

**2007 No. 2265**

**EDUCATION, ENGLAND**

**The Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) (Amendment) Order 2007**

*Made* - - - - 26th July 2007

*Laid before Parliament* 7th August 2007

*Coming into force* - - 1st September 2007

The Secretary of State for Children, Schools and Families makes this Order in exercise of the powers conferred by sections 87(3)(a) and (5) and 210 of the Education Act 2002(a) (“the Act”).

In accordance with section 87(1)(b) of the Act, the Secretary of State considers that it is expedient to change the National Curriculum for England for the first, second and third key stages in relation to attainment targets for the foundation subjects.

The Secretary of State referred, pursuant to section 96(2)(b) of the Act, the proposal (“the proposal”) to revise in accordance with this Order the National Curriculum for England to require the use of P-scales in reporting the attainment of pupils with special educational needs working below National Curriculum Level 1, to the Qualifications and Curriculum Authority(c) (“the Authority”).

The Authority—

- (a) pursuant to section 96(3) of the Act, between 7th September 2006 and 15th January 2007, gave notice of the proposal—
  - (i) to such associations of local education authorities, bodies representing the interests of school governing bodies and organisations representing school teachers as appeared to the Authority to be concerned; and
  - (ii) to other persons with whom consultation appeared to the Authority to be desirable, and gave them a reasonable opportunity of submitting evidence and representations as to the issues arising; and
- (b) submitted its report on the proposal to the Secretary of State on 30th March 2007 pursuant to section 96(4) of the Act, that report containing—
  - (i) a summary of the views expressed during the consultations;
  - (ii) the Authority’s recommendations as to the proposals; and
  - (iii) other advice relating to the proposal as the Authority thought fit to provide;

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(a) 2002 c. 32; subsection (1) of section 87 has been prospectively substituted by section 48 of, and paragraph 10(1) and (2) of Schedule 1 to the Childcare Act 2006 (c. 21) on a date to be appointed pursuant to sections 109(2) and 110(2) of that Act.  
(b) Section 96 has been amended in subsection (1) by paragraph 15 of Schedule 1 to the Childcare Act 2006.  
(c) The Qualifications and Curriculum Authority was established under section 21 of the Education Act 1997 (c. 44).

- (c) after submitting the report to the Secretary of State, arranged for it to be published(a) pursuant to section 96(5) of the Act.

The Secretary of State—

- (a) pursuant to section 96(6) of the Act, published in the manner which, in his opinion, was likely to bring them to the notice of persons having a special interest in education a draft of this Order and the “P Level Document” referred to in this Order (and in the amendments to the Orders amended by this Order) and sent copies of the draft of this Order and the P Level Document to the Authority and to each of the persons consulted by the Authority;
- (b) pursuant to section 96(7) of the Act allowed until 2nd July 2007, being a period of not less than one month, for the submission of evidence and representations as to the issues arising;
- (c) considers, in accordance with section 87(3) of the Act, that the attainment targets for pupils with special educational needs working below the attainment target for the third Key Stage in Citizenship and National Curriculum Level 1 in the other foundation subjects specified in this Order are appropriate for those subjects;
- (d) now makes this Order with modifications.

### **Citation, commencement, interpretation and application**

**1.**—(1) This Order may be cited as the Education (National Curriculum) (Attainment Targets and Programmes of Study) (England) (Amendment) Order 2007 and comes into force on 1st September 2007.

(2) In this Order, “the principal Orders” means—

- (a) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Music) (England) Order 2000(b);
- (b) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Mathematics) (England) Order 2000(c);
- (c) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Information and Communication Technology) (England) Order 2000(d);
- (d) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Art and Design) (England) Order 2000(e);
- (e) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Citizenship) (England) Order 2000(f) (“the Citizenship Order”);
- (f) The Education (National Curriculum) (Attainment Targets and Programmes of Study in English) (England) Order 2000(g) (“the English Order”);
- (g) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Geography) (England) Order 2000(h);
- (h) The Education (National Curriculum) (Attainment Targets and Programmes of Study in History) (England) Order 2000(i);
- (i) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Physical Education) (England) Order 2000(j);

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(a) The QCA published its report to the Secretary of State on 30th May 2007.  
(b) SI 2000/1597.  
(c) SI 2000/1598.  
(d) SI 2000/1601.  
(e) SI 2000/1602.  
(f) SI 2000/1603.  
(g) SI 2000/1604, as amended by SI 2007/1841.  
(h) SI 2000/1605.  
(i) SI 2000/1606.  
(j) SI 2000/1607.

- (j) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Modern Foreign Languages in respect of the Third Key Stage) (England) (No. 2) Order 2004(a) (“the Modern Foreign Languages Order”);
  - (k) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Design and Technology and respect of the First, Second and Third Key Stages) (England) (No. 2) Order 2004(b) (“the Design and Technology Order”); and
  - (l) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Science in respect of the First, Second, Third and Fourth Key Stages) (England) (No. 2) Order 2004(c) (“the Science Order”).
- (3) This Order applies in relation to England only.

### **Amendment of article 1 of the principal Orders**

2.—(1) In article 1(2) of each of the principal Orders renumber the definition of “The Document” as sub-paragraph (a).

(2) In the Modern Foreign Languages Order, the Design and Technology Order and the Science Order, after sub-paragraph (a) as renumbered insert—

- “(b) “P Level Document” means the Document published by the QCA on 24th July 2007 entitled “Performance – P Level - attainment targets for pupils with special educational needs who are working below Level 1 of the National Curriculum”; and
- (c) “Special Educational Needs” is to be interpreted in accordance with section 312 of the Education Act 1996(d).”.

(3) In each of the principal Orders other than those referred to in paragraph (2) of this article, after sub-paragraph (a) as renumbered insert—

- “(b) “P Level Document” means the Document published by the Authority on 24th July 2007 entitled “Performance – P Level - attainment targets for pupils with special educational needs who are working below Level 1 of the National Curriculum”; and
- (c) “Special Educational Needs” is to be interpreted in accordance with section 312 of the Education Act 1996.”.

(4) In article 1(2) of each of the principal Orders to which this paragraph applies, after sub-paragraph (c) insert—

- “(d) “Level 1” is to be interpreted in accordance with the description of performance at Level 1 of the attainment targets contained in the Document”.

(5) Paragraph (4) applies to each of the principal Orders other than the Citizenship Order.

(6) In article 1(2) of the Citizenship Order, after sub-paragraph (c) insert—

- “(d) “The attainment target for Citizenship” is the attainment target for key stage 3 described in the Document.”.

### **Amendment of the articles entitled “Specification of attainment targets and programmes of study” in the principal Orders**

3.—(1) In the Citizenship Order—

- (a) renumber article 2 as article 2(1);

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(a) SI 2004/1793.

(b) SI 2004/1794.

(c) SI 2004/1800.

(d) 1996 c. 56; Section 312 was last amended by section 6(2) of, and paragraphs 2 and 3 of Schedule 1 to, the Education and Inspections Act 2006 c. 40.

- (b) in article 2(1) as renumbered, before the words “It is hereby directed” insert the words “Subject to the following provisions of this article,”;
- (c) after article 2(1) as renumbered, insert—
  - “(2) In relation to any pupil who has special educational needs and who is working below the attainment target for Citizenship, the provisions relating to the P Level attainment targets set out in relation to Citizenship in the P Level Document have effect for the purposes of specifying the attainment targets in relation to the third key stage for that subject.”.
- (2) In the English Order—
  - (a) in article 3(1), before the words “The attainment targets” on the first occasion on which they appear, insert the words “Subject to the paragraph (3),”;
  - (b) after article 3(2) insert—
    - “(3) In relation to any pupil who has special educational needs and who is working below Level 1 of the National Curriculum, the provisions relating to P Level attainment targets set out in relation to English in the P Level Document are specified and have effect as the attainment targets for the first, second and third key stages for that subject.”.
- (3) In the Modern Foreign Languages Order—
  - (a) renumber article 3 as article 3(1);
  - (b) in article 3(1) as renumbered, before the words “It is hereby directed” insert the words “Subject to the following provisions of this article,”;
  - (c) after article 3(1) as renumbered, insert—
    - “(2) In relation to any pupil who has special educational needs and who is working below Level 1 of the National Curriculum, the provisions relating to P Level attainment targets set out in relation to Modern Foreign Languages in the P Level Document are specified and have effect as the attainment targets for the third key stage.”.
- (4) In each of the principal Orders other than those referred to in paragraphs (1), (2) and (3)—
  - (a) renumber article 3 as article 3(1);
  - (b) in article 3(1) as renumbered, before the words “It is hereby directed” insert the words “Subject to the following provisions of this article,”;
  - (c) after article 3(1) as renumbered insert—
    - “(2) In relation to any pupil who has special educational needs and who is working below Level 1 of the National Curriculum in that subject, the provisions relating to P Level attainment targets set out under the relevant subject heading in the P Level Document are specified and have effect as the attainment targets for the first, second and third key stages in relation to that subject.”.

### **Examples and other passages in the P Level document**

**4.**—(1) In each of the principal Orders to which this article applies, insert the following after article 3—

“4. The examples and other passages printed in grey text or within square brackets in the P Level Document do not form part of the provisions made by this Order.”.

- (2) This article applies to the following Orders—
  - (a) the Modern Foreign Languages Order;
  - (b) the Design and Technology Order; and
  - (c) the Science Order.

**5.** In article 3 of the Citizenship Order, after the parentheses insert the words “and the P Level Document”.

6.—(1) In article 4 of each of the principal Orders to which this article applies, after the parentheses insert the words “and the P Level Document”.

(2) This article applies to each of the principal Orders other than those referred to in articles 4 and 5.

Signatory text

26 July 2007

*Andrew Adonis*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

## EXPLANATORY NOTE

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

This Order amends the following instruments (“the principal Orders”):

- (a) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Music) (England) Order 2000, SI 2000/1597;
- (b) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Mathematics) (England) Order 2000, SI 2000/1598;
- (c) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Information and Communication Technology) (England) Order 2000, SI 2000/1601;
- (d) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Art and Design) (England) Order 2000, SI 2000/1602 ;
- (e) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Citizenship) (England) Order 2000, SI 2000/1603;
- (f) The Education (National Curriculum) (Attainment Targets and Programmes of Study in English) (England) Order 2000, SI 2000/1604, as amended by SI 2007/1841;
- (g) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Geography) (England) Order 2000, SI 2000/1605;
- (h) The Education (National Curriculum) (Attainment Targets and Programmes of Study in History) (England) Order 2000, SI 2000/1606;
- (i) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Physical Education) (England) Order 2000, SI 2000/1607;
- (j) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Modern Foreign Languages in respect of the Third Key Stage) (England) (No 2) Order 2004, SI 2004/1793;
- (k) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Design and Technology in respect of the First, Second and Third Key Stages) (England) (No 2) Order 2004, SI 2004/1794; and
- (l) The Education (National Curriculum) (Attainment Targets and Programmes of Study in Science in respect of the First, Second, Third and Fourth Key Stages) (England) (No 2) Order 2004, SI 2004/1980.

The amendments made by this Order are as follows:

- (a) the interpretation provisions in the principal Orders are amended to insert definitions for “Special Educational Needs”, “Level 1”, “the attainment target in Citizenship” and the “P Level Document” (article 2).
- (b) for pupils with special educational needs who are working below Level 1 of the National Curriculum (or who are working below the third key stage attainment target in Citizenship), the P Level attainment targets set out in the P Level Document are specified as the attainment targets for the purposes of section 87(3) of the Education Act 2002 (article 3). A copy of the P Level Document, which is published by the QCA, can be accessed at this weblink:

[http://www.qca.org.uk/qca\\_8541.aspx](http://www.qca.org.uk/qca_8541.aspx)

- (c) articles 4, 5, and 6 make technical changes to the principal Orders which provide that the text printed in greyscale and in square brackets in the P Level Document do not form part statutory provisions.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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Programmes of Study) (England) (Amendment) Order 2007

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