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Llywodraeth Cymru  
Welsh Government

## Welsh Government Consultation Document

### **Proposed changes to the target setting requirements on schools in Wales**

Date of issue: 21 January 2019  
Action required: Responses by 8 March 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

# Proposed changes to the target setting requirements on schools in Wales

## Overview

This consultation seeks views on proposed changes to the target setting requirements on schools in Wales through amendments to *the School Performance and Absence Targets (Wales) Regulations 2011 (as amended)*.

## How to respond

Responses to this consultation should be e-mailed/posted to the address below to arrive by **8 March 2019** at the latest.

## Further information and related documents

**Large print, Braille and alternative language versions of this document are available on request.**

[Education in Wales: Our national mission](#)

[The School Performance and Absence Targets \(Wales\) Regulations 2011](#)

[The Education \(Amendments Relating to Teacher Assessment Information\) \(Wales\) Regulations 2018](#)

The consultation documents can be accessed from the Welsh Government's website at <https://beta.gov.wales/consultations>.

## Contact details

For further information:

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The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

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- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

e-mail: [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
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Tel: 01625 545 745 or  
0303 123 1113

Website: <https://ico.org.uk/>

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## Background

1. Working with the teaching profession, local government, regional consortia, Estyn, unions and international experts, the Welsh Government has been undertaking a fundamental review of the current accountability system. The place of school target setting requirements and the extent to which they are managed and/or legislated by the Welsh Government within the future Evaluation and Improvement arrangements is part of the wider discussions and reform development that is ongoing. It is our intention that these arrangements will be tested and in place ready for the new curriculum. In the meantime, the current target setting requirements do not align with the imminent transitional performance reporting arrangements in schools.
2. *Our National Mission* sets out our vision for an education accountability system that is fair, coherent, proportionate, transparent, and based on our shared values for Welsh education. To achieve this, we must ensure a coherent approach that avoids unintended consequences and contributes towards the raising of standards in every classroom and for all our learners. Raising standards, reducing the attainment gap and ensuring a system that enjoys public confidence and is a source of national pride is at the heart of our action plan.
3. As part of our action plan, we agreed transitional evaluation arrangements with schools, in order to support deeper collaborations between schools and secure the raising of standards for all learners. To support these transitional arrangements, we have already made a number of changes:
4. We have consulted on, and subsequently amended a series of Regulations, to stop the routine publication of Teacher Assessment data and National Reading and Numeracy Tests data at a school, local authority and regional level – this is helping to ensure that schools can now focus on assessment of the pupil, rather than using data as part of a high stakes accountability system. Regulations amended included the School Performance and Absence Targets (Wales) Regulations 2011 (“Target Setting Regulations”). In summary, the changes mean that:
  - Governing bodies are no longer required to set targets for pupils at the end of Key Stage 4 achieving the core subject indicator (CSI) or for the number of pupils leaving statutory schooling without relevant qualifications;
  - The definition of “data set” has been amended to remove reference to “teacher assessments”;
  - Governing bodies do not have to have regard to “data sets” only supplied by the Welsh Ministers in respect of Key Stage 2 and 3 but have to have regard to a range of data on pupil performance in teacher assessments, which will be available from a range of sources; and
  - Instead of setting performance targets for pupils aged 16 in Key Stage 4, governing bodies have to set targets for pupils in year 11.
5. We are now consulting on further changes to the Target Setting Regulations in order to reflect interim changes to Key Stage 4 performance measures announced by the Minister for Education in May 2018. This suite of interim Key Stage 4 performance measures for secondary schools have been co-developed with the education sector, and place a greater focus on raising our aspirations for all learners. They will replace the 2018 suite of Key Stage 4 performance measures, including the Level 2, Level 2

inclusive<sup>1</sup> and Level 1 threshold measures, from 2019 (i.e. the results for pupils reaching the end of year 11 in summer 2019).

6. As mentioned above, the current School Target Setting Regulations do not align with the new interim measures (those Regulations refer specifically to existing Key Stage 4 measures that will soon become obsolete). A more immediate change is therefore needed for the interim period, prior to the implementation of the new Evaluation and Improvement arrangements, and any necessary revisions to statutory target setting requirements. This will require amendments to Target Setting Regulations.
7. As part of our journey towards the reformed arrangements, the Welsh Government is already working to address the pressures in the existing high stakes accountability system and towards the separation of accountability from school evaluation for improvement. This will help schools to identify, and allow schools to focus on, where support is genuinely needed without being led by the pressures of external judgment on performance based solely on one or more quantitative performance measures viewed out of context.
8. We have been clear in our expectation that school targets should only be used to support self-evaluation and should not be aggregated up to a local authority or regional measure of performance to hold schools to account. This has been discussed with Directors of Education and Managing Directors of consortia.
9. This consultation seeks views on changes to statutory target setting requirements at Key Stage 4 in the short term whilst the reforms, as summarised above, are ongoing.

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<sup>1</sup> Level 2 inclusive is the Level 2 threshold including an approved relevant qualification in English or Welsh first language and Mathematics

## School Target Setting

10. Effective self-evaluation by schools makes a vital contribution to raising the quality of education and standards of achievement. When used correctly, school target setting is an important tool in school improvement by focussing on how schools are currently doing, what more they should aim to achieve and what they must do to make it happen. Any improvement strategy benefits from the focus and direction which suitable targets provide.
11. Target setting should stem from rigorous monitoring and evaluation of the work of the school as a whole in order to identify strengths and weaknesses, predict potential performance and focus effort and resources on raising outcomes for learners.
12. Targets are at their most powerful when they are used alongside teachers' own assessment and monitoring of pupils' progress to inform what needs to happen in the classroom. School targets should be used to support school self-evaluation.

## Current Statutory Requirements

13. The current target setting requirements on schools are set out in the *Target Setting Regulations*<sup>2</sup>. The Target Setting Regulations require school governing bodies to set targets in every school year for achievements relating to the performance of pupils in Key Stage 2, Key Stage 3 and 4.
14. Currently, targets must be set for a three year period, as follow:

### *Key Stage 2 and 3:*

- **final targets** in connection with the performance of the relevant group of pupils in teacher assessments to be carried out at or near the end of the current school year, being the reviewed targets set in the previous school year;
- **reviewed targets** in teacher assessments to be carried out at or near the end of the following school year, being the provisional targets set in the previous school year but revised if the governing body deem it necessary to do so; and
- **provisional targets** in teacher assessments to be carried out at or near the end of the school year next but one.

### *Key Stage 4:*

- **final targets** in connection with the performance of the relevant group of pupils in examinations to be administered at or near the end of the current school year, being the reviewed targets set in the previous school year;
- **reviewed targets** in examinations to be administered at or near the end of the following school year, being the provisional targets set in the previous school year but revised if the governing body deem it necessary to do so; and

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<sup>2</sup> <http://www.legislation.gov.uk/wsi/2011/1945/made>

- **provisional targets** in examinations to be administered at or near the end of the school year next but one.

15. Current requirements are that targets must be set for the following achievements:

**Table 1 – Statutory Target setting requirements for each Key Stage**

<b>Key Stage 2 (Year 6 pupils)</b>	<b>Key Stage 3 (Year 9 pupils)</b>	<b>Key Stage 4 (Year 11 pupils)</b>
Percentage of pupils to achieve level 4 or above for each of the core subjects  <i>(i.e. English, Welsh First Language, Mathematics, Science)</i>	Percentage of pupils to achieve level 5 or above for each of the core subjects  <i>(i.e. English, Welsh First Language, Mathematics, Science)</i>	Percentage of pupils to achieve the level 1 threshold
		Percentage of pupils to achieve the level 2 threshold including an approved relevant qualification in English or Welsh first language and Mathematics  <i>(this is commonly known as the 'Level 2 inclusive' and is referred to as such throughout this document)</i>
The three achievements (at each Key Stage) set by the governing body based on its evaluation of the performance of pupils at the school in teacher assessments as set out in the data for that school in relation to the previous school year		

16. Targets must be set and submitted to the Local Authority by no later than 31 December in every school year. Where the Local Authority is not satisfied with any target submitted by a governing body, the governing body can submit a revised target. Where the Local Authority is not satisfied with a revised target, it can set the target.

17. Targets cannot be modified after they have been set without the prior agreement of the Local Authority.

### **Publication of Information**

18. In addition to setting performance targets, the Target Setting Regulations also require the governing body to publish, with the school's annual report for every school year, information about:

- the targets set for pupils at Key Stage 2, 3 and 4;
- for Key Stage 4, the percentage of pupils who achieved the targets set (the regulations also refer to the percentage of pupils to achieve the Level 2 threshold).

(other than where the relevant group consisted of ten or fewer pupils), as well as:

- absence targets for pupils at Key Stage 2, 3 and 4; and
- the absence rate in the relevant school year.



## What are the main issues?

19. The new 'interim' performance measures at Key Stage 4 will replace the current 2018 suite of performance measures including the Level 1, Level 2 and Level 2 inclusive measures, from 2019<sup>3</sup>.
20. We have since been giving careful consideration to the school target setting requirements for Key Stage 4 as existing requirements do not align with the new measures to be implemented. Currently, the regulations require governing bodies to set targets for the achievement of 2018 performance measures (the Level 2 inclusive and Level 1 threshold measures), which will no longer be reported from 2019. This does not make sense going forward as such targets will no longer be realistic or measureable and therefore would not support effective self-evaluation and improvement. The statutory requirements therefore require a more immediate change in the interim period, prior to the implementation of the new Evaluation and Improvement arrangements.
21. The current target setting requirements are very specific in nature, placing a disproportionate emphasis on the achievement of quantitative performance measures. This can limit the school's ability to set genuine targets focused on the real priorities for improvement in their own individual context. Additionally, feedback from the sector points to a need for greater autonomy for schools. For these reasons, it would similarly not be appropriate to simply replace the current specific targets for year 11 pupils at Key Stage 4 with equally specific requirements relating to the interim performance measures, particularly given their interim nature.
22. As already noted, the Welsh Government is working to address the pressures in the existing high stakes accountability system and towards the separation of accountability from school evaluation for improvement. The current target setting requirements against specific measures, whereby all schools' targets and achievement against these targets are set against the same measures across Wales, have allowed a trend to develop where figures are aggregated regionally without context placed around them. This is not an effective use of target setting and is an unintended enabling factor in higher stakes being placed on performance data, especially at Key Stage 4.

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<sup>3</sup> We will be reporting on the new 'interim' school performance measures in autumn 2019 for those who will have reached the end of Key Stage 4 in the preceding summer i.e. the year 11 finishing in summer 2019.

## Proposals

23. In the interim period, before the new Evaluation and Improvement arrangements are implemented, we are proposing to amend the Target Setting Regulations to make changes to the target setting requirements on school governing bodies in relation to Year 11 pupils at Key Stage 4 only as follows:

- **Remove the requirement to set measure-specific targets** - This would remove the statutory requirement for governing bodies to set targets in relation to the percentage of Year 11 pupils to achieve: - i) the Level 2 threshold including an approved relevant qualification in English or Welsh first language and Mathematics (i.e. the Level 2 inclusive) and ii) the Level 1 threshold.
- **Increase the required number of non-specified targets to be set** - This would increase the required number of non-specific targets that governing bodies are already required to set for Year 11 pupils at Key Stage 4 (from three to six) based on self-evaluation.

24. The proposed changes will take effect for the first time in the school year 2019 to 2020 (“the transitional year”). Therefore governing bodies may not have set targets in the previous school year which can form the basis of its reviewed and final targets in the transitional year, as required by the regulations (the previous targets will have been set against performance measures which are no longer used). We therefore propose to make transitional provision which allows the governing body to set provisional and final targets for the transitional year which are not based on targets set in previous school years.

25. These proposals will remove an unreasonable duty on schools to set targets against measures that will no longer be in use. In doing so, we are moving to a less prescriptive and more flexible target setting system, encouraging schools to set targets based on self-evaluation and focused on the real priorities for improvement in their own individual context. They will draw on teachers’ professional opinions and the knowledge of their pupils, encouraging the development of genuine targets that make a constructive contribution to learners’ learning.

26. These arrangements are more closely aligned with the general direction of travel towards subsidiarity and increased autonomy for schools to self-improve and manage their own journeys. At the same time, the current assurance mechanism of requiring Local Authority approval of proposed targets is retained.

27. This proposal should not result in additional burden for those parties involved in the target setting process, given the removal of specific targets. Governing bodies will already be used to setting non-specific targets in this way.

28. The Welsh Government has made our expectation clear that school targets should only be used to support self-evaluation and should not be aggregated up to a local authority or regional measure of performance in order to hold providers to account. This is an additional source of pressure on providers that can prevent the most appropriate curriculum being offered to an individual due to the external judgment on performance based solely on one or more quantitative performance measures viewed out of context. The proposed greater flexibility and potential wider variation in targets should help deter this behaviour.

29. In order to accomplish the vital changes needed for Key Stage 4 requirements within the timeframe allowed, we are not looking to make any other amendments to the legislation. **All other existing target setting requirements will therefore remain for the interim period** (i.e. 2019/20 until the new Evaluation and Improvement arrangements are implemented).
30. At Key Stages 2 and 3, the requirements are still very much aligned with existing assessment arrangements. As such, and whilst the curriculum reform is ongoing, it would be prudent not to rush into making similar changes to requirements for Key Stages 2 and 3. Therefore, **no changes to Key Stages 2 or 3 are proposed** at this interim stage.
31. Given restrictions within the policy development and legislative timescales, it will not be possible to make the proposed changes in advance of the 2018/19 target setting requirements. Discussions have been ongoing with Local Authorities and regional Consortia and we have recently issued communications, to share with their schools, providing guidance on the target setting requirements for this academic year (2018/19) as we transition from the old to interim Key Stage 4 performance measures within the constraints of existing legislation. Consortia and Local Authorities will help and support secondary schools with how to approach the target setting process for this academic year.

## **Other Considerations**

### **Integrated Impact Assessment**

32. An Integrated Impact Assessment has been prepared in relation to the proposals and the relevant sections are attached at Annex 1.

### **Regulatory Impact Assessment**

33. The Welsh Minister's Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these amending regulations. As a result a draft regulatory impact assessment has been prepared.

## List of Consultation Questions

**Question 1** – Do you agree with our proposal to remove the statutory requirement for school governing bodies to set performance measure-specific targets for Year 11 pupils at Key Stage 4?

This would remove the requirement to set specific targets for the percentage of Year 11 pupils to achieve the Level 2 inclusive and Level 1 thresholds at Key Stage 4.

**Question 2** – Do you agree that statutory school target setting requirements for Year 11 pupils at Key Stage 4 should be non-specific, providing greater autonomy for schools to set genuinely challenging targets focused on the real priorities for improvement in their own context based on self evaluation?

**Question 3** – Do you agree with our proposal to increase the required number of non-specific targets for Year 11 pupils at Key Stage 4 based on self-evaluation?

Schools governing bodies are already required to set three targets in this way.

**Question 4** – Do you agree that six is an appropriate number of statutory targets for Year 11 pupils at Key Stage 4? If not, what do you consider is an appropriate number and why?

**Question 5** – We would like to know your views on the effects that the proposed changes to the target setting requirements on schools in Wales would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 6** – Please also explain how you believe the proposed policy could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 7** – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.