

Explanatory Memorandum

The National Curriculum (Amendments relating to Educational Programmes for the Foundation Phase and Programmes for Study for the Second and Third Key Stages)(Wales) Regulations 2013

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 (Amendments relating to Educational Programmes for the Foundation Phase and Programmes for Study for the Second and Third Key Stages)(Wales) Regulations 2013.

I am satisfied that the benefits outweigh any costs.

Leighton Andrews

Minister for Education and Skills

27 February 2013

Description

1. The National Curriculum (Amendments relating to Educational Programmes for the Foundation Phase and Programmes for Study for the Second and Third Key Stages)(Wales) Regulations 2013.

Matters of special interest to the Constitutional Affairs Committee

2. There are no matters of special interest in relation to these Regulations.

Legislative background

3. Sections 29(3), 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996, together with section 92 and 138 of the School Standards and Framework Act 1998 and section 30 and 210 of the Education Act 2002 allow the Welsh Ministers to make provision by way of regulations in relation to school and pupil information. The current regulations are as follows:
 1. the School Governors' Annual Reports (Wales) Regulations 2011 make provision made under sections 30 and 210 of the Education Act 2002;
 2. the Head teacher's report to Parents and Adult Pupils (Wales) Regulations 2011 made under sections 408 and 569 of the Education Act 1996;
 3. the School Information (Wales) Regulations 2011 are made under sections 29, 408, 537 and 569 and paragraph 3 of Schedule 1 to the Education Act 1996, and section 92 and 138 of the School Standards and Framework Act 1998. These regulations set out what must be published by local authorities and governing bodies in school prospectuses;
 4. the School Performance Information (Wales) Regulations 2011 are made under sections 537, 537A and 569 of the Education Act 1996 and 408 of the Education Act 2002. These regulations make provision about the collection of information by local authorities and Welsh Ministers.
4. The powers in the Education Act 1996 and the School Standards and Framework Act 1998 were conferred on the Secretary of State and were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. The 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.
7. This Statutory Instrument follows the negative resolution procedure.

Purpose and intended effect of the legislation

6. The National Curriculum (Amendments relating to Educational Programmes for the Foundation Phase and Programmes for Study for the Second and Third Key Stages)(Wales) Regulations 2013 will amend a number of regulations as a consequence of the assessment arrangements specified by the Welsh Ministers in the Education (National Curriculum)(Assessment Arrangements for Reading and Numeracy)(Wales) Order, namely:
 - School Governors' Annual Reports (Wales) Regulations 2011;
 - Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011;
 - School Information (Wales) Regulations 2011;
 - School Performance Information (Wales) Regulations 2011.

7. The Amendments will:
 - require the governing body of a maintained school to publish in its annual report the most recent literacy and numeracy comparative information in relation to the school's performance in the reading and numeracy tests;

 - require head teacher's of a maintained schools to report to parents on the results of the end-of-phase assessment; a brief summary of a pupil's progress in literacy and numeracy; and on the results of the reading and numeracy test;

 - require the governing body of a maintained school to publish in the schools prospectus the most recent literacy and numeracy comparative information in relation to the school's performance in the reading and numeracy tests;

 - require the governing body of a maintained school to include in the information provide to Welsh Ministers and local authorities the results of the reading and numeracy tests.

Consultation

8. The consultation on the Literacy and Numeracy Framework and the National Reading and Numeracy tests commenced on 11 June 2012 and ran until 12 October 2012. As part of 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.

9. 160 responses were received to the online consultation including comments from teachers, local authority officers, union representatives and staff from various organisations with an interest in literacy and numeracy. Of these 160 responses approximately 130 responded to the specific questions regarding the introduction of the national tests. Over 300 teachers and other stakeholders attended the consultation events giving their feedback.

REGULATORY IMPACT ASSESSMENT

Options

Option 1: Do nothing

10. In the event of the regulations not coming into force, then, there will be no statutory duty on the governing body to:
- publish in its annual report the results from the national reading and numeracy tests;
 - report these results to parents/carers
11. There will be no statutory requirement on governing bodies of maintained schools to include in the information to Ministers and local authorities the results of reading and numeracy tests - as such there will be no consistent baseline data on the levels of reading and numeracy in schools and no measure in place by which progress can be assessed.

Option 2: Make the legislation

11. By making the legislation:
- Will enable us to require governing bodies report to parents on the results of the reading and numeracy tests
 - Will enable us to require governing bodies to include comparative information regarding performance in reading and numeracy tests in the Governors Annual Report and school prospectus
 - We can ensure that there is consistency in the data that is being received on the results of the tests

Costs and benefits

12. There are no discernible or specific benefits from introducing/not introducing these amending Regulations.

Consultation

14. As paragraphs 8 and 9 above.