

REGULATORY APPRAISAL

EDUCATION, WALES

EDUCATION (DISAPPLICATION OF THE NATIONAL CURRICULUM AT KEY STAGE 1) (WALES) REGULATIONS 2005

Purpose and intended effect

1. Currently there is a duty on Governing Bodies and headteachers of maintained schools to deliver the National Curriculum and its associated assessment and reporting arrangements. The twelve National Curriculum subjects are set out in separate Statutory Instruments and documents, which describe the Attainment Targets and Programmes of Study for each subject. The assessment arrangements for Key Stage 1 are set down in the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) Wales Order 2002 and the reporting arrangements in the Education (Pupil Information) (Wales) Regulations 2004.
2. The proposed Foundation Phase will combine the current Early Years provision with Key Stage 1 of the National Curriculum to provide a learning continuum for all 3 to 7-year-olds. The current National Curriculum subjects will be replaced by a new curriculum based around the following seven Areas of Learning:
 - Personal and Social Development and Well-being;
 - Language, Literacy and Communication Skills;
 - Mathematical Development;
 - Bilingualism and Multi-cultural Understanding;
 - Knowledge and Understanding of the World;
 - Physical Development; and
 - Creative Development.
3. To inform the statutory introduction of the Foundation Phase a total of 41 pilot schools or settings have been established, 22 of which are in schools that are delivering the National Curriculum. The remainder are nursery providers which are not required to deliver the National Curriculum. The impact on the Pilot schools and settings following the new Foundation Phase curriculum will be fully evaluated and the findings will inform the statutory requirements that will be implemented in all schools in due course.
4. The intended effect of these Regulations is to remove from the schools taking part in the Foundation Phase Pilot the requirements and duties imposed in respect of the National Curriculum and the associated assessment and reporting requirements.

Options

5. There are two options:
 - *Option 1: Do Nothing, or*

- *Option 2: Make the Legislation.*

Option 1: Do Nothing

6. Without the Pilots and a full evaluation of the documents, materials and practices used during the pilot period, there would be no opportunity to revise the requirements in light of experience before making them statutory in all maintained and funded non-maintained settings. As a result the introduction of the Foundation Phase would be severely compromised.

Option 2: Make the Legislation

7. The Regulations are required to remove the duties and responsibilities, which currently apply in respect of the National Curriculum, to all maintained schools, to enable the Pilot schools to follow the new, but currently draft, Foundation Phase. Although the schools taking part in the Pilots have volunteered to do so, they cannot simply opt out of the National Curriculum; a specific Instrument is needed to remove the National Curriculum from those schools.

Risk Assessment

8. In the event of these Regulations not coming into force the Pilot schools would be required to withdraw from the Pilot and continue to follow the National Curriculum. As a result, it would not be possible to fully evaluate the impact of the Foundation Phase and to reflect any lessons learnt in the statutory requirements.

Costs

9. The cost implications for schools are in respect of providing extra adults in the classrooms to meet the proposed 1:13 adult/pupil ratio; teacher cover to allow for training; and resource material to support the new curriculum. These extra costs amount to around £1.5 million in 2005/06 and £1.8 million in 2006/07. These costs are met by additional grant funding, from the Foundation Phase and Early Years Budget Expenditure Line, being made available to the local education authorities.

Consultation

With Stakeholders

10. A public consultation exercise was undertaken between 24 January 2005 and 4 March 2005. All Local Education Authorities in Wales, teaching unions and school representative bodies, church diocesan authorities, national bodies in Wales with an interest in early years education and the parents of those children taking up places in the pilot schools were consulted.

11. The consultation paper set out the purpose of the Foundation Phase and its impact on the current National Curriculum arrangements. Consultees were asked one question: "Do you agree to the removal of the requirements to teach the National Curriculum in Key Stage 1 in the pilot schools?" A total of 140 responses were received; 133 answered "yes" and 7 answered "no". Those choosing to oppose the Pilot, representing 5 per cent of those responding, resided in catchment areas for four different schools – only two offered comment and they felt that not enough information on the Pilot had been provided. Responses to

the consultation did not warrant any amendments being made to the Instrument as originally drafted.

With Subject Committee

12. There has been no prior scrutiny of the proposed Regulations by the Education and Lifelong Learning Committee. However, the Regulations were notified to the Committee via the list of forthcoming legislation (paper 5, item no: ELL-21-05) on 10 November 2004, but were not identified for detailed scrutiny. The item has remained on the list of forthcoming legislation since that date.

Review

13. The Regulations will remain in force in respect of the Pilot schools until the Foundation Phase is rolled out to all maintained schools and funded non-maintained settings. During that period the impact, effectiveness and consistency of the Foundation Phase will be regularly monitored and fully evaluated. Lessons learnt will be reflected in the final requirements, which will be the subject of a full consultation and Plenary debate before becoming statutory.

Summary

14. These Regulations will ensure that the Foundation Phase Pilots can go ahead in 22 schools throughout Wales. The Pilots will be fully evaluated and the lessons learnt in respect of adult/pupil ratios; the curriculum documents; approach to teaching, learning and assessment; support materials; physical space; learning environment; human and financial resources; and training and support of staff will be reflected in the final package. A full evaluation of the Pilots will ensure that the full roll out to all maintained schools and funded non-maintained settings providing education for 3 to 7-year-olds will be better informed, focussed and supported both locally and centrally.