Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2005 No. 1394 (W.108)

EDUCATION, WALES

The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005

Made - - - -	*24 May 2005*
Coming into force - -	*1 July 2005*

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by sections 108(3)(c), (7), (8), (9), (10) and (11) and 210(7) of the Education Act 2002 [F1].

F1 2002 c. 32.

Title, commencement and application

1.—(1) The title of this Order is the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 and it comes into force on 1 July 2005.

(2) The provisions of this Order apply for the purpose of ascertaining the achievements in the core and other foundation subjects of pupils who are in the final year of the third key stage.

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

Revocation

2. The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1997 [F2], the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) (Amendment) Order 1998 [F3] and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) (Amendment) Order 2001 [F4] are revoked.

F2 S.I. 1997/ 2010.
F3 S.I. 1998/1976.
F4 S.I. 2001/889 (W.40).

Interpretation

3.—(1) In this Order—

"the Act" ("*y Ddeddf*") means the Education Act 2002;

"the associated documents" ("*y dogfennau cysylltiedig*") means the documents published by the Authority setting out any levels of attainment, attainment targets and programmes of study in relation to the core and other foundation subjects, which documents have effect by virtue of the respective section 108(3)(a) and (b) orders for those subjects for the time being in force [F5];

"AT" ("*TC*") means attainment target;

"the Authority" ("*yr Awdurdod*") means the authority known as the Qualifications, Curriculum and Assessment Authority for Wales [F6];

"the core subjects" ("*y pynciau craidd*") means mathematics, English, science, and in relation to Welsh speaking schools, Welsh;

"the other foundation subjects" ("*y pynciau sylfaen eraill*") means technology, physical education, history, geography, art, music, Welsh if the school is not a Welsh-speaking school, and a modern foreign language specified in an order made by the National Assembly, or having effect as if it were made, under section 105(4) of the Act [F7];

"maintained school" ("*ysgol a gynhelir*") has the meaning given to it by section 97 of the Act;

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

"school year" ("*blwyddyn ysgol*") has the meaning given to it by section 97 of the Act;

"section 108(3)(a) and (b) orders" ("*gorchmynion 108(3)(a) a (b)*") means orders made, or which have effect as if they were made, under section 108(3)(a) and (b) of the Act specifying attainment targets and programmes of study;

"specified" ("*a bennir*") means specified in relation to the third key stage by a section 108(3)(a) and (b) order;

"summer term" ("*tymor yr haf*") means the final term in a school year.

(2) References to —

(a) the third key stage are to be construed in accordance with section 103 of the Act; and

(b) levels of attainment, attainment targets and programmes of study are to the levels, targets and programmes set out in the associated documents.

(3) Where any average number required to be determined by this Order is not a whole number, it is to be rounded to the nearest whole number, the fraction of one half being rounded upwards to the next whole number.

(4) 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.

F5 The relevant Orders for the third key stage are S.I. 2000/1159 (W.90) (Technology), S.I. 2000/1158 (W.89) (Music), S.I. 2000/1157 (W.88) (Modern Foreign Languages), S.I. 2000/1156 (W.87) (History), S.I. 2000/1155 (W.86) (Geography), S.I. 2000/1154 (W.85) (English), S.I. 2000/1153 (W.84) (Art), S.I. 2000/1101 (W.79) (Welsh), S.I. 2000/1100 (W.78) (Mathematics), S.I. 2000/1099 (W.77) (Science), and S.I. 2000/1098 (W.76) (Physical Education).

F6 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 (c. 44).

F7 *See* the Education (National Curriculum) (Modern Foreign Languages) (Wales) Order 2000, S.I. 2000/1980 (W.141).

Teacher assessment — general

4.—(1) The head teacher must make arrangements for each pupil to be assessed by a teacher in each core and other foundation subject during the summer term in accordance with the provisions of this article and articles 5 to 7, and for a record of the results to be made by that teacher.

(2) The pupil must be assessed and a record of the results made by the teacher not later than two weeks before the end of the summer term.

(3) In making an assessment of a pupil pursuant to this article a teacher may take into account results of any previous assessment of the pupil (whether or not made by that teacher).

Teacher assessment — English, Welsh, mathematics, modern foreign language, and science

5.—(1) In the cases of English, Welsh, mathematics, a modern foreign language and science, the purpose of the assessment is to determine the level of attainment achieved by the pupil in each AT specified for the subject which applies to the pupil and, except where article 6(3) applies, in the subject as calculated in accordance with paragraph (3).

(2) The record of the results is to 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 108(3)(a) and (b) order) in relation to every AT mentioned in paragraph (1) and, except where article 6(3) applies, his or her level in the subject so calculated.

(3) Subject to article 6, a pupil's level of attainment in each subject is the average of his or her levels in each AT, save that in the case of mathematics his or her level in AT2 (number and algebra) is to be weighted by a factor of 2, and in the case of Welsh the following ATs are to be weighted by the factors indicated as follows —

(a) in the case of a pupil following the programme of study known as "Welsh" —

AT1 (oral) 4,

AT2 (reading) 3, and

AT3 (writing) 3,

and

(b) in the case of a pupil following the programme of study known as "Welsh Second Language" —

AT1 (oral) 3,

AT2 (reading) 1, and

AT3 (writing) 1.

Pupils not subject to provisions of the National Curriculum

6.—(1) Article 5(3) is to 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 subject does not apply to such a pupil, article 5(3) is to have effect as if the number of ATs applying to the pupil were the total number of ATs in the subject and as if the AT which does not apply, and any weighting in respect thereof, were ignored.

(3) Where more than one AT in a subject does not apply to such a pupil, article 5(3) is not to apply to that pupil in relation to that subject.

(4) In the case of Welsh where the pupil is following the programme of study known as "Welsh Second Language", article 5(3) is not to apply to that pupil if AT1 (oral) does not apply to him or her.