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STATUTORY INSTRUMENTS

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**2003 No. 1327**

**EDUCATION, ENGLAND**

**The Education (National Curriculum) (Foundation Stage Profile Assessment Arrangements) (England) Order 2003**

*Made* - - - - *14th May 2003*  
*Coming into force* - - *1st June 2003*

In exercise of the powers conferred on the Secretary of State by sections 87(2)(c), (5), (6), (9) and (10) and 210(7) of the Education Act 2002<sup>(1)</sup>, the Secretary of State for Education and Skills hereby makes the following Order:

**Citation, commencement and application**

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

(2) The provisions of this Order apply to maintained schools, maintained nursery schools and persons providing funded nursery education under the arrangements mentioned in section 77(2)(b) of the Act.

**Interpretation**

2.—(1) In this Order—

“the Act” means the Education Act 2002;

“the 1996 Act” means the Education Act 1996<sup>(2)</sup>;

“Assessment scales” has the meaning ascribed to that term in the Document;

“the Document” means the Foundation Stage Profile Handbook<sup>(3)</sup>;

“foundation stage profile” means a summary record of a child’s attainment based upon practitioners’ observation including an assessment in relation to a child in the final year of the foundation stage in relation to each of the early learning goals specified in The Education (National Curriculum) (Foundation Stage Early Learning Goals) (England) Order 2003<sup>(4)</sup>;

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(1) 2002 c. 32.

(2) 1996 c. 56.

(3) The document can be obtained from QCA Publications, P O Box 99, Sudbury, Suffolk CO10 2SN, reference QCA/2003/1006.

(4) S.I.2003/391.

“foundation stage setting” means a maintained school, a maintained nursery school or establishment where nursery education is provided under the arrangements mentioned in section 77(2)(b) of the Act at which the foundation stage is taught;

“practitioner” means any person who teaches the foundation stage in a foundation stage setting;

“relevant local education authority” means the local authority by which a foundation stage setting is either maintained or funded; and

“responsible person” means the head teacher of a maintained school or maintained nursery school and the person responsible for the provision of funded early years settings under the arrangements mentioned in section 77(2)(b) of the Act.

### **Timing of assessment**

3.—(1) Subject to paragraph (2), a foundation stage profile shall be completed in respect of children in the final year of the foundation stage in accordance with article 4 during the final term of the foundation stage.

(2) Where for reasons outside the control of the responsible person the foundation stage profile in relation to a child cannot be completed within the period in paragraph (1) it shall be completed as soon as practicable thereafter.

### **Practitioner assessment**

4.—(1) It shall be the duty of the responsible person in a foundation stage setting to make arrangements for each child in respect of whom article 3 applies to be assessed throughout the year by a practitioner in relation to each of the areas of learning and early learning goals, to enable a foundation stage profile and a record of attainment to be completed in the final term in accordance with the provisions of this Order.

(2) The purpose of the assessment shall be to determine the level of attainment achieved by the child in each of the areas of learning and the early learning goals that apply to him and to complete a foundation stage profile of the child.

(3) The record of attainment shall consist of the statement of the level of achievement attained by the child on each of the assessment scales in relation to each of the early learning goals set out in the Document.

(4) A foundation stage profile shall be completed in relation to each child referred to in article 3 and a record of attainment made by the practitioner by the end of the final term of the foundation stage and not later than 4th July falling in that term if earlier.

(5) Practitioners who are responsible for the completion of foundation stage profiles and responsible persons who are responsible for ensuring the proper conduct of such profiles shall have regard to the Document in conducting the assessment of children and in relation to the completion of foundation stage profiles.

### **Monitoring of assessment arrangements**

5.—(1) The relevant local education authority (referred to in this article as “the monitoring authority”) shall make provision for the monitoring of the assessment process undertaken pursuant to article 4.

(2) The monitoring authority shall have regard to the Document in the exercise the functions conferred on it by this article.

(3) The monitoring authority shall exercise the functions conferred on it by this article in any school year in relation to all relevant foundation stage settings.

(4) For the purposes of this article, relevant foundation stage settings comprise all foundation stage settings maintained or funded by the monitoring authority at which in any school year foundation stage profile assessments are administered to children under article 4.

(5) It shall be the duty of the responsible person and of the governing body of a maintained school or maintained nursery school—

- (a) to permit the monitoring authority to enter the relevant foundation stage setting at all reasonable times in order to observe the implementation of the arrangements for the completion of foundation stage profiles under article 4;
- (b) to permit the monitoring authority to inspect and take copies of documents and other articles relating to those foundation stage profiles and assessments; and
- (c) to provide to the monitoring authority such information relating to such foundation stage profile and assessment as they may reasonably request.

#### **Provision of information to parents**

6. The responsible person in a foundation stage setting shall have the functions set out in Part 1 of the Schedule in relation to the provision of information to the parent of a child in respect of whom the provisions of this Order apply.

#### **Provision of information to the local education authority and to a child's new school**

7. The responsible person in a foundation stage setting shall have the functions set out in Part 2 of the Schedule in relation to the provision of information to the local education authority and, where a child ceases to be registered at the foundation stage setting during the final year of the foundation stage, to a child's new school.

#### **Provision of information by the local education authority to the Secretary of State**

8. Every local education authority shall have the functions set out in Part 3 of the Schedule in relation to the provision of information to the Secretary of State.

14th May 2003

*Catherine Ashton*  
Parliamentary Under Secretary of State,  
Department for Education and Skills

## THE SCHEDULE

Articles 6, 7 and 8

### PART 1

#### INFORMATION TO BE PROVIDED TO PARENTS

1. It shall be the function of the responsible person in each foundation stage setting:
  - (a) to offer to the parent of a child in relation to whom a foundation stage profile has been completed at that foundation stage setting—
    - (i) a written summary reporting the child's progress against the early learning goals and the assessment scales; and
    - (ii) where the parent requests it, to provide the parent with a copy of the foundation stage profile; and
  - (b) to provide details to the parent of the arrangements under which the foundation stage profile and its results may be discussed with a practitioner by the parent and to afford a reasonable opportunity for the parent to discuss the foundation stage profile and its results with that practitioner.
2. The offer to report to the parent and to discuss progress referred to in paragraph 1 shall be made within the school term in which the foundation stage profile was completed and the responsible person shall secure that any resulting discussion takes place within that term or as soon thereafter as is reasonably practicable.

### PART 2

#### NOTIFICATIONS TO BE GIVEN TO THE RELEVANT LOCAL EDUCATION AUTHORITY AND TO A CHILD'S NEW SCHOOL

3. Save in respect of paragraph 5 it shall be the function of the responsible person in each foundation stage setting to give the following notifications in writing to the relevant local education authority—
  - (a) in respect of each child in respect of whom a foundation stage profile has been carried out at the foundation stage setting, details of where it has been carried out and of the results of the assessment;
  - (b) in respect of each child who is in the final year of the foundation stage in respect of whom a foundation stage profile has not been carried out at the foundation stage setting during the final term, that it has not been carried out and the reason why it has not been carried out.
4. A notification required by sub-paragraph 3(a) shall be given by a date specified by the local authority after the date for completion of foundation stage profiles pursuant to article 4(3).
5. A notification in respect of a child who ceases to be registered at the foundation stage setting during the final year of the foundation stage shall be addressed to the school notified by its head teacher as the child's new school and shall be given not later than 15 working days after notification is received from the new school—
  - (a) of any foundation stage profile carried out at the foundation stage setting;
  - (b) the practitioner assessment made in respect of the child; or
  - (c) if no foundation stage profile of the child has been carried out at the foundation stage setting, the reason why it has not been carried out.

6. A notification under sub-paragraph 3(a) or under paragraph 5(a) shall include the following information pertaining to the child to whom the foundation stage profile relates—

- (a) his surname;
- (b) his forename;
- (c) his gender;
- (d) his date of birth;
- (e) the year of the assessment;
- (f) the record of progress against the early learning goals and assessment scales.

### PART 3

#### NOTIFICATIONS TO BE GIVEN TO THE SECRETARY OF STATE BY RELEVANT LOCAL EDUCATION AUTHORITIES

7. Every local education authority shall have the functions of receiving and keeping the notifications made to it under Part 2 of this Schedule.

8. Every local education authority shall provide the Secretary of State, in a format specified by the Secretary of State, with the information notified to it pursuant to paragraph 3(a) of this Schedule by a date specified by the Secretary of State following the end of the school year in which the foundation stage profiles were completed.

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#### EXPLANATORY NOTE

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

This Order made under Section 87 of the Education Act 2002 specifies the assessment arrangements in relation to the foundation stage which became part of the National Curriculum under that Act. It applies in respect of children who are in the final year of the foundation stage attending maintained schools, maintained nursery schools and non-maintained nursery education settings funded by a local education authority.

The Order provides that children in the final year of the foundation stage shall be assessed throughout that year in relation to their levels of attainment in each of the areas of study for which early learning goals have been specified pursuant to an Order made under section 87(2)(a) of the Education Act 2002 and that a foundation stage profile shall be completed for each child in the final term of that year. This shall be in the form of a record of attainment based on progress against the prescribed assessment scales that relate to each of the early learning goals.

Practitioners and others who are responsible for conducting foundation stage profiles are required to have regard to guidance issued by the Qualifications and Curriculum Authority<sup>(5)</sup> entitled “The Foundation Stage Profile Handbook” in relation to their assessment of the child’s progress and completion of the foundation stage profile. The behaviours which should be assessed in order to complete the foundation stage profile are set out in the guidance.

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(5) The Qualification and Curriculum Authority was established under section 21 of the Education Act 1977 (c. 44).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Local education authorities are required to monitor the way in which the assessments and foundation stage profiles are being conducted by teachers to ensure consistency and proper implementation of the statutory provisions.

The Order also requires details of the results of the foundation stage profile assessments and related information set out in the Schedule to the Order to be provided to parents and to the local education authority and by the local education authority to the Secretary of State at the end of each school year.