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STATUTORY INSTRUMENTS

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**2011 No. 1948 (W.214)**

**EDUCATION, WALES**

**The National Curriculum (End of Foundation Phase  
Assessment Arrangements and Revocation of the First  
Key Stage Assessment Arrangements) (Wales) Order 2011**

<i>Made</i>	- - - -	<i>29 July 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5 August 2011</i>
<i>Coming into force</i>	- -	<i>1 September 2011</i>

The Welsh Ministers in exercise of the powers conferred on them by sections 108(2)(b)(iii), (3)(c), and (5) to (11) and 210 of the Education Act 2002(1) make the following Order:

**Title, commencement, application and revocation**

1.—(1) The title of this Order is the National Curriculum (End of Foundation Phase Assessment Arrangements and Repeal of the First Key Stage Assessment Arrangements) (Wales) Order 2011 and it comes into force on 1 September 2011.

(2) The provisions of this Order apply for the purposes of ascertaining the achievements in the relevant areas of learning of pupils who are in the final year of the foundation phase.

(3) This Order applies in relation to maintained schools in Wales.

(4) The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002(2) is revoked.

**Interpretation**

2. In this Order—

“areas of learning” (“*meysydd dysgu*”) means the areas of learning set out in the document;

“the document” (“*y ddogfen*”) means the document entitled “Foundation Phase Framework for Children’s Learning for 3—7 year olds in Wales”(3) published by the Welsh Ministers and specifying the areas of learning, and the outcomes and educational programmes in relation to those areas of learning;

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(1) 2002 c. 32. Sub-section (2) of section 108 was amended by section 21(1) and (7)(a) of the Education (Wales) Measure 2009 (nawm 5). Sub-section (6) of section 108 was amended by S.I. 2010/1158 and sub-section (11) was amended by paragraphs 11 to 13 of the Schedule to the Learning and Skills (Wales) Measure 2009 (nawm 1).

(2) S.I. 2002/45 (W.4).

(3) ISBN number 978 0 7504 4429 3.

“foundation phase outcomes” (“*deilliannau cyfnod sylfaen*”) means the outcomes set out in the document;”

“relevant areas of learning” (“*meysydd dysgu perthnasol*”) means—

- (i) mathematical development,
- (ii) personal and social development, well-being and cultural diversity, and
- (iii) language, literacy and communication skills;

“summer term” (“*tymor yr haf*”) means the final term in a school year; and

“working day” (“*diwrnod gwaith*”) means any day other than a Saturday, Sunday or a day which is a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971(4).

### **Teacher assessment — general**

3.—(1) The head teacher must make arrangements for each pupil to be assessed by a teacher in each relevant area of learning in accordance with the provisions of this article and for a written record of the results to be made by the teacher.

(2) The pupil shall be assessed and a written record of the results made by the teacher not later than twenty working days before the end of the summer term.

### **Teacher assessment — relevant areas of learning**

4.—(1) The purpose of the assessment is to determine the foundation phase outcome attained by the pupil in each relevant area of learning.

(2) The record of the results must consist of a brief statement of each foundation phase outcome attained by the pupil in each relevant area of learning.

### **Supplementary powers of the Welsh Ministers**

5. The Welsh Ministers may make such provisions giving full effect to or otherwise supplementing the provisions made by this Order (other than provisions conferring or imposing functions as mentioned in section 108(6) of the Education Act 2002) as appear to them to be expedient.

29 July 2011

*Leighton Andrews*  
Minister for Education and Skills, one of the  
Welsh Ministers.

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(4) 1971 c. 80.

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## EXPLANATORY NOTE

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

Under section 108(2)(b)(iii) of the Education Act 2002 the Welsh Ministers may specify by order, such assessment arrangements as they consider appropriate for the foundation phase.

This Order provides for pupils to be assessed in the final year of the foundation phase by a teacher, and sets out the purpose of such assessments (articles 3 and 4). This Order also enables the Welsh Ministers to make provision giving effect to or otherwise supplementing the provisions made by the Order (article 5).

In addition this Order also provides for the repeal of the assessment arrangements for the first key stage set out in the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002 (article 1(4)).