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STATUTORY INSTRUMENTS

2020 No. 844

EDUCATION, ENGLAND

The Education (National Curriculum Assessment Arrangements, Attainment Targets and Programmes of Study) and (Pupil Information and School Performance Information) (Amendment) (England) Regulations 2020

Made - - - - *7th August 2020*

Laid before Parliament *11th August 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 408, 537, 537A, 563 and 569(4) of the Education Act 1996(**a**) and sections 87(3)(a), (b) and (c), (5), (7) and (10) and 210(7) of the Education Act 2002(**b**).

In accordance with section 87(6A) of the Education Act 2002(**c**) the Secretary of State has consulted on Part 1 of these Regulations (insofar as it relates to Part 2 of these Regulations), and Part 2 of these Regulations with the Office of Qualifications and Examinations Regulation and other persons the Secretary of State considered appropriate.

(**a**) 1996 c. 56. Section 408 was amended by the Education Act 1997 (c. 44), section 57(1) and (4), Schedule 7, paragraph 30, and Schedule 8, the School Standards and Framework Act 1998 (c. 31), section 140(1) and (3), Schedule 30, paragraph 106, and Schedule 31, the Learning and Skills Act 2000 (c. 21), section 149, Schedule 9, paragraphs 1, 57(1), (2) and (3), the Education Act 2002 (c. 32), section 215(1), Schedule 21, paragraph 46 and Schedule 22, Part 3, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 174, 192, 223(1)(a) and 226, Schedule 12, paragraphs 9 and 11(1), (2) and (3) and Schedule 16, Part 7, the Education Act 2011 (c. 21), section 26, Schedule 8, paragraphs 5 and 7, and S.I. 2010/1158. Section 537 was amended by the Education Act 1997, section 57(1), Schedule 7, paragraph 37, the School Standards and Framework Act 1998, section 140(1) and (3), Schedule 30, paragraph 152 and Schedule 31, the Learning and Skills Act 2000, section 149, Schedule 9, paragraphs 1 and 60, the Education Act 2002, section 65(3) and 215(2), Schedule 7, Part 2, paragraph 6(1) and (5), Schedule 22, Part 3, the Education Act 2011, section 54(1), Schedule 13, paragraph 9(1) and (15) and S.I. 2010/1158. Section 537A was inserted by the Education Act 1997, section 20 and amended by the School Standards and Framework Act 1998, section 140(1) and Schedule 30, paragraph 153, S.I. 2010/1158 and 2012/976. Section 563 was amended by the School Standards and Framework Act 1998, section 140(1), Schedule 30, paragraph 172, Schedule 31, and S.I. 2010/1158. There are amendments of section 569, but none is relevant.

(**b**) 2002 c. 32. Section 87(5) was amended by the Childcare Act 2006 (c. 21), sections 48 and 103(2), and Schedule 1, paragraph 10(1) and (5), and Schedule 3, Part 1, and the Apprenticeships, Skills, Children and Learning Act 2009, sections 174 and 192, and paragraphs 31 and 35(1) and (2) of Schedule 12. Section 87(7) was amended by the Apprenticeships, Skills, Children and Learning Act 2009, sections 174, 192 and 266, Schedule 12, paragraphs 31 and 35(1) and (3), and Schedule 16, Part 4, the Education Act 2011, section 26, and Schedule 8, paragraphs 11 and 13, and S.I. 2010/1158. Section 87(10) was amended by the Apprenticeships, Skills, Children and Learning Act 2009, sections 174 and 192, and Schedule 12, paragraphs 31 and 35(1) and (5), and the Childcare Act 2006, sections 48 and 103(2), Schedule 1, paragraph 10(1) and (8), and Schedule 3, Part 1. Section 210(7) was amended by the Learner Travel (Wales) Measure 2008 (2008 nawm 2), section 21(1) and (3)(c)(ii).

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

In accordance with section 408(5) of the Education Act 1996 the Secretary of State has consulted on Part 1 of these Regulations (insofar as it relates to Part 3 of these Regulations), and Part 3 of these Regulations with those persons with whom consultation appeared to the Secretary of State to be desirable.

In accordance with section 96(2), (3) and (4) of the Education Act 2002(**a**), the Secretary of State gave notice of the proposal in Part 4 of these Regulations to the bodies and persons mentioned in those subsections and gave them a reasonable opportunity of submitting evidence and representations as to the issues arising.

In accordance with section 96(5) of the Education Act 2002, after consideration of any such evidence and representations, the Secretary of State published a draft of Part 1 of the proposed Regulations (insofar as it relates to Part 4 of the proposed Regulations) and Part 4 of the proposed Regulations and the associated documents, and a summary of the views expressed during the consultation.

In accordance with section 96(6) of the Education Act 2002, the Secretary of State allowed a period of at least one month beginning with the publication of the draft of Part 1 and Part 4 of the proposed Regulations for the submission of further evidence and representations as to the issues arising.

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Education (National Curriculum Assessment Arrangements, Attainment Targets and Programmes of Study) and (Pupil Information and School Performance Information) (Amendment) (England) Regulations 2020.

(2) These Regulations come into force on 1st September 2020, except as provided by paragraph (3).

(3) The provisions listed in column 1 of the table in the Schedule, to the extent specified in column 2 of that table, come into force on 1st September 2021.

PART 2

Key Stages 1, 2 and 3 Assessment Arrangements Amendments

Amendment of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003

2.—(1) The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(**b**) is amended as follows.

(2) In article 3 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of "the core subjects" insert—

(**a**) Section 96 was substituted by section 26 of and paragraphs 11 and 15 of Schedule 8 to, the Education Act 2011.

(**b**) S.I. 2003/1038 amended by S.I. 2009/1585, 2010/290, 677 and 1172, 2011/2392, 2012/765 and 838, 2013/1513, 2015/900, 2017/64, 2018/452, 2019/854 and 2020/436.

""the engagement model" means the document published by the Department for Education on 23rd July 2020 entitled "The engagement model";";

(ii) after the definition of "NC assessment timetable" insert—

""the pre-key stage standards document for key stage 1" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 1: pupils working below the national curriculum assessment standard";

"the pre-key stage standards document for key stage 2" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 2: pupils working below the national curriculum assessment standard";";

(b) in paragraph (3) for "(other than the P Scale Document)", substitute "(other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model)".

Amendment of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003

3.—(1) The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003(**a**) is amended as follows.

(2) In article 3 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of "the core subjects" insert—

""the engagement model" means the document published by the Department for Education on 23rd July 2020 entitled "The engagement model";";

(ii) after the definition of "the other foundation subjects" insert—

""the pre-key stage standards document for key stage 1" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 1: pupils working below the national curriculum assessment standard";

"the pre-key stage standards document for key stage 2" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 2: pupils working below the national curriculum assessment standard";";

(b) in paragraph (3) for "(other than the P Scale Document)", substitute "(other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model)".

Amendment of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004

4.—(1) The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004(**b**) is amended as follows.

(2) In article 3 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of "the Document" insert—

""the engagement model" means the document published by the Department for Education on 23rd July 2020 entitled "The engagement model";";

(ii) after the definition of "NC tests" insert—

""the pre-key stage standards document for key stage 1" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 1: pupils working below the national curriculum assessment standard";

(**a**) S.I. 2003/1039; relevant amending instruments are S.I. 2008/3081, 2010/677, 2011/2392 and 2015/900.
(**b**) S.I. 2004/2783 amended by S.I. 2010/677 and 1172, 2011/2392 and 3057, 2012/765, 2013/1513, 2015/900 and 2020/436.

"the pre-key stage standards document for key stage 2" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 2: pupils working below the national curriculum assessment standard";";

(b) in paragraph (3) for "(other than the P Scale Document)", substitute "(other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model)".

(3) In article 4 (assessment), after paragraph (6) insert—

"(7) The head teacher must make a declaration to the Secretary of State that—

(a) the teacher assessment of pupils has been carried out in accordance with this article and with the provisions of the Document; and

(b) any issues concerning the maladministration of the teacher assessment of pupils in accordance with this article and the provisions of the Document have been reported to the Secretary of State.".

(4) In article 5 (standard task assessment: English and mathematics), after paragraph (3) insert—

"(4) The head teacher must make a declaration to the Secretary of State that—

(a) the standard task assessment of pupils has been carried out in accordance with this article and with the provisions of the Document; and

(b) any issues concerning the maladministration of the standard task assessment of pupils in accordance with this article and the provisions of the Document have been reported to the Secretary of State.".

(5) In article 5A (assessment: understanding the correspondence between graphemes and phonemes)—

(a) in paragraph (1)(a), for "article 1(2)(b)" substitute "article 1(2)(c)";

(b) in paragraph (2)—

(i) in sub-paragraph (a), omit "and";

(ii) in sub-paragraph (b)(ii), at the end insert "; and";

(iii) after sub-paragraph (b), insert—

"(c) any pupil who in the 2020-21 school year attains the age of seven—

(i) who has already been assessed in the 2020-21 school year under sub-paragraph (b); and

(ii) whose results in that assessment were lower than the level notified to schools by the Secretary of State in relation to that assessment".

(6) In article 6A (monitoring of assessments under article 5A), before paragraph (1), insert—

"(A1) In the 2020-21 school year, a reference in this article to an assessment under article 5A does not include such an assessment if it takes place other than in the summer term of that school year.".

PART 3

Pupil Information and School Performance Information Amendments

Amendment of the Education (Pupil Information) (England) Regulations 2005

5.—(1) The Education (Pupil Information) (England) Regulations 2005(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(**a**) S.I. 2005/1437; relevant amending instruments are S.I. 2007/3224, 2008/1747, 2010/677 and 1836, 2012/765, 2013/3212, 2015/902, 2018/688, 2019/959 and 2020/599.

(a) omit the definition of "assessment";

(b) in the definition of "the associated document", for "(other than the P Scale Document)" substitute "(other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model)";

(c) after the definition of "Departmental number" insert—

""the engagement model" means the document published by the Department for Education on 23rd July 2020 entitled "The engagement model";";

(d) after the definition of "NC test tiers" insert—

""the pre-key stage standards document for key stage 1" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 1: pupils working below the national curriculum assessment standard", and "the pre-key stage standards for key stage 1" means the standards set out in that document;

"the pre-key stage standards document for key stage 2" means the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 2: pupils working below the national curriculum assessment standard", and "the pre-key stage standards for key stage 2" means the standards set out in that document;";

(e) omit the definitions of the following—

(i) "P Scales of attainment";

(ii) "P Scale attainment targets";

(iii) "P Scale Document";

(f) after the definition of "the QCDA" insert—

""the relevant key stage" means—

(a) the first key stage, where section 82(1)(a) of the 2002 Act applies to a pupil;

(b) the second key stage, where section 82(1)(b) of the 2002 Act applies to a pupil;".

(3) In Schedule 1 (information to be included in the head teacher's annual report)—

(a) in paragraph 2(1) omit "Subject to sub-paragraphs (2) and (3)";

(b) after paragraph 2(1) insert—

"(1A) Sub-paragraph (1) is subject to—

(a) until 31st August 2021, sub-paragraphs (2) and (2A); and

(b) on and after 1st September 2021, sub-paragraphs (2), (2A) and (2B).";

(c) for paragraph 2(2) substitute—

"(2) In the case of a pupil with special educational needs in the first key stage who—

(a) is working at a standard below the NC standards of attainment for the first key stage; and

(b) is engaged in the study of English reading, English writing or mathematics,

in addition to the information specified in sub-paragraph (1), the further information that must be included in the report at the end of the first key stage is the pre-key stage standards for key stage 1 achieved by any such pupil in each subject referred to in paragraph (b) that that pupil is studying.

(2A) In the case of a pupil with special educational needs in the second key stage who—

(a) is working at a standard below the NC standards of attainment for the second key stage; and

(b) is engaged in the study of English reading, English writing or mathematics,

in addition to the information specified in sub-paragraph (1), the further information that must be included in the report at the end of the second key stage is the pre-key stage standards for key stage 2 achieved by any such pupil in each subject referred to in paragraph (b) that that pupil is studying.

(2B) In the case of a pupil with special educational needs in the relevant key stage who—

(a) is working at a standard below the NC standards of attainment for the relevant key stage; and

(b) is not engaged in the study of English reading, English writing or mathematics,

in addition to the information specified in sub-paragraph (1), the further information that must be included in the report at the end of the relevant key stage is a qualitative narrative commentary of the pupil's achievements and progress in the areas of engagement identified in the engagement model.";

(d) in paragraph 3, after the definition of "comparative information" insert—

""qualitative narrative commentary" means a brief account of the pupil's achievements and progress individually, and in relation to the progress of other pupils in the same year, which draws attention to any particular strengths and weaknesses of the pupil.".

(4) In Schedule 2 (information forming part of the common transfer file)—

(a) in paragraph 6—

(i) in sub-paragraph (1), for "sub-paragraphs (2) and (3)" substitute "sub-paragraphs (2) to (5)";

(ii) for sub-paragraph (3) substitute—

"(3) In the case of a pupil with special educational needs in the first key stage who—

(a) is working at a standard below the NC standards of attainment for the first key stage; and

(b) is engaged in the study of English reading, English writing or mathematics,

the pupil's cumulative achievements in education at the end of the first key stage are the pre-key stage standards for key stage 1 achieved in each subject referred to in paragraph (b) that that pupil is studying.

(4) In the case of a pupil with special educational needs in the second key stage who—

(a) is working at a standard below the NC standards of attainment for the second key stage; and

(b) is engaged in the study of English reading, English writing or mathematics,

the pupil's cumulative achievements in education at the end of the second key stage are the pre-key stage standards for key stage 2 achieved in each subject referred to in paragraph (b) that that pupil is studying.

(5) Sub-paragraphs (1) to (4) of this paragraph do not apply in the case of a pupil with special educational needs in the relevant key stage who—

(a) is working at a standard below the NC standards of attainment for the relevant key stage; and

(b) is not engaged in the study of English reading, English writing or mathematics.";

(b) after paragraph 6 insert—

"**7.** In the case of a pupil with special educational needs in the relevant key stage who—

(a) is working at a standard below the NC standards of attainment for the relevant key stage; and

(b) is not engaged in the study of English reading, English writing or mathematics,

whether the engagement model is being used for the purposes of specifying the achievements and progress of that pupil in the areas of engagement identified in the engagement model at the end of the relevant key stage.".

Amendment of the Education (School Performance Information) (England) Regulations 2007

6.—(1) The Education (School Performance Information) (England) Regulations 2007(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of "the Document" insert—

""the engagement model" means the document published by the Department for Education on 23rd July 2020 entitled "The engagement model";";

(b) after the definition of "external marking agency" insert—

""foundation subjects" means art and design, citizenship, design and technology, geography, history, information and communications technology, a modern foreign language, music, physical education and the core subjects;";

(c) after the definition of "National Data Collection Agency" insert—

""NC standards of attainment" means the National Curriculum standards of attainment described in any document (other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model) published by the Department for Education pursuant to an order made under section 87(3)(a) or (b) of the 2002 Act for the foundation subjects, setting out any attainment targets and programmes of study for each of those subjects;";

(d) after the definition of "non-maintained special school" insert—

""the pre-key stage standards for key stage 1" means the standards set out in the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 1: pupils working below the national curriculum assessment standard";

"the pre-key stage standards for key stage 2" means the standards set out in the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 2: pupils working below the national curriculum assessment standard";";

(e) omit the definition of "P Scale";

(f) for the definition of "reporting school year" substitute—

""reporting school year" means—

(i) in regulation 5(2), in relation to an assessment taken in the 2020-21 school year, the school year in which the assessment is taken; or

(ii) where paragraph (i) does not apply, the school year immediately preceding the school year in which information provided to the Secretary of State is to be published by the Secretary of State or, as the case may be, the authority;".

(3) In Schedule 2 (provision of information to the Secretary of State: second key stage results), for paragraph 3 substitute—

"**3.**—(1) In respect of any pupil referred to in paragraph 2(1) who has special educational needs and—

(a) is working at a standard below the NC standards of attainment for the second key stage; and

(b) is engaged in the study of English reading, English writing or mathematics,

the pre-key stage standards for key stage 2 achieved by any such pupil in each subject referred to in paragraph (b) that that pupil is studying at the end of the second key stage.

(2) In respect of any pupil referred to in paragraph 2(1) who has special educational needs and—

(**a**) S.I. 2007/2324; relevant amending instruments are S.I. 2012/1274, 2013/1759 and 2015/902.

(a) is working at a standard below the NC standards of attainment for the second key stage; and

(b) is not engaged in the study of English reading, English writing or mathematics,

whether the engagement model is being used for the purposes of specifying the achievements and progress of any such pupil in the areas of engagement identified in the engagement model at the end of the second key stage.".

(4) In Schedule 8 (provision of information to the National Data Collection Agency and the External Marking Agency), in Part 1, in paragraph 1(2) for paragraph (b) substitute—

"(b) whether the pupil was assessed by a teacher using—

(i) the pre-key stage standards for key stage 2 and the standard achieved by that pupil; or

(ii) the engagement model;".

PART 4

Standards of attainment for pupils with special educational needs

Amendment of the Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) Order 2013

7.—(1) The Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) Order 2013(**a**) is amended as follows.

(2) In article 2 (interpretation)—

(a) before sub-paragraph (a) insert—

"(aa) "the engagement model" means the document published by the Department for Education on 23rd July 2020 entitled "The engagement model";";

(b) for sub-paragraph (b) substitute—

"(b) "NC standards of attainment" means the National Curriculum standards of attainment described in any document (other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model) published by the Department for Education pursuant to an order made under section 87(3)(a) or (b) of the Education Act 2002 for the foundation subjects, setting out any attainment targets and programmes of study for each of those subjects;

(c) "the pre-key stage standards for key stage 1" means the standards set out in the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 1: pupils working below the national curriculum assessment standard";

(d) "the pre-key stage standards for key stage 2" means the standards set out in the document published by the Department for Education on 23rd July 2020 entitled "Pre-key stage 2: pupils working below the national curriculum assessment standard";

(e) "the relevant key stage" means—

(i) the first key stage, where section 82(1)(a) of the Education Act 2002 applies to a pupil;

(ii) the second key stage, where section 82(1)(b) of the Education Act 2002 applies to a pupil;

(**a**) S.I. 2013/2232, the relevant amending instruments are S.I. 2014/1941, 3285 and 2015/900.

(f) "special educational needs" is to be interpreted in accordance with section 20(1) of the Children and Families Act 2014(**a**).".

(3) In article 3(3) (specification of attainment targets and programmes of study) omit "Subject to article 5,".

(4) For article 5 substitute—

"**5.**—(1) In relation to any pupil who—

(a) is in the first key stage;

(b) has special educational needs;

(c) is working at a standard below the NC standards of attainment for the first key stage; and

(d) is engaged in the study of English reading, English writing or mathematics,

the pre-key stage standards for key stage 1 must be used for the purposes of specifying the attainment targets of that pupil in each subject referred to in sub-paragraph (d) that that pupil is studying.

(2) In relation to any pupil who—

(a) is in the second key stage;

(b) has special educational needs;

(c) is working at a standard below the NC standards of attainment for the second key stage; and

(d) is engaged in the study of English reading, English writing or mathematics,

the pre-key stage standards for key stage 2 must be used for the purposes of specifying the attainment targets of that pupil in each subject referred to in sub-paragraph (d) that that pupil is studying.

(3) In relation to any pupil who—

(a) is in the first or second key stage;

(b) has special educational needs;

(c) during the relevant key stage, is working at a standard below the NC standards of attainment for the relevant key stage; and

(d) is not engaged in the study of English reading, English writing or mathematics,

the engagement model must be used for the purposes of specifying the attainment targets by way of specifying the achievements and progress of that pupil in the areas of engagement identified in the engagement model.

(4) In relation to any pupil—

(a) who is in the first key stage; and

(b) to whom paragraph (1) or (3) applies,

there is no requirement to specify attainment targets in relation to science, art and design, computing, design and technology, geography, history, music and physical education.

(5) In relation to any pupil—

(a) who is in the second key stage; and

(b) to whom paragraph (2) or (3) applies,

there is no requirement to specify attainment targets in relation to science, art and design, computing, design and technology, a foreign language, geography, history, music and physical education.".

(**a**) 2014 c. 6.

Signed by authority of the Secretary of State for Education

Nick Gibb
Minister of State
7th August 2020 Department for Education

SCHEDULE

Regulation 1(3)

Provisions coming into force on 1st September 2021

Column 1	***Column 2***
Specified provision of these Regulations	*Specified part of the provision of these Regulations*
Regulation 2(2)(a)(i)	The whole of the provision.
Regulation 2(2)(b)	In the substituted words, the words "and the engagement model".
Regulation 3(2)(a)(i)	The whole of the provision.
Regulation 3(2)(b)	In the substituted words, the words "and the engagement model".
Regulation 4(2)(a)(i)	The whole of the provision.
Regulation 4(2)(b)	In the substituted words, the words "and the engagement model".
Regulation 5(2)(b)	In the substituted words, the words "and the engagement model".
Regulation 5(2)(c)	The whole of the provision.
Regulation 5(3)(d)	The whole of the provision.
Regulation 5(4)(b)	The whole of the provision.
Regulation 6(2)(a)	The whole of the provision.
Regulation 6(2)(c)	In the inserted definition of "NC standards of attainment" the words "and the engagement model".
Regulation 6(3)	Sub-paragraph (2) of the substituted paragraph 3.
Regulation 6(4)	The inserted paragraph (b)(ii) and the "or" immediately preceding it.
Regulation 7(2)(a)	The whole of the provision.
Regulation 7(2)(b)	In the substituted sub-paragraph (b) the words "and the engagement model".
Regulation 7(4)	1. Paragraph (3) of the substituted article 5. 2. In sub-paragraph (b) of the substituted article 5(4) the phrase "or (3)". 3. In sub-paragraph (b) of the substituted article 5(5) the phrase "or (3)".

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2, 3 and 4(2) of these Regulations amend the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (S.I. 2003/1038), the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003 (S.I. 2003/1039) and the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (S.I. 2004/2783) ("the 2004 Order") to remove references to "the P Scale Document" from the interpretation provision of each of these Orders and replace them with

references to the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and, from 1st September 2021, the engagement model.

Regulation 4(3) and (4) amends articles 4 and 5 of the 2004 Order to provide that head teachers must make a declaration to the Secretary of State that the teacher assessment under article 4, or, as the case may be, the standard task assessment under article 5 of the 2004 Order has been carried out in accordance with the provisions of that article and any guidance published by the Secretary of State, and that any issues concerning the maladministration of such assessments have been reported to the Secretary of State. These provisions were omitted in error from the 2004 Order. Accordingly, these Regulations are being issued free of charge to all known recipients of the 2004 Order.

Regulation 4(5)(b) of these Regulations amends article 5A of the 2004 Order to provide additionally for assessment under that article of pupils who in the 2020-21 school year attain the age of seven and have already been assessed under article 5A in that school year, but whose results in that assessment were lower than the level notified to schools by the Secretary of State in relation to that assessment. Regulation 4(5)(a) amends article 5A to correct an erroneous reference to article 1(2)(c).

Regulation 4(6) of these Regulations amends article 6A of the 2004 Order so that, in the 2020-21 school year, the monitoring function of the local authority, and related obligations on the head teacher and governing body, in relation to an assessment taken under article 5A of the 2004 Order, only apply in relation to an assessment under article 5A taken in the summer term of that school year.

Regulations 5 and 6(2)(a) to (e), (3) and (4) amend the Education (Pupil Information) (England) Regulations 2005 (S.I. 2005/1437) ("the 2005 Regulations") and the Education (School Performance Information) (England) Regulations 2007 (S.I. 2007/2324) ("the 2007 Regulations") in order to replace the duties on head teachers and governing bodies to provide information concerning P Scales in relation to pupils with special educational needs who are working at a standard below the standards of attainment specified in the national curriculum, with duties to provide information concerning three new attainment frameworks in relation to those pupils.

Regulation 5(3) amends Schedule 1 to the 2005 Regulations to require head teachers to include in their annual report for pupils with special educational needs, who are working at a standard below the standards of attainment specified in the national curriculum ("relevant pupils") and are engaged in the study of English reading, English writing or mathematics at the end of the first and second key stages, the pre-key stage standards for key stage 1 or, as the case may be, the pre-key stage standards for key stage 2, achieved in those subjects.

Regulation 5(3) further amends Schedule 1 to the 2005 Regulations, from 1st September 2021, to require head teachers to include in their annual report for relevant pupils who are not engaged in the study of English reading, English writing or mathematics at the end of the first and second key stages, a qualitative narrative commentary on the pupils' achievements and progress using the engagement model.

Regulation 5(4) amends Schedule 2 to the 2005 Regulations to require governing bodies of schools to include in the common transfer file the pre-key stage standards achieved in English reading, English writing and mathematics at the end of the first and second key stages by relevant pupils who are engaged in the study of any or all of those subjects.

Regulation 5(4) further amends Schedule 2 to the 2005 Regulations, from 1st September 2021, to require governing bodies of schools to state in the common transfer file whether the engagement model is being used at the end of the first and second key stages for the purposes of specifying the achievements and progress of relevant pupils who are not engaged in the study of English reading, English writing or mathematics.

Regulation 6(3) amends Schedule 2 to the 2007 Regulations to require schools, when requested, to provide the Secretary of State with information concerning the pre-key stage standards achieved in

English reading, English writing and mathematics at the end of the second key stage by relevant pupils who are engaged in the study of any or all of those subjects.

Regulation 6(3) further amends Schedule 2 to the 2007 Regulations, from 1st September 2021, to require schools, when requested, to provide the Secretary of State with information concerning whether the engagement model is being used at the end of the second key stage for the purposes of specifying the achievements and progress of relevant pupils who are not engaged in the study of English reading, English writing or mathematics.

Regulation 6(4) amends Schedule 8 to the 2007 Regulations to require schools to provide the local authority or the Secretary of State with information on whether a pupil was assessed using either the pre-key stage standards for the second key stage, and the standard achieved, or, from 1st September 2021, the engagement model, instead of information relating to P Scales.

Regulation 6(2)(f) amends the definition of "reporting school year" in regulation 2 of the 2007 Regulations as it applies to an assessment taken in the 2020-21 school year to ascertain the extent to which pupils understand the correspondence between graphemes and phonemes in English. That definition now refers to the school year in which the assessment is taken rather than the school year in which information provided to the Secretary of State is not to be published by the Secretary of State.

Regulation 7 amends the Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) Order 2013 (S.I. 2013/2232) ("the 2013 Order") in order to make provision for new standards of attainment set out in the pre-key stage standards and, from 1st September 2021, the engagement model documents for specifying the attainment targets for pupils with special educational needs.

Regulation 7(4) amends the 2013 Order to provide that the pre-key stage standards at key stage 1 or the pre-key stage standards at key stage 2 must be used to specify attainment targets for relevant pupils who are engaged in the study of English reading, English writing or mathematics.

Article 5 of the 2013 Order as amended by regulation 7(4) of these Regulations from 1st September 2021, further provides that the engagement model must be used to specify the attainment targets for relevant pupils at the first or second key stage who are not engaged in the study of English reading, English writing or mathematics.

Regulation 7(4) further amends article 5 of the 2013 Order so that the attainment targets of pupils with special educational needs, who are in the third key stage and who are working at a standard below the standards of attainment specified in the national curriculum for the third key stage, are no longer specified.

The pre-key stage standards at key stage 1 document can be accessed at this weblink: https://www.gov.uk/government/publications/pre-key-stage-1-standards.

A printed copy of the pre-key stage standards at key stage 1 document can also be inspected at the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, on request.

The pre-key stage standards at key stage 2 document can be accessed at this weblink: https://www.gov.uk/government/publications/pre-key-stage-2-standards.

A printed copy of the pre-key stage standards at key stage 2 document can also be inspected at the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, on request.

The engagement model document can be accessed at this weblink: https://www.gov.uk/government/publications/the-engagement-model.

A printed copy of the engagement model document can also be inspected at the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, on request.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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