

Explanatory Memorandum to the National Curriculum (Assessment Arrangements on Entry to the Foundation Phase)(Wales) (Revocation) Order 2012

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 National Curriculum)(Assessment Arrangements on Entry to the Foundation Phase)(Wales) (Revocation) Order 2012.

I am satisfied that the benefits outweigh any costs.

23 March 2012

Leighton Andrews AM, Minister for Education and Skills

Description

This order will apply to all practitioners/teachers and head teachers of maintained schools and to leaders of funded non-maintained settings that deliver the Foundation Phase.

The order will remove the statutory duty on schools to assess children using the Child Development Assessment Profile when they first enter the Foundation Phase.

Matters of special interest to the Constitutional and Legislative Affairs 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) and (9) 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

The National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011 which came into force for maintained schools in September 2011 requires all schools to assess children against six Developmental Areas when they first enter the Foundation Phase. This order removes the statutory duty for schools to undertake those assessments.

Consultation

There is no statutory requirement to consult prior to making the Order. Officials have and will continue to engage with stakeholders on the development of a new on-entry assessment tool

Regulatory Impact Assessment

a) Options

Option 1: Do nothing

If the National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) (Revocation) Order 2012 is not made, the result would be that:

- The Minister for Education and Skill's decision to withdraw the statutory requirement to use the Child Development Assessment Profile could not be met;
- schools would continue to be required to administer on-entry assessment arrangements which are deemed to not meet the needs of all practitioners and children.

Option 2: Introduce new Order

If the National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) (Revocation) Order 2012 is made, the result would be that:

- schools are not required to administer on-entry assessment arrangements which are deemed not to be fit for purpose;
- schools would no longer be required to administer arrangements which are considered to be burdensome;

b) Costs and Benefits

Option 1: Do nothing

There are no discernible or specific benefits or costs from not introducing the Order.

If it is not made, schools will continue to be required to administer a baseline scheme that is deemed to not meet the needs of all practitioners and children.

Option 2: Introduce Order

The benefits which accrue from implementation of this Order are:

- schools will no longer be required to administer an on-entry assessment which is considered to be burdensome and not fit for purpose;

- will provide time for a new and more suitable assessment model to be developed, introduced and adopted by the profession

This is the most effective option which allows time for the Welsh Government to address the concerns of the profession and the findings of the review undertaken by Iram Siraj-Blatchford.

This will also allow officials to design a new tool that will be adopted as the right tool to ensure all children get the best possible start in life.

The costs of providing these rich experiences for children of 3 to 7- years is directly supported by a specific grant to local authorities to support the implementation of the Foundation Phase and the associated workforce development and training. The introduction of a new tool and its assessment requirements will be accommodated and funded by this specific grant. The costs of producing a new tool and the associated guidance will be met from Curriculum and Assessment BEL

c) Competition Assessment

The Order will have no detrimental effect on competition.

d) Consultation

There is no statutory requirement to consult prior to making the Order. Officials have and will continue to engage with stakeholders on the development of a new tool and supporting guidance.

e) Post implementation review

The existing Order is being revoked and will be replaced in due course with new requirements and a revised assessment tool which will be piloted and reviewed from the start of the 2013/14 school year. Following that pilot/review period it is proposed to introduce the new tool on a statutory basis from the start of the 2014/15 school year.