STATUTORY INSTRUMENTS

2015 No. 900

EDUCATION, ENGLAND

The Education (National Curriculum) (Miscellaneous Amendments) (England) Order 2015

Made - - - -	*25th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force - -	*1st September 2015*

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

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

Citation and Commencement

1. This Order may be cited as the Education (National Curriculum) (Miscellaneous Amendments) (England) Order 2015 and comes into force on 1st September 2015.

Amendments to the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004

2. The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004(**3**) is amended in accordance with articles 3 to 10.

3. In article 1 (Citation, commencement and application), paragraph (2)—

(a) in sub-paragraph (2)(a) omit "and",

(b) for sub-paragraph (2)(b) substitute—

(**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). Section 87(10) was amended 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 (c. 22). Section 87(12A) was amended by: section 159(1) and (4) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(**2**) Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(**3**) S.I. 2004/2783, amended by S.I. 2011/3057 and S.I. 2013/1513; there are other amending instruments but none is relevant.

"(b) article 4A applies for the purpose of determining the suitability of test materials for use in NC tests; and

(c) articles 5A and 6A apply for the purpose of ascertaining the extent to which pupils in the first key stage understand the correspondence between graphemes and phonemes in English.".

4. In article 3 (Interpretation)—

(a) omit the definition of "the associated documents",

(b) omit the definition of "the core subject topics",

(c) after the definition of "moderation" insert—

""NC tests" means National Curriculum assessments administered to pupils pursuant to article 5 or 5A";

(d) after the definition of "summer term" insert—

""trial" means an assessment for the purpose of determining the suitability of test materials for use in NC tests;

"trialling agency" means a body approved by the Secretary of State to administer trials in respect of test materials for use in NC tests.".

(e) for paragraph (3) substitute—

"(3) In this Order references to attainment targets and programmes of study are references to the targets and programmes set out in any document (other than the P Scale Document) published by the Department for Education under a section 87(3)(a) and (b) order for the foundation subjects.".

5. In article 4 (Assessment)—

(a) for paragraph (2) substitute—

"(2) The purpose of the assessment is to determine the standard of attainment achieved by the pupil in each core subject which applies to the pupil as calculated in accordance with any delegated supplementary provisions.".

(b) for paragraph (4) substitute—

"(4) A record of the results must consist of the standard of attainment which the teacher assesses has been achieved by the pupil (whether or not that standard is specified in relation to the first key stage by the relevant section 87(3)(a) and (b) order) in relation to each core subject.".

6. After article 4 insert—

"**Determining the suitability of test materials for key stage 1 National Curriculum tests**

4A.—(1) If this article applies the head teacher must make arrangements for each pupil to be assessed by a trialling agency in respect of test materials for use in NC tests.

(2) This article applies to a pupil in the final year of the first key stage in respect of English and mathematics—

(a) if the pupil's school has been designated for the purposes of this article, and

(b) if the pupil has been selected by the Secretary of State or, in circumstances where the Secretary of State has requested the school's head teacher to select the pupil, by the head teacher to be trialled in respect of test materials for use in NC tests.

(3) This article applies to a pupil in the first year of the first key stage in respect of understanding the correspondence between graphemes and phonemes—

(a) if the pupil's school has been designated for the purpose of this article, and

(b) if the pupil has been selected by the Secretary of State or, in circumstances where the Secretary of State has requested the school's head teacher to select the pupil, by the head teacher to be trialled in respect of test materials for use in NC tests.

(4) Paragraphs (2) and (3) apply only in the 2015-16 school year and every school year after that, as determined by the Secretary of State at the beginning of the first term of that school year.

(5) The Secretary of State must notify each designated school in writing within two weeks of making a determination to designate for the purposes of this article.

(6) If a pupil is selected by the Secretary of State under paragraphs 2(b) or 3(b), the head teacher must consider and decide whether that pupil is to be included in any trial carried out in accordance with this article.

(7) This article does not apply to a pupil if the head teacher decides the pupil should not be included in any trial.

(8) Where this article applies to a pupil in respect of any test materials for use in NC tests, a trialling agency must administer the trial to the pupil, in respect of the test materials, in accordance with any arrangements for such test materials made under article 9(1)(b).".

7. In article 5 (Standard task assessment: English and mathematics) for paragraph (2) substitute—

"(2) This article applies to a pupil in respect of English and mathematics if the head teacher is of the opinion that the pupil's ability in that subject is at the standard of the NC test.".

8. In article 6 (Moderation of Assessments) for each use of "levels" or (as the case may be) "level" substitute "standards" or (as the case may be) "standard".

9. Omit article 7 (Pupils not subject to provisions of the National Curriculum).

10. In article 9 (Delegated supplementary provisions) for sub-paragraphs (1)(b) and (1)(c) substitute—

"(b) a trial under article 4A and the time when, and manner in which, such a trial is to be administered;

(c) the circumstances in which the head teacher may decide a pupil should not be assessed under article 4A and 5A;

(d) an assessment under article 5A and the time when, and manner in which, such an assessment is to be administered; and

(e) provisions designating schools for the purposes of article 4A.".

Amendments to the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003

11. The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(**4**) is amended in accordance with articles 12 to 21.

12. In article 1 (Citation, commencement and application) for paragraph (2) substitute—

"(2) In this Order—

(**4**) S.I. 2003/1038, amended by S.I. 2009/1585, S.I. 2010/290 and S.I. 2013/1513; there are other amending instruments but none is relevant.