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Consultation Document

Assessment Arrangements: Subordinate Legislation Resultant of the Curriculum and Assessment (Wales) Act 2021

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

Assessment Arrangements: Subordinate Legislation Resultant of the Curriculum and Assessment (Wales) Act 2021

Overview	<p>1. This consultation seeks views on four pieces of secondary legislation requiring development as a result of the Curriculum and Assessment (Wales) Act 2021 (the Act) was passed in the Senedd on 9 March 2021 and received Royal Assent on 29 April 2021. Part 4: Assessment and Progression: Assessment Arrangements, details the legislative provisions in the Act in respect of assessment arrangements for the Curriculum for Wales.</p>
How to respond	<p>Responses to this consultation should be e-mailed/posted to the address below to arrive by 31 October 2021 at the latest.</p>
Further information and related documents	<p>Large print, Braille and alternative language versions of this document are available on request.</p> <p>Supporting Learner Progression Assessment Guidance was published in January 2020, it outlines the key principles and purpose of assessment, providing schools with clear direction when developing their assessment arrangements under the new curriculum.</p> <p>The consultation documents can be accessed from the Welsh Government's website at gov.wales/consultations</p>
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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.

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Background

1 The [Curriculum for Wales Framework](#) for schools was published in January 2020. Draft guidance on assessment arrangements was published as part of this framework and can be found in [Supporting Learner Progression: Assessment Guidance](#). The guidance states that the purpose of assessment within Curriculum for Wales is to support the progression of each individual learner along the 3-16 continuum of learning. Assessment arrangements are intrinsic and fundamental to curriculum design, helping practitioners and learners to identify progress made, identify the next steps needed in progression and the teaching and learning needed to support each individual learner in moving to the next steps.

1.1 Before its publication in January 2020, the guidance was subject to broad and extensive consultation which further shaped the thinking on assessment. Key to the development of the guidance was the Assessment Advisory Group (AAG), who we worked with co-constructively. The group was made up of practitioners from across English and Welsh medium Primary, Secondary, and Special schools and non-maintained childcare/nursery settings funded by the local authority to deliver early education to 3 and 4 year old learners, as well as academics and representatives from Regional Consortia, Estyn and Qualifications Wales.

1.2 The purpose of the draft guidance, and the wider Curriculum for Wales guidance published alongside it, was to help schools to start thinking about designing their curriculum and assessment arrangements. Supporting Learner Progression: Assessment Guidance provides an outline of the key principles and purpose of assessment, reflecting a clear direction for schools to start considering development of their assessment arrangements in line with the Curriculum for Wales (CfW).

1.3 The Curriculum and Assessment (Wales) Act 2021 (the 2021 Act) received Royal Assent in April 2021. The Act establishes a reformed legislative framework to support the implementation of the new purpose led curriculum and assessment arrangements for Wales, due to come into force for years 1 to 6 from September 2022. For year 7 schools who feel they are ready will have the option to start teaching the new curriculum from that date. For those that are not yet ready they will begin the first teaching of the curriculum for years 7 in 2023 together with their year 8s. Part 4 of the 2021 Act: Assessment and Progression, includes the legislative provisions in respect of assessment arrangements for the Curriculum for Wales. This consultation document sets out how we intend to use the powers under Part 4 of the 2021 Act to make regulations about assessment and progression and seeks views on our intended policy approach.

Overview

1.4 In response to the 2021 Act coming into force, we have identified that there are four pieces of subordinate legislation needing to be made or amended in respect of assessment under the Curriculum for Wales.

Two new pieces will be made under the 2021 Act:

- **Section 56 - Duty to make provision about assessment arrangements - Regulations to require a “relevant person” to make, implement and review assessment arrangements ;**

- **Section 57 - Promoting and maintaining understanding of progression** - allows for a Direction to be issued to a relevant person around the steps that need to be taken to promoting and maintaining a shared understanding of progression.

Two sets of regulations need revision to bring existing requirements in line with the 2021 Act and the ethos of the curriculum and assessment arrangements:

- **Transition from Primary to Secondary school** – Currently regulated for under the *Transition from Primary to Secondary school (Wales) Regulations 2006*;
- **Reporting to parents/carers** – Currently regulated for under the *Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011*

1.5 Together these pieces of subordinate legislation set out our intentions around assessment within schools, its relationship to progression and transition and importantly, how parents and carers are engaged with this. Therefore the consultation focuses on all four of these areas to provide a comprehensive overview of our policy intentions.

1.6 There will be a number of consequential amendments that will need to be made as a result of the legislative proposals set out in this document. These will be dealt with in the normal course of preparing subordinate legislation.

Next steps

2 You are invited to submit your views on these proposals. Responses should be emailed by 31 October 2021 at the latest. Responses to consultations are likely to be made public on the internet or in a report. If you would prefer your response to remain anonymous, please indicate in your response.

2.1 Subject to the outcome of this consultation it is intended that the subordinate legislation will be made to come into force from September 2022. It is possible that Transition from Primary to Secondary school (Wales) Regulations 2006 may be made later, this will be confirmed following the close of the consultation.

Policy intent and Legislative detail on proposed Regulation development/amendment

Assessment in Curriculum for Wales

3 The Curriculum for Wales is a purpose-led curriculum with learner progression at its heart. Curriculum for Wales will apply to all children and young people between the ages of 3 – 16 years who attend maintained schools; those in funded non-maintained nursery settings; and those whose schooling is subject to arrangements under section 19 of the Education Act 1996.

3.1 The Curriculum for Wales Framework moves away from a National Curriculum prescribed by Programmes of Study, Phases and Key Stages and instead gives every school in Wales the opportunity to design their own curriculum within a national approach that ensures a level of consistency.

3.2 Under Curriculum for Wales (CfW) learner progression occurs along a single continuum of learning. The purpose of assessment within Curriculum for Wales is to support and

enable each individual learner to make progress at an appropriate pace along the continuum, ensuring they are supported and challenged accordingly.

In contrast to the current approach to assessment, assessment in CfW is intrinsic to curriculum design and an indistinguishable part of teaching and learning. It should contribute to developing a holistic picture of the learner – their strengths, the ways in which they learn, and their areas for development – in order to inform next steps in learning and teaching. Importantly, assessment should not be used to make a one-off judgement on the overall achievement of a learner at a set age or point in time against descriptors or criteria on a ‘best-fit’ basis.

3.3 As a continuum of learning will replace the current phases and key stages, we will be moving away from end of phase and key stage summative teacher assessments taking place at the end of every year, towards a system where assessment is embedded into day to day practice and indistinguishable from teaching and learning.

3.4 It will be for individual schools to determine the assessment arrangements that are the most appropriate to support the delivery of their curriculum and this should be done as part of their curriculum design to ensure the progression that learners are making is appropriately planned, understood and supported.

Statutory Guidance

3.5 The Supporting Learner Progression – Assessment Guidance which is part of the CfW framework, outlines the role of assessment in the curriculum and the principles of assessment. It also details the considerations for the design and delivery of assessment arrangements within CfW Wales including supporting processes such as transition planning and communicating and engaging with parents / carers.

3.6 Subsidiarity is one of the key concepts outlined in [Successful Futures](#), enabling more freedom and flexibility for schools to design a curriculum appropriate for their learners and context, but within a broad set of national duties. We will apply this same concept of subsidiarity to the assessment arrangements.

3.7 However to ensure the principles of assessment as set out in the draft guidance are applied when making, implementing and revising assessment arrangements, schools and settings will need to have regard to the Supporting Learner Progression Assessment Guidance. To achieve this the guidance will be published as statutory guidance pursuant to section 71 of the 2021 Act.

3.8 The guidance outlines the principles and guiding approach, whilst giving schools the flexibility to design their own assessment arrangements to support their individually adopted curriculum. Taken with the subordinate legislation that will be detailed in the next sections, this will provide a legislative framework to ensure consistency across Wales.

Duty to make assessment arrangements. - Part 4 Section 56(1)

4 Currently provision for assessment arrangements is made across a number of statutory instruments which, with the exception of those relating to the online personalised assessments, will cease to apply with the introduction of CfW.

Currently, the assessment arrangements are outlined in the following Orders:

- National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004
- National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005
- Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013
- National Curriculum (Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages) (Wales) Order 2014
- National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015
- National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015

4.1 The orders make provision in respect of assessment arrangements for the existing curriculum. With the passage of the 2021 Act and implementation of new curriculum arrangements from September 2022, existing assessment regulations will cease to apply to those years transitioning to CfW. However, they will remain in force for those who remain on the current curriculum. They will be finally revoked when the new curriculum for Wales has been rolled out for all school years.

4.2 The Act therefore requires that regulations are made which set out the detail of the assessment arrangements for the CfW for those pupils for whom it is rolled out.

4.3 Assessment arrangements are described on the face of the 2021 Act as “arrangements for assessing the progress of individual learners against a relevant curriculum, the next steps in their progression and the teaching and learning needed to make the progression to the next step”.

4.4 We will be making regulations under section 56 of the 2021 Act to place a duty on the relevant persons to make, implement and review assessment arrangements. A relevant person here means:

- (a) the head teacher of a maintained school or a maintained nursery school;
- (b) the governing body of a maintained school or a maintained nursery school;
- (c) a provider of funded non-maintained nursery education;
- (d) the teacher in charge of a pupil referral unit;
- (e) the management committee of a pupil referral unit;
- (f) a person who provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the [Education Act 1996 \(c. 56\)](#).

4.5 As the duties regarding the making, implementation and review of assessment arrangements are specific to the nature of the setting that they relate to, the arrangements for maintained schools or nurseries, funded non maintained nursery providers and pupil referral units and Education other than at schools (EOTAS) are detailed separately in the following paragraphs. The final paragraphs of this section detail the nature of the assessment arrangements that should be made.

Intended Duties for Maintained School or maintained nursery-school

Making Assessment Arrangements

4.6 Assessment plays a fundamental role in ensuring each individual learner is supported to make the appropriate progress along the learning continuum. It is integral to teaching and learning and requires effective partnership among all those involved including the learner.

4.7 Assessment arrangements should assess and support the progress of the individual learner through the school curriculum, by helping to develop a holistic picture of the learner – their strengths, the ways in which they learn, and their areas for development to ensure they are supported and challenged accordingly.

4.8 To adopt the most appropriate assessment arrangements schools and settings will need to consider what it is that learners will be taught, how it will be taught and the intended learning outcome. This information can then be used to monitor and support learner's progress and tailor teaching to inform and maximise progress through the schools curriculum.

4.9 Given the intrinsic nature of assessment to curriculum design we therefore intend to place a duty on the head teacher to make assessment arrangements for the school's learners. These assessment arrangements must assess the progress made by learners in respect of the adopted curriculum, the next steps in their progression and the teaching and learning needed to make that progress. We will not be prescriptive as to the nature of those arrangements, other than that they meet the characteristics set out in paras 4.31 – 4.39., and it will be a matter for the school to determine them to best support learner progression within their curriculum. The head teacher should plan a range of assessment methods and techniques that are fit-for-purpose and support progression across the breadth of the curriculum.

4.10 We recognise this approach will lead to some variation. However, the new CfW marks a shift away from the one size fits all approach to teaching and learning, including assessment. Given that schools will be responsible for designing their own curriculum, it is essential that they also have responsibility for designing their assessment arrangements to support learner progressing within their curriculum and to ensure that all learners are appropriately challenged and supported. The degree of variation in these arrangements will be mitigated by the mandatory progression code and the statutory guidance.

4.11 The Supporting Learner Progression – Assessment Guidance states that when planning and delivering learning experiences, schools and practitioners should be clear about the specific role of each assessment being undertaken, and what the understanding gained from assessment will be used for and why. To facilitate this, assessment arrangements need to be considered and discussed at the same time as discussions around the design of the curriculum itself.

4.12 We therefore intend to require head teachers to design the assessment arrangements at the same time as they design their school curriculum.

Implementation of Assessment Arrangements

4.13 Duties in respect of curriculum adoption lie with head teachers and governing bodies of maintained schools and maintained nursery school. As assessment arrangements are fundamental to teaching and learning, and given their responsibilities in respect of the curriculum, we will also require the head teacher and governing body to be responsible for implementing assessment arrangements in respect of the adopted curriculum for their school.

4.14 Provision for the implementation of assessment arrangements will run in parallel with the adoption of the curriculum.

Review and Revision

4.15 Progression in learning should always be at the heart of curriculum design and practitioners must use the progression code and the principles of progression to inform their approach to progression. The principles of progression are supported by descriptions of learning which provide more detailed guidance on progression within each area of learning and experience. These descriptions articulate what it means for a learner to progress along the continuum of learning and provide reference points for the pace of that progression. Assessment arrangements should enable practitioners and leaders within the school to understand whether different groups of learners are making expected progress.

4.16 This should be used to identify strengths and areas for improvement in both the school curriculum and daily practice, including consideration of how the needs of learners as individuals have been met. This important focus is a means for schools to ensure their curriculum, and the learning and teaching, helps raise standards as well as helping to raise the attainment of learners from disadvantaged backgrounds and is important in contributing to a school's process of self-evaluation and continuous improvement.

4.17 The 2021 Act requires an adopted curriculum to be kept under review, and to be revised if necessary, to ensure it continues to meet the legal curriculum requirements – including providing for appropriate progression. Information derived from assessment arrangements is a key part of that review process. Therefore, assessment arrangements also need to be kept under review and revised to ensure that they continue to support the school curriculum and effective learner progression.

4.18 We therefore intend to require that head teachers and governing bodies of maintained schools or maintained nursery schools must review the assessment arrangements and make appropriate revisions, to ensure they continue to support learner progression within the adopted curriculum. It will be for the head teacher and governing body to determine how the assessment arrangements are reviewed and this should be part of the cycle of curriculum review and revision.

Funded Non-Maintained Nursery Settings (FNNS)

4.19 There will also be a requirement for assessment arrangements to be made, implemented and reviewed in respect of a curriculum designed and adopted by funded non-maintained nursery settings. It will be a requirement for assessment arrangements to be

made at the same time as the curriculum is designed and reviewed at the same time as the review of the curriculum.

4.20 In recognition of the challenges the sector faces in being able to develop a curriculum, the 2021 Act places a duty on Welsh Ministers to publish a suitable curriculum for funded non-maintained nursery settings. As such, we intend to place responsibility for the review and revision of the assessment arrangements made in relation to a curriculum published by the Welsh Ministers, on the Welsh Ministers. The review of assessment arrangements will be in line with the review of the published curriculum i.e. it will be kept under review, and to be revised if necessary, to ensure it continues to meet the legal curriculum requirements – including providing for appropriate progression.

4.21 Providers of funded non-maintained nursery settings are also able to design and adopt a suitable curriculum other than that published by Welsh Ministers. Where a provider chooses to do this we intend to require them to make assessment arrangements to support that curriculum and to also have responsibility to implement and review those assessment arrangements.

4.22 In both circumstances, the principles and approach for assessment as set out in the Supporting Learner Progression – assessment guidance should be used to guide the approach to making assessment arrangements.

Pupil Referral Unit (PRU)

4.24 The 2021 Act places duties on the local authority, management committee (where there is one) and on the teacher in charge of a PRU in respect of making, reviewing and revising a curriculum. Given assessment arrangements form part of the curriculum design, we will place responsibilities in respect of making, reviewing and revising assessment arrangements on all three parties.

4.25 Mirroring responsibilities in respect of the curriculum, we intend to place responsibility for implementing these assessment arrangements on the teacher in charge of the unit.

4.26 We will require these assessment arrangements to be made at the same time as curriculum design and reviewed and revised in line with the curriculum review cycle i.e. that the curriculum must be kept under review, and to be revised if necessary, to ensure it continues to meet the legal curriculum requirements – including providing for appropriate progression, with due regard to the Supporting Learner Progression – Assessment guidance when developing assessment arrangements

Education in a setting other than at school (EOTAS)

4.27 Local authorities must provide suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. The 2021 Act places requirements on a local authority to secure a curriculum for these children. We therefore want to ensure that the progress of these learners in relation to their individual curriculum can be appropriately assessed and intend to place responsibility on the local authority to make, implement and review assessment arrangements in respect of education in a setting other than at a maintained school or PRU.

4.28 Assessment arrangements are to be made, reviewed and revised at the same time as curriculum arrangements. Arrangements must be made with due regard to the Supporting Learner Progression – Assessment guidance.

Learners receiving education in more than one setting

4.29 The 2021 Act provides powers for Welsh Ministers to make regulations regarding provision for learners receiving education in more than one setting. Welsh Ministers will put in place assessment arrangements for these learners, to support their relevant curriculum.

4.30 Development work in respect of the curriculum for these learners is progressing and will be consulted upon in the autumn. Details of assessment arrangement provisions for these learners will be contained within this autumn consultation so that curriculum and assessment arrangements can be considered together.

General provisions: the nature of the assessment arrangements

4.31 The preceding paragraphs set out how the legislative provisions in relation to the making, implementation and review of assessment arrangements will apply to different settings. The next section describes the characteristics of these assessment arrangements that we will prescribe to ensure consistency of approach in supporting learner progression.

No judgement at a set age or point in time

4.32 With the removal of levels and stages the assessment guidance is clear that schools should not undertake specific assessment activities at each progression step to make a judgement about a learner's progression at a set age or point in time.

4.33 The approach to assessment in CfW focuses on practitioners continuously making assessments of how learners are progressing to inform future teaching and learning. This is quite different to the previous approach where assessment was levels-based, at specified points of time. With progression along the continuum, schools and practitioners should use descriptions of learning to develop a wide range of assessment approaches which help determine whether and how progress is being made: specific assessment approaches will depend on the knowledge, skills and experiences being developed and the needs of learners. Schools should not try to break down descriptions of learning into a set of fixed assessment criteria that are used as a tick list as this does not help understand whether learners are making meaningful progress.

4.34 In a distinct move away from the approach to assessment under the current curriculum, the assessment regulations will not require any judgements to be made at a set point in time or in relation to any levels. To reiterate the importance of this, we will be updating the Assessment for Learner Progression guidance to make it clear that schools and settings should not be using the descriptions of learning to undertake specific assessment activities at each progression step, to make a judgement about a learner's progression at a set age or point in time. Instead, assessment will be continuous and part of everyday practice.

4.35 When a learner enters a school at any point, the school should ensure they understand where they are in their learning and the progression they have made to date. This understanding should be used to identify the learner's starting point and how the school can best move learning forward.

4.36 Reflecting on a learner's progress over time will enable practitioners to provide feedback and help plan their future learning, including any interventions, additional support or challenge which may be required. This should include both immediate next steps and longer-term objectives and goals that the learner should work towards to help keep them moving forward in their learning, this can be used as a basis for communicating and engaging with parents/carers.

Assessment Embedded into day-to-day practice

4.37 Assessment arrangements are intended to support every learner to progress by facilitating practitioner's understanding of individual learner's needs so they can use that understanding to help plan teaching and learning and the next steps in learners' progression. Assessment arrangements are intended to develop a holistic picture of the learner and to build this picture, assessment needs to be an ongoing process embedded into day-to-day practice, in a way that is indistinguishable from teaching and learning.

4.38 As such we will require that assessment is an ongoing, continuous process, where learners are assessed throughout the year. Our guidance will advise that this is achieved by embedding assessment into day to day practice in such a way that assessment is indistinguishable from teaching and learning, but with a focus on the progress and progression needs of individual learners. Ongoing assessment allows practitioners to understand and support learner's progress in relation to the adopted curriculum and this information can then be used to fulfil duties in respect of the review and revision of curriculum and associated assessment arrangements.

Arrangements Appropriate for all Learners

4.39 Curriculum for Wales is a learner focused, inclusive curriculum which necessitates the design of curricula that are suitable for all learners of different ages, abilities and aptitudes. A fundamental principle of assessment arrangements therefore, is that they should support progression of all learners in line with progression as articulated within the Progression Code. It is essential individual learners, their needs, strengths and areas for improvement are taken into account when designing assessment arrangements and embedding assessment practice into teaching and learning.

4.40 Therefore to ensure equity for all learners and that all learners are supported to progress through the curriculum, the relevant person, when making, implementing and reviewing their assessment arrangements must ensure that they are appropriate for the needs of all learners including the diverse needs of individual learners.

4.41 The requirement that the assessments arrangements are suitable for all learners of different ages, abilities and aptitudes means the relevant person must ensure that when considering assessment arrangements, Individual Development Plans (IDPs) and their individual curriculum requirements are taken account of.

4.42 Where the curriculum implementation requirements of a learner are modified by virtue of powers under the Additional Learning Needs and Education Tribunals (Wales) Act 2018 (ALN Act), assessment arrangements need to be made that support the progression of the learner in line with their modified curriculum, and as detailed in their IDP.

Assessment on entry to education

4.43 Currently the National Curriculum makes provision for a baseline assessment to be undertaken within 6 weeks of a pupil entering education at their compulsory age (the term after the child turns 5). As the CfW spans 3-16 continuum, and acknowledging that in the early-years children enter into education, whether maintained or otherwise, at various points along that continuum, we are proposing to require a relevant person to be responsible for ensuring that an “on entry assessment” is undertaken for each learner or child when they are registered at a school or setting and take up their education offer.

4.44 The intention of the on entry assessment is to gain an understanding of a learner’s needs, making the first step towards developing an understanding of a learner in considering their strengths, areas of improvement and where more focus or support is needed, with the intention of using this information to tailor teaching and learning to ensure and support progress for that learner.

4.45 Given the importance that CfW places on the learning continuum and the holistic needs of learners, this assessment should not only happen on entry to compulsory school age education, as is now the case, but should also ensure a practitioner can assess where a child is in respect of the 3-16 continuum at any point on entry to a school or setting. By this we mean when a child or learner is first registered and begins their education at a new setting or school, whether at the beginning of the year or part way through the year. It is therefore intended that these on entry assessments happen when a learner:

- a) Is first registered and enters a funded non-maintained setting whether for the first time or from another setting;
- b) Is first registered and enters nursery at a maintained nursery school, this could either be in line with current entry requirements for school admissions i.e. term after their third birthday or if they were to secure a place at a maintained nursery part way through the academic year either from a setting or from another school or from home i.e. brand new to education;
- c) Is first registered at a school during reception year;
- d) Is first registered at a school on reaching compulsory school age;
- e) Is first registered in a school during the school year from another school;
- f) Is first registered in an EOTAs setting including a PRU from a school;
- g) Is registered in a school when returning to a school from an EOTAs including PRU.

4.46 In respect of learners transitioning from primary to secondary school we believe that arrangements put in place under the requirements of transition plans should provide sufficient information in respect of each learner to assess individual learner needs and next steps in learning as they begin secondary school.

4.47 We believe it is right to give responsibility to the school or setting to determine the nature and detail of on entry assessment aligned to their adopted curriculum, whether that is by taking an observational/formative or summative approach. However all on entry assessments should assess progress of the learner in respect of:-

- Numeracy and Literacy skills and abilities; and
- Well-being abilities, to include physical, social and emotional development.

Section 57 - Promoting and maintaining understanding of progression

5 Progression is a fundamental aspect upon which schools' curriculum, and therefore assessment arrangements, are designed and planned. CfW places responsibility upon individual schools to design their own local curriculum with discretion at a school level around the topics and content of learning, we therefore need to ensure that there is equity for learners across Wales in the education they receive and a level of consistency for learners in terms of their progression.

5.1 To enable this equity we consider that it is important for schools and settings to have a shared understanding of progression, including the expectations around what progression may look like and the pace at which learners may progress, and that this should be taken account of when a school designs and delivers their individual curriculum.

5.2 We consider that this shared understanding of progression should be developed through both professional learning and as an ongoing process of which professional dialogue is a fundamental aspect. We recognise that professional dialogue can provide opportunities for leaders and practitioners to share and reflect on the impact of their school curriculum, their experiences of the learning process and of supporting all learners to progress.

5.3 Section 57 provides the power for the Welsh Ministers to issue a Direction for a relevant person (as defined by section 56 of the 2021 Act) to take specified steps with the view to promoting and maintaining understanding of progression in the context of their adopted curriculum.

5.4 We therefore intend to issue a Direction under section 57 of the 2021 Act which will direct the relevant person in a school/setting to make arrangements and to take all necessary steps to put in place those arrangements **within** a school/setting to develop a shared understanding of progression. By arrangements we mean the practical administrative preparations needed to enable the professional dialogue to take place, this could include such things as policies, processes, systems, plans and schedules of meetings. These arrangements must identify and support staff responsible for teaching and learning within a school and setting to be able to take part in the dialogue, recognising that their integral role in supporting learner progression.

The Direction will be for:

- the head teacher and governing body of maintained schools,
- providers of funded non-maintained nursery education,
- the teacher in charge and/or management committee of a PRU
- the Local Authority in the case of other providers of education other than at school (EOTAS)

5.5 Given the breadth of the curriculum and in recognition that to develop a proper understanding of progression, opportunity must be given to practitioners to discuss a subject or topic on more than one occasion, we will be seeking to direct that the arrangements for developing a shared understanding of progression support regular ongoing dialogue but that as a minimum this would occur once a term. Furthermore, the full breadth of the curriculum within the school/setting, should be covered within a period of time not exceeding three school years. We consider the three year period to be the maximum period of review within which the full breadth of the curriculum must be discussed.

5.6 In line with the concept of subsidiarity and recognising that the relevant persons are best placed to determine the detailed operation and structure to support this professional dialogue, we will not be making detailed requirements about the process, however, we will be setting out in guidance best practice and key considerations for those responsible when establishing these arrangements.

Shared understanding of progression across schools

5.7 To ensure equity for learners across the curriculum a shared understanding of progression, supported by professional dialogue, is also needed between schools and settings. We therefore also intend to direct that the relevant persons (as defined by section 56 of the 2021 Act) put in place arrangements **across** schools and settings to develop a shared understanding of progression.

5.8 To overcome the risk that certain groups of settings within a region or area may develop a shared understanding of progression which does not align with the national expectations for learners' progress throughout the continuum of learning we want this professional dialogue to extend beyond "school clusters", by this we mean a secondary school and its feeder primary schools, and that discussions across schools and settings are held at least termly.

5.9 We therefore intend to direct head teachers and governing bodies of maintained schools that they must, when establishing the arrangements for a shared understanding of progression across settings, ensure that these processes enable the following as a minimum:

- a. Secondary schools must belong to at least one other group which includes another secondary school.
- b. Primary schools to collaborate with relevant funded non-maintained nursery settings (FNNS), and
- c. Primary and secondary schools to collaborate with PRUs and other EOTAS providers within their local authority or with whom they have relationships with due to learners moving between them or being dual registered.

Exceptions to Developing a Shared understanding of progression

Funded non-maintained settings (FNNS)

5.10 We recognise that placing a requirement on FNNS through the Direction to develop, embed and maintain processes **across** FNNS and with schools would potentially place legally burdensome requirements upon FNNS which they could struggle to deliver. We also recognise that some settings have multiple primary schools into which they feed and it would be impractical to require settings to establish processes to develop a shared understanding of progression with each of their related primary schools. We also recognise the cost implications of requiring such a process to be maintained. We will therefore be looking to place the requirement to engage on the head teacher and the governing body of maintained schools and maintained nursery school to try and ensure these relationships are established and opportunities to collaborate with FNNS are progressed. We recognise it would not be appropriate to place the same requirements on the provider of a FNNS. Instead we will encourage, through guidance, that processes are established to support professional dialogue across FNNS but particularly with schools into which they feed the majority of their children, to support the progression of children and learners. Therefore, in summary FNNS will not be required by the Direction to collaborate with other settings and/or

schools. However, we will issue guidance that will encourage them to do so where that is possible, particularly when approached by a school/setting.

5.11 We will also support FNNS to make arrangements and to take necessary steps to put in place arrangements for developing a shared understanding of progression within their setting. Where a setting chooses to design and adopt a suitable curriculum other than that published by Welsh Ministers, then we will make this a requirement.

PRUs

5.12 Given that the 2021 Act places different requirements on a PRU in respect of the development of a curriculum for a unit and in recognition of the crucial role these settings afford some of the most vulnerable young people to access learning in a range of settings, and the flexibility these settings must offer their pupils, we feel it is appropriate to require that PRUs come together to develop a shared understanding of progression. To ensure that learners in a unit have the opportunity to progress in such a way that facilitates transition back to a mainstream school, we feel it is also appropriate that PRUs engage with any relevant primary/secondary schools with whom they have pupils transitioning between.

5.13 We therefore intend to direct the teacher in charge and management committee of a PRU to put arrangements in place and to take all necessary steps to put them in place to enable practitioners from **across** PRUs to engage in professional dialogue to support a shared understanding of progression, and to also engage with any relevant primary/secondary schools for this purpose.

Other EOTAS providers other than PRU

5.14 In recognition of the very different types of providers of EOTAs other than PRU and in recognition that curriculum requirements under sections 53-55 of the 2021 Act focus on the individual child, we consider it unreasonable and of limited benefit to require a process be embedded to establish a shared understanding of progression across these settings. However, we will be seeking to encourage local authorities, through guidance, to establish processes which facilitate the engagement and involvement of these EOTAs settings with primary, secondary or PRU settings with whom they have relationships due to the movement of pupils between them.

Guidance

5.15 Welsh Ministers will issue guidance to support this process under the general duty outlined in section 71 of the 2021 Act. The head teachers and governing bodies of schools and, where appropriate, local authorities will have to have regard to its content.

5.16 The guidance will provide further context to the process of developing a shared understanding of progression within and between schools/settings. It will emphasise the importance of professional dialogue for leaders and practitioners to share and reflect on their understanding of progression in order to consider the impact of their school curriculum, their experiences of the learning process and of supporting all learners to progress.

5.17 The guidance will clarify the relationship between this process and the wider school approach to continuous improvement. Schools will be advised to take account of the insight and understanding gained as a result of this professional dialogue to inform their self-evaluation process as well as the review of their school curriculum and assessment

arrangements. The guidance will also provide advice about the most useful inputs and evidence to support discussions between practitioners within and between schools and will also clarify the important role that local authorities and Consortia could play in supporting this process, ensuring that all practitioners have opportunity to participate in meaningful professional dialogue.

5.18 Recognising that this is a brand new process and that developing a thorough understanding of progression will take time we will look to support professional practice through guidance which will:

- Expand further regarding good practice on the content and frequency of the professional dialogue to develop an understanding of progression (including ensuring proportionate approaches for the smallest schools)
- Explain the relationship between professional dialogue to develop an understanding of progression, the progression code and curriculum design and review, including use of the output from professional dialogue.
- set out the type of things that should be considered during the professional dialogue for example reflecting on how their school has designed its curriculum and assessment arrangements to reflect the principles of progression, guided by the descriptions of learning and the impact this has had upon teaching
- Encourage schools to engage with schools and settings beyond their usual clusters (to support the development of practitioners' understanding of progression across the 3-16 continuum of learning and provide coherence and consistency of expectations for learners who are educated across more than one setting or are transitioning between different settings.
- Provide advice on ensuring relevant staff are able to participate in the process to develop an understanding of progression.
- Advise on how schools/settings can ensure that the understanding gained from discussions is reflected in the development and refinement of daily practice.
- Advise on how schools/settings can ensure the outcomes of the discussions are reflected in the overall considerations of a learner's progress and influence the feedback to parents during reporting.

Legislation on transition and reporting to parents to align with the new assessment arrangements and the ethos of the Curriculum for Wales

6 Moving from primary to secondary school is a key milestone in a learner's journey and being adequately supported to make this transition is important for all learners.

6.1 Transition from primary to secondary school is currently legislated for in the *Requirement for the production of Transition Plans and guidance 2006 SI* and the [Transition from Primary to Secondary School \(Wales\) Regulations 2006](#). These regulations set out that a governing body of a maintained secondary school and the governing bodies of the feeder primary schools must jointly draw up a plan to facilitate transition of pupils from primary to secondary school and detail the requirements for preparing and maintenance of transition plans, including details on what they must cover, when they should be reviewed/amended and general requirements in respect of publication etc.

6.2 The requirement to draw up a plan is placed on the governing bodies of community, voluntary and foundation secondary schools and their corresponding feeder primary schools. The regulations specify that plans only have to be drawn up where there is an established and ongoing relationship between a primary school and a particular secondary school founded on the majority of the Year 6 cohort from the primary school transferring to

that particular secondary school. This sets the current minimum legal requirement but in recognition that a primary school will have children transitioning to a number of secondary schools outside this minimum requirement and who themselves may not be a feeder school, guidance encourages voluntary arrangements to support transition planning.

6.3 There is also an exception in respect of small rural schools where the total number of registered pupils for foundation phase and key stage two is below 50 or below 32 for key stage two only. These schools, whilst limited, are encouraged to enter into voluntary planning arrangements to support transition.

6.4 All schools already have transition plans in place but the focus of these will be on the transition and continuity of curriculum planning, teaching and learning based on the existing curriculum.

6.5 We believe that in order to ensure continuity of learning and continued appropriate and supported progression for learners between primary and secondary school planning for effective transition is crucial in the new curriculum – particularly given the importance of the learning continuum. However existing plans do not provide for the necessary considerations in respect of a holistic and learner centred approach to progression including well-being nor of continuity of learning required to support the delivery of the CfW framework.

6.6 In recognition that good health and well-being is essential to enable successful learning, we also want to ensure the well-being of learners and their individual needs are an integral part of the transition process in the future; particularly with the disruption caused to so many learners' education and the mental and emotional well-being impacts caused by the COVID-19 pandemic.

6.7 We therefore intend to put in place a legal duty on the governing body of a secondary school and the governing body of their feeder primary schools to put in place new transition plans which are developed for transition of learners from primary to secondary school under CfW. This should take account of continuity of learning, how that will be supported through teaching and learning when being developed, plans should take account of how schools will consider and support the individual progress of a learner and their mental health and emotional well-being.

6.8 As with the current arrangements, whilst the secondary school will hold one single transition plan, we expect that plan should contain provision for any one or more feeder primary schools where that differs to the provision for the other feeder primary schools i.e. the plan must take account of, and accommodate, the different provisions amongst its feeder primary schools.

6.9 We do not consider that there is any need to change who the requirements of Transition Plans apply. We therefore intend that duties to make Transition Plans in respect of CfW will continue to be placed on community, voluntary and foundation secondary schools and their feeder primary school(s) - as defined in existing legislation.

6.10 Given that the Curriculum for Wales will be implemented from September 2022, with the first cohort of year 6 pupils transitioning to year 7 under the new curriculum in September 2023, we are seeking that these new plans are legislated for and drawn up ahead of the 2022/23 academic year. In doing so, it is intended that curriculum design and implementation can support continuity of learning for this first, and subsequent cohort of year 6 pupils to effectively transition to year 7.

Matters to be dealt with in Transition Plans

6.11 We intend to require the same basic information to be set out in the Transition Plan in respect of its purpose, who it relates to, the first cohort of pupils to which it applies and the publication date. However we intend to change the matters that must be dealt with in transition plans e.g. the minimum content of the plans.

We want governing bodies to be required to include descriptions of the following in their plans:

- How continuity of learning will be achieved for year 6 pupils moving to year 7, through curriculum design and planning,
- How each individual learner's progression will be supported as they transition from primary to secondary school,
- How each individual learner's needs and mental health and emotional well-being will be considered and supported as they transition from primary to secondary school,
- The information about each learner that should be transferred from the feeder school to the secondary school to support their progression and their mental health and emotional well-being,
- The arrangements for reviewing and monitoring plans for the purpose of
 - o assessing the impact it has had for those learners who have transitioned in respect of delivering continuity of learning and appropriate progression;
 - o how it has facilitated appropriate support for learners, in consideration of their individual mental health and emotional well-being during the process of transition; and
 - o taking account of how transition process might be better managed.
- How schools will co-ordinate and manage the transition of learners from the feeder schools to the secondary schools.

6.12 We recognise that there are implications of these changes for the Common Transfer file and System and we will be exploring this further with policy colleagues to consider the operational impact and whether and further consequential changes to subordinate legislation are required. The requirements for the transfer of pupil's data from one setting to another (Common Transfer File System) are set out in the Pupil Information (Wales) Regulations 2007. We anticipate those regulations will require amendment and will be the subject of a further consultation.

Reviewing the plan

6.13 As school curricula will change and the nature of the relationships between secondary and primary schools change plans should be reviewed to ensure transition arrangements remain up to date with the relevant curricula, are effective and fit for purpose and continue to support effective progression along the learning continuum.

6.14 We intend to keep the same requirements in respect of reviewing transition plans, at least every three years, when a new feeder school becomes part of the plan or when the governing bodies feel it is right to do so. However we also want a review of a transition plan to take place if the curriculum or assessment arrangements of a school, to whom the plan relates, are revised as part of the curriculum and assessment review process. The review of the plan will make sure the plan continues to provide for effective progression and continuity of learning.

Reporting to parents/carers – Currently regulated for under the Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011

7 Engagement with the wider school community, particularly parents and carers, is a fundamental principle of Curriculum for Wales. Parents and those with parental responsibility are a key contributor for schools in developing and delivering the curriculum and are seen as critical to the successful implementation of a curriculum which facilitates learners to realise the four purposes. Not only do they have a role in helping to develop the vision for a school curriculum, but they also play a fundamental role in the curricula being realised, through the support they offer to their children.

7.1 CfW acknowledges the key role a parent/carer plays in supporting learner progression. Communicating effectively with parents/carers on an ongoing basis is an important way to foster positive relationships. This can help aid learner progression by helping parents/carers to develop a clear understanding of how their child is progressing against the schools’ curriculum, which will have been designed to provide for appropriate progression as set out nationally in the Progression Code, their future progression needs and next steps, and how they can support learning and progression within and outside the school environment. It is recognised that this communication needs to be two way to achieve maximum effect and therefore schools should develop and implement processes to support effective two-way communication with parents and carers.

7.2 Communicating effectively is also important in providing assurances to parents and carers in respect of their learner’s progress, the delivery of the curriculum and the support or challenge being offered to learners to support their next steps in learning.

7.3 Currently legislation only requires schools to communicate with parents/carers and adult pupils by way of an end year written report. The [**Head Teacher’s Report to Parents and Adult Pupils \(Wales\) Regulations 2011**](#) regulations require head teachers of maintained schools to make a written report available to parents/carers of each pupil registered at the school, and to adult pupils; or if the head teacher considers there to be special circumstances, to the parent / carer of each adult pupil.

7.4 The information that must be provided in these written reports focuses on the educational achievements of learners, the assessment of a learner’s attainment against the level descriptors in the current key stages and a brief account of the learner’s progression.

7.5 Whilst recognising that a formal written report is important to many parents/ carers and adult pupils, this narrow focus on one aspect of communicating a learner’s progression does not really support the effective two way communication and engagement envisaged for CfW and supporting individual learner progression.

7.6 Given that many of the provisions within the **Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011 (“the 2011 Regulations”)**, which specifically refer to the existing curriculum such as level and key stages, will become redundant under the new curriculum we want to update these regulations, for learners who will be transitioning to CfW, with provisions that support a more dynamic approach to providing information to parents, carers and adult pupils, one which facilitates two way communication and engagement and truly allows the parent/carer/adult pupil to actively play a role in the learner’s progression. Reflecting how Curriculum for Wales is being rolled out, it is likely that the existing 2011 Regulations will continue to apply to those school years not subject to CfW and therefore there will be two sets of regulations dealing with head teacher reports: one which deals only with those pupils subject to CfW and the existing 2011 Regulations

which will continue to apply for schools years not subject to CfW. The following paragraphs detail the changes that we are intending to make in respect of CfW.

7.7 Recognising the benefits of ongoing communication and engagement with parents/carers and adult pupils in respect of progression we want to place a duty on a head teacher to provide information to parents/carers/adult pupils which ensures effective communication of the progression an individual learner is making in relation to the school curriculum. We believe that in order to do this head teachers will need to make appropriate arrangements within their school to support this and they will also need to ensure that the person best placed to understand and communicate information about a learner's progress is able to contribute to this process, this could be a teacher, ALNco¹, an advocate or social worker. These are matters that we intend to cover in guidance to support effective communication and engagement with parents / carers.

7.8 Recognising that schools are responsible for designing their curriculum and associated assessment arrangements to support learner progression, whilst we intend to prescribe the overall detail of the areas we expect to be covered when reporting information, with the exception of qualification and absence information which is nationally set and collected, it will be for schools to determine the exact nature of the information that it will provide reflecting its local circumstances, school curriculum and learner needs. We set out below more of the detail that we want reported back to the parent/ carer or adult pupil:

- a) A brief summary about the overall mental health and emotional well-being of a learner
- b) A brief summary about their progress in learning across the breadth of the curriculum;
- c) Information about future progression needs/next steps for the individual learner required to support their progression;
- d) Brief advice on how parents/carers can support progression;
- e) A brief summary on attainment of qualifications, (where relevant) (this will replicate the existing requirements under 2011 regulations);
- f) A brief summary on learner attendance (this will replicate the existing requirements under 2011 regulations).

7.9 The information provided should be tailored to the individual learner and be focused on supporting their development and progression.

7.10 We also believe that the discussions and outcomes of the processes to be put in place by schools under the section 57 Direction², Shared Understanding of Progression, should be considered as part of the overall considerations of a learner's progress and thus influence the feedback to parents. In the absence of levels and key stages, we believe this will help to provide contextual information to parents/ carers about how their child is doing in relation to others learners in their class/ year-group and the school's expectations of their progression including the pace at which they are progressing. Again we believe this to be a matter of good practice and will provide further details in guidance to support this approach.

Requirements in relation to the timely, accessible and appropriate provision of information

¹ Additional Learning Needs Co-ordinator.

² Direction issued pursuant to section 58 of the 2021 Act.

7.11 To support continuous feedback and develop an effective and ongoing relationship where parents/carers are able to provide support at home, we want schools to provide at least one progress update to parents/carers/adult pupils a term covering the details set out in *para 7.8*. Whilst some schools may choose to provide this update in a written format, we will not be prescribing this, recognising that for other schools different formats may more effectively support progression.

End of Year Summary

7.12 We recognise that at the end of the academic year it will be important for parents/carers/adult pupils and learners themselves to understand the overall progress made across the academic year. Whilst we hope that improved communication and engagement with parents/carers/adult pupils and pupils themselves, will build this understanding throughout the year, we believe it is important for a summary of achievements and progress across the year to be provided along with a summary of next steps and how these will be supported. Again these reports will need to cover the areas detailed in *para 7.8*

7.13 Recognising the timely provision of information is critical to ensuring that parents/ carers and adult pupils have information about learner progression to help provide support and challenge, or to move successfully to their next steps, we will be replicating the timing requirements in respect of the provision of information in the 2011 Regulations (namely regulations 3(7) Head Teacher's End Year Report, regulation 4(2) Additional Information to be made available, and regulation 5(4) School Leaver's report). Similarly, ensuring equity and accessibility of the information reported is important and therefore we are proposing to replicate the content of regulation 7 in respect of the requirements around the translation of information and documents. Ensuring there are appropriate safeguards in place to protect learners from possible harm in relation to the reporting of information are also of critical importance and therefore we will also be replicating the existing requirements in regulation 6 of the 2011 Regulations.

7.14 Best practice shows that providing information in a range of formats, which best meets the needs of parents, delivers better levels of engagement and we will advise that schools have regard to this in guidance. In addition to providing some flexibility about the provision of information we want to provide flexibility to schools in respect of the ways that the information is provided/communicated. Currently regulations only require that a written report is provided however we want schools to be able to provide information and communicate in a range of ways, most appropriate to the school environment and the parents/carer/adult pupil. We do not propose to require this in regulations, as having to provide reports in multiple different formats would be disproportionate. Instead, our guidance will cover that when establishing processes/arrangements for reporting information head teachers must try, where possible, to take account of the needs of parents in respect of language, literacy abilities, access to IT etc. and this could include considering reporting information in a different format such as through pupil progress review meetings, telephone calls etc.

School Leaver's Report

7.15 The current legislation makes provision about providing information to a school leaver who leaves school after they have passed compulsory school age (16 years of age). A head teacher must provide a summary report of achievements and attainment of the pupil's final year by the 30 September following the end of the school year the pupil left the school. We intend to keep replicate the requirements in the 2011 Regulations recognising the Schools

Leaver's report can provide important information to support transition into further learning, training or employment.