

**EXPLANATORY MEMORANDUM TO THE NATIONAL CURRICULUM
(ASSESSMENT ARRANGEMENTS FOR THE FOUNDATION PHASE AND THE
SECOND AND THIRD KEY STAGES) (WALES) ORDER 2014**

This Explanatory Memorandum has been prepared by the 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 27.1

MINISTER'S DECLARATION

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the above Order. I am satisfied that the benefits outweigh any costs.

Huw Lewis
Minister for Education and Skills
23 July 2014

DESCRIPTION

This Order places a statutory duty on schools to assess learners' undertaking the Foundation phase and second and third key stages overall standards in literacy and numeracy using the National Literacy and Numeracy Framework.

MATTERS OF SPECIAL INTEREST TO THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE

None

LEGISLATIVE BACKGROUND

Section 108(2)(b)(iii) and (3)(c) and section 210 of the Education Act 2002 gives the Welsh Ministers' powers to make an Order to prescribe assessment arrangements for the foundation phase and the key stages.

These powers in the Education Act 2002 were conferred on the National Assembly for Wales but are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

This Order is being made under the negative resolution procedure.

PURPOSE & INTENDED EFFECT OF THE LEGISLATION

The purpose of this Order is to place a requirement on schools to assess pupils throughout the year in order to monitor and support pupil's educational progress. This will allow schools to come to collective judgements about learners' overall standards in literacy and numeracy, which can be shared with parents/carers and used to inform curriculum planning.

The intended effect is to strengthen the teaching and learning of literacy and numeracy and to improve assessment and monitoring of standards to ensure early intervention where learners are identified as falling behind.

CONSULTATION

See consultation paragraphs in the RIA attached below.

PART 2 – REGULATORY IMPACT ASSESSMENT

OPTIONS

Option 1: Do nothing

In the event of the Order not coming into force, then:

- the Ministers' ambition to raise standards of education, improve outcomes for young people and reduce the impact of deprivation on educational attainment may not be realised;
- our aims of children in Wales developing excellent literacy and numeracy skills during their time in school may not be achieved;
- our aim of strengthening the teaching of literacy and numeracy and enhancing its status within the statutory national curriculum may not be achieved;
- our aim of improving the assessment and monitoring of standards to ensure early intervention where learners are identified as falling behind may not be achieved.

Option 2: Make the legislation

By making the legislation we will:

- Strengthen the teaching and learning of literacy and numeracy, and enhance its status, across the curriculum
- Improve the assessment and monitoring of standards to ensure early intervention where learners are identified as falling behind
- Provide greater opportunities for children to develop improved literacy and numeracy skills

COSTS AND BENEFITS

Option 1: Do nothing

This option maintains the current policy and as such, there are no additional costs or benefits associated with this option.

Option 2: Make the legislation

Under this option, schools will be required to assess pupil's literacy and numeracy skills throughout the year. This serves to formalise existing assessment practices.

The assessment will be undertaken by teachers as part of their everyday teaching/observation activities and will be based upon the existing Literacy and Numeracy Framework (LNF). As a result, there is no additional cost for teachers undertaking the assessment and no additional guidance or teacher training costs will be incurred.

It is envisaged that this Order will improve assessment and monitoring of literacy and numeracy standards to ensure early intervention where learners are identified as falling behind. There is a wealth of evidence on the benefits of good literacy and numeracy skills at both the individual level and for society in general.

COMPETITION ASSESSMENT

The Order will have no detrimental effect on competition.

CONSULTATION

No specific consultation has been undertaken on this Order; however a comprehensive consultation on the National Literacy and Numeracy Framework was undertaken between 11 June and 12 October 2012. As part of the consultation process 5 workshops took place across Wales on a regional basis to give delegates, primary teachers and head teachers the opportunity to consider the LNF and provide feedback.

A summary of consultation responses is available at <http://wales.gov.uk/consultations/education/nlnf/?status=closed&lang=en>

POST IMPLEMENTATION ASSESSMENT

It is not proposed to implement any specific post implementation review procedures; however, monitoring of compliance will be carried out by local authorities and Estyn as part of their existing duties. Welsh Government will monitor the standards of learner's Literacy and Numeracy skills as reflected in the results of National Literacy and Numeracy tests.