Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004. 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

2004 No. 2915 (W.254)

EDUCATION, WALES

The National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004

Made - - - -	*9 November 2004*
Coming into force - -	*10 November 2004*

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.

Name, commencement and application

1.—(1) This Order is called the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004 and comes into force on 10 November 2004.

(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 second 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"[F2].

F2 *See*S.I. 2000/1101 (W.79) and the document entitled "Welsh in the National Curriculum", ISBN 0750424036.

Revocation

2. The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) Order 1997 [F3] and the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) (Amendment) Order 1998 [F4] are revoked.

F3 S.I. 1997/2009.

F4 S.I. 1998/1977.

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 relevant 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];

"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;

"the relevant subjects" ("*y pynciau perthnasol*") means English, Welsh, mathematics and science;

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

"section 108(3)(a) and (b) orders" ("*gorchmynion adran 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 second 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 second 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 second key stage 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).

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).

Teacher assessment

4.—(1) The head teacher must make arrangements for each pupil to be assessed by a teacher in each relevant subject during the summer term (except the last two weeks thereof) 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 is 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 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.

(4) 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 second key stage by the relevant section 108(3)(a) and (b) order) in relation to every AT mentioned in paragraph (2) and, except where article 6(3) applies, of his or her 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 results of any previous assessment of the pupil (whether or not 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 is the average of his or her levels in each AT.

(3) In the case of Welsh a pupil's level of attainment in the subject is the average of his or her levels in each AT, weighted by the following factors—

AT1 (oral) 4;

AT2 (reading) 3; and

AT3 (writing) 3.

(4) In the case of mathematics, a pupil's level of attainment in the subject is the average of the pupil's levels 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 is the average of the pupil's levels in each AT but with his or her level in AT1 (scientific enquiry) weighted by a factor of two.

Pupils not subject to provisions of the National Curriculum

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

(3) Where, in the case of any relevant subject, more than one AT does not apply to such a pupil, article 5 is not to apply to the pupil in relation to that subject and no level of attainment is to be determined for him or her in respect of that subject.