



Our ref: ATISN 12516
Date: 18 September 2018

Dear _____,

Request for Information – ATISN 12516

Thank you for your request which was received by the Welsh Government on 23 July 2018. You asked for the following information:

- Copies of this year's (2018) national numeracy test papers (both procedural and reasoning) for years 8 and 9 in their 'original' condition (request precludes sending photocopies or monochrome scans);
- Should the request to receive the specified materials be refused for legitimate reasons, provision of one sample numeracy procedural and one sample numeracy reasoning paper for the most recent year 8 and/or 9 cohort that Welsh Government is able to release.

I believe the information in the first part of your request is exempt from release under the following section of the Freedom of Information Act:

- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs – section 36(2)(c).

The National Reading and Numeracy Tests are for formative purposes and practising for these tests is not acceptable. Therefore the Welsh Government does not publish the content of test papers after they have been administered. A full analysis as to my reasoning is set out in the attached Annex 1.

However, and in relation to your second question, in order to satisfy enquiries from any members of the public who wish to understand the nature of the tests, sample test materials are published on the Learning Wales website under the heading 'Resources'.

<http://learning.gov.wales/resources/collections/national-reading-and-numeracy-tests?cr=6&lang=en>

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or

Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex 1

Background

The scope of the section 36 exemption is potentially wide ranging and in order to safeguard against possible abuse of its use by a public authority, the Freedom of Information Act (FOIA) introduces a two-stage process when its use is being considered. Stage 1 is to ascertain whether the basic conditions for triggering the application of the exemption apply. This is the role of the 'qualified person' and, within Welsh Government, the qualified person is the Counsel General. If, after considering the information, the qualified person forms the reasonable opinion that the specified adverse effects will not (or will not be likely to) arise from disclosure, then the information cannot be withheld under section 36.

If the qualified person decides that the information would, or would be likely to, have the specified adverse effect(s), then Stage 2 can commence. It is necessary at Stage 2 to consider whether or not the information should be released after considering the public interest arguments associated with disclosure.

In this case, the qualified person has decided that the following prejudicial effects are sufficient to trigger the use of an exemption contained in section 36 of the FOIA:

- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs – section 36(2)(c).

Engagement of Section 36(2)(c) – would otherwise prejudice, or would be likely otherwise to prejudice, the effect conduct of public affairs

The National Reading and Numeracy Tests ('NRNTs') are currently paper-based tests for all learners in years 2-9 in maintained schools in Wales. The tests are delivered and administered in schools annually. The numeracy test is divided into two sub-tests: Numeracy (Procedural) and Numeracy (Reasoning). Welsh Government does not publish the content of test papers after they have been administered.

As the purpose of these tests is formative, Welsh Government guidance ([National Reading and Numeracy Tests Administration Handbook](#)) states that practising with past papers is not acceptable. Unlike GCSEs, the tests are not final, summative assessments. Whilst it is generally acknowledged that to use past papers to prepare for public examinations is acceptable, this is not the case for the NRNTs, where the aim is for schools to be aware of which areas of learning need to be addressed. Consequently, the Welsh Government does not publish past papers for any cohorts taking NRNTs each academic year. However, [sample test materials](#) are published on the Learning Wales website under the heading 'Resources' to satisfy enquiries from any members of the public who wish to understand the nature of the tests.

In 2016, a decision was taken to introduce online 'adaptive' assessments, to be known in Wales as '[personalised assessments](#)'. At present the new online assessments are being developed and from the 2018-19 academic year there will be a phased introduction of these assessments, beginning with Numeracy (Procedural). The potential benefits of online adaptive testing are significant and fit with our policy aim of ensuring our learners make progress through the use of formative assessment. Online adaptive assessments provide tailored, interactive assessments which give teachers and schools targeted

information on their learners' performance and provide immediate, high-quality feedback to learners and schools by identifying how children and young people are progressing.

Questions in the paper-based tests have already proved to be reliable means of assessment. For this reason, in addition to cost and time saving, the NRNT questions in the online assessments will be re-used alongside the creation of new assessment content. Learners will begin to use the online assessments from academic year 2018/19.

Therefore, the Welsh Government believes that the release of information on this year's (2018) national numeracy test papers (both procedural and reasoning) for years 8 and 9 would be likely to compromise the formative purpose of the national tests, and also the validity and integrity of the personalised assessments, which will amount to the prejudice of the effective conduct of public affairs.

On the basis of the above arguments, the qualified person has agreed that section 36(2)(c) is engaged. That being the case, as section 36 is a public interest tested exemption, I must now consider the public interest test. This means that, in order to withhold information under it, it has to be shown that the public interest in withholding the information outweighs that in releasing it.

The Public Interest Test.

The Welsh Government acknowledges the general public interest in openness and transparency that release of information engenders. Further, release of the information would help ensure transparent and accountable Government by disclosing that the National Test materials have been developed by the Welsh Government to reflect the National Literacy and Numeracy Framework and contribute to the formative development of learners in Wales, whose education follows this Framework.

However, in terms of the public interest arguments against release, NRNTs been in operation since 2013 and their purpose is to provide additional information for teachers so that they can assess how learners' reading and numeracy skills are developing and then use the results to plan next steps in their learning. Improving the literacy and numeracy skills of children and young people is one of the main priorities of Welsh Government, and the tests were introduced as an important part of our programmes. In school, an inability to read well or to work confidently with numbers will stop learners from effectively accessing the areas of the school curriculum that have their roots in literacy or numeracy.

Used alongside teacher assessment, the NRNTs have been one of the ways to improve the literacy and numeracy skills of children and young people. These diagnostic tests were implemented to help schools across Wales track individual learner progress and to gain a clearer insight into each learner's development.

From the academic year 2018/19, Welsh Government is phasing in online 'personalised assessments' which will replace the paper-based tests over a period of three years. This will start with Procedural Numeracy in academic year 2018/19, followed by Reading (English and Welsh) in 2019/20 and Numerical Reasoning in 2020/21.

In personalised assessments, questions are selected based on the learner's response to the previous question. If a learner answers a question incorrectly, they will get a slightly easier question; and if they answer a question correctly, they will get a more challenging

question. This provides an individual assessment experience and tailors the level of challenge for every learner.

As questions in the paper-based tests have already proved to be reliable means of assessment, the content of the paper tests will be re-used in the personalised assessments. The release of the previous years' test materials might result in them being used by learners to familiarise themselves with the materials and/or to practise the very same questions that they will come across in live online assessments. As a consequence, the assessment results may not demonstrate the true attainment level of the learners and may fail to show skills areas that learners need to address. Teachers may not have reliable information on what their learners are doing well, and what needs to be improved.

The prejudice of the effective conduct of public affairs in this case will be real, actual and of substance because the disclosure of the NRNT contents (including this year's (2018) national numeracy test papers (both procedural and reasoning) for years 8 and 9) would be likely to prejudice the very validity and integrity of the personalised assessment process.

Conclusion

I consider that the public interest arguments to withhold the requested information outweigh the public interest arguments to release and that the public interest in understanding the nature of the tests and their structure is satisfied by the samples that are already available. Accordingly, I believe that the information should also be withheld on the basis that its release would be likely to prejudice the effective conduct of public affairs.