

## **EXPLANATORY MEMORANDUM TO**

### **The Education (Pupil Reporting) Regulations (Northern Ireland) 2009**

#### **SR No. 231**

#### **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 Articles 24 (1) to (3) and (5) and 43 (5) of the Education (Northern Ireland) Order 2006, and after consulting as required under Article 24(4) of that Order, and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Statutory Rule seeks to bring the requirements for schools' reporting to parents in line with the revised curriculum, which will be in place for pupils in Years 1-12 from the 2009/10 school year.

#### **3. Background**

- 3.1. The Department is introducing a revised curriculum on a phased basis, from the 2007/08 - 2009/10 school years. There is therefore a need to bring in a new Statutory Rule for the arrangements for schools to report pupil progress to parents.
- 3.2. The Rule requires schools to report to parents on their children's progress, and specifies:(a) information to be provided annually; (b) additional information to be provided at the end of Key Stages 1, 2 and 3 in terms of levels achieved in relation to literacy (Communication), numeracy (Using Maths) and ICT, and; (c) additional information to be provided at the end of Key Stage 2 (the end of primary education), Key Stage 4 (the end of compulsory schooling) and the end of sixth form, in terms of a summative record of each pupil's achievement.
- 3.3. No format is specified for reports, but rather the Rule seeks to ensure that all school reports will provide common coverage for parents.

#### **4. Consultation**

- 4.1. The Department consulted on the Rule from 17 December 2008 – 20 March 2009. 99 responses were received, mainly from education partner bodies, principals and teachers. In addition, the Department engaged with the Parents' Forum and Barnardo's, who consulted with 130 parents and some 190 children respectively.
- 4.2. There was support for the generality of the proposed annual reporting arrangements and, in light of responses raising other queries, the Department has reviewed the Rule and made the following changes: (a) removed overlaps between the requirement for annual reporting (all years) and reporting requirements in relation to assessment outcomes at the end of Key Stages 1, 2 and 3 and the provision of summative records of

achievement. (This does not change the substance of the arrangements.); (b) revised the requirements in relation to assessment outcomes at the end of Key Stages 1, 2 and 3, removing the requirement to report on assessment outcomes for a pupil's class, and including the requirement to provide information on the percentage of pupils in a year group in the school as a whole who attain each level; (c) removed from the Rule the requirement to include a pupil's formative record of progress and achievement as part of the annual report to parents; and (d) removed provisions relating to the maintenance of pupil records and their transmission between schools, a major element of which relate to the formative record of progress and achievement.

- 4.3. The actions at (c) and (d) have been taken as the Department now intends to clarify the scope of the information provided under the term "formative record of progress and achievement", reviewing the definition to make sure it contains key information, and to include this in a further Statutory Rule.
- 4.4. Until the further Rule is brought forward to provide for a definition of the formative record of progress and achievement and set out associated requirements on schools in relation to reporting, and the maintenance and transmission of such records, it is intended to retain the provisions of the existing 2007 Regulations - the Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 - regarding formative records of progress and achievement (as currently defined by each school within broad parameters) and their maintenance and transmission.

## **5. Equality Impact**

- 5.1. The Department screened the Rule for Equality and Human Rights impact to ensure that it complied with section 75 of the Northern Ireland Act 1998, and determined that an Equality Impact Assessment was not required. Any different needs which a group or individual has can be met as no set reporting format is being prescribed, and each report will reflect any exemptions or amendments applied to the curriculum and assessment provisions in relation to a pupil.

## **6. Regulatory Impact**

- 6.1. As the Rule relates to the provision of information by schools to parents and pupils with no costs etc to business, charity, social enterprise or voluntary bodies, the Department determined that a Regulatory Impact Assessment was not required.

## **7. Financial Implications**

- 7.1. None. The provision of annual reporting information is an established and ongoing element of schools' working arrangements. The revised reporting arrangements are of a broadly similar nature to present arrangements.

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

- 8.1. The Department considers that the Rule complies with Section 24 of the Northern Ireland Act 1998, which requires that they are compatible with the rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

**9. EU Implications**

9.1. Not applicable.

**10. Parity or Replicatory Measure**

10.1. Not applicable as the revised curriculum, which is the basis of the proposed Rule, is specific to the north of Ireland.

**11. Additional Information**

11.1. Not applicable.