
WELSH STATUTORY INSTRUMENTS

2015 No. 1596 (W. 195)

EDUCATION, WALES

The National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015

<i>Made</i>	- - - -	<i>5 August 2015</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 August 2015</i>
<i>Coming into force</i>	- -	<i>1 September 2015</i>

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

PART 1

Introduction

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) Order 2015 and it comes into force on 1 September 2015.

(2) This Order applies in relation to Wales.

Revocation

2. The National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011(2) is revoked.

(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. 2011/1948 \(W. 214\)](#).

Interpretation

3. In this Order—

“baseline assessment areas of learning” (“*meysydd dysgu asesiad sylfaenol*”) means—

- (a) language, literacy and communication skills;
- (b) mathematical development;
- (c) personal and social development and well-being and cultural diversity; and
- (d) physical development;

“compact and full skills” (“*sgiliau cryno a llawn*”) means those skills set out in the tables in those pages of the profile handbook headed “compact and full” in respect of the areas of learning;

“end of phase assessment areas of learning” (“*meysydd dysgu asesiad diwedd cyfnod*”) means —

- (a) language, literacy and communication skills;
- (b) mathematical development; and
- (c) personal and social development and well-being and cultural diversity;

“foundation phase setting” (“*lleoliad cyfnod sylfaen*”) means a maintained school or a maintained nursery school;

“framework document” (“*dogfen fframwaith*”) means document published by the Welsh Ministers on August 2015 entitled “Curriculum for Wales: Foundation Phase Framework”(3);

“full only skills” (“*sgiliau llawn yn unig*”) means those skills set out in the tables in those pages of the profile handbook headed “full only” in respect of the areas of learning;

“level of attainment” (“*lefel cyrhaeddiad*”) means the levels of attainment set out in the profile handbook being—

- (a) working towards bronze;
- (b) bronze;
- (c) silver;
- (d) gold;
- (e) outcome 1;
- (f) outcome 2;
- (g) outcome 3;
- (h) outcome 4;
- (i) outcome 5; and
- (j) outcome 6;

“practitioner” (“*addysgwr*”) means any person who teaches the foundation phase in a foundation phase setting;

“profile handbook” (“*llawlyfr proffil*”) means the document entitled “Foundation Phase Profile Handbook” published by the Welsh Ministers in August 2015(4);

“reception class” (“*dosbarth derbyn*”) means a class in which education is provided which is suitable to the requirements of pupils aged 5 and any pupils under or over that age who it is expedient to educate with pupils of that age.

(3) ISBN number 9781473442177.

(4) ISBN number 9781473441996.

PART 2

Foundation Phase: National Curriculum

Amendment to the Education (National Curriculum) (Foundation Phase) (Wales) Order 2014

4. In article 1(2) of the Education (National Curriculum) (Foundation Phase) (Wales) Order 2014(5) for “January 2008 entitled “Foundation Phase Framework for Children’s Learning for 3-7 year olds in Wales”” substitute “August 2015 entitled “Curriculum for Wales: Foundation Phase Framework””.

PART 3

Baseline assessment in the foundation phase

Baseline assessment

5.—(1) The head teacher of a foundation phase setting must make arrangements for an assessment to be carried out by a practitioner in relation to each pupil in a reception class in accordance with the profile handbook.

(2) The purpose of the assessment is to determine the pupil’s level of attainment in each of the baseline assessment areas of learning in relation to the compact and full skills.

(3) The assessment is to be based upon the practitioner’s observation of the pupil being assessed.

Record of attainment

6.—(1) A record of each pupil’s level of attainment must be made by the practitioner who carried out the assessment.

(2) The record of attainment must be made in accordance with the profile handbook.

(3) The record of attainment must consist of the results of the assessment carried out in accordance with article 5.

Timing of assessment and record of attainment

7. The assessment must be completed and a record of attainment made—

(a) within 6 weeks of when the child first attends a reception class as a pupil; or

(b) as soon as reasonably practicable, if exceptionally and for reasons outside the control of the head teacher, the assessment and record of attainment cannot be completed within the period defined in paragraph (a).

PART 4

End of phase assessment in the foundation phase

End of phase assessment

8.—(1) The head teacher of a foundation phase setting must make arrangements for an assessment to be carried out by a practitioner in relation to each pupil in the final year of the foundation phase.

(2) The purpose of the assessment is to determine the pupil's level of attainment in each of the end of phase assessment areas of learning.

(3) The assessment is to be based upon the practitioner's observation of the pupil being assessed.

Record of attainment

9.—(1) A record of each pupil's level of attainment determined must be made by the practitioner who carried out the assessment.

(2) The record of attainment must consist of the results of the assessment carried out in accordance with article 8.

Timing of assessment and record of attainment

10. The assessment must be completed and a record of attainment made—

(a) no later than 20 working days before the end of the summer term; or

(b) as soon as reasonably practicable, if exceptionally and for reasons outside the control of the head teacher, the assessment and record of attainment cannot be completed within the period defined in paragraph (a).

5 August 2015

Huw Lewis
Minister for Education and Skills, 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 2002 Act”) 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.

The Education (National Curriculum) (Foundation Phase) (Wales) Order 2014 (“the 2014 Order”) gives legal effect to the Foundation Phase Framework for Children’s Learning 3-7 year olds in Wales (“the framework document”) which sets out the areas of learning for the foundation phase and the desirable outcomes and educational programmes for each of those areas of learning.

Article 2 of this Order revokes the existing end of foundation phase assessment arrangements set out in the National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment arrangements) (Wales) Order 2011. The assessment arrangements for the end of the foundation phase are now contained in Parts 3 and 4 of this Order. Article 3 contains the interpretation provisions for this Order.

Article 4 of this Order amends the 2014 Order so as to substitute the definition of the framework document. The framework document has been revised to reflect changes to the educational programmes and desirable outcomes and the effect of this amendment is that the 2014 Order will give legal effect to the revised framework document.

Article 5 of this 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. Article 5 also sets out the purpose of such assessments.

Article 6 places a duty on the head teacher to complete a record of attainment of the assessment.

Article 7 provides that the first 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.

Article 8 of this Order sets out the assessment arrangements that must be carried out by a practitioner in relation to each pupil in the final year of the foundation phase. Article 8 also sets out the purpose of such assessments.

Article 9 places a duty on the head teacher to complete a record of attainment of the assessment.

Article 10 provides that the end of phase assessment must be carried out within 20 working days before the end of the summer term or as soon as reasonably practicable after that if for exceptional reasons it cannot be carried out in that period.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Early Years Branch of the Curriculum Division in the Department for Education and Skills.