
STATUTORY INSTRUMENTS

2023 No. 375

EDUCATION, ENGLAND

The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2023

Made - - - - 28th March 2023

Coming into force - - 1st September 2023

The Secretary of State makes this Order in exercise of the powers conferred by sections 87(3)(c), (7) and (11) and 210(7) of the Education Act 2002⁽¹⁾.

The Secretary of State has consulted the Office of Qualifications and Examinations Regulation and other persons the Secretary of State considered appropriate in accordance with section 87(6A) of that Act⁽²⁾.

Citation, commencement, extent and interpretation

1. This Order may be cited as the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2023 and comes into force on 1st September 2023.
2. This Order extends to England and Wales.
3. In this Order, “the 2004 Order” means the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004⁽³⁾.

Amendment of the 2004 Order

4. The 2004 Order is amended in accordance with articles 5 to 12.
5. In article 1 (citation, commencement and application)—
 - (a) in paragraph (2)—
 - (i) in the words before sub-paragraph (a), omit “subject to paragraphs (4) to (6)”; and
 - (ii) omit sub-paragraph (a);

(1) 2002 c. 32. Section 87(7) was amended by paragraphs 35(1) and (3) of Schedule 12 and Part 4 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); paragraphs 11 and 13 of Schedule 8 to the Education Act 2011 (c. 21); and S.I. 2010/1158. Section 87(11) was substituted by paragraph 35(6) of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009. There are other amendments to sections 87 and 210 that are not relevant to this Order.

(2) Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009.

(3) S.I. 2004/2783. This Order was amended by S.I. 2010/677, 2010/1172, 2011/2392, 2011/3057, 2013/1513, 2015/900, 2020/436, 2020/844, 2021/479, 2021/931; there are other amending instruments not relevant to this Order.

- (b) omit paragraphs (4) to (6).
- 6. In article 3 (interpretation)—
 - (a) omit the following definitions from paragraph (1)—
 - (i) “the core subjects”;
 - (ii) “the Document”;
 - (iii) “the engagement model”;
 - (iv) “the QCDA”;
 - (v) “section 87(3)(a) and (b) orders”;
 - (vi) “moderation”;
 - (vii) “the pre-key stage standards document for key stage 1”;
 - (viii) “the pre-key stage standards document for key stage 2”;
 - (ix) “standard task and standard task assessment”;
 - (x) “summer term”;
 - (b) for the definition of “NC tests” in paragraph (1), substitute—

““NC tests” means National Curriculum assessments designed to be administered to pupils in the first key stage;”;
 - (c) omit paragraph (3).
- 7. Article 4 (assessment) is revoked.
- 8. Article 5 (standard task assessment: English and mathematics) is revoked.
- 9. In article 5A(2) (assessment: understanding the correspondence between graphemes and phonemes)—
 - (a) at the end of sub-paragraph (a), insert “and”;
 - (b) at the end of sub-paragraph (b), omit “; and”;
 - (c) omit sub-paragraph (bb).
- 10. Article 6 (moderation of assessments) is revoked.
- 11. In article 6A (monitoring of assessments under article 5A), omit paragraph (A1).
- 12. In article 9 (delegated supplementary provisions)—
 - (a) omit paragraph (1)(a);
 - (b) in paragraph (3), at the end, insert “on a website maintained by the Secretary of State”.

Savings

- 13. The 2004 Order continues to have effect without the amendments made by this Order—
 - (a) in relation to any assessments conducted under articles 4 or 5 of the 2004 Order in any school year up to and including the 2022-23 school year;
 - (b) for purposes connected with moderation of those assessments under article 6 of the 2004 Order.

28th March 2023

Nick Gibb
Minister of State
Department for Education

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (the “2004 Order”) to remove the provisions requiring schools to conduct teacher assessments and standard task assessments for pupils at the end of the first key stage with effect from the 2023-24 school year. It also makes amendments to remove spent provisions regarding the disapplication of assessment requirements during the 2019-20 and 2020-21 school years as a result of the coronavirus pandemic.

Articles 7, 8 and 10 revoke articles 4, 5 and 6 respectively of the 2004 Order, to remove the statutory requirements relating to teacher assessments and standard task assessments for pupils at the end of the first key stage, together with the duty of local authorities to moderate teacher assessments.

Articles 5, 9 and 11 amend articles 1, 5A and 6A respectively of the 2004 Order, to remove spent provisions relating to the application of the 2004 Order during the 2019-20 and 2020-21 school years.

Article 12 amends article 9 of the 2004 Order, to remove the power to make delegated supplementary provisions about standard task assessments because of the revocation of article 5. It also inserts new words in paragraph (3) to further specify how delegated supplementary provisions will be published. Delegated supplementary provisions must be published by the Secretary of State on a website maintained by the Secretary of State.

Article 13 makes certain savings provisions in connection with the amendments to the 2004 Order. The amendments made by this Order do not apply in relation to assessments carried out under articles 4 and 5 in any school year up to and including the 2022-23 school year. This is to enable the completion of any moderation in relation to those previous assessments.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.