
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (“the 2003 Order”) to make provision in relation to tests in science at schools designated for the purposes of article 5 of the 2003 Order and for single level tests in mathematics to pupils at schools designated for the purposes article 5A of that Order (inserted by this Order).

Article 4 of the Order makes amendments to article 5 of the 2003 Order (which relates to NC tests as defined in article 3(1) of that Order). The insertion of paragraph (4A) requires the head teacher of a school which has been designated for the purposes of article 5 to arrange for national curriculum tests in science to be administered to pupils who, in the head teacher’s opinion, have reached a level of attainment of at least level 3. The pupils’ responses to the tests are to be marked by the Qualifications and Curriculum Authority. The results of the tests will not be provided to the head teacher. The remaining amendments to article 5 of the 2003 Order are consequential on new paragraph (4A) in that article or the insertion of article 5A of the Order.

Article 5 of the Order inserts a new article 5A into the 2003 Order requiring the head teacher at designated schools to arrange for single level tests (as defined in paragraph (11) of that article) to be administered to pupils in the final year of the second key stage. This duty applies to all pupils except those falling within paragraph (5) or (6). Article 5A also provides generally for the head teacher to have the power to administer single level tests to pupils in the second key stage other than those falling with paragraph (5). Any tests carried out under article 5A must comply with any provisions made under article 11 of the 2003 Order. Article 5A also provides for single level tests to be marked by the Qualifications and Curriculum Authority with the record of the result being provided to the head teacher.

Article 6 of the Order inserts a new article 6A into the 2003 Order. Article 6A provides for the monitoring of the administering of year 6 single level tests (within the meaning of article 6A(1)) by the local education authorities which maintain the designated schools. Article 7 of the Order amends article 7 of the 2003 Order. Article 7 of the 2003 Order provides for the investigation by the Qualifications and Curriculum Authority of the accuracy or correctness of any results of any pupil in respect of NC tests administered under article 5 of the 2003 Order. The amendments extend the scope of article 7 so it also applies to year 6 single level tests and make provision in relation to NC test results in science (which are not provided to the head teacher). Article 8 amends article 11 of the 2003 Order which provides for the making by the Secretary of State of provisions supplementing or giving full effect to provisions made by the 2003 Order. The amendments expressly extend the scope of supplementary provisions under article 11 to include provisions as to the setting and administration of single level tests, as to the time when and the manner in which single level tests are to be administered, and as to designating schools for the purposes of article 5A.

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