



Llywodraeth Cymru  
Welsh Government

**Number:** WG44606

Welsh Government  
Consultation – summary of responses

## Changes to school assessment arrangements and local authority prospectus

Revoking the end of Foundation Phase Assessments, the end of Key Stage 2 Assessments, and the moderation of end of Key Stage 2 and 3 Assessments from 2021 to 2022 onwards

Removing the requirement on local authorities to distribute paper copies of their annual prospectus to parents and pupils in their transfer year at schools maintained by the local authority.

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

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## **Overview**

This is a report summarising the responses to a consultation seeking views on revoking the requirements for the end of Foundation Phase and end of Key Stage 2 assessments to be undertaken from the 2021 to 2022 academic year onwards. These changes would remove the requirements a year early as, in September 2022, the new curriculum and assessment arrangements implemented under the Curriculum and Assessment (Wales) Act 2021 will apply to the relevant year groups.

The consultation outlined the consequential changes proposed as a result of removing the end of Foundation Phase and end of Key Stage 2 assessments. They relate to:

- moderation of end of Key Stage 2 assessments
- reporting to parents/carers, local authorities and the Welsh Government.

In addition, the consultation sought views on revoking the requirements to moderate the end of Key Stage 3 assessments from 2021-22 as a consequence of removing the moderation of end of Key Stage 2 assessments and in preparation for Curriculum for Wales roll out in schools with cohorts of year 9 learners. Respondents were also given the opportunity to outline any wider implications relating to the transition from the current assessment arrangements to the new assessment arrangements.

Finally, the consultation sought the views on removing the requirement on local authorities to distribute paper copies of their annual prospectus to all parents and pupils who are in the final year of schools maintained by the local authority who might transfer to other schools so maintained.

## **Contact details**

For more information:

Assessment Branch  
Curriculum and Assessment Division  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

email: [assessment@gov.wales](mailto:assessment@gov.wales)

For further information on proposals relating to local authority prospectus:

Schools Effectiveness Division  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

email: [SchoolsManagementDivision3@gov.wales](mailto:SchoolsManagementDivision3@gov.wales)

This document is also available in Welsh:

<https://llyw.cymru/newidiadau-i-drefniadau-asesu-ysgolion-cyfredol-phrosbectws-awdurdodau-lleol>



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## Introduction

The consultation related to proposed changes to legislation for two separate policy areas. They were combined in order to reduce the administrative burden on respondents, at a time of continuing pressure, who in many cases were likely to be from the same organisations e.g. schools, local authorities, regional consortia. The consultation period was open from 14 February 2022 until 1 April 2022.

## Background

The Curriculum and Assessment (Wales) Act 2021 (“the Act”) received Royal Assent in April 2021. The Act establishes a legislative framework for the new curriculum and assessment arrangements for Wales, due to come into force for learners up to and including year 6 from September 2022. Providers teaching year 7 learners (including secondary schools, 3-16 schools, special schools, Pupil Referral Units, and other Education otherwise than at school providers) can opt in to start teaching the new curriculum from that date. All other providers will begin first teaching of the curriculum for both their year 7 and year 8 learners in September 2023. The rollout will then be staggered year on year, with implementation for year 11 learners in September 2026.

### *Removing end of Foundation Phase and end of Key Stage 2 assessments*

To support both learners and practitioners as we move towards the new curriculum and assessment arrangements, in an Oral Statement to the Senedd on 6 July, the Minister for Education and the Welsh Language announced his proposal to remove the requirements for practitioners to undertake assessments at the end of the Foundation Phase and the end of Key Stage 2 a year early, both from the 2021-22 academic year.

This proposal helps create more space for practitioners to prepare their curriculum and assessment arrangements for September 2022. It also creates some flexibility for them to move towards the approach to assessment that forms part of the Curriculum for Wales framework, seen in [Supporting Learner Progression: Assessment Guidance](#).

This guidance clearly states that the purpose of assessment is to support individual learner progress with the emphasis on understanding where a learner is in their learning, how they got there and looking forward to their next steps, identifying the support needed to move forward. Removing the end of Foundation Phase and end of Key Stage 2 assessments, and creating more space, would therefore help practitioners plan a smoother transition for learners as they move towards the new arrangements. The statutory requirements that have remained in place for 2021-22, including the baseline assessment, continuous assessment of literacy and numeracy and the online personalised assessments, further enable the focus on supporting learner progression and the role of assessment as a key part of teaching and learning.

The consultation document also outlines consequential amendments to related legislation that would be made if these assessments are removed. These consequential changes would mean removing the requirements for the:

- Moderation of end of Key Stage 2 assessments.
- Content of reports to parents/carers to include the outcomes of end of Foundation Phase or end of Key Stage 2 assessments in respect of pupils in Year 2 and Year 6.
- Governing bodies to report teacher assessment outcomes for learners at the end of Foundation Phase and Key Stage 2 to local authorities.
- Local authorities to report teacher assessment outcomes at the end of Foundation Phase and Key Stage 2 to the Welsh Government.

### *Removing the moderation of end of Key Stage 2 and end of Key Stage 3 assessment*

As a consequence of removing the end of Key Stage 2 assessments, schools would no longer be required to undertake the related moderation process. As secondary schools and their feeder primary schools moderate their end of Key Stage 2 and end of Key Stage 3 assessments together, in practice without amendment this would lead to secondary schools having to put interim arrangements in place to moderate end of Key Stage 3 assessments with other secondary schools until Curriculum for Wales roll out reaches year 9. To avoid placing this additional burden on secondary schools and to create some space for them to prepare for Curriculum for Wales roll out, the consultation proposed to remove both the moderation of end of Key Stage 2 and end of Key Stage 3 assessments from the 2021-22 academic year.

The end of Key Stage 3 assessments will remain in place until Curriculum for Wales roll out reaches year 9 in 2024-25. Therefore, it was proposed to outline in guidance the expectation that schools continue to ensure consistency for their learners in the manner in which they are assessed at the end of the Key Stage 3, within their school. This should not lead to a separate bureaucratic process

The power for Welsh Ministers to set out assessment arrangements to support the current national curriculum is in Section 108 of the Education Act 2002 (“the 2002 Act”). The 2002 Act allows Welsh Ministers to set out in an Order such assessment arrangements as they consider appropriate for a Foundation Phase Area of Learning or a Key Stage foundation subject. The consultation document outlines how the powers under Section 108 of the 2002 Act would be used to revoke the requirements for end of Foundation Phase and end of Key Stage 2 assessments to be undertaken from the 2021-22 academic year, a year before the new curriculum and assessment arrangements begin to roll out. It also proposes to use the same powers to remove the requirement to moderate end of Key Stage 2 and end of Key Stage 3 assessments from 2021-22 onwards.

*Proposed amendments to the School Information (Wales) Regulations 2011 relating to the local authority prospectus*

The School Information (Wales) Regulations 2011 place a duty on local authorities to publish an annual composite prospectus containing specified information for every maintained school within the local authority area. Schedule 2 to the 2011 Regulations sets out the general information that must be contained in the prospectus. The purpose of the duty is to ensure that parents have access to a range of relevant information to enable them to make an informed decision on the school they would like their child to attend.

The prospectus must be published no later than 1 October in the publication school year and not later than six weeks before the date by which parents may express a preference for a school in respect of the admission school year. Regulation 5(2) requires that a composite prospectus must be published:

- a) by copies being made available for distribution without charge to parents on request at the offices of the LA who are publishing it, and at every school maintained by that authority; and
- b) by copies being made available for reference by parents and other persons at the public libraries in that LA's area; and
- c) by copies being distributed without charge to parents and pupils at schools maintained by the LA, other than special schools or PRUs, who are in the final year at such schools and might transfer to other such schools so maintained; and
- d) by displaying a copy on the local authority's website.

Increasingly more and more people are accessing information online through the internet. This includes a range of information on schools, for example Estyn inspection reports and various school data on the My Local School Website.

Parents and young people who have access to the internet are able to access a copy of the local authority prospectus online. Those who do not have access to the internet are able to obtain a copy on request from the local authority offices or from any school in the local authority area or for reference at public libraries.

The consultation therefore proposed to amend the School Information (Wales) Regulations 2011 to remove regulation 5(2)(c) - the requirement on local authorities to distribute paper copies of their prospectus to all parents and pupils in their transfer year, whether they want one or not. The change will remove an unnecessary administrative and financial burden on local authorities, reducing time and costs associated with printing, distribution and storage which would better be spent on raising school standards. The change will also ensure that parents and pupils in their transfer year who do not wish to receive a copy of the prospectus do not receive

one and help to ensure that local authorities' processes are more sustainable and environmentally friendly.

## Summary of responses

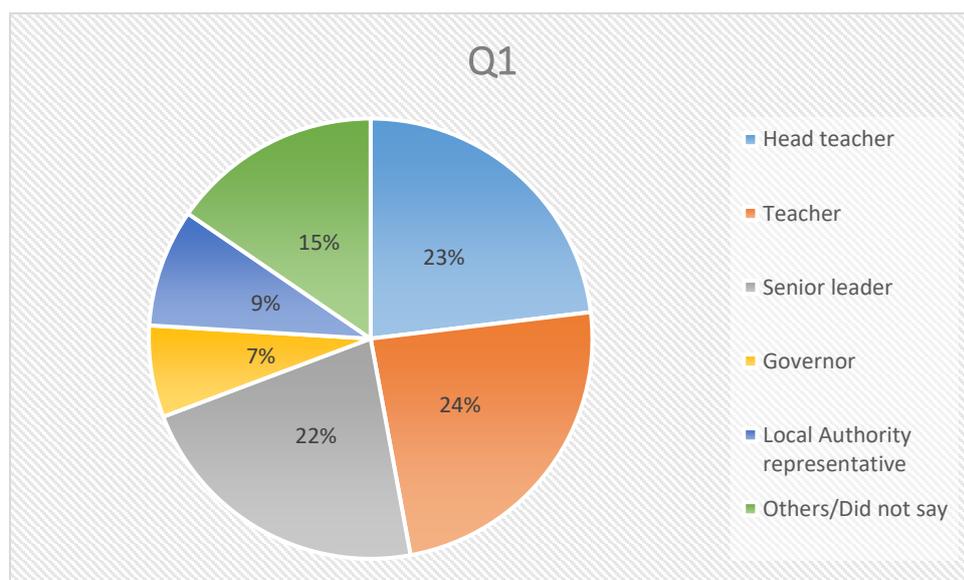
104 responses to the consultation were received. 90 respondents completed the consultation online and 14 responded via email.

### Respondents

The majority of respondents to the consultation were educational practitioners i.e. teachers, head teachers and senior leaders within their settings. The majority of responses were from primary schools, potentially due to the direct impact that the proposals to remove end of Foundation Phase and end of Key Stage 2 assessments would have on these settings.

Responses were also received from others within the education sector such as governors, regional consortia, partnership and local authority representatives, the inspectorate, unions and parents.

### Question 1: *In responding to the consultation, what is your primary role?*



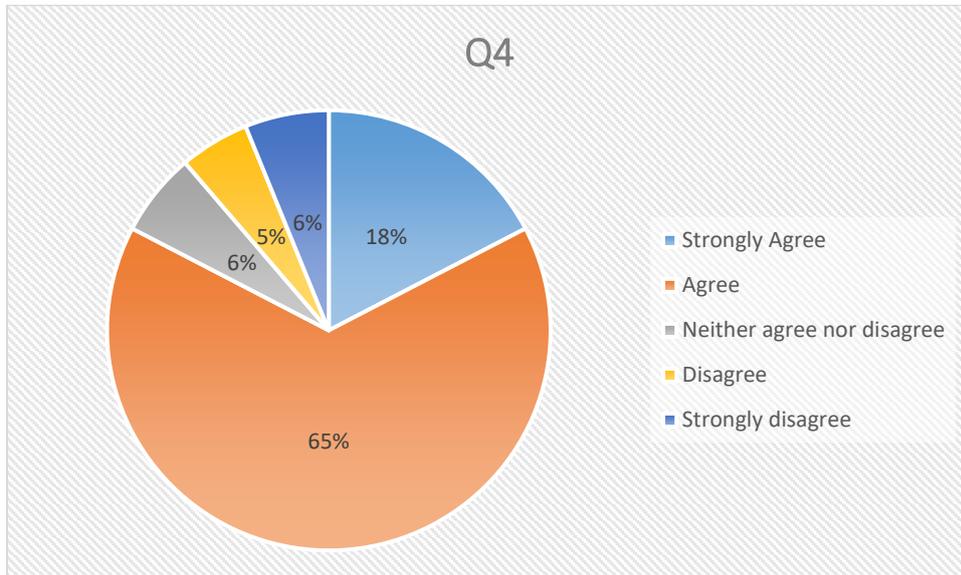
84% of respondents responded to the consultation in a personal capacity. Those responding on behalf of an organisation represented stakeholders in the education sector in Wales e.g. regional consortia, local authorities, unions, Estyn.

### Technical note

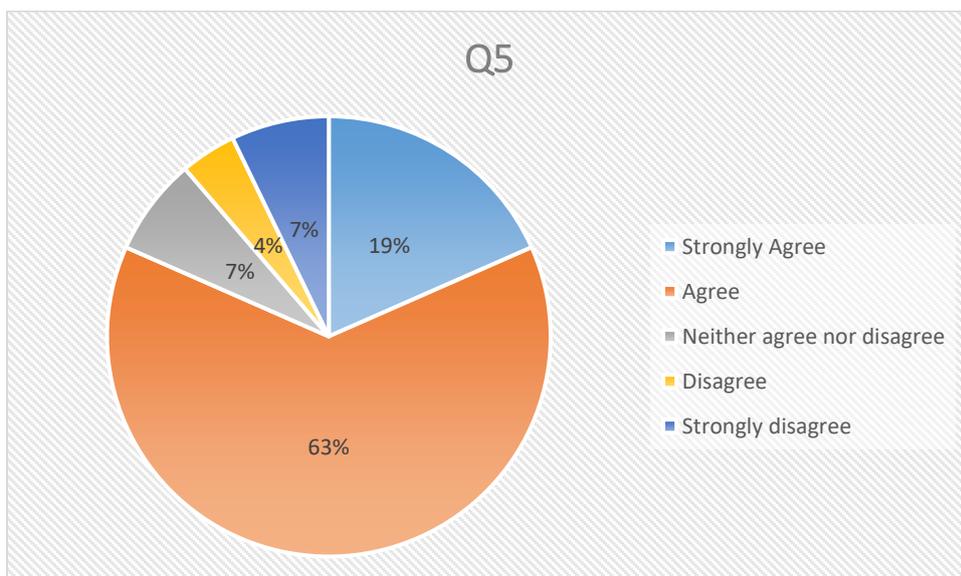
Some users experienced a technical difficulty with the online survey system whereby the 'strongly agree' button did not appear during the first few weeks of the consultation. For this reason the 'agree' and 'strongly agree' options have been combined in our summary analyses throughout this document.

## Removing the end of Foundation Phase and end of Key Stage 2 assessments

**Question 4:** *To what extent do you agree or disagree with the proposal to remove the end of Foundation Phase assessments from the 2021 to 2022 academic year onwards?*



**Question 5:** *To what extent do you agree or disagree with the proposal to remove the end of Key Stage 2 assessments from the 2021 to 2022 academic year onwards?*



## Summary analysis

Due to the similar nature of questions 4 and 5 and the responses received, the comments submitted in response to the proposals to remove end of Foundation Phase and end of Key Stage 2 assessments has been combined in this analysis.

There was very strong support for the removal of both assessments from the 2021-22 academic year. 83% of respondents agreed or strongly agreed with the removal of end of Foundation Phase assessments, with 82% of respondents supporting the removal of end of Key Stage 2 assessments.

In expressing their support for the proposals, respondents cited that these assessments were not in keeping with Curriculum for Wales and removing them would allow schools more time to plan their transition to the new arrangements. The comments received included the following statements:

- *“More time and space to focus on Curriculum for Wales and ALN Transformation whilst also helping schools to understand the Levels are a thing of the past and individual pupil progress and next step learning is what is important”*
- *“Removing these requirements should help practitioners to have more time and space to prepare for their new curriculum and assessment arrangements for September 2022. This should also help improve the transition over to the new curriculum, encouraging practitioners to move away from the previous way of working and thinking about assessment, and offering practitioners more flexibility to develop their own curriculum based on their own assessment needs.”*

Some respondents also felt that these assessments were not appropriate for learners in Foundation Phase and special schools:

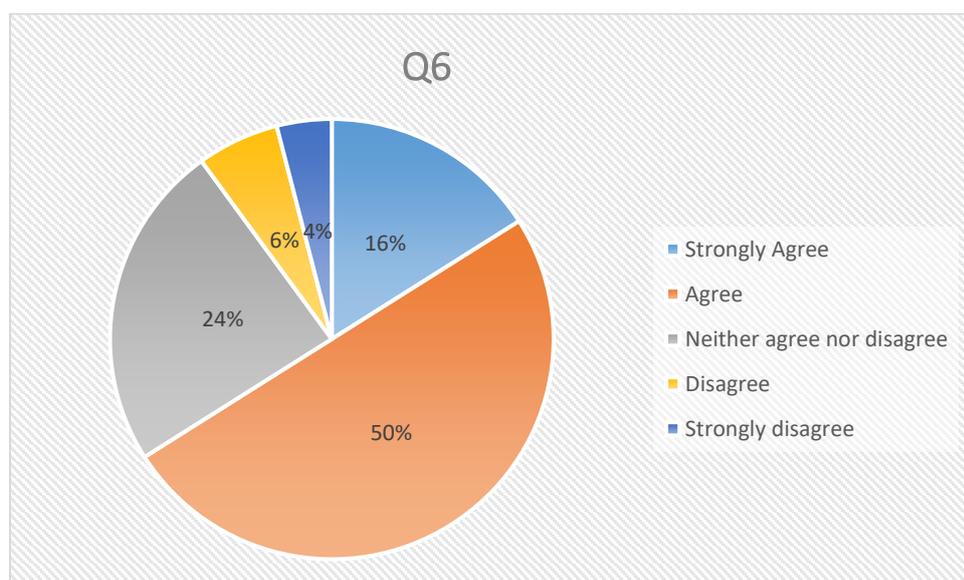
- *“Children can progress and develop at very different rates and labelling them with outcomes isn't in keeping with the philosophy of the Foundation Phase and can be demoralising for parents and pupils, putting both under pressure to be seen as what's "expected".”*
- *“The pressure on Year 2 teachers to 'teach to tests' means pupils miss out on so much of the Foundation Phase 'play based curriculum'.”*
- *“(As a special school) the end of phase assessments are not relevant to our pupils and it is frustrating having to disapply pupils.”*

Other respondents stated that revoking these assessments would help ease the pressure placed on both the learner and the practitioner to reach certain expected levels and allow them to develop a more holistic picture of the learner through assessment. Some respondents also commented that removing end of Key Stage 2 assessment would have implications for transition from primary to secondary schools. This was seen as an opportunity for primary and secondary schools to

agree and collaborate on new arrangements as they will no longer have the end of Key Stage 2 assessment data to share.

## Removing the moderation of end of Key Stage 3 assessments

**Question 6:** *To what extent do you agree or disagree with the proposal to remove the requirements to moderate the end of Key Stage 3 assessments from the 2021 to 2022 academic year onwards?*



### Summary analysis

The majority of respondents supported the proposal to remove the requirements to moderate the end of Key Stage 3 assessments with 66% either agreeing or strongly agreeing. Only 10% of respondents disagreed with the proposal.

A number of common themes were reflected in the feedback received from those respondents that were in agreement with the proposal. They felt that moderation was not in keeping with the ethos of Curriculum for Wales and removing these requirements would create space for schools to prepare for the new arrangements. The feedback received included the following comments:

- *“Removing the requirement to moderate at KS3 would allow more opportunity for planning and trialling elements of the new curriculum prior to its implementation.”*
- *“Moderating KS3 assessments while introducing the CfW will produce an extra layer of workload to an already busy profession.”*

- *“The removal of this requirement will give more time for secondary schools to focus on their preparation for introducing the Curriculum for Wales. It will also provide additional time for secondary schools to engage with their associate primary schools in designing a curriculum to support the transition of learners along the 3 – 16 continuum.”*

Some respondent felt that if moderation was removed, it was important that new opportunities for cluster working would be identified to develop a shared understanding of progression to support next steps for learners as well as supporting transition between primary and secondary schools.

Respondents who disagreed with this proposal believed that some sort of assessment needed to be in place and moderated.

- *“I feel you need a baseline to work from for GCSE targets and to make informed judgements for pupil pathways. Without formal assessments pupils do not value examinations.”*
- *“Grades need to be moderated to check consistency”.*
- *“Concerned about the impact of no moderation for a period of time”.*

Respondents did not comment specifically on the aspect of this proposal included in the consultation document which stated that Welsh Government would *‘outline in guidance our expectation that schools continue to ensure consistency for their learners in the manner in which they are assessed at the end of the Key Stage 3, within their school. This should not lead to a separate bureaucratic process.’*

## **Identifying wider implications**

**Question 7:** *Further to the proposals outlined in the consultation document, are there any wider implications relating to the transition from the current assessment arrangements to the new assessment arrangements that should be considered?*

### **Summary analysis**

A number of issues were raised by participants in relation to the wider implications that may arise during the transition from the current assessment arrangements to assessment under Curriculum for Wales.

It was evident that a large number of respondent’s main concern was the need for further guidance to clarify how assessment and reporting will work under Curriculum for Wales.

- *“Clearer guidance than is currently available is required as a matter of urgency.”*

- *“More guidance on assessment in line with the new curriculum.”*
- *“Welsh government has still not made clear to teachers how the new curriculum should be assessed and reported.”*
- *“But I feel schools need a lot more guidance on what is expected/ considered good practice moving forward. I am very pro removing EFPh and EKS2 assessments, however I do worry that this will lead to inconsistency between schools if there is no guidance on what is expected.”*

A number of respondents also questioned what will replace the current arrangements:

- *“There would need to be something that replaces end of KS3 assessments, but it could be more project-based activities or group tasks with more independent learning. Schools could determine the success / assessment criteria. It could be that students and teachers have a check list of skills that need to be demonstrated during the tasks”.*
- *“What is going to replace it...? Each school developing their own reliable assessment criteria will take a long time. Someone at some stage has got to decide what ‘good’ looks like. “*
- *“How are we assessing attainment? My confusion is with the progression steps in that we have been advised not to use them for assessment, only for planning. If not using these for assessment, then what? I feel that the expectation for schools to create their own rationale, curriculum ,planning and assessment arrangements is in many ways such an exciting prospect, yet under the current and recent climate is perhaps unrealistic.”*

### *End of Key Stage 3 assessments in special schools*

Representatives from special schools welcomed the changes outlined in the consultation with one respondent noting *‘we are ready for the change to the new curriculum and assessment procedures - hopefully the achievements of pupils within special schools will be more widely recognised moving forward.’* However, specific concerns were raised by special school representatives as the consultation document did not include a proposal to remove end of Key Stage 3 assessments from the 2021-22 academic year. One respondent outlined the issue facing special schools as follows:

- *“As a special school we run our classes according to stage, not age... This means that if we were to introduce CfW in September 2022, then we would be running two types of assessment arrangements side-by-side within our classes (i.e. CfW for Year 7 and KS3 assessments for the remainder). We are in a position where we have been preparing for delivery of CfW over the last 6*

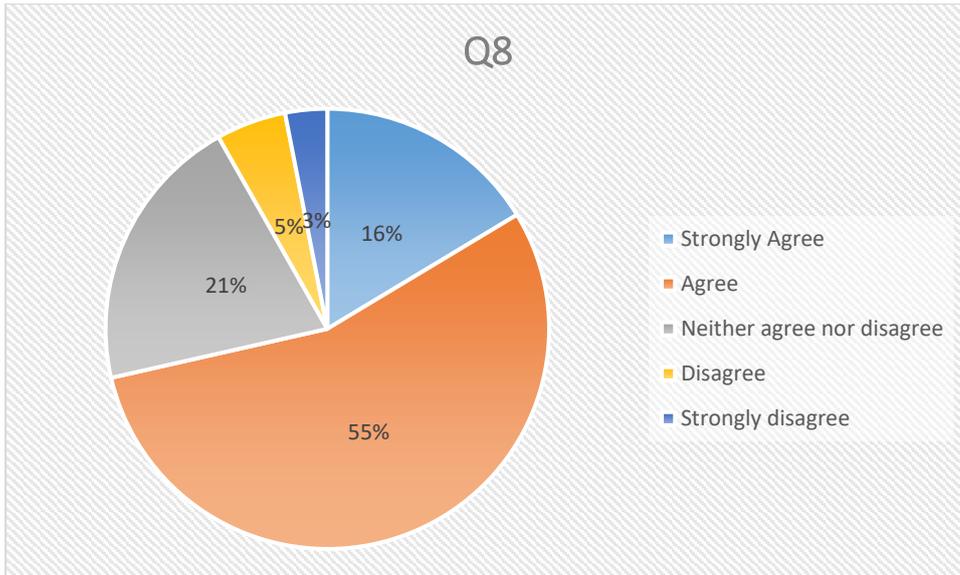
*years and are very keen to begin the official implementation of CfW in September 2022; however, this would prove very difficult running two curricula and types of assessment side-by-side in the same classes.*

To gather further information about this issue during the consultation period, Welsh Government officials engaged with the north and south Wales special school head teacher and deputy head teacher groups. The practitioners present at these meetings strongly recommended that the end of Key Stage 3 assessments are removed in special schools from 2021-22 for the following reasons:

- They teach according to stage/need not age. Therefore, it would be challenging for practitioners to be assessing within the same class some learners with best fit National Curriculum levels and others according to the school's Curriculum for Wales assessment arrangements.
- There would be workload implications for practitioners to run two systems within the same class.
- To be able to give a level to a learner, practitioners have to use modes of assessment that are different to their usual approaches and this is very challenging for the learner.
- In general, only very small cohorts of learners are given levels at the end of Key Stage 3 – the rest are disappplied as the assessments are not accessible for them. A few schools suggested that they have not been able to give levels to any of their learners for a number of years and another suggested that, most recently, they were only able to give levels to 3 out of 240 learners. It was felt, therefore, that the assessments not fit for purpose in special schools.

## **Changes to local authority prospectus arrangements**

**Question 8:** *To what extent do you agree or disagree with the proposal to remove the requirement on local authorities to distribute paper copies of their prospectus to all parents/carers and learners in their transfer year regardless of whether they want a copy or not?*



There was broad support for this proposal with 71% of those who responded to this question either agreeing or strongly agreeing. Most of those who agreed and commented did so for environmental reasons. A smaller number felt that the current requirement was a waste of time and money. Although agreeing with the proposal several respondents stressed that paper copies should be available on request for parents and pupils who do not have access and that this should be clearly communicated to parents.

8% people either disagreed or strongly disagreed, with 3 respondents providing the following comments:

- It is important that parents are fully informed
- There may be some problems with parents/adults accessing information on the website.
- The system is changing and there was needless paperwork, suggesting that they agreed with the proposal.

Of the 21% of people who neither agreed nor disagreed, only two provided comments. One acknowledged that the prospectus can be accessible online and the other acknowledged that not all families are in a position to have internet available at home or the devices readily available to access, so it is prudent to still have some production of paper copies to make sure they can be provided on request.

## Welsh language

We did not receive any comments that would suggest the proposals outlined in the consultation document would have any negative impact on the Welsh language.

## Conclusion

Respondents to the consultation showed strong support for the removal of the following requirements from 2021-22:

- End of Foundation Phase assessments
- End of Key Stage 2 assessments
- Moderation of end of Key Stage 3 assessments (in addition to the consequential change of removing end of Key Stage 2 moderation)

The proposals set out in the consultation did not impact the arrangements for end of Key Stage 3 teacher assessments as Curriculum for Wales roll out won't reach year 9 until 2024-25. However, the consultation process did shed light on issues at Key Stage 3 that are specific to special schools.

As practitioners in special schools teach according to learners' needs rather than their age, learners from different year groups are taught together. This causes challenges in the interim years as Curriculum for Wales rolls out on a year-by-year basis, reaching year 9 in September 2024. Without legislative changes, practitioners will need to assess within the same class some learners using current National Curriculum levels and others according to the school's Curriculum for Wales assessment arrangements. The majority of learners in special schools in Wales are removed from the end of Key Stage 3 assessments every year as they are not accessible to them.

In addition to providing feedback on the proposed legislative changes, many respondents sought further guidance and detail relating to expectations for assessment under Curriculum for Wales.

Finally, there was broad agreement with the proposal to remove the requirement on local authorities to distribute paper copies of their prospectus to all parents/carers and learners in their transfer year.