
WELSH STATUTORY INSTRUMENTS

2016 No. 836 (W. 210)

EDUCATION, WALES

The National Curriculum (Desirable Outcomes,
Educational Programmes and Baseline and End
of Phase Assessment Arrangements for the
Foundation Phase) (Wales) (Amendment) Order 2016

<i>Made</i>	- - - -	<i>5 August 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 August 2016</i>
<i>Coming into force</i>	- -	<i>1 September 2016</i>

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

Title, commencement and application

1.—(1) The title of this Order is the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) (Amendment) Order 2016 and it comes into force on 1 September 2016.

(2) This Order applies in relation to Wales.

Amendment

2. The National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015⁽²⁾ is amended as follows—

(a) in article 3—

(i) for the definition of “compact and full skills” substitute—

(1) [2002 c. 32](#). Subsection (2) of section 108 was amended by section 21(1) and (7)(a) of the Education (Wales) Measure 2009 (nawm 5). Subsection (3) of section 108 was amended by section 21(1) and (7)(b) of the Education (Wales) Measure 2009. References to the Welsh Ministers in section 108 and 210 were inserted by section 47 of, and paragraphs 11 and 15 of the Schedule to the Learning and Skills (Wales) Measure 2009 (nawm 1).

(2) [S.I. 2015/1596 \(W. 195\)](#).

“compact profile skills” (“*sgiliau'r proffil cryno*”) means those skills set out in the tables in the pages of the profile handbook headed “(compact profile)” in relation to each of the areas of learning;”;

(ii) omit the definition of “full only skills”;

(iii) in the definition of “level of attainment” after paragraph (j) insert—

“(k) above outcome 6;”;

(iv) in the definition of “profile handbook” for “August 2015” substitute “June 2016**(3)**”;

(v) omit the definition of “reception class”; and

(vi) insert in the appropriate place—

““baseline assessment year” (“*blwyddyn asesiad sylfaenol*”) means the school year in which the pupil attains the age of 5;”;

(b) in article 5—

(i) in paragraph (1) for “a reception class” substitute “the baseline assessment year”;

(ii) in paragraph (2) for “and full” substitute “profile”;

(iii) after paragraph (3) insert—

“(4) Paragraph (1) does not apply to a pupil if such an assessment has already been carried out in relation to the pupil at another school.”;

(c) for paragraph (a) in article 7 substitute—

“(a) within 6 weeks of when the pupil first enters the baseline assessment year; or”;

and

(d) in article 8 after paragraph (3) insert—

“(4) Paragraph (1) does not apply to a pupil if such an assessment has already been carried out in relation to the pupil at another school.”

5 August 2016

Kirsty Williams
Cabinet Secretary for Education, one of the
Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 108(2) of the Education Act 2002 the Welsh Ministers may specify, by Order, the areas of learning for the foundation phase and in relation to each of those areas of learning such desirable outcomes, programmes of study and assessment arrangements as they consider appropriate.

Part 3 of the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015 (“the 2015 Order”) sets out the assessment arrangements that must be carried out by a practitioner in relation to each pupil in the reception year of the foundation phase. Part 4 of the 2015 Order sets out the assessment arrangements that must be carried out by a practitioner in relation to each pupil in the last year of the foundation phase. The 2015 Order provides that the baseline and end of phase assessment arrangements must be carried out in accordance with the Foundation Phase Profile handbook.

Article 7 of the 2015 Order provides that the baseline assessment must be carried out within 6 weeks of a child first attending as a pupil in a reception class in a maintained school or as soon as reasonably practicable after that if for exceptional reasons it cannot be carried out in that period. The 2015 Order defines reception class as a class where education is provided suitable to 5 year olds and any child under or over that age who it is expedient to educate with 5 year olds.

This Order amends the definition of “profile handbook” in article 3 of the 2015 Order so as to give legal effect to the new version of the “profile handbook”. The “profile handbook” has been updated and was published by the Welsh Ministers in June 2016.

Article 3 of the 2015 Order has also been amended so as to omit the definition of reception class and insert a new definition of “baseline assessment year” and “compact profile skills”. The definition of “level of attainment” is also amended to include a new level of “above outcome 6”. The baseline assessment year is defined to mean the school year where the pupil attains the age of 5. Article 7 of the 2015 Order is amended so that the baseline assessment must be carried out within 6 weeks of a child first entering the baseline assessment year or as soon as reasonably practicable after that if for exceptional reasons it cannot be carried out in that period. Therefore, the effect of the amendment is that the earliest a pupil may be subject to a baseline assessment is at age 4 (article 2(a), (b) and (d)).

This Order also inserts a new paragraph (4) into articles 5 (baseline assessment) and 8 (end of phase assessment) in order to make it clear that only 1 baseline and end of phase assessment is required for each pupil (article 2(c) and (e)).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.