WELSH STATUTORY INSTRUMENTS

2011 No. 1947 (W.213)

EDUCATION, WALES

The National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011

Made - - - - 29 July 2011
Laid before the National Assembly for Wales - - 4 August 2011

Coming into force in accordance with article 1(2)

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 108(2)(b)(iii), (5), (6), (9) and (11) and 210 of the Education Act 2002(**1**) and now vested in them(**2**), make the following Order:

Title and commencement

1.—(1) The title of this Order is the National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011.

(2) This Order comes into force on—

(a) 1 September 2011 for maintained schools in Wales and maintained nursery schools in Wales; and

(b) 1 September 2012 for establishments in Wales where nursery education is provided under the arrangements mentioned in section 98(2)(b) of the 2002 Act at which the foundation phase is taught.

Interpretation

2. In this Order—

"the 2002 Act" ("*Deddf 2000*") means the Education Act 2002;

"the assessment document" ("*y ddogfen asesu*") means the "Foundation Phase child development assessment profile Record Form" document published by the Welsh Ministers in May 2011;

(**1**) 2002 c. 32. Subsection (2) of section 108 was amended by section 21(1) and (7)(a) of the Education (Wales) Measure 2009 (nawm 5). Subsection (6) of section 108 was amended by S.I.2010/1158 and subsection (11) was amended by paragraphs 11 to 13 of the Schedule to the Learning and Skills (Wales) Measure 2009 (nawm 1).

(**2**) The functions of the Secretary of State under those sections were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

"developmental areas" ("*meysydd datblygiadol*") means the following developmental areas set out in the profile document—

(i) personal, social and emotional;

(ii) speaking and listening;

(iii) reading and writing;

(iv) sort, order and number;

(v) approach to learning, thinking and reasoning; and

(vi) physical;

"foundation phase assessment" ("*asesiad cyfnod sylfaen*") means an assessment by a practitioner of a pupil's attainment based upon the practitioner's observation, including an assessment of the child's level of attainment in relation to the developmental areas;

"foundation phase setting" ("*lleoliad cyfnod sylfaen*") means a maintained school, a maintained nursery school or an establishment where nursery education is provided under the arrangements mentioned in section 98(2)(b) of the 2002 Act and at which the foundation phase is taught;

"practitioner" ("*addysgwr*") means any person who teaches the foundation phase in a foundation phase setting;

"the profile document" ("*y ddogfen proffil*") means the "Foundation Phase child development assessment profile"(**3**) published by the Welsh Ministers in May 2011;

"proprietor" ("*perchennog*") means—

(a) where the foundation phase setting is a maintained school or a maintained nursery school, the governing body of that school; and

(b) in relation to any other foundation phase setting, the person or body responsible for the management of the foundation phase setting;

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority in Wales by which a foundation phase setting is maintained or funded;

"responsible person" ("*person cyfrifol*") means the head teacher of a maintained school or maintained nursery school or the person responsible for the provision of nursery education in the foundation phase setting under the arrangements mentioned in section 98(2)(b) of the 2002 Act;

"unique pupil number" ("*rhif unigryw'r disgybl*") means a combination of numbers allocated to a pupil by use of a formula determined by the Welsh Ministers and are particular to that pupil; and

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, Sunday or a day which is a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971(**4**).

Foundation phase assessment

3.—(1) The responsible person must make arrangements for a foundation phase assessment to be carried out by a practitioner in relation to each pupil in the foundation phase (subject to paragraph (2)).

(**3**) ISBN numbers 978 0 7504 6158 0 and 978 0 7504 6159 7.
(**4**) 1971 c. 80.

(2) The duty in paragraph (1) does not apply in relation to a pupil who has been assessed in accordance with the Education (Baseline Assessment) (Wales) Regulations 1999(**5**).

(3) The purpose of the assessment is to determine the pupil's level of attainment in relation to each of the developmental areas.

(4) The results of the assessment must be recorded by the practitioner in an assessment document and a record of attainment.

(5) The record of attainment must consist of the results of the foundation phase assessment together with a brief statement by the practitioner of the pupil's level of attainment in relation to the developmental areas.

Timing of assessment

4.—(1) Where a pupil entered the foundation phase after the coming into force of this Order, the foundation phase assessment must be completed—

(a) before the end of 30 working days after the pupil first enters the foundation phase; or

(b) as soon as reasonably practicable, if exceptionally and for reasons outside the control of the responsible person, the assessment cannot be completed within the period defined in sub-paragraph (a).

(2) Where a pupil first entered the foundation phase before the coming into force of this Order, the foundation phase assessment for that pupil must be completed as soon as reasonably practicable.

Supplementary powers of the Welsh Ministers

5. The Welsh Ministers may make such provision giving full effect to or otherwise supplementing the provisions of this Order (other than provision conferring or imposing functions as mentioned in section 108(6) of the 2002 Act) as appears to them to be expedient.

Duties of the proprietor

6. The proprietor of a foundation phase setting has the duties set out in Part 1 of the Schedule to this Order.

Duties of responsible persons

7. The responsible person of a foundation phase setting has the duties set out in Part 2 of the Schedule to this Order.

Duties of relevant local authorities

8. Every relevant local authority has the duties set out in Part 3 of the Schedule to this Order.

Leighton Andrews
Minister for Education and Skills, one of the Welsh Ministers.

29 July 2011

(**5**) S.I. 1999/1188 as amended by S.I. 2010/1142 (W.101).