
STATUTORY INSTRUMENTS

2019 No. 854

EDUCATION, ENGLAND

The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2019

Made - - - - 10th April 2019

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87(3)(c) and 210(7)(a) 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) ⁽²⁾.

Citation and commencement

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2019.

(2) This article and article 2(11) come into force on 1st May 2019.

(3) The remaining provisions of this Order come into force on 1st September 2019.

Amendment of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003

2.—(1) The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003⁽³⁾, is amended as follows.

(2) In article 1(2) (citation, commencement and application)—

(a) omit “and” at the end of sub-paragraph (a);

(b) at the end of sub-paragraph (b) insert “and”;

(c) after sub-paragraph (b) insert—

(1) 2002 c. 32. Section 87(7) of the Education Act 2002 was amended by paragraph 35(3) of Schedule 12 and Part 4 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) (“the 2009 Act”) and paragraph 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 2009 Act; section 87(12A) was inserted by section 159(4) of the 2009 Act.

(2) Section 87(6A) was inserted by section 159(2) of the 2009 Act.

(3) S.I. 2003/1038. This order was amended by S.I. 2013/1513, 2015/900 and 2018/452; there are other amending instruments but none is relevant.

- “(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) In article 3(1) (interpretation)—
- (a) after the definition of “external marking agency” insert—
- “multiplication tables check” has the meaning given in article 5ZA;”;
- (b) in the definition of “record of results” or (as the case may be) “record of the result”—
- (i) omit “and” at the end of paragraph (a);
- (ii) at the end of paragraph (b) insert “and”;
- (iii) after paragraph (b) insert—
- “(c) for the purposes of article 7A, means a record of the results of a pupil in respect of the multiplication tables check;”.
- (4) In article 4(2)(b) (teacher assessment), after “the NC test” insert “arranged under article 5”.
- (5) In the heading of article 5, at the end insert “other than the multiplication tables check”.
- (6) In article 5 (NC test assessment other than the multiplication tables check), after paragraph (2B) insert—
- “(2ZB) For the purposes of paragraph (2), the NC test in mathematics is the NC test in that subject as mentioned in paragraph (3).”.
- (7) After article 5 insert—

“NC test assessment: the multiplication tables check

- 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.
- (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.”.
- (8) After article 6 insert—

“Monitoring of assessment arrangements in respect of the multiplication tables check

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.”.

(9) In the heading of article 7, at the end insert “other than in respect of the multiplication tables check”.

(10) After article 7 insert—

“Investigation by the Secretary of State and correction of record of results in respect of the multiplication tables check

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.”.

(11) In article 11 (supplementary powers of the Secretary of State), after paragraph (1) insert—

“(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.”.

10th April 2019

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 2 Assessment Arrangements) (England) Order 2003 (S.I. 2003/1038) (“the 2003 Order”). It imposes a duty on head teachers to make assessment arrangements in relation to pupils in year four in respect of a new National Curriculum test (the multiplication tables check). The purpose of that test is to assess proficiency in relation to multiplication tables. The Secretary of State will make delegated supplementary provisions in due course under article 11 of the 2003 Order; those provisions will provide additional detail on how the multiplication tables check is to be administered and will be accessible at <https://www.gov.uk/government/collections/national-curriculum-assessments-key-stage-2-tests>.

The Order places an obligation on the Secretary of State to monitor the administration of the test, and to investigate potential cases of maladministration in respect of the administration of the test.

This Order also imposes a duty on the Secretary of State to consult the Office of Qualifications and Examinations Regulation and such other persons as the Secretary of State may consider appropriate when making, amending or revoking delegated supplementary provisions made under article 11 of the 2003 Order.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has a minimal impact on the public sector.