STATUTORY INSTRUMENTS

1990 No. 1543

EDUCATION, ENGLAND AND WALES

The Education (National Curriculum) (Assessment Arrangements for English, Mathematics and Science) Order 1990

Made *23rd July 1990*

Coming into force in accordance with article 3

The Secretary of State for Education and Science, in exercise of the powers conferred on him by section 4(2)(c) and (5) and section 232(5) of the Education Reform Act 1988 (**a**), hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Education (National Curriculum) (Assessment Arrangements for English, Mathematics and Science) Order 1990 and shall come into force in accordance with article 3.

(2) This Order applies to maintained schools in England only.

2.—(1) In this Order—

"the associated documents" means the documents published by Her Majesty's Stationery Office entitled "English in the National Curriculum"(**b**), "Mathematics in the National Curriculum(**c**) and "Science in the National Curriculum"(**d**) (which documents have effect by virtue of the section 4(2)(a) and (b) orders);

"the core subjects" means English, mathematics and science;

"maintained school" has the meaning assigned to it by section 25(1) of the Education Reform Act 1988;

"profile components" means the attainment target and the groupings of attainment targets in the core subjects specified in the Schedule hereto;

"SATs" means standard assessment tasks, being tasks published by Her Majesty's Stationery Office on behalf of the Secretary of State, which are required to be administered to pupils in accordance with this Order and the provisions of the document in which they are published for the purpose of assessing the levels of attainment the pupils have achieved in attainment targets in the core subjects;

"SEAC" means the School Examinations and Assessment Council;

(**a**) 1988 c.40.
(**b**) ISBN 0 11 270682 7.
(**c**) ISBN 0 11 270666 5.
(**d**) ISBN 0 11 270667 3.

"the section 4(2)(a) and (b) orders" means the Education (National Curriculum) (Attainment Targets and Programmes of Study in English) Order 1989(**a**), the Education (National Curriculum) (Attainment Targets and Programmes of Study in Mathematics) Order 1989(**b**) and the Education (National Curriculum) (Attainment Targets and Programmes of Study in Science) Order 1989(**c**);

"spring term" and "summer term" mean the second and third terms respectively in a school year;

references to the first key stage are references to the period set out in paragraph (a) of section 3(3) of the Education Reform Act 1988; and

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

(2) 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.

3. The provisions of this Order apply in respect of pupils in the final year of the first key stage, and shall come into force—

(a) on 1st August 1990 in respect of such pupils who do not have a statement of special educational needs; and

(b) on 1st August 1991 in respect of such pupils who have such a statement.

Teacher assessment

4.—(1) Each pupil shall be assessed by a teacher during the spring term in accordance with the provisions of this article, and such an assessment shall be known as a "teacher assessment".

(2) The purpose of the assessment shall be to determine the level of attainment achieved by the pupil in relation to each attainment target specified for each core subject in relation to the first key stage which applies to him.

(3) The teacher shall not later than 31st March during or (as the case may be) immediately after the end of the spring term mentioned in paragraph (1) assess the pupil and record the results of the assessment.

(4) The record of the results shall consist of a statement of each level of attainment achieved by the pupil in relation to every attainment target mentioned in paragraph (2).

(5) In making an assessment of a pupil pursuant to paragraph (1) a teacher may take into account the results of any previous assessments of the pupil (whether or not made by that teacher).

Standard task assessment

5.—(1) Subject to article 10 each pupil shall be assessed during the summer term in accordance with the provisions of this article, and such an assessment shall be known as a "SAT assessment".

(2) SATs published on behalf of the Secretary of State by Her Majesty's Stationery Office pursuant to article 11 shall be administered to the pupil during the first half of the summer term in accordance with the provisions of the document in which they are published.

(3) An assessment based on the pupil's response (including written and oral work) to the SATs shall be made, and the result thereof recorded, not later than the end of the first half of that term.

(**a**) S.I. 1989/907.
(**b**) S.I. 1989/308.
(**c**) S.I. 1989/309.

(4) The record of the results shall consist of a statement of each level of attainment achieved by the pupil in relation to each relevant attainment target in a core subject.

(5) In paragraph (4) "relevant attainment target" means any attainment target in any core subject in which the SATs enable achievement to be assessed.

(6) For the purposes of paragraphs (2) and (3) any period of half-term holiday shall be treated as part of the term.

Determination of level of attainment by assessments

6.—(1) Subject to article 10 the provisions of this article regulate the application of the results of teacher and SAT assessments in order to determine a pupil's level of attainment in each attainment target for the purposes of article 7.

(2)(a) Where the results of the teacher assessment and the SAT assessment are the same, the level of attainment determined by those assessments shall be the level for the purposes of article 7;

(b) where the SAT does not enable achievement to be assessed in relation to any attainment target, the level of attainment determined by the teacher assessment shall be the level for the purposes of article 7;

(c) where the results of the teacher assessment and the SAT assessment are different, subject to paragraph (3) the level of attainment determined by the SAT assessment shall be the level for the purposes of article 7.

(3) If, in the circumstances to which paragraph (2)(c) applies, the application of the level of attainment determined by the teacher assessment in accordance with article 7 would produce a different profile component level from that which such an application of the level determined by the SAT assessment would produce, the level of attainment determined by the teacher assessment shall, if the local education authority (in the case of a school which the authority maintain) or SEAC (in the case of a grant-maintained school) determine that it represents the more accurate assessment of the pupil's achievements, be the level for the purposes of article 7.

Determination of attainment by profile component

7.—(1) Subject to article 9 the provisions of this article regulate the aggregation of attainment target assessments to determine profile component levels.

(2) Where a profile component consists of a single attainment target, the level of attainment for that target shall be the pupil's level for that profile component.

(3) Where a profile component consists of four or more attainment targets, the level for that component shall be the highest level attained or exceeded by the pupil in not less than half of the attainment targets.

(4) In the case of the writing profile component in English (which consists of three attainment targets: writing, spelling and handwriting), the level for that component shall, subject to paragraph (5), be the average of the levels attained by the pupil in the three attainment targets.

(5) For the purpose of calculating the average level referred to in paragraph (4)—

(a) the attainment levels shall be weighted by the following factors:

writing	7
spelling	2
handwriting	1; and

(b) where the average is not a whole number it shall be rounded to the nearest whole number, the fraction of one half being rounded upwards to the next whole number.

Determination of attainment by subject

8.—(1) Subject to article 9 the provisions of this article regulate the aggregation of profile component levels of attainment to determine subject levels of attainment.

(2) In each core subject, a pupil's level of attainment shall be the average of the profile component levels of attainment in that subject, calculated in accordance with paragraphs (3) and (4).

(3)(a) where the average number is not a whole number, it shall be rounded to the nearest whole number;

(b) where the average number contains the fraction of one half, it shall be rounded up to the nearest whole number.

(4)(a) in the case of English and science, each profile component shall be weighted equally;

(b) in the case of mathematics, the profile components shall be weighted by the following factors:

Number, algebra and measures	3
Shape and space and data handling	2.

(5) The results of the application of the provisions of this article and of articles 6 and 7 in relation to a pupil shall be recorded in a statement consisting of his level of attainment in each core subject and each attainment target and profile component in each such subject.

Pupils not subject to provisions of the National Curriculum

9.—(1) Articles 7 and 8 shall have effect in relation to pupils in maintained schools 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 third or fewer of the attainment targets in a profile component do not apply to such a pupil, article 7 shall have effect as if the number of attainment targets applying to the pupil were the total number of attainment targets in that profile component.

(3) Where more than on third of the attainment targets in a profile component do not apply to such a pupil, article 7 shall not apply for the purpose of determining the pupil's profile component level of attainment.

(4) Where by virtue of paragraph (3) one or more profile component levels of attainment cannot be determined, paragraphs (1)–(4) of article 8 shall not apply.

(5) If the writing attainment target of the writing profile component in English does not apply to a pupil, articles 7 and 8 shall not apply for the purpose of determining a subject level of attainment in English.

(6) Article 8(5) shall apply in respect of all levels of attainment in attainment targets, profile components and core subjects which have been assessed in relation to the pupil.

Pupil's absence—incomplete SATs

10. Where a pupil is unable to complete a SAT due to his absence from school (whether because of illness or for any other reason)—

(a) if in the opinion of his head teacher he has done sufficient work on the SAT to enable an assessment of his level of attainment in any attainment targets to be made, any such assessment shall be treated as an assessment made in pursuance of article 5;

(b) if in the opinion of his head teacher he has not done sufficient work as aforesaid, the levels of attainment determined by the teacher assessment shall be the levels for the purposes of article 7 unless the local education authority (in the case of a pupil at a school which the authority maintain) or SEAC (in the case of a pupil at a grant-maintained school) disagree, in which case the levels of attainment shall be such as the local education authority or SEAC determine by reference to the work the pupil has done on the SAT in question.

Supplementary powers of the Secretary of State

11. The Secretary of State may make such provisions giving full effect to or otherwise supplementing the provisions made by this Order as appear to him to be expedient, including in particular SATs and provisions as to their administration to pupils.

SCHEDULE **Article 2**

Profile components in English, Science and Mathematics

Subject	*Constituent Attainment Targets (ATs)*
English	
Speaking and Listening	(AT1)
Reading	(AT 2)
Writing	(ATs 3–5)
Mathematics	
Number, algebra and measures	(ATs 1–6 and 8)
Use of space, shape and data handling	(ATs 9–14)
Science	
Exploration of science	(AT 1)
Knowledge and understanding of science	(ATs 2–6 and 9–16)

John MacGregor
23rd July 1990 Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Order)

Section 4(1) and (2) of the Education Reform Act 1988 places a duty on the Secretary of State to establish the National Curriculum by specifying by order appropriate attainment targets, programmes of study and assessment arrangements for each of the foundation subjects. Attainment targets and programmes of study for pupils in English (in the first key stage), mathematics and science were specified by three Orders (S.I.s 1989/907, 308 and 309 respectively).

This Order specifies the assessment arrangements for these core foundation subjects in the final year of the first key stage, as they apply to maintained schools in England.

Pupils are to be assessed during the spring term by teachers and a record of the results, consisting of the pupils' levels of attainment in relation to each attainment target, is to be made (article 4). During the summer term tasks known as standard assessment tasks (SATs) published by HMSO on behalf of the Secretary of State are to be administered to pupils and the results recorded (article 5).

Rules are specified for determining the inter-relation of teacher assessment results and SAT results (article 6), for applying the levels of attainment to produce profile component levels (article 7), and for applying profile component levels to determine subject levels of attainment (article 8).

These rules are modified in the case of pupils to whom provisions of the National Curriculum do not apply (article 9), and in the case of pupils who have been unable to complete SATs due to absence from school (article 10).