” (“*TC*”) means attainment target;

“the Authority” (“*yr Awdurdod*”) means the authority known as the Qualifications, Curriculum and Assessment Authority for Wales<sup>(6)</sup>;

“maintained school” (“*ysgol a gynhelir*”) has the meaning given to it by section 350(1) of the Act<sup>(7)</sup>;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“the relevant subjects” (“*y pynciau perthnasol*”) means—

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

“section 356(2)(a) and (b) orders” (“*gorchmynion adran 356(2)(a) a (b)*”) means orders made under section 356(2)(a) and (b) of the Act specifying attainment targets and programmes of study in relation to the relevant subjects;

“specified” (“*a bennir*”), unless the context otherwise requires, means specified, in relation to the first key stage, by a section 356(2)(a) and (b) order;

“summer term” (“*tymor yr haf*”) means the third term in a school year;

a reference to a class or school which is Welsh-speaking is a reference respectively to a class or school in which, in relation to pupils in the first key stage, 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 in the first key stage,

are taught (wholly or partly) in Welsh;

references to the first key stage shall be construed in accordance with section 355 of the Act; and

unless the context otherwise requires 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) 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) The current orders are S.I. 2000/1154 (W.85) (English), S.I. 2000/1101 (W.79) (Welsh), S.I. 2000/1100 (W.78) (mathematics) and S.I. 2000/1099 (W.77) (science).

(6) The Qualifications, Curriculum and Assessment Authority for Wales was established by section 14(1)(b) of the Education Reform Act 1988 (c. 40), continued in existence by section 360 of the Education Act 1996 and given its current name by section 27(1) of the Education Act 1997 (1997 c. 34).

(7) Section 350(1) was substituted by paragraph 85 of Schedule 30 to the School Standards and Framework Act 1998.

(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 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 relevant subject which applies to the pupil and, except where article 6(3) applies, in the subject as calculated in accordance with article 5.

(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 first 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 6(3) applies, the pupil's level in the subject as calculated in accordance with article 5.

(5) In making an assessment of a pupil pursuant to this article a teacher may take into account the results of any previous assessments of the pupil (including assessments by means of standard tasks under the Order revoked by article 2), whether or not the previous assessments were made by that teacher.

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

5.—(1) Subject to article 6, 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 the pupil's level in each AT.

(3) In the case of Welsh, a pupil's level of attainment in the subject shall be the average of the pupil's level in each AT but with his or her level in AT1 (oral, (speaking, listening and viewing)) weighted by a factor of two.

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

(5) In the case of science, a pupil's level of attainment in the subject shall be the average of the pupil's level in each AT but with his or her level in AT1 (scientific enquiry) weighted by a factor of three.

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

6.—(1) Article 5 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 one AT in a relevant subject does not apply to such a pupil, article 5 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 relevant subject does not apply to such a pupil, article 5 shall not apply to the pupil in relation to that subject and no level of attainment shall be determined for him or her in respect of that subject.

### **Evaluation of Assessment Arrangements**

7. The Authority shall make such arrangements as seem to them appropriate for determining the extent to which the provisions of articles 4 to 6 and their implementation achieve the purpose mentioned in article 1(2).

### **Supplementary powers of the National Assembly**

8. The National Assembly 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 Act) as appear to it to be expedient.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8)

14th January 2002

*Rhodri Morgan*  
The First Secretary of the National Assembly

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## EXPLANATORY NOTE

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

Section 356(1) and (2) of the Education Act 1996 places a duty on the Secretary of State to establish the National Curriculum by specifying, by Order, such attainment targets, programmes of study and assessment arrangements as he considers appropriate for each of the foundation subjects. That duty has been devolved and falls to be exercised by the National Assembly in Wales.

This Order, which applies only to schools in Wales, re-enacts (with some changes as mentioned below) the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1997. The Order 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 and, in relation to schools and classes which are Welsh speaking (as defined in article 3(1)), Welsh, or in relation to schools and classes which are not, English.

*Article 2* revokes the 1997 Order.

*Article 3* defines terms used in the Order.

*Article 4* provides for pupils to be assessed by a teacher and sets out the purpose of such assessments.

*Article 5* sets out the technical rules for determining pupils' levels of attainment subject by subject.

*Article 6* sets out special rules which apply in relation to pupils in respect of whom provisions of the National Curriculum do not apply (including pupils with statements of special educational needs).

*Article 7* requires arrangements to be made for the evaluation of the assessment arrangements.

*Article 8* enables the National Assembly to make provision giving effect to or otherwise supplementing the provisions made by the Order.

The only change of substance made by the current Order is that it no longer makes provision for pupil tests. Accordingly, article 5 and 6 of the 1997 Order have been omitted.