

Explanatory Memorandum to the Education (National Curriculum) (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011

This Explanatory Memorandum has been prepared by Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.

Minister's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (National Curriculum) (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011.

I am satisfied that the benefits outweigh any costs.

Name of Minister: Leighton Andrews AM, Minister for Education and Skills

29 July 2011

Description

This order will apply to practitioners/teachers and head teachers of maintained schools that are delivering the Foundation Phase and who are responsible for undertaking assessments when a child is at the end of the final year of the Foundation Phase.

The provisions of this order apply for the purposes of ascertaining the attainment in three of the Foundation Phase Areas of Learning. Those areas are:

- Personal and Social Development, Well-being and Cultural Diversity;
- Language, Literacy and Communication Skills in either Welsh or English;
- Mathematical Development.

The Order provides for pupils to be assessed by a teacher at the end of the Foundation Phase and sets out the purpose for such assessments. The Order also provides for Welsh Ministers to undertake an evaluation of the assessment arrangements.

Matters of special interest to the relevant Assembly Committee

There are no matters of special interest raised by the statutory instrument.

Legislative Background

The order is made in exercise of the power conferred upon Welsh Ministers by sections 108(2)(b)(iii), (5), (6), (9) and (11) and 108(3)(c), (7) to (11) and 210 of the Education Act 2002.

The Statutory Instrument is to be made using the negative resolution procedure.

Purpose and intended effect of the legislation

This order puts in place assessment arrangements which are appropriate to the new Foundation Phase curriculum which will be fully implemented from the start of the 2011/12 school year.

The current order which, will be replaced, sets out the assessment arrangements which were designed for the first Key Stage of the National Curriculum and which has been replaced by the Foundation Phase

The effect of the proposed changes to the assessment arrangement is that the existing Order covering end of the first Key Stage - the Education (National Curriculum) Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002 - will be repealed and replaced with the Education (National Curriculum) (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011.

The proposed end-of-phase assessment arrangements mirror those already in place for the end of First Key Stage. Currently the core subjects of English or Welsh, mathematics and science are statutorily assessed and the results collected centrally as part of the National Data Collection exercise. The results are included in the annual report to parents along with their child's progress in all other curriculum subjects.

In effect the three Areas of Learning replace the National Curriculum core subjects which are statutorily assessed at the end of the First Key Stage. As with the current arrangements for the core subjects, the end-of-phase results will be collected centrally and included in the report to parents, as will the other Areas of Learning that make up the Foundation Phase.

Consultation

There is no statutory requirement to consult prior to amending the order. Officials will, however, engage with stakeholder on the development of supporting guidance.

Regulatory Impact Assessment

a) Options

Option 1: Do nothing

If the Education (National Curriculum) (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011 is not made, the result would be that:

- schools would continue to be required to administer National Curriculum assessment arrangements against the First Key Stage of the National Curriculum which has been replaced by the Foundation Phase. The current arrangements would therefore not be fit for purpose.

Option 2: Introduce new order

If the Education (National Curriculum) (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011 is made, the result will be that:

- the existing regulations covering end of the First Key Stage - the Education (National Curriculum) Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002 - will be repealed and replaced with the Education (National Curriculum) (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011;
- all pupils will be statutorily assessed by a teacher at the end of the Foundation Phase against three key “Areas of Learning” covering: Personal and Social Development, Wellbeing and Cultural Diversity; Language Literacy and Communication Skills; and Mathematical Development.

b) Costs and Benefits

Option 1: Do nothing

There are no discernible or specific costs or benefits from not introducing the Order. If it is not made, schools will continue to be required to administer assessment arrangements that are not fit for purpose or relevant to the Foundation Phase.

Option 2: Introduce Order

The benefit from implementing this Order will be that the statutory requirements placed on schools to assess children will be appropriate and relevant to the Foundation Phase. Therefore this is the only realistic option if we are to fully implement all aspects of the Foundation Phase curriculum and its associated assessment arrangements.

There are no direct cost implications with the introduction of this order as it simply replaces current Key Stage 1 requirements with equivalent ones that are appropriate to the Foundation Phase.

c) Consultation

There is no statutory requirement to consult prior to amending the Order. However, officials have, and will continue to engage with stakeholder on the development of supporting guidance.

d) Post implementation review

The Foundation Phase will be the subject of a full evaluation which will commence during the summer of 2011. That evaluation will consider the administrative and assessment arrangements for the Foundation Phase, and the benefits that accrue to children as they move through the Foundation Phase and into the Second Key Stage.