

## **EXPLANATORY MEMORANDUM TO**

### **The Education (Levels of Progression for Key Stages 1, 2 and 3) (Transitional) Order (NI) 2010**

**SR 2010 No. 135**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Education to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Articles 8(3), 9(2) and (3), 10(2) and 43(5) of the Education (Northern Ireland) Order 2006 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Statutory Rule seeks to specify the Levels of Progression to be used by schools for assessing pupils in the final years of Key Stages 1, 2 and 3 in the cross-curricular skills of communication and using mathematics, and associated assessment arrangements.

#### **3. Background**

- 3.1. The Statutory Rule provides that, on a transitional basis – pending the development of new Levels of Progression – the levels to be used will be the current Levels of Attainment in relation to language and literacy (for communication) and mathematics and numeracy (for using mathematics), and that schools will report pupil progress against these levels.

#### **4. Consultation**

- 4.1. There is no statutory requirement for consultation. However, the Department took the opportunity during the consultation on the draft Education (Pupil Reporting) Regulations (NI) 2009, (between 17 December 2008 and 20 March 2009) to consult on draft new Levels of Progression and on the use of Levels of Attainment prior to those new Levels being introduced.
- 4.2. That consultation indicated that in many cases there was a relatively low level of awareness about Levels of Progression and also resulted in comments about the content of Levels, which led the Department to commission further work from CCEA on these. In view of the need to take the time necessary to ensure that the new Levels are robust, fit for purpose and commanded confidence, and that schools and teachers are well supported to implement them, the Department concluded that, until the new Levels of Progression were operational, subordinate legislation should be brought forward to retain the existing arrangements for assessment of pupils' performance in literacy and numeracy; for the reporting of their performance to parents; and for the collection and reporting at system level of on attainment in literacy and numeracy.

## **5. Equality Impact**

- 5.1. The Department screened the Rule for Equality and Human Rights impact, and determined that an Equality Impact Assessment was not required as the Rule already takes account of pupil needs by including provision for the exemption of pupils from the assessment arrangements in certain specified circumstances.

## **6. Regulatory Impact**

- 6.1. As the Rule relates to pupil assessment and associated reporting arrangements with no costs to businesses, charities, social economy enterprises or voluntary bodies, the Department determined that a Regulatory Impact Assessment was not required.

## **7. Financial Implications**

- 7.1. None. Assessment and annual reporting is an established and ongoing element of schools' working arrangements.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department's legal adviser has confirmed that the Rule complies with Section 24 of the Northern Ireland Act 1998, which requires that it is compatible with the rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## **9. EU Implications**

- 9.1. None.

## **10. Parity or Replicatory Measure**

- 10.1. Not applicable as the assessment arrangements are related to the revised curriculum, which is specific to the north of Ireland.

## **11. Additional Information**

- 11.1. Not applicable.