STATUTORY INSTRUMENTS

2016 No. 476

EDUCATION, ENGLAND

The Education (National Curriculum) (Key Stage 4 Assessment Arrangements) (England) Order 2016

Made - - - -	*31st March 2016*
Coming into force - -	*1st September 2016*

The Secretary of State makes this Order in exercise of the powers in sections 87(3)(c), (7), (10), (11), (12A), (13) and 210(7) of the Education Act 2002(**1**).

The Secretary of State has consulted the Office of Qualifications and Examinations Regulation(**2**) in accordance with section 87(6A)(a) of the Education Act 2002(**3**).

Citation and commencement

1. This Order may be cited as the Education (National Curriculum) (Key Stage 4 Assessment Arrangements) (England) Order 2016 and comes into force on 1st September 2016.

Interpretation

2. In this Order—

"National reference test" means an assessment administered by a test supplier to assess the performance of pupils in English language or mathematics;

"school" means a maintained school(**4**);

"test supplier" means a body with which the Secretary of State has made arrangements in connection with the development and implementation of national reference tests.

(**1**) 2002 c. 32. Section 87(7) was amended by sections 174, 192 and 266 of, and paragraphs 31, 35(1), (3)(a) and (3)(b) of Schedule 12 and Part 4 of Schedule 16 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); and by section 26 of, and paragraphs 11 and 13 of Schedule 8 to, the Education Act 2011 (c. 21). There are other amendments not relevant to this instrument. Section 87(10) was amended by sections 174 and 192 of, and paragraphs 31, 35(1) and (5) of Schedule 12 to, the Apprenticeships, Skills, Children and Learning Act 2009; and by sections 48 and 103(2) of, and paragraphs 10(1) and (8)(b) of Schedule 1 and Part 1 of Schedule 3 to, the Childcare Act 2006 (c. 21). Section 87(11) was amended by sections 174 and 192 of, and paragraphs 31, 35(1) and (6) of Schedule 12 to, the Apprenticeships, Skills, Children and Learning Act 2009. Section 87(12A) was inserted by section 159(1) and (4) of the Apprenticeships, Skills, Children and Learning Act 2009.

(**2**) The Office of Qualifications and Examinations Regulation is a Non-Ministerial Department established under section 127 of the Apprenticeships, Skills, Children and Learning Act 2009.

(**3**) Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009.

(**4**) For the definition of maintained school see section 76 of the Education Act 2002.

National reference tests

3.—(1) Subject to paragraph (6), the head teacher of a school designated under sub-paragraph (3)(a) must arrange for each pupil to whom this article applies to take a national reference test in either English language or mathematics but not both.

(2) Subject to paragraph (6), this article applies—

(a) in the 2016-17 school year(**5**) and every school year after that;

(b) to a pupil in the final year of the fourth key stage; and

(c) if the pupil has been selected by the test supplier by virtue of sub-paragraph (3)(b).

(3) The test supplier must—

(a) designate schools from which pupils will be selected to take a national reference test;

(b) select pupils to take a national reference test from schools which are so designated.

(4) The test supplier must—

(a) notify a school which it has designated under sub-paragraph (3)(a) of the fact of its designation in writing within four weeks of that designation;

(b) notify a school which it has designated under sub-paragraph (3)(a) of the identity of the pupils at that school who have been selected under sub-paragraph (3)(b) in writing within four weeks of that selection.

(5) The head teacher must provide to the test supplier a list of pupils who are in the final year of the fourth key stage at the school within four weeks of receiving the notification under sub-paragraph (4)(a).

(6) The head teacher must consider whether each pupil at the school who has been selected under paragraph (3)(b) should take a national reference test, and if the head teacher decides that a pupil should not do so, this article does not apply to that pupil.

Right of entry of test supplier

4. The head teacher must permit a test supplier to enter premises of the school to observe implementation of national reference tests and to inspect and take copies of documents and other articles in connection with the moderation or monitoring of national reference tests.

Delegated supplementary provisions

5.—(1) The test supplier may make delegated supplementary provisions in relation to—

(a) the administration of national reference tests and the time when, and the manner in which, national reference tests are to be administered;

(b) the designation of schools under article 3(3)(a);

(c) the selection of pupils under article 3(3)(b);

(d) the reasons for which the head teacher may decide under article 3(6) that a pupil should not take a national reference test.

(2) Before making, amending or revoking any delegated supplementary provisions, the test supplier must consult the Office of Qualifications and Examinations Regulation and may consult such other persons as the test supplier considers appropriate.

(3) Delegated supplementary provisions made under this article—

(a) may only be made with the approval of the Secretary of State;

(**5**) For the definition of school year see section 579 of the Education Act 1996 (c.56).