

## **Explanatory Memorandum**

### **National Curriculum (Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) Wales) Order 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 (Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) Wales) Order 2013.

I am satisfied that the benefits outweigh any costs.

#### **Name of Minister**

Leighton Andrews AM, Minister for Education and Skills

27 February 2013

## **Description**

1. The National Literacy and Numeracy Framework (LNF) for all learners aged 5 to 14 will be introduced on a statutory basis from 1 September 2013. The associated assessment arrangements against the LNF will come into force from September 2014.
2. The new National Curriculum (Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) (Wales) Order 2013 adds additional educational programmes for the language, literacy and communication skills and mathematical development areas of learning in the foundation phase. It also adds additional programmes of study for English, Welsh and mathematics in the second and third key stages. In effect this Order is to make the LNF a compulsory part of the national Curriculum in Wales.

## **Matters of special interest to the Constitutional Affairs Committee**

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

## **Legislative background**

4. The powers to make these Regulations are contained within Section 108(2) and (3) of the Education Act 2002. These provide Welsh Ministers with the power to set out programmes of study for English, Welsh and mathematics for the second and third key stages and educational programmes for the Language, Literacy and Communication and Mathematical Development areas of learning in the Foundation Phase.
5. 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.
6. This Statutory Instrument follows the negative resolution procedure.

## **Purpose and intended effect of the legislation**

7. The National Curriculum (Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) (Wales) Order 2013 which will come into force on 1 September 2013 will ensure that the LNF forms part of the National Curriculum and will exemplify the standards we expect in literacy and numeracy across the school curriculum.
8. The LNF first and foremost supports schools to embed literacy and numeracy throughout their curriculum. It supports all teachers to develop literacy and numeracy skills in their teaching of the curriculum. All schools

currently have curriculum planning arrangements and these will need to be adapted to support cross-curricular planning using the LNF.

9. Schools will be provided with annual expected outcomes, individually referred to as expectation statements which will be used by teachers to determine how pupils are performing against the expectations for literacy and numeracy at the end of each academic year.
10. Teachers will be provided with supporting documentation about how they can apply literacy and numeracy across the curriculum in order to raise levels of attainment.

### **Consultation**

11. The consultation on the LNF 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, primarily teachers and head teachers the opportunity to consider the LNF and provide feedback.
12. 160 responses were received to the online consultation including which comments from teachers, local authority officers, union representatives and staff from various organisations with an interest in literacy and numeracy . Over 300 teachers and other stakeholders attended the consultation events giving their feedback.

## REGULATORY IMPACT ASSESSMENT

### Options

#### Option 1: Do nothing

13. In the event of the instrument not coming into force, then:

- the Minister's priority to raise the standard of education and improve outcomes for young people - improvements in levels of literacy and numeracy and reducing the impact of deprivation on educational attainments may not be achieved.
- 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 and improve 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

14. By making the legislation we would:

- provide greater opportunities for children to have improved literacy and numeracy skills
- strengthen our aim of improving the teaching of literacy and numeracy across the curriculum
- support schools in planning for and embedding literacy and numeracy across the curriculum

### Costs and benefits

#### Option 1: Do nothing

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

#### Option 2: Make the legislation

16. There will be minimal cost implications associated with the making and laying on the proposed regulations and these will be covered within existing DRC Running costs.
17. The cost of the development and publication of the National Literacy and Numeracy Framework itself is around £400k.
18. The main benefit of these regulations is that the framework is used as a curriculum planning tool so that literacy and numeracy become fully embedded throughout the curriculum.

### **Competition Assessment**

19. The Order will have no detrimental effect on competition.

### **Consultation**

20. As paragraphs 11 and 12.

### **Post implementation assessment**

21. Schools will be required to produce a brief summary of pupil's progress, strengths and areas for development in literacy and numeracy to parents/carers as part of an individual learner's annual report.