

STATUTORY INSTRUMENTS

**2003 No. 1038**

**EDUCATION, ENGLAND**

**The Education (National Curriculum) (Key Stage 2  
Assessment Arrangements) (England) Order 2003**

*Made* - - - - 7th April 2003  
*Coming into force* - - 1st May 2003

In exercise of the powers conferred on the Secretary of State by sections 87(3)(c), (7), (9), (10) and (11) and 210(7) of the Education Act 2002 <sup>M1</sup>, the Secretary of State for Education and Skills hereby makes the following Order:

**Marginal Citations**

**M1** 2002 c. 32.

**Citation, commencement and application** **E+W**

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 and shall come into force on 1st May 2003.

[<sup>F1</sup>(2) In this Order [<sup>F2</sup>subject to paragraphs (4) and (5)]—

- (a) articles 4, 5, 5B, 6, 6B, 7, 8 and 9 apply for the purpose of ascertaining the achievements in the core subjects of pupils who have completed the programme of study for the second key stage; <sup>F3</sup>...
- (b) article 4A applies for the purpose of determining the suitability of test materials for use in NC tests; [<sup>F4</sup>and]

[<sup>F5</sup>(c) articles 5ZA, 6ZA and 7A apply in respect of the multiplication tables check (and none of the articles mentioned in sub-paragraph (a) or (b) so apply).]

(3) This Order applies to maintained schools (other than those established in hospitals) in England.

[<sup>F6</sup>(4) Articles 4 to 6 of this order do not apply in relation to the 2019-20 [<sup>F7</sup>or 2020-21] school year.

(5) In calculating the period of four years referred to in article 5B(3), [<sup>F8</sup>the 2019-20 and 2020-21 school years are] to be disregarded.]

**Changes to legislation:** *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### Textual Amendments

- F1** Art. 1(2) substituted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **12**
- F2** Words in art. 1(2) inserted (20.4.2020) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Coronavirus\) \(Amendment\) Order 2020 \(S.I. 2020/436\)](#), arts. 1(2), **2(2)**
- F3** Word in art. 1(2)(a) omitted (1.9.2019) by virtue of [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(2)(a)**
- F4** Word in art. 1(2)(b) inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(2)(b)**
- F5** Art. 1(2)(c) inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(2)(c)**
- F6** Art. 1(4)(5) inserted (20.4.2020) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Coronavirus\) \(Amendment\) Order 2020 \(S.I. 2020/436\)](#), arts. 1(2), **2(3)**
- F7** Words in art. 1(4) inserted (20.4.2021) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Coronavirus\) \(Amendment\) Order 2021 \(S.I. 2021/479\)](#), arts. 1(2), **2(2)**
- F8** Words in art. 1(5) substituted (20.4.2021) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Coronavirus\) \(Amendment\) Order 2021 \(S.I. 2021/479\)](#), arts. 1(2), **2(3)**

### Revocation **E+W**

2. The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 1999 <sup>M2</sup>, and the Education (National Curriculum) (Assessment Arrangements) (England) (Amendment) Order 2001 <sup>M3</sup>, are hereby revoked.

### Marginal Citations

- M2** [S.I. 1999/2188](#).  
**M3** [S.I. 2001/1286](#).

### Interpretation **E+W**

3.—(1) In this Order—

**F9**  
 ...

“AT” means attainment target;

**F10**  
 ...

“the core subjects” means English, mathematics and science;

[<sup>F11</sup>“the engagement model” means the document published by the Department for Education on 23rd July 2020 entitled “The engagement model”];

[<sup>F12</sup>“external administrator” means a person with whom the Secretary of State has made arrangements in connection with the implementation of the science NC test;]

<sup>F13</sup>“external marking agency” means a body ... approved by the Secretary of State to mark NC tests;

[<sup>F14</sup>“multiplication tables check” has the meaning given in article 5ZA;]

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the [<sup>F15</sup>scores] which they have achieved in any of the core subjects;

<sup>F16</sup>“NC assessment timetable” means a timetable for the administration of NC tests, being respectively tests and a timetable laid down in provisions made by the Secretary of State under article 11 ... ;

[<sup>F17</sup>“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”];

<sup>F18</sup> ...

[<sup>F19</sup>“record of results” or (as the case may be) “record of the result”—

(a) <sup>F20</sup> for the purposes of article 5, means a record of the results of a pupil in respect of the NC tests administered to the pupil under article 5(3), consisting of the scores achieved by the pupil; ...

(b) for the purposes of article 7, means a record of the results of a pupil in respect of the NC tests administered to the pupil under article 5; [<sup>F21</sup>and]

(c) [<sup>F22</sup>for the purposes of article 7A, means a record of the results of a pupil in respect of the multiplication tables check;]

“section 87(3)(a) and (b) orders” means orders made or which have effect as if they were made under section 87(3)(a) or (b) of the Education Act 2002 specifying attainment targets and programmes of study;

<sup>F23</sup> ...

“specified” means specified in relation to the second key stage by a section 87(3)(a) and (b) order;

“summer term” means the final term in the school year;

[<sup>F24</sup>“trial” means an assessment for the purpose of determining the suitability of test materials for use in NC tests;

“trailing agency” means a body approved by the Secretary of State to administer trials in respect of materials for use in NC tests.]

<sup>F23</sup> ...

(2) References to the second key stage are, subject to the operation of section 82(2) to (5) of the Education Act 2002, references to the period set out in paragraph (b) of section 82(1) of that Act.

[<sup>F25</sup>(3) References to attainment targets and programmes of study are references to the targets and programmes set out in any document [<sup>F26</sup>(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 under a section 87(3)(a) and (b) order for the foundation subjects.]

<sup>F27</sup>(3A) .....

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

**Changes to legislation:** *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## Textual Amendments

- F9** Words in art. 3(1) omitted (1.9.2015) by virtue of [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **13(a)**
- F10** Words in art. 3(1) omitted (1.4.2010) by virtue of [The Apprenticeships, Skills, Children and Learning Act 2009, Parts 7 and 8 \(Consequential Amendments\) Order 2010 \(S.I. 2010/677\)](#), arts. 1, **8(2)(a)**
- F11** Words in art. 3(1) inserted (1.9.2021) by [The Education \(National Curriculum Assessment Arrangements, Attainment Targets and Programmes of Study\) and \(Pupil Information and School Performance Information\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/844\)](#), regs. 1(3), **2(2)(a)(i)**, Sch.
- F12** Words in art. 3(1) inserted (20.6.2013) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(2)(a)**
- F13** Words in art. 3(1) omitted (1.10.2011) by virtue of [The Education \(National Curriculum\) \(Key Stages 1, 2 and 3 Assessment Arrangements\) \(England\) \(Amendment\) Order 2011 \(S.I. 2011/2392\)](#), arts. 1, **2(2)(a)**
- F14** Words in art. 3(1) inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(3)(a)**
- F15** Word in art. 3(1) substituted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **13(b)**
- F16** Words in art. 3(1) omitted (1.10.2011) by virtue of [The Education \(National Curriculum\) \(Key Stages 1, 2 and 3 Assessment Arrangements\) \(England\) \(Amendment\) Order 2011 \(S.I. 2011/2392\)](#), arts. 1, **2(2)(b)**
- F17** Words in art. 3(1) inserted (1.9.2020) by [The Education \(National Curriculum Assessment Arrangements, Attainment Targets and Programmes of Study\) and \(Pupil Information and School Performance Information\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/844\)](#), regs. 1(2), **2(2)(a)(ii)**
- F18** Words in art. 3(1) omitted (1.10.2011) by virtue of [The Education \(National Curriculum\) \(Key Stages 1, 2 and 3 Assessment Arrangements\) \(England\) \(Amendment\) Order 2011 \(S.I. 2011/2392\)](#), arts. 1, **2(2)(c)**
- F19** Words in art. 3(1) substituted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **13(c)**
- F20** Word in art. 3(1) omitted (1.9.2019) by virtue of [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(3)(b)(i)**
- F21** Word in art. 3(1) inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(3)(b)(ii)**
- F22** Words in art. 3(1) inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(3)(b)(iii)**
- F23** Words in art. 3(1) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(2)(c)**
- F24** Words in art. 3(1) inserted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **13(d)**
- F25** Art. 3(3) substituted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **13(e)**
- F26** Words in art. 3(3) substituted (1.9.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [The Education \(National Curriculum Assessment Arrangements, Attainment Targets and Programmes of Study\) and \(Pupil Information and School Performance Information\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/844\)](#), regs. 1(2)(3), **2(2)(b)**, Sch.
- F27** Art. 3(3A) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(2)(d)**

**[<sup>F28</sup>Teacher Assessment E+W**

- 4.—(1) It shall be the duty of the head teacher to make arrangements —
- (a) for each pupil to be assessed by a teacher during the summer term in—
    - (i) English writing; and
    - (i) that pupil’s appropriate subjects; and
  - (b) for that teacher to make a record of the pupil’s assessment results, in accordance with the provisions of this article.
- (2) In this article “a pupil’s appropriate subjects” are—
- (a) English reading, for a pupil who, in the opinion of the head teacher, does not have the ability to meet the standard of the NC test in that subject;
  - (b) mathematics, for a pupil who, in the opinion of the head teacher, does not have the ability to meet the standard of the NC test [<sup>F29</sup>arranged under article 5] in that subject; and
  - (c) science, for a pupil who, in the opinion of the head teacher, has the ability to meet the standard which applies to that pupil in that subject as calculated in accordance with any delegated supplementary provisions.
- (3) The purpose of the assessment of each pupil is to determine the standard of attainment which—
- (a) the pupil has achieved in English writing and in that pupil’s appropriate subjects; and
  - (b) applies to the pupil as calculated in accordance with any delegated supplementary provisions.
- (4) For each appropriate subject the results recorded must consist of the standard of attainment achieved by the pupil (whether or not that standard is specified in relation to the second key stage by the relevant section 87(3)(a) and (b) order).
- (5) In making an assessment of a pupil pursuant to this article, a teacher may take into account the results of any previous assessment of the pupil, whether or not made by that teacher.]

**Textual Amendments**

**F28** Art. 4 substituted (1.9.2018) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/452\)](#), arts. 1, 2

**F29** Words in art. 4(2)(b) inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), 2(4)

**[<sup>F30</sup>Determining the suitability of test materials for key stage 2 National Curriculum tests E+W**

- 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 second key stage in respect of English, mathematics and science—
- (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.

**Changes to legislation:** *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Paragraph (2) applies 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.

(4) 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.

(5) If a pupil is selected by the Secretary of State under paragraph 2(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.

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

(7) 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 11(1)(b).]

**Textual Amendments**

**F30** Art. 4A inserted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, 15

**NC test assessment [F31 other than the multiplication tables check] E+W**

5.—(1) It shall be the duty of the head teacher to make arrangements for each pupil to whom this article applies in respect of any core subject to be assessed in that subject in accordance with the provisions of [F32 this article].

[F33(2) Subject to paragraph (2B), this article applies to a pupil in respect of a core subject if the head teacher is of the opinion that the pupil’s ability in that subject is at the standard of the NC test.]

F34(2A) .....

[F35(2B) This articles applies to a pupil in respect of science only—

- (a) in the 2013-14 school year and every second school year after that;
- (b) if the pupil’s school has been designated for the purposes of this article; and
- (c) if the pupil has been selected by the Secretary of State to be assessed in science.]

[F36(2ZB) For the purposes of paragraph (2), the NC test in mathematics is the NC test in that subject as mentioned in paragraph (3).]

(3) Where this article applies to a pupil in respect of [F37 English or mathematics] NC tests shall be administered to him in accordance with the provisions of the document in which they are published at the times specified in the relevant NC assessment timetable. As soon as reasonably practicable thereafter the pupil’s responses to the NC tests shall be provided to the external marking agency [F38 which is to mark the NC tests.]

(4) As soon as reasonably practicable after the pupil’s responses to the NC tests F39... have been provided by the head teacher to the external marking agency pursuant to paragraph (3), the head teacher shall provide that agency with a statement, signed by himself, confirming that those NC tests were administered in accordance with the provisions of the document in which they are published at the times specified in the relevant NC assessment timetable.

F40(4ZA) .....

[F41(4A) Where this article applies to a pupil in respect of science an external administrator must make arrangements for a NC test to be administered to the pupil in accordance with any arrangements for such a test made under article 11(1)(a) or (b).]

**Changes to legislation:** *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Following the marking of NC tests [<sup>F42</sup>administered under paragraph (3)] the external marking agency shall provide to the head teacher a record of the results.

<sup>F43</sup>(6) .....

**Textual Amendments**

- F31** Words in art. 5 heading inserted (1.9.2019) by The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2019 (S.I. 2019/854), arts. 1(3), **2(5)**
- F32** Words in art. 5(1) substituted (10.2.2010) by The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2010 (S.I. 2010/290), arts. 1, **4(a)**
- F33** Art. 5(2) substituted (1.9.2015) by The Education (National Curriculum) (Miscellaneous Amendments) (England) Order 2015 (S.I. 2015/900), arts. 1, **16**
- F34** Art. 5(2A) omitted (20.6.2013) by virtue of The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Amendment) Order 2013 (S.I. 2013/1513), arts. 1, **2(4)(b)**
- F35** Art. 5(2B) substituted (20.6.2013) by The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Amendment) Order 2013 (S.I. 2013/1513), arts. 1, **2(4)(c)**
- F36** Art. 5(2ZB) inserted (1.9.2019) by The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2019 (S.I. 2019/854), arts. 1(3), **2(6)**
- F37** Words in art. 5(3) substituted (10.2.2010) by The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2010 (S.I. 2010/290), arts. 1, **4(d)**
- F38** Words in art. 5(3) substituted (1.10.2011) by The Education (National Curriculum) (Key Stages 1, 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2011 (S.I. 2011/2392), arts. 1, **2(3)(a)**
- F39** Words in art. 5(4) omitted (1.9.2009) by virtue of The Education (National Curriculum) (Key Stages 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2009 (S.I. 2009/1585), arts. 1, **2(2)(c)**
- F40** Art. 5(4ZA) omitted (20.6.2013) by virtue of The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Amendment) Order 2013 (S.I. 2013/1513), arts. 1, **2(4)(d)**
- F41** Art. 5(4A) substituted (20.6.2013) by The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Amendment) Order 2013 (S.I. 2013/1513), arts. 1, **2(4)(e)**
- F42** Words in art. 5(5) inserted (10.2.2010) by The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2010 (S.I. 2010/290), arts. 1, **4(f)**
- F43** Art. 5(6) omitted (10.2.2010) by virtue of The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2010 (S.I. 2010/290), arts. 1, **4(g)**

**[<sup>F44</sup>NC test assessment: the multiplication tables check E+W**

**5ZA.**—(1) The head teacher must—

- (a) subject to paragraph (2), make arrangements for the administration of the multiplication tables check to all pupils in the second year of the second key stage in accordance with any delegated supplementary provisions relating to that check made under article 11; and
- (b) make a declaration to the Secretary of State that the multiplication tables check has been administered in accordance with any delegated supplementary provisions made in relation to that check under article 11.

(2) The head teacher is not required to administer the multiplication tables check to a pupil where the head teacher considers it would not be appropriate for that pupil to be assessed under this article.

(3) Where the head teacher considers under paragraph (2) that it would not be appropriate for a pupil to complete the multiplication tables check, the head teacher must inform the pupil’s parents before the time when the check is to be administered that the pupil will not undertake the check.

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(4) In this article “the multiplication tables check” means an NC test in mathematics administered under this article for the purpose of assessing proficiency in relation to multiplication tables.]

**Textual Amendments**

**F44** Art. 5ZA inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(7)**

**Single level tests in mathematics** **E+W**

<sup>F45</sup>**5A.** . . . . .

**Textual Amendments**

**F45** Art. 5A omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(5)**

**[<sup>F46</sup>Moderation of teacher assessment in writing** **E+W**

**5B.**—(1) This article makes provision for the moderation of teacher assessment under article 4 by a local authority.

- (2) In any school year, the local authority must exercise the functions conferred by this article—
  - (a) in relation to the AT of writing in the core subject of English;
  - (b) in relation to pupils in the final year of the second key stage;
  - (c) in relation to at least 25% of all schools maintained by the local authority; and
  - (d) in relation to those schools not falling within paragraph (2)(c) in relation to which in the opinion of the local authority a further moderation should be made.

(3) For the purposes of paragraph (2) the local authority must exercise its functions so as to secure that in any period of four years moderations have been completed in relation to all schools maintained by the authority.

- (4) To enable a local authority to moderate teacher assessments, the head teacher must—
  - (a) provide the local authority with the following information—
    - (i) in relation to each pupil in the final year of the second key stage; the [<sup>F47</sup>standard] of attainment achieved by the pupil in the AT of writing as determined by teacher assessment; and
    - (ii) in relation to the pupils whose assessments the local authority has selected for moderation, and such number of additional pupils as the local authority requests (if any),—
      - (aa) examples of the written work produced by those pupils in the course of the school year; and
      - (bb) such further material as the local authority may reasonably request or which the school considers may be relevant; and
  - (b) make arrangements for the local authority to discuss the results of the teacher assessments with the teachers who gave the assessments.

(5) After moderating the teacher assessments, the local authority must notify the head teacher of the result of the moderation.

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**Changes to legislation:** *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(6) If the result of the moderation is that the local authority considers that the teacher assessments are accurate, the [<sup>F47</sup>standard] of attainment determined by teacher assessment in respect of each pupil (whether or not moderated) shall be the [<sup>F47</sup>standard] of attainment achieved by that pupil.

(7) Subject to paragraph (8), if the result of the moderation is that the local authority considers that any of the teacher assessments is inaccurate, the head teacher must make arrangements for the teachers concerned to alter the results which the local authority considers are inaccurate.

(8) If the head teacher does not agree with any of the results of the moderation the local authority must review the results of the teacher assessments disputed by the head teacher and notify the head teacher of the result of the review.

(9) If the head teacher does not agree with the result of the review under paragraph (8), the head teacher may refer the results of the teacher assessments disputed by the head teacher to the Secretary of State.

(10) For the purpose of exercising their functions under this article the local authority may appoint such competent persons as they think fit.

(11) A person is not competent for the purposes of paragraph (10) unless he has recent experience of the provisions of the National Curriculum for England in primary schools.]

**Textual Amendments**

**F46** Art. 5B inserted (20.6.2013) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(6)**

**F47** Word in art. 5B substituted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **17**

**Monitoring of assessment arrangements** **E+W**

6.—(1) This article makes provision for the monitoring of the NC test assessment under article 5, by the local education authority (referred to in this article as “the monitoring authority”).

(2) In any school year the monitoring authority shall exercise the functions conferred on them by this article in relation to 10% of all relevant schools.

(3) For the purposes of paragraphs (2) and (4), “relevant schools” are all schools maintained by the monitoring authority at which in any school year NC tests are administered to pupils under article 5.

[<sup>F48</sup>(3ZA) The functions conferred on the monitoring authority by this article do not apply in respect of the NC test in science.]

<sup>F49</sup>(3A) .....

(4) Each school year, the monitoring authority shall visit the relevant schools during any of the following periods—

- (a) the week before any NC tests are administered to pupils under article 5;
- (b) the period during which NC tests are administered to pupils under that article; or
- (c) three school days after the day on which the last NC test is administered to pupils under that article;

and such a visit may be during any of these periods in respect of any of those schools.

(5) The purpose of any such visit as is referred to in paragraph (4) shall be to enable the monitoring authority to monitor whether the assessment arrangements for the purposes of administering the NC tests under article 5 are in accordance with the provisions of the document in which those NC

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tests are published and the relevant NC assessment timetable, including, in the case of a visit under paragraph (4)(b), whether pupils' written responses to the NC tests represent their own work.

(6) Following any such visit as is referred to in paragraph (4), the monitoring authority shall discuss the outcome of the visit with the head teacher.

(7) Where, as a result of a visit, it appears to the monitoring authority that any of the assessment arrangements in connection with administering the NC tests under article 5 are not in accordance with the document in which those NC tests are published or the relevant NC assessment timetable or that any pupil's written response to the NC tests does not represent his own work, they shall—

- (a) bring the matter to the attention of the head teacher; and
- (b) report the matter to <sup>F50</sup>the Secretary of State].

(8) It shall be the duty of the head teacher and the governing body—

- (a) to permit the monitoring authority to enter the premises of the school at all reasonable times in order to observe the implementation of the arrangements for NC test assessment under article 5;
- (b) to permit the monitoring authority to inspect and take copies of documents and other articles relating to that NC test assessment; and
- (c) to provide to the monitoring authority such information relating to such assessment as they may reasonably request.

(9) For the purpose of exercising their functions under this article, the monitoring authority shall appoint such competent persons as they think fit.

**Textual Amendments**

- F48** Art. 6(3ZA) inserted (20.6.2013) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(7)(b)**
- F49** Art. 6(3A) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(7)(a)**
- F50** Words in art. 6(7)(b) substituted (1.10.2011) by [The Education \(National Curriculum\) \(Key Stages 1, 2 and 3 Assessment Arrangements\) \(England\) \(Amendment\) Order 2011 \(S.I. 2011/2392\)](#), arts. 1, **2(5)**

<sup>F51</sup>**Monitoring of assessment arrangements in respect of the multiplication tables check** **E**  
**+W**

**6ZA.** The Secretary of State must monitor the administration of the multiplication tables check in order to ascertain that it has been administered in accordance with any delegated supplementary provisions made in relation to that check under article 11.]

**Textual Amendments**

- F51** Art. 6ZA inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(8)**

**Monitoring of assessment arrangements in relation to single level tests** **E+W**

<sup>F52</sup>**6A.** . . . . .

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**Textual Amendments**

**F52** Art. 6A omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(8)**

**[<sup>F53</sup>Investigation by the Secretary of State and determination of teacher assessment E+W**

**6B.** Where a matter is referred to the Secretary of State under article 5B(9) or is otherwise brought to the Secretary of State’s attention which, in the Secretary of State’s opinion, relates to the accuracy or correctness of the [<sup>F54</sup>standard] of attainment of any pupil in respect of the assessment administered under article 4, the Secretary of State must—

- (a) determine the [<sup>F54</sup>standard] of attainment achieved by each pupil whose teacher assessment is disputed; and
- (b) notify the head teacher of the [<sup>F54</sup>standard] of attainment determined by the Secretary of State, which shall be the [<sup>F54</sup>standard] of attainment achieved by that pupil.]

**Textual Amendments**

**F53** Art. 6B inserted (20.6.2013) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(9)**

**F54** Word in art. 6B substituted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **18**

**Investigation by [<sup>F55</sup>the Secretary of State] and correction of record of results [<sup>F56</sup>other than in respect of the multiplication tables check] E+W**

7.—(1) [<sup>F55</sup>The Secretary of State] shall investigate any matter referred to [<sup>F57</sup>the Secretary of State] under article 6(7) <sup>F58</sup>... or otherwise brought to [<sup>F59</sup>the Secretary of State’s] attention which, in [<sup>F59</sup>the Secretary of State’s] opinion, relates to the accuracy or correctness of any results of any pupil in respect of the NC tests administered under article 5 <sup>F60</sup>... .

<sup>F61</sup>(1A) .....

(2) Where, following [<sup>F62</sup>an investigation] under paragraph (1) and [<sup>F63</sup>before the record of the results has been provided to the head teacher under article 5(5) <sup>F64</sup>... ], [<sup>F55</sup>the Secretary of State] determines that the accuracy or correctness of a pupil’s results in respect of the NC tests administered under article 5 <sup>F64</sup>... is in doubt, the record of the results to be provided <sup>F65</sup>... to the head teacher shall be the record of the results determined by [<sup>F55</sup>the Secretary of State].

<sup>F66</sup>(2A) .....

(3) Where, following an investigation under paragraph (1) [<sup>F67</sup>about the record of results of any pupil in respect of NC tests administered under article 5(3) and after] the external marking agency have provided the record of the results to the head teacher under article 5(5), [<sup>F55</sup>the Secretary of State] determines that [<sup>F68</sup>the accuracy or correctness of that record of results is in doubt], [<sup>F55</sup>the Secretary of State] shall provide to the head teacher a record of the results determined by [<sup>F55</sup>the Secretary of State] and that record of the results shall be the record of the results for the pupil.

<sup>F69</sup>(4) .....

<sup>F69</sup>(5) .....

**Changes to legislation:** *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) [<sup>F70</sup>Where—

(a) an investigation under paragraph (1) concerns the record of the result of a pupil who has taken NC tests administered under article 5(4A), and

[<sup>F71</sup>(b) the Secretary of State determines that the accuracy or correctness of the record of the result is in doubt,]

[<sup>F55</sup>the Secretary of State] must revise the record of the result accordingly.]

### Textual Amendments

- F55** Words in art. 7 substituted (1.10.2011) by [The Education \(National Curriculum\) \(Key Stages 1, 2 and 3 Assessment Arrangements\) \(England\) \(Amendment\) Order 2011 \(S.I. 2011/2392\)](#), arts. 1, **2(7)(a)**
- F56** Words in art. 7 heading inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(9)**
- F57** Words in art. 7(1) substituted (1.10.2011) by [The Education \(National Curriculum\) \(Key Stages 1, 2 and 3 Assessment Arrangements\) \(England\) \(Amendment\) Order 2011 \(S.I. 2011/2392\)](#), arts. 1, **2(7)(b)(i)**
- F58** Words in art. 7(1) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(10)(a)(i)**
- F59** Words in art. 7(1) substituted (1.10.2011) by [The Education \(National Curriculum\) \(Key Stages 1, 2 and 3 Assessment Arrangements\) \(England\) \(Amendment\) Order 2011 \(S.I. 2011/2392\)](#), arts. 1, **2(7)(b)(ii)**
- F60** Words in art. 7(1) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(10)(a)(ii)**
- F61** Art. 7(1A) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(10)(b)**
- F62** Words in art. 7(2) substituted (20.6.2013) by [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(10)(c)(i)**
- F63** Words in art. 7(2) substituted (10.2.2010) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2010 \(S.I. 2010/290\)](#), arts. 1, **7(b)(ii)**
- F64** Words in art. 7(2) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(10)(c)(ii)**
- F65** Words in art. 7(2) omitted (10.2.2010) by virtue of [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2010 \(S.I. 2010/290\)](#), arts. 1, **7(b)(iv)**
- F66** Art. 7(2A) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(10)(d)**
- F67** Words in art. 7(3) inserted (10.2.2010) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2010 \(S.I. 2010/290\)](#), arts. 1, **7(d)**
- F68** Words in art. 7(3) substituted (27.1.2017) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/64\)](#), arts. 1, **2(a)**
- F69** Art. 7(4)(5) omitted (20.6.2013) by virtue of [The Education \(National Curriculum\) \(Key Stages 1 and 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2013 \(S.I. 2013/1513\)](#), arts. 1, **2(10)(e)**
- F70** Art. 7(4)-(6) inserted (10.2.2010) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2010 \(S.I. 2010/290\)](#), arts. 1, **7(e)**
- F71** Art. 7(6)(b) substituted (27.1.2017) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/64\)](#), arts. 1, **2(b)**

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**[<sup>F72</sup>Investigation by the Secretary of State and correction of record of results in respect of the multiplication tables check E+W**

**7A.—(1)** Where as a consequence of monitoring under article 6ZA the Secretary of State considers, in respect of assessment arrangements in relation to the multiplication tables check, that those arrangements may not have been carried out in compliance with the provisions of article 5ZA, the Secretary of State must conduct an investigation.

(2) The Secretary of State must also conduct an investigation where the Secretary of State considers that the accuracy or correctness of any results of any pupil in respect of the multiplication tables check may otherwise be in doubt.

(3) Where, following an investigation under paragraph (1) or (2), the Secretary of State determines that the accuracy or correctness of the record of the result in respect of a pupil is in doubt, the Secretary of State must provide the head teacher with a record of the result determined by the Secretary of State and that record is to be the record of the result for the pupil.]

**Textual Amendments**

**F72** Art. 7A inserted (1.9.2019) by [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) \(Amendment\) Order 2019 \(S.I. 2019/854\)](#), arts. 1(3), **2(10)**

**[<sup>F73</sup>Determination of attainment by subject: teacher assessment E+W**

**8.** In each core subject, a pupil's attainment is the standard achieved by the pupil in each subject and the record of the results must consist of that standard.]

**Textual Amendments**

**F73** Art. 8 substituted (1.9.2015) by [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **19**

**Pupils not subject to provisions of the National Curriculum E+W**

**<sup>F74</sup>9.** .....

**Textual Amendments**

**F74** Art. 9 omitted (1.9.2015) by virtue of [The Education \(National Curriculum\) \(Miscellaneous Amendments\) \(England\) Order 2015 \(S.I. 2015/900\)](#), arts. 1, **20**

**Evaluation of Assessment Arrangements E+W**

**<sup>F75</sup>10.** .....

**Textual Amendments**

**F75** Art. 10 omitted (1.4.2012) by virtue of [The Education Act 2011 \(Consequential Amendments to Subordinate Legislation\) Order 2012 \(S.I. 2012/765\)](#), arts. 1, **4**

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**Supplementary powers of the Secretary of State** E+W

**11.**—<sup>F76</sup>(1) The Secretary of State may make such provisions giving full effect to or otherwise supplementing the provisions made by this Order (other than provisions conferring or imposing functions as mentioned in section 87(7) of the Education Act 2002) as appear to him to be expedient, including in particular <sup>F77</sup>—

- (a) provisions as to NC tests for the purpose mentioned in the definition of such tests in article 3(1);
- <sup>F78</sup>(b) provisions as to 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;
- (d) provisions as to the time when, and manner in which, NC tests are to be administered; and
- (e) provisions designating schools for the purposes of article 4A and 5.]
- <sup>F79</sup>(f) . . . . .

<sup>F80</sup>(1A) Before making, amending or revoking any provision under this article, the Secretary of State—

- (a) must consult the Office of Qualifications and Examinations Regulation; and
- (b) may consult such other persons as the Secretary of State considers appropriate.]

<sup>F81</sup>(2) Any provisions made under this article are to be published by <sup>F82</sup>the Secretary of State].]

<b>Textual Amendments</b>	
<b>F76</b>	Art. 11(1): art. 11 renumbered as art. 11(1) (1.9.2009) by <a href="#">The Education (National Curriculum) (Key Stages 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2009</a> (S.I. 2009/1585), arts. 1, <b>2(3)</b>
<b>F77</b>	Art. 11(1)(a)-(c) substituted for words in art. 11 (1.9.2009) by <a href="#">The Education (National Curriculum) (Key Stages 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2009</a> (S.I. 2009/1585), arts. 1, <b>2(4)(a)</b>
<b>F78</b>	Art. 11(1)(b)-(e) substituted for art. 11(1)(b)(c) (1.9.2015) by <a href="#">The Education (National Curriculum) (Miscellaneous Amendments) (England) Order 2015</a> (S.I. 2015/900), arts. 1, <b>21</b>
<b>F79</b>	Art. 11(1)(d)-(f) omitted (20.6.2013) by virtue of <a href="#">The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Amendment) Order 2013</a> (S.I. 2013/1513), arts. 1, <b>2(11)</b>
<b>F80</b>	Art. 11(1A) inserted (1.5.2019) by <a href="#">The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2019</a> (S.I. 2019/854), arts. 1(2), <b>2(11)</b>
<b>F81</b>	Art. 11(2) inserted (1.9.2009) by <a href="#">The Education (National Curriculum) (Key Stages 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2009</a> (S.I. 2009/1585), arts. 1, <b>2(4)(b)</b>
<b>F82</b>	Words in art. 11(2) substituted (1.10.2011) by <a href="#">The Education (National Curriculum) (Key Stages 1, 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2011</a> (S.I. 2011/2392), arts. 1, <b>2(8)</b>

*Stephen Twigg*  
Parliamentary Under Secretary of State  
Department for Education and Skills

**Changes to legislation:** The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and re-enacts with modifications the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 1999 (“the 1999 Order”) as amended by the Education (National Curriculum) (Assessment Arrangements) (England) (Amendment) Order 2001 which is also revoked. It specifies the assessment arrangements for pupils who have completed the programme of study for the second key stage, as they apply to schools maintained by local education authorities (other than any established in a hospital) in England.

The main change from the 1999 Order is to extend the application of the provisions. The 1999 Order applied to pupils in the final year of the second key stage. By virtue of Article 1(2), this Order applies to pupils who have completed the programme of study for the second key stage. Where a head teacher judges a group of pupils, who have completed the Key Stage 2 programmes of study, to be ready to proceed to the programmes of study for Key Stage 3, those pupils may take the National Curriculum assessments early.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 3(1) words substituted by [S.I. 2024/578 art. 2\(2\)\(i\)](#)
- art. 3(1) words substituted by [S.I. 2024/578 art. 2\(2\)\(ii\)](#)
- art. 7 heading words substituted by [S.I. 2010/677 art. 8\(5\)](#)
- art. 11(2) words inserted by [S.I. 2024/578 art. 2\(3\)](#)