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# Statutory assessment arrangements for the end of Foundation Phase and Key Stages 2 and 3

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## Guidance

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# Statutory assessment arrangements for the end of Foundation Phase and Key Stages 2 and 3

<b>Audience</b>	Primary and secondary headteachers of mainstream and special schools, other school managers, assessment coordinators and teachers, governing bodies of maintained schools; local authorities and national bodies with an interest in education.  For information: All leaders of funded non-maintained settings.
<b>Overview</b>	This publication sets out the statutory requirements for teacher assessment at the end of Foundation Phase and end of Key Stages 2 and 3.
<b>Action required</b>	Headteachers and governing bodies of maintained schools must ensure that the requirements set out in this publication are understood by their staff and implemented fully, in line with the dates specified.
<b>Further information</b>	Enquiries about this document should be directed to: Curriculum Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6118 e-mail: <a href="mailto:assessment@wales.gsi.gov.uk">assessment@wales.gsi.gov.uk</a>
<b>Additional copies</b>	This document can be accessed from the Welsh Government website at <a href="http://learning.wales.gov.uk">learning.wales.gov.uk</a>
<b>Related documents</b>	The statutory assessment arrangements are based on The National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011, The National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004, The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005, The Education (Pupil Information) (Wales) Regulations 2011 and The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013, as amended.

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# Introduction

## Meeting the statutory requirements for assessment

This publication replaces the 2013/14 version of the *Statutory assessment arrangements for the end of Foundation Phase and Key Stages 2 and 3*. It provides important information regarding the statutory assessment arrangements for end of Foundation Phase and Key Stages 2 and 3.

Headteachers, governors, coordinators and teachers who will be involved in the end of Foundation Phase and/or key stage statutory assessment arrangements should familiarise themselves with the key requirements set out in this publication. This will enable school leaders and their staff to ensure that statutory assessment arrangements are incorporated effectively in their planning for the year.

## Foundation Phase on-entry assessment

There is an expectation that all learners' will be assessed when they first enter the Foundation Phase, in order to provide a baseline of their developmental progress to date and to plan the next steps for their learning.

## National Reading and Numeracy Test requirements

Information concerning National Reading and Numeracy Test requirements is published separately. Schools are required to administer the National Reading and Numeracy Tests to all learners in national curriculum Years 2 to 9, unless they are disapplied.

## Linked support

As in previous years, information on National Data Collection and reporting arrangements will be issued separately in the spring.

A summary of the key dates by when teacher assessment and National Reading and Numeracy Tests should be finalised for reporting and National Data Collection will be available online via the following link: [www.wales.gov.uk/topics/educationandskills/schoolhome/schooldata/ims/datacollections/nationaldatacollection/?lang=en](http://www.wales.gov.uk/topics/educationandskills/schoolhome/schooldata/ims/datacollections/nationaldatacollection/?lang=en)

<sup>1</sup> Throughout this publication, where reference is made to all learners, this refers to those pupils eligible for assessment except those for whom the arrangements have been disapplied.

## General requirements

### Headteachers'<sup>2</sup> duties<sup>3</sup>

Headteachers of maintained primary and secondary schools (mainstream and special schools) have a duty to ensure effective delivery of the Foundation Phase and national curriculum statutory assessment arrangements.

**The following guidance summarises how headteachers are required to comply fully with the statutory assessment requirements.**

### End of Foundation Phase teacher assessment

Headteachers must:

- remind practitioners of their duty to undertake the assessment arrangements
- identify which learners should be assessed at the end of the Foundation Phase
- ensure that statutory teacher assessments against the Foundation Phase Areas of Learning, are finalised and recorded for:
  - Personal and Social Development, Well-being and Cultural Diversity
  - Language, Literacy and Communication Skills
  - Mathematical Development
- ensure that a statutory end of phase teacher assessment is undertaken not later than 20 working days before the end of the summer term.

### End of key stage teacher assessment

Headteachers must:

- remind teachers of their duty to administer the assessment arrangements
- identify which learners should be assessed at the end of each key stage

<sup>2</sup> Throughout this publication, where reference is made to the headteacher, the school governing body must ensure that the headteacher's duties are carried out by his or her nominated representative if the headteacher is temporarily or permanently absent.

<sup>3</sup> Headteachers' duties with regard to reporting to parents/carers and National Data Collection are covered in separate guidance, to be issued in the spring term. For further information on National Data Collection and reporting of statutory assessments, please refer to the following link: [www.wales.gov.uk/topics/educationandskills/schoolhome/schooldata/ims/datacollections/nationaldatacollection/?lang=en](http://www.wales.gov.uk/topics/educationandskills/schoolhome/schooldata/ims/datacollections/nationaldatacollection/?lang=en)

- ensure that teacher assessment levels are recorded for each attainment target in all subjects with more than one attainment target
- ensure that overall subject levels are recorded for each subject
- ensure that a statutory end of key stage teacher assessment is undertaken not later than 20 working days before the end of the summer term.

Specifically:

### **for Key Stage 2**

- ensure that end of key stage teacher assessment is finalised and recorded for English, Welsh first language (if the learner has followed the Welsh programme of study) or Welsh second language, mathematics and science

### **for Key Stage 3**

- ensure that end of key stage teacher assessment is finalised and recorded for each core and non-core subject (see page 9).

## **Statutory assessment and reporting arrangements for literacy and numeracy**

The National Literacy and Numeracy Framework (LNF) became a statutory curriculum requirement for schools in September 2013.

Assessment using the LNF became a statutory requirement in September 2014. Schools are now required to assess learners' literacy and numeracy across the curriculum using the LNF. At the end of each year, schools will need to produce a narrative report to parents/carers on their child's progress and next steps based on this assessment.

Guidance on assessment, recording and reporting using the LNF is available online via the following link:

[learning.wales.gov.uk/resources/browse-all/nlnf/?lang=en](http://learning.wales.gov.uk/resources/browse-all/nlnf/?lang=en)

## School-based standardisation and moderation<sup>4</sup>

Headteachers must ensure that for **English, Welsh first language or Welsh second language, mathematics and science (Key Stages 2 and 3), and for all non-core subjects (Key Stage 3 only):**

- robust systems and procedures are in place to support accurate and consistent teacher assessment. These systems and procedures need to be focused on internal standardisation and moderation
- all teachers understand and apply the concept of best-fit judgements to learners' work, in relation to the national curriculum outcome/level descriptions (see *Making the most of assessment 7–14* [learning.wales.gov.uk/resources/browse-all/assessment-7-14/?lang=en](http://learning.wales.gov.uk/resources/browse-all/assessment-7-14/?lang=en)).

This should allow teachers, within each subject, to confirm a shared understanding of national curriculum standards, based on an agreed selection of learners' work and supporting teacher commentary that shows the links to the level descriptions.

### Guidance on implementing this duty

In order to comply with these requirements, headteachers should ensure that teachers within their schools:

- have in place arrangements by which teachers confirm and maintain a shared understanding of national curriculum standards, using samples of their learners' work to generate a reference set of exemplars (standardisation procedures)
- have in place arrangements, using selected learner profiles, so that teachers moderate end of key stage assessments and apply the outcomes from this internal moderation prior to finalising all learners' end of key stage attainment
- maintain concise documentary evidence of these systems and procedures, and their annual application, for both internal and external quality assurance purposes
- undertake annual reviews to ensure ongoing added value to existing assessment arrangements and that procedures reflect best practice and direct ownership by all teachers.

<sup>4</sup> Standardisation and moderation are defined within the DfES publication *Ensuring consistency in teacher assessment: Guidance for Key Stages 2 and 3* [learning.wales.gov.uk/resources/browse-all/ensuring-consistency-in-teacher-assessment-guidance-for-key-stages-2-and-3/?lang=en](http://learning.wales.gov.uk/resources/browse-all/ensuring-consistency-in-teacher-assessment-guidance-for-key-stages-2-and-3/?lang=en), published 2008. **Note:** These requirements may be interpreted with regard to the context of each school's particular circumstances (e.g. some small schools may wish to network with teachers from neighbouring schools in order to bring together a viable group of teachers for school-based standardisation/moderation purposes).

## Key Stage 2 and 3 cluster group moderation (core subjects)

Headteachers should ensure that for **English, Welsh first language or Welsh second language, mathematics and science**:

- cluster group meetings for Key Stage 2 and 3 transition include robust arrangements for moderation of examples of Year 6 and Year 9 learner profiles selected from within the cluster group's own schools.

These arrangements should add value to school-based standardisation and moderation by strengthening teacher assessment. They should also ensure that good practice within the cluster is identified, shared and built upon, to set an agenda for improvement that reflects local circumstances and needs.

### Guidance on implementing these requirements

In order to comply with these requirements, headteachers should ensure that:

- their own school representatives attend all cluster group moderation meetings
- they allow appropriate time for cluster group moderation meetings, and network with other headteachers within the cluster group to coordinate teachers' availability
- their own teachers select learner profiles from their classes as evidence for the cluster group's moderation
- they support their teacher representatives' to share the outcomes of cluster group meetings with other staff
- agreed decisions and outcomes from cluster group meetings are implemented by all relevant staff within their own school, prior to end of key stage teacher assessment.

Practical guidance (including case studies of good practice) on operating cluster group moderation is provided in the DfES publication *Ensuring consistency in teacher assessment: Guidance for Key Stages 2 and 3* [learning.wales.gov.uk/resources/browse-all/ensuring-consistency-in-teacher-assessment-guidance-for-key-stages-2-and-3/?lang=en](http://learning.wales.gov.uk/resources/browse-all/ensuring-consistency-in-teacher-assessment-guidance-for-key-stages-2-and-3/?lang=en), sent to schools in spring 2008.

## Teacher assessment

### Learners to be assessed

**All learners, in their final year of the Foundation Phase, and of Key Stages 2 and 3, must be assessed through teacher assessment.**

Headteachers are responsible for reporting results for all learners on their school roll as at the second Tuesday in May; this is known as the 'specified date on roll'.

Learners who are moving to the next key stage programmes of study in the following school year are regarded as being in the final year of the relevant key stage or phase. These learners will be recorded in school management information systems (MIS) as being taught in national curriculum year groups 2, 6 or 9. It is this, rather than learners' dates of birth, that indicates whether they are eligible for assessment at the end of Foundation Phase or Key Stages 2 or 3. Care should be taken to ensure that this information is correctly recorded within the school MIS.

Most learners will be 7, 11 or 14 years old at the end of the Foundation Phase or respective key stage. It is possible that some may be older and some may be taught in a class where the majority of learners are of a different age. For each key stage, learners must be statutorily assessed (i.e. they must receive an end of key stage teacher assessment) once only.

**Individual learners may move from one key stage to the next at a different age to the majority of their peers. However, if a school envisages that there may be exceptional grounds for moving a whole class of learners either early or later from one key stage to the next, this should be raised with the Curriculum Division (see contact details in Appendix D) in advance of any implementation.**

## Foundation Phase requirements

Teachers are required to make their statutory teacher assessments at the end of the Foundation Phase against three of the Areas of Learning.

- Personal and Social Development, Well-being and Cultural Diversity.
- Language, Literacy and Communication Skills.
- Mathematical Development.

(There is currently no statutory requirement at the end of nursery, reception or Year 1, however leaders/headteachers, where appropriate, should ensure that all practitioners gather evidence to inform judgements on each child's progress in all Areas of Learning.)

### Valid teacher assessment outcomes and codes for children at the end of the Foundation Phase

Foundation Phase Outcomes	Valid teacher assessment codes
Performance above Foundation Phase Outcome 6	A
Foundation Phase Outcome 6	6
Foundation Phase Outcome 5	5
Foundation Phase Outcome 4	4
Foundation Phase Outcome 3	3
Foundation Phase Outcome 2	2
Foundation Phase Outcome 1	1
<b>Working toward</b> Foundation Phase Outcome 1	W
<b>Disapplied</b> from the Foundation Phase curriculum or part thereof	D
<b>Not awarded</b> an outcome for reason other than disapplication	N

## Key Stage 2 and 3 requirements

Teachers are required to make their statutory teacher assessments, at the end of the key stage, for each eligible learner in the following subjects.

### Key Stage 2

English

Welsh first language (if the learner has followed the Welsh programme of study)<sup>5</sup> or Welsh second language

Mathematics

Science

### Key Stage 3

English

Welsh first language (if the learner has followed the Welsh programme of study)<sup>5</sup> or Welsh second language

Mathematics

Science

Modern foreign languages<sup>6</sup>

Design and technology

Information and communication technology

History

Geography

Art and design

Music

Physical education

In order to fulfil statutory requirements, end of key stage teacher assessment must include the following.

- A level **for each attainment target** (for subjects with more than one attainment target).
- An overall **subject level** for each subject (please see also table overleaf and Appendices A, B and C).

<sup>5</sup> Schools are required to assess learners at the end of Key Stages 2 and 3 in English and either Welsh first language or Welsh second language. Learners should be assessed against the relevant programme of study which has been followed, i.e. learners following the Welsh first language programme of study should be assessed in Welsh first language.

<sup>6</sup> In cases where learners are studying more than one modern foreign language at Key Stage 3, schools must decide for each learner which **one** language should count for the purposes of statutory assessment.

### Summary table for calculating end of key stage teacher assessment subject levels/outcomes

National curriculum levels/outcomes	Valid teacher assessment codes	Numerical value
Exceptional Performance	E	9
National Curriculum Level 8	8	8
National Curriculum Level 7	7	7
National Curriculum Level 6	6	6
National Curriculum Level 5	5	5
National Curriculum Level 4	4	4
National Curriculum Level 3	3	3
National Curriculum Level 2	2	2
National Curriculum Level 1	1	1
National Curriculum Outcome 3	A	0.75
National Curriculum Outcome 2	B	0.50
National Curriculum Outcome 1	C	0.25
Disapplied under sections 113–116 of the Education Act 2002	D	–
Not awarded a level for reasons other than disapplication	N	–

For subjects with more than one attainment target:

- subject levels/outcomes should be calculated using the **numerical values** assigned to each of the national curriculum outcome/level descriptions
- subject levels/outcomes should be calculated according to the **weightings** set out in Appendix A (Key Stage 2) or Appendix B (Key Stage 3).

For subject-level calculations of more than 1, halves should be rounded upwards to the next whole number (to award a national curriculum level). School management information systems should perform the calculations once attainment target data have been entered.

For subject-level calculations of less than 1, the number should be rounded to the nearest 0.25 (to award a national curriculum outcome). School management information systems should perform the calculations once attainment target data have been entered.

### **Recording and retaining evidence**

The type and range of record keeping, to assist with teacher assessment, is a matter for schools to decide. Elaborate arrangements for recording assessments and retaining evidence are neither required for national curriculum assessment purposes nor necessary to satisfy Estyn inspections.

Guidance on the keeping, disposal, disclosure and transfer of a pupil's educational record can be found in the National Assembly for Wales Circular 18/2006 *Educational Records, School Reports and the Common Transfer System – the keeping, disposal, disclosure and transfer of pupil information* [www.wales.gov.uk/about/foi/publications-catalogue/circular/circulars2006/1552927/?lang=en](http://www.wales.gov.uk/about/foi/publications-catalogue/circular/circulars2006/1552927/?lang=en).

Guidance on effective record keeping and a range of examples of recording formats can be found in the booklet *Making Effective Use of Assessment Information: Recording Key Stages 1–3* (ACCAC, 2000). This was re-issued to schools in 2005.

When keeping records, schools should consider the implications of the Data Protection Act 1998. Personal and medical information should also be handled sensitively.

## Appendix A

### Calculating teacher assessment subject levels: Key Stage 2 (Curriculum 2008)

When calculating the subject level:

- the **English** attainment targets should be weighted equally as follows:
  - Oracy (En1) 1
  - Reading (En2) 1
  - Writing (En3) 1
- the **Welsh** attainment targets should be weighted as follows:
  - Oracy (Cy1) 4
  - Reading (Cy2) 3
  - Writing (Cy3) 3
- the **Welsh second language** attainment targets should be weighted as follows:
  - Oracy (Ca1) 7
  - Reading (Ca2) 1.5
  - Writing (Ca3) 1.5

For subject-level calculations of less than 1, the number should be rounded to the nearest 0.25 (to award a national curriculum outcome). For subject-level calculations of more than 1, halves should be rounded upwards to the next whole number (to award a national curriculum level).

#### An example for Welsh second language

To calculate the subject level for this learner, total column (c) then divide by the total of column (b) ( $44 \div 10 = 4.4$ ). Round to the nearest whole number. This learner has attained Level 4.

Attainment target	(a) Level	(b) Weighting	(c) Level x Weighting
Oracy (Ca1)	5	7	35
Reading (Ca2)	3	1.5	4.5
Writing (Ca3)	3	1.5	4.5
<b>Total</b>		<b>10</b>	<b>44</b>

## Appendix B

### Calculating teacher assessment subject levels: Key Stage 3 (Curriculum 2008)

When calculating the subject level:

- the **English** attainment targets should be weighted equally as follows:
 

– Oracy (En1)	1
– Reading (En2)	1
– Writing (En3)	1
- the **Welsh** attainment targets should be weighted as follows:
 

– Oracy (Cy1)	4
– Reading (Cy2)	3
– Writing (Cy3)	3
- the **Welsh second language** attainment targets should be weighted as follows:
 

– Oracy (Ca1)	3
– Reading (Ca2)	1
– Writing (Ca3)	1
- the **modern foreign language** attainment targets should be weighted as follows:
 

– Oracy (M11)	2
– Reading (M12)	1
– Writing (M13)	1

For subject-level calculations of less than 1, the number should be rounded to the nearest 0.25 (to award a national curriculum outcome). For subject-level calculations of more than 1, halves should be rounded upwards to the next whole number (to award a national curriculum level).

#### An example for Welsh

To calculate the subject level for this learner, total column (c) then divide by the total of column (b) ( $47 \div 10 = 4.7$ ). Round to the nearest whole number. This learner has attained Level 5.

Attainment target	(a) Level	(b) Weighting	(c) Level x Weighting
Oracy (Cy1)	5	4	20
Reading (Cy2)	5	3	15
Writing (Cy3)	4	3	12
<b>Total</b>		<b>10</b>	<b>47</b>

## Appendix C

### Disapplication and modification

Only in very rare circumstances will there be a need to disapply national curriculum **teacher assessment** for a pupil. For subjects with more than one attainment target where a single attainment target has been disapplied, an overall subject level may still be calculated using the remaining attainment targets and their weighting as set out in Appendices A and B. A subject level should not be awarded where more than one attainment target has been disapplied. In this case, the overall subject level will be reported as disapplied.

Where it is necessary to disapply teacher assessment for a pupil, this may be done through:

- **section 113** of the Education Act 2002, which specifies that some or all of the national curriculum may be modified or disapplied **by a pupil's statement of special educational needs**
- **sections 114–116** of the Education Act 2002, which specifies that some or all of the national curriculum may be **temporarily disapplied** for a pupil if, for the time being, it is inappropriate to offer the national curriculum as it currently applies to him/her.

For guidance on disapplication from the **National Reading and Numeracy Tests** please see the National Reading and Numeracy Tests access and disapplication arrangements guidance published on Learning Wales.

### Temporary disapplication

Temporary disapplications are made in accordance with the Education (National Curriculum) (Temporary Exceptions for Individual Pupils) (Wales) Regulations 1999. A temporary disapplication is a direction from a headteacher of a maintained school who is of the opinion, in respect of a registered pupil at the school, that it is not for the time being appropriate to offer the national curriculum as it would otherwise apply; and either that the circumstances that give rise to that opinion are likely to change significantly so that, within six months from the operative date, the pupil will be able to follow the national curriculum as it would otherwise apply to him/her; or those circumstances are indicative of a need for the pupil to be assessed under section 323 of the Education Act 1996 with a view to the making or amending of a statement of special educational needs.

It is expected that headteachers will use their powers of direction sensitively and sparingly. All pupils should have the opportunity of benefiting from the national curriculum, the framework of which provides wide scope for teachers to deal with the full range of individual pupils' needs without the need for exceptional arrangements. A temporary disapplication should be considered only when it is clear that a pupil's present circumstances or conduct mean that he/she cannot participate fully in the national curriculum and its assessment arrangements.

There are two types of temporary disapplication that headteachers can make under sections 114–116 of the Education Act 2002. These are as follows.

1. A **general direction** for pupils without, or not needing a statement, but for whom temporary disapplication is nonetheless needed.

Examples follow where general directions could be needed to allow exemption from aspects of the national curriculum. This list is not intended to be exhaustive, nor should it be assumed that all such cases as those listed below will need temporary exemptions. It is only in rare circumstances that a temporary exemption should be considered. Such circumstances include:

- pupils who arrive from such a different educational system that they require a period of adjustment to the national curriculum
- pupils who have had spells in hospital, been educated at home or been excluded from school and need time to adjust
- pupils who temporarily have severe emotional problems (perhaps because of a family crisis) and need access arrangements.

2. A **special direction** for pupils who, in the opinion of the headteacher, have a long-term need for exemptions or modifications to the national curriculum, which can only be met through a statement of special educational needs, and for whom temporary exemption is necessary while the process of assessment or reassessment takes place.

If, in the opinion of a headteacher, a pupil has (or probably has) special educational needs which are such that the local authority would be required to determine the special educational provision that should be made for him/her, whether initially or on review of an existing statement, it might be appropriate to give a special direction.

These requirements apply also to directions that started as general directions but have been varied for the purposes of special educational needs assessment. Local authorities are responsible for the assessment of pupils in their area who need, or may need, special educational provision to be determined by the local authority to meet their needs.

## **Procedures for giving directions**

Before giving a direction, the headteacher must:

- discuss the pupil's circumstances and needs with his or her parents<sup>7</sup> and teachers
- consult with educational psychologists, medical officers or other specialist staff
- in the case of a special direction, consult the local authority, and the responsible authority (if different). The responsible authority is the body responsible for maintaining the statement of special educational needs.

## **Form and content of the direction**

The direction must be in writing and give brief particulars of:

- the provisions of the national curriculum being modified or disapplied
- the operative date of the direction, and if that is less than one month after the date on which the direction is given the reasons for this (see 'Duration of the direction' on page 19)
- the operative period of the direction.

<sup>7</sup> Throughout this publication, where reference is made to the terms 'parent' and 'parents', this also includes others with parental responsibility.

It must also:

- explain the action that is being taken and the reasons for it
- state why exceptional arrangements are necessary insofar as these differ from what would otherwise be provided.

The following information should also be provided:

- (in the case of a general direction) the manner in which the headteacher will secure full implementation of the curriculum for the pupil at the end of the operative period
- (in the case of a special direction) a statement of the headteacher's opinion, along with the reasons for that opinion, that the pupil probably has special educational needs for which the responsible authority would be obliged to make special education provision.

In addition, it is recommended that a **general direction** should:

- include the reasons why the pupil's present circumstances make it inappropriate to continue offering the national curriculum provisions that currently apply to him/her
- indicate how these circumstances seem likely to change over the period of the direction
- indicate how the pupil will be enabled to adjust to those national curriculum requirements that have been modified or lifted during the direction
- advise the right of the parent to appeal to the governing body.

In addition, a **special direction** must:

- have been the subject of consultation with the local authority
- include the reasons why, in the opinion of the headteacher, the pupil has, or probably has, special educational needs requiring an assessment of or amendments to an existing statement by the responsible authority.

It is recommended that a special direction should refer to any procedures the school has used to analyse and monitor the pupil's needs and difficulties and any action taken to address them, including any special support offered.

Headteachers need not describe at the outset plans for reapplying the national curriculum to the pupil in the event of a statement not being made or amended.

### **Variation and revocation of directions**

A headteacher may vary any direction that he/she has given, except so as to extend its operative period, if he/she considers the provision no longer appropriate for that pupil.

Where a headteacher considers a variation to a direction appropriate, he/she should (by a notice in writing) set out:

- those provisions of the direction which are to be varied
- brief particulars of the variations to be made and the reasons for them.

A variation to a direction shall not come into force until at least one month after the date on which notice of variation is given, unless the headteacher is satisfied that it is essential and in the interests of the pupil, or for other educational reasons for it to be brought into force earlier.

Where a headteacher considers that a direction given by him/her is no longer appropriate for the pupil, he/she may revoke it (by a notice in writing) giving brief particulars of:

- the reasons for the revocation
- the date on which the revocation is to take effect
- a description of the manner in which he/she proposes to secure the full implementation, in relation to the pupil, of the provisions of the national curriculum after the direction has ceased to have effect (unless those particulars are unchanged from those contained in the initial direction, if any, except in their timing).

## Duration of the direction

Any direction must specify when the exceptional arrangements will start and end (i.e. how long the direction will last for), or the factors that will determine their ending.

The direction may not specify a date for its coming into force of less than one month from the date on which it is given, unless the headteacher is satisfied that it is essential and in the interests of the pupil, or for other educational reasons that the direction should come into force earlier.

The maximum period that a direction may apply for is detailed as follows.

In the case of a general direction:

- a fixed period not exceeding six months, or
- a period determinable when the headteacher is satisfied that the circumstances that gave rise to it no longer apply.

In the case of a special direction:

- a period when a statement of special educational needs is made or when modified, or
- a period ending not later than one month after the responsible authority gave notice to the headteacher that they do not intend to make or modify a statement of special educational needs for the pupil.

Any direction will cease to have effect if a pupil is removed from the register of a school. It is for the headteacher of any school to which such a pupil transfers to judge the pupil's needs and make provisions accordingly.

## Information to be provided about directions

The following information must be provided about directions.

- Headteachers must give a direction in writing stating whether the direction is general or special. This should indicate the nature of the alternative provision being made for the pupil and how long the disapplication will last, up to a maximum of six months.
- A copy must be kept at the school with the pupil's educational records.
- Copies must be sent as soon as a direction is given, and in any event within three school days, to the chair of the governing body, the local authority (and the relevant authority if different from the authority which maintains the school) and at least one of the pupil's parents as registered by the school.
- Copies must be sent by first-class post and the parents' copies must be sent to their registered address.
- Parents must be informed of their right of appeal.

Where headteachers have reason to believe that a parent may have difficulty in understanding the direction, they must offer appropriate assistance, for example, by providing an interpretation or translation of the documents, or arranging to discuss them with the parents.

## Procedure for parental requests and appeals

Parents may ask the headteacher to give a direction temporarily exempting their child from the national curriculum. Such requests may be made orally or in writing and should include the reasons for it. The headteacher need not consider such a request more than once in each operative period for that direction, and the operative period of any further direction. In considering potential requests for a direction, the following procedures need to be followed.

- Headteachers should discuss requests with parents and seek to resolve any difficulties without resorting to formal procedures. Should this fail, parents may make a formal request either in writing or orally to the headteacher. They must give reasons for it.

- Headteachers must respond to requests within a fortnight. If they accept the request, they must send copies of the direction to the parents, the governing body and, where appropriate, the local authority.
- If the headteacher decides not to meet the request, he/she must write to the parents giving reasons for rejecting it and giving details of their right of appeal. Copies must be sent to the governing body and, in the case of a maintained school, the local authority (and the responsible authority if different).
- Where a parent may have difficulty in understanding the letter, because of difficulty with reading or with understanding the language, the headteacher should make appropriate arrangements to explain it or arrange for a translation to be made where necessary.
- If the headteacher does not respond within a fortnight, or refuses the request, the parents have the right of appeal to the governing body.
- Governing bodies are expected to hear appeals with all due speed, to allow representations from parents, accompanied by a friend if they wish, as well as the headteacher, and to allow specialist staff to attend if necessary.
- The governing body may either confirm the headteacher's action or direct him/her to take any other action it considers appropriate. The governing body must notify the parents and headteacher in writing of its decision.
- If parents remain dissatisfied, they may make a complaint. In the case of maintained schools, this should be made under arrangements agreed by the local authority.

## Appendix D

### Useful contacts

Department for Education and Skills (DfES)		
<b>For queries on assessment</b>	Assessment Branch	029 2082 5751 <a href="mailto:assessment@wales.gsi.gov.uk">assessment@wales.gsi.gov.uk</a>
<b>For queries on the school curriculum</b>	Curriculum Branch	<a href="mailto:curriculum@wales.gsi.gov.uk">curriculum@wales.gsi.gov.uk</a>
<b>For queries on Foundation Phase</b>	Foundation Phase Branch	029 2082 6075 <a href="mailto:foundationphaseinfo@wales.gsi.gov.uk">foundationphaseinfo@wales.gsi.gov.uk</a>
<b>For queries on School Effectiveness Grant</b>	Schools Management and Effectiveness Division	029 2082 6006
<b>For queries on National Data Collection and reporting of teacher assessment</b>	School Information and Improvement Branch	<a href="mailto:NDC@wales.gsi.gov.uk">NDC@wales.gsi.gov.uk</a>
<b>For queries about additional learning needs</b>	Support for Learners Division	029 2082 6078
<b>For queries on INSET days</b>	Learning, Improvement and Professional Development Division	<a href="mailto:practicereviewanddevelopment@wales.gsi.gov.uk">practicereviewanddevelopment@wales.gsi.gov.uk</a>
<b>For queries about Professional Standards, Performance Management and Continuous Professional Development</b>	Learning, Improvement and Professional Development Division	<a href="mailto:practicereviewanddevelopment@wales.gsi.gov.uk">practicereviewanddevelopment@wales.gsi.gov.uk</a>
Welsh Government		
<b>For data and validation queries</b>	Statistical Directorate	029 2082 5968 <a href="mailto:NDC@wales.gsi.gov.uk">NDC@wales.gsi.gov.uk</a>

Statutory assessment  
arrangements for the end  
of Foundation Phase and  
Key Stages 2 and 3  
October 2014  
Guidance document  
no: 148/2014