



Department  
for Education

# **Primary school pupil assessment: Rochford Review recommendations**

**Equalities impact assessment**

**September 2017**

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## Introduction

This government has high aspirations for all pupils, regardless of their background or attainment on entry to school. We want to ensure that the progress and attainment of all pupils is assessed effectively. That is why we asked Diane Rochford to lead an independent review of assessment for pupils working below the standard of national curriculum tests.

In December 2015, the Rochford Review published recommendations for an interim statutory solution to assess pupils working below the standard of national curriculum tests who are not assessed using Performance Scales (P scales). The government used this solution in developing the interim pre-key stage standards first used in the 2015 to 2016 academic year.

The Rochford Review's [final report](#) was published in October 2016 and made a series of recommendations. These included: the removal of the statutory requirement to use P scales to assess pupils with special educational needs and disabilities (SEND) who are working below the standard of national curriculum tests; that the interim pre-key stage standards are made permanent and extended to include all pupils engaged in subject-specific learning; and that statutory assessment for pupils who are not engaged in subject-specific learning should be limited to the 7 areas of engagement for cognition and learning.

The government consultation '[Primary school pupil assessment: Rochford Review recommendations](#)' sought views on these recommendations to ensure that the future primary assessment system for pupils working below the standard of national curriculum tests is effective, and enables these pupils to progress onto mainstream statutory assessment if and when they are ready. That consultation closed on 22 June, and 594 responses were received from a range of stakeholders and representative organisations.

We have set out the government's response to all of the Rochford Review recommendations. In most cases, we have accepted the Review's recommendations, with the exception of the recommendations made on assessing pupils not engaged in subject-specific learning, where we will pilot the approach recommended by the Rochford Review before taking any final decisions.

This document is an assessment, pursuant to the public sector equality duty, of the potential impact of the proposals set out in the Rochford Review final report.

It also considers groups of children that are not covered specifically by the Equality Act, but are shown to be over represented among pupils working below the standard of national curriculum tests. These include some pupils with SEND and pupils with English as an additional language (EAL). It is important to assess how the changes allow equality of opportunity for these groups, and to ensure that the difficulties they can face are not unnecessarily compounded.

## The public sector equality duty

The Equality Act 2010 identifies the following as protected characteristics for the public sector equality duty:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race (including ethnicity)
- religion or belief
- sex
- sexual orientation

Under Section 149 of the Equality Act 2010, the Secretary of State is under a duty to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, in particular the need to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
  - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, in particular the need to:
  - tackle prejudice
  - promote understanding

## Consideration of the protected characteristics identified in the Equality Act 2010

As part of our consultation on the recommendations of the Rochford Review, we asked whether any of the proposals could have a disproportionately negative impact on pupils with protected characteristics, and if so, what could be done to mitigate this.

This document sets out our response to the relevant points raised during the consultation and our assessment of the impact of the proposals with regard to the protected characteristics identified in the Equality Act 2010.

The relevant protected characteristics under consideration are age, disability, race and gender. Other characteristics such as gender reassignment, marital status, pregnancy and maternity are not considered relevant to primary school children, and therefore do not form part of this analysis. We received no responses relating to religion or belief, or sexual orientation in the consultation and have not been made aware of any evidence indicating that the Rochford proposals would differentially affect these characteristics. We do not believe there to be any direct impact on these protected characteristics as a consequence of our proposals. We will continue to monitor this throughout the implementation of those proposals.

The statutory assessment system for pupils working below the standard of national curriculum tests in England is set out in the government's response to the consultation on the Rochford Review. It will enable us to establish an appropriate means of assessment that allows these pupils to progress to the mainstream forms of statutory assessment if and when they are ready. This will advance equality of opportunity for all.

The group of pupils working below the standard of national curriculum tests is diverse, however it is characterised by a disproportionate number of pupils with SEND, pupils from disadvantaged backgrounds, and pupils with EAL. Our initial assessment of our policy proposals in light of the Rochford Review recommendations, is that many of them will impact positively on pupils with protected characteristics, and this is the intention behind them.

Where respondents to the consultation thought that there was a risk of adverse impact, principal concerns included the proposals being sufficiently aspirational for pupils working below the standard of national curriculum tests, and the risk of isolating children not engaged in subject-specific learning. Where there are risks that there may be some negative impact from these proposals for people with protected characteristics, we have set out below how we plan to mitigate these.

## Engagement and involvement

The Department for Education and the Standards and Testing Agency consult a wide range of external stakeholders as policy is developed and implemented. In addition, this impact assessment has been informed by responses to the public government consultation 'Primary school pupil assessment: Rochford Review recommendations,' which ran between 30 March and 22 June 2017. This attracted 594 responses from a wide range of sources. In addition, we have engaged with the following stakeholders, amongst others:

### SEND organisations and experts

- British Dyslexia Association
- Council for Disabled Children
- Driver Youth Trust
- National Association for Special Educational Needs (NASEN)
- Special Educational Consortium
- Professor Barry Carpenter

### Schools

- Practising headteachers and teachers
- Practising special educational needs coordinators (SENCOs)

### Teaching unions

- Association of School and College Leaders (ASCL)
- Association of Teachers and Lecturers (ATL)
- National Association of Headteachers (NAHT)
- National Association of Schoolmasters Union of Women Teachers (NASUWT)
- National Union of Teachers (NUT)
- Voice

In addition:

- Ofqual
- Local authority representatives
- Members of the Rochford Review group

We have also carried out a review of relevant literature, as referenced within this document.

# Inclusive assessment

## Policy background

The progress made by pupils during primary school is measured through statutory national curriculum assessments, including national curriculum tests and teacher assessments. At the end of key stage 2, around 3% of pupils nationally are typically working below the standard of national curriculum tests (this rises to approximately 6% in the case of English writing).<sup>1</sup> As a result, these pupils cannot be assessed using mainstream national curriculum assessments. Instead, these pupils are currently assessed using P scales (from P1 to P8) or using the interim pre-key stage standards. This section refers to those pupils who are currently assessed using P scales, but are engaged in subject-specific learning.<sup>2</sup> P4 is the entry point for subject specific learning, and P5 to 8 are subject-specific.

We agree with the Rochford Review that P scales are no longer fit for purpose. As they are based on the pre-2014 national curriculum, they do not support pupils to progress onto the new national curriculum. In addition, they replicate the old system of levels, which over time came to dominate teaching, and prioritised pace over consolidation. We will therefore remove the requirement to assess pupils engaged in subject-specific learning using P scales from the 2018 to 2019 academic year onwards, once we have amended the relevant legislation.

We recognise that a number of consultation respondents were concerned that the removal of P scales would result in the loss of a common framework and language in terms of how the progression of pupils working below the standard is measured and described, both across settings, and when discussing pupil performance with parents. In the case of pupils who are currently assessed using P scales and who are engaged in subject-specific learning, we believe that the interim pre-key stage standards will provide this consistent approach and common language to measuring and describing attainment and progress. Sixty-five per cent of respondents to the consultation agreed that the pre-key stage standards are clear and easy to understand.

We have therefore accepted the Review's recommendation that the interim pre-key stage standards should be made permanent and extended to cover all pupils engaged in subject-specific learning. To give schools adequate time to prepare for these changes,

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<sup>1</sup> <https://www.gov.uk/government/statistics/national-curriculum-assessments-key-stage-2-2016-revised>.

<sup>2</sup> This section refers to Rochford Review recommendations 1 and 2.

R1. The removal of the statutory requirement to assess pupils using P scales.

R2. The interim pre-key stage standards for pupils working below the standard of national curriculum tests are made permanent and extended to include all pupils engaged in subject-specific learning.

and to amend the relevant legislation, this recommendation will also take effect from the 2018 to 2019 academic year onwards.

## Equalities analysis

Some respondents to the consultation expressed concerns that, without P scales, pupils working below the standard of national curriculum tests would not be able to demonstrate progress. It was felt that P scales enable tracking of small steps, such as those that pupils with complex SEND might make. Other concerns we heard about removing P scales included that they arguably bring a level of objectivity to the assessment of children who have learning difficulties of a sufficient severity that their academic achievement cannot be measured using the national curriculum.<sup>3</sup> However we also heard concerns that, as P scales relate to the pre-2014 national curriculum and they do not align with current national curriculum assessments, they do not support inclusive assessment.

Following the removal of P scales, pupils engaged in subject-specific learning will be able to demonstrate progress through the interim pre-key stage standards, which set out a clear, linear attainment framework. The pre-key stage standards map directly onto the teacher assessment frameworks used to assess the national curriculum. This will create a cohesive journey for pupils to progress from working below the standard of national curriculum tests, to working at the standard of national curriculum assessments, creating a more inclusive statutory assessment system. The interim pre-key stage standards will be reviewed in autumn 2017, taking on board feedback from the consultation, to ensure that they are appropriately granular to enable pupils to demonstrate progress. We will carefully consider the results of this work from an equalities perspective.

It is important that our assessment system for pupils working below the standard of national curriculum tests is fully aligned with the statutory assessment system for pupils who are working at the standard of national curriculum tests, as far as is possible, to support progression. To ensure this consistency, the pre-key stage standards for the assessment of English writing will adopt a more flexible approach from the 2017 to 2018 academic year onwards, mirroring writing teacher assessment arrangements for those pupils who are working at the standard of national curriculum tests.<sup>4</sup> This is in recognition of the fact that the assessment of writing warrants a different approach to the

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<sup>3</sup> Ndaji, F and Tymms, P (2010) The P-scales: how well are they working? *British Journal of Special Education* Vol. 37 No. 4 pp.198-208.

<sup>4</sup> The interim pre-key stage standards in writing have been reviewed to reflect changes to the mainstream teacher assessment frameworks in writing.



assessment of other subjects, due to the creativity involved in pupils demonstrating what they can do, and the subjectivity in assessing this.

Some respondents raised concerns that the interim pre-key stage standards do not provide data on speech and language disorders or communication skills. Some stakeholders have expressed concerns that this means that pupils with speech and language disorders may be less able to demonstrate progress, which could impede the identification of the support these pupils require. This could be significant in settings where there is limited specialist support through experts such as speech and language therapists. This will be considered as we review the interim pre-key stage standards in the autumn, before making them permanent for the 2018 to 2019 academic year. We are, however, clear that despite the interim pre-key stage standards focusing on reading and writing, the ongoing formative assessments that schools make on a day-to-day basis should consider all areas that affect teaching and learning. For some pupils this will include considering their areas of need with regards to speech and language. Schools and teachers should use this information to ensure that all pupils receive the appropriate support to enable them to fulfil their potential.

# Assessment for pupils not engaged in subject-specific learning

## Policy background

There are a small number of pupils whose special educational needs or disabilities are such that they will not be engaged in subject-based learning by the time they reach the end of key stage 1 or 2.<sup>5</sup> The interim pre-key stage standards are subject-specific, and would therefore not be an appropriate tool for assessing these pupils.

The Review recommended that, in order to align with statutory assessment arrangements for those pupils who are working at the standard of national curriculum tests, statutory assessments of pupils working below the standard of national curriculum tests should focus on the areas of cognition and learning.

In line with The Complex Learning Difficulties and Disabilities (CLDD) research project, commissioned by the department and published in 2011, the Rochford Review found that early development in cognition and learning centres on a range of skills that enable pupils to engage in learning situations and on their growing ability to seek out or direct learning opportunities autonomously.<sup>6</sup> The Review recommended that schools should have a statutory duty to assess pupils who are not engaged in subject-specific learning against the 7 areas of engagement for cognition and learning identified by the CLDD research project. These are responsiveness, curiosity, discovery, anticipation, persistence, initiation and investigation. These aspects of engagement can be used as an observational framework to monitor the varying ways and degrees in which, a pupil demonstrates attention, interest and involvement in new learning.

It is widely acknowledged that the attainment and progress of pupils with severe or profound and multiple learning difficulties can be inconsistent, presenting an atypical or uneven profile. Each pupil's unique profile of needs can make it very difficult to draw the kind of comparisons with other pupils that make it possible to set age-related

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<sup>5</sup> This section refers to Rochford Review recommendations 3, 4 and 5.

R3. Schools assess pupils' development in all 4 areas of need outlined in the SEND Code of Practice, but statutory assessment for pupils who are not engaged in subject-specific learning should be limited to the area of cognition and learning.

R4. There should be a statutory duty to assess pupils not engaged in subject-specific learning against the following 7 aspects of cognition and learning and report this to parents and carers: responsiveness; curiosity; discovery; anticipation; persistence; initiation; and investigation.

R5. Following recommendation 4, schools should decide their own approach to making these assessments, according to the curriculum that they use and the needs of their pupils.

<sup>6</sup> [http://complexld.ssatrust.org.uk/uploads/CLDD%20research%20project%20\(Final\)%20Exec%20sum.pdf](http://complexld.ssatrust.org.uk/uploads/CLDD%20research%20project%20(Final)%20Exec%20sum.pdf).

expectations for attainment. The Review concluded that the non-linear nature of development of some of the conditions affecting pupils not engaged in subject-specific learning is also incompatible with the linear nature of P scales and the pre-key stage standards. In some cases, a characteristic of the pupil's disability may cause specific elements in the P scales to be more challenging than others. Other pupils may have degenerative conditions, while others may experience prolonged periods of poor health, or be subject to changes in their medication that could affect their performance.

It is important that these pupils have the opportunity to demonstrate both attainment and progress, and that the way we measure their progress accounts for potential differences in the way these pupils learn. The Review felt that statutory assessment for these pupils should not focus on pre-defined criteria outlining what the pupil should be able to do at the end of the key stage, instead it should be tailored to the individual's needs and unique profile of learning difficulties, whilst also allowing pupils to transfer onto the national curriculum if and when they are ready. The Review therefore recommended that schools should be free to fulfil their statutory duty to assess each pupil against the 7 areas of cognition and learning in the way that best reflects the individual needs of the pupil and the curriculum they follow.

## Equalities analysis

Some respondents favoured the removal of P scales, criticising their prescriptive, 'one size fits all,' linear approach. The population with special needs is particularly diverse, even among pupils with similar needs.<sup>7</sup> The population is also complex, with many children having multiple disabilities – physical as well as cognitive and behavioural – which need to be accommodated. A number of respondents felt that these complexities, and the difficulty of accounting for them in analysis, means that progress is often less predictable than in the population at large, and makes a non-linear approach, as in the 7 areas of engagement, a better measure for monitoring progress and celebrating achievements.

However, a number of respondents, including some representative organisations, have expressed concerns about us introducing a statutory requirement to assess pupils against the 7 areas of engagement, given that it was not originally designed as a statutory assessment tool, and it is relatively untested in its proposed form. Concerns have also been raised by some respondents about whether the model assesses the appropriate aspects of cognition and learning.

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<sup>7</sup> Daniels, H and Porter, J (2007) Learning needs & difficulties among children of primary school age: Definition, identification, provision and issues. Primary Review Research Survey 5/2.

We have therefore set out in the government response that we will pilot the Review's recommended approach to assessing pupils not engaged in subject-specific learning in the 2017 to 2018 academic year, before taking any final decisions on whether to implement this approach on a statutory basis. The pilot will enable us to fully evaluate the suitability of the 7 areas of engagement as a statutory assessment tool, including considering the impact of the model on pupils with protected characteristics. Any changes made following the pilot would take effect from the 2019 to 2020 academic year onwards, following amendment of the relevant legislation. We will carefully consider the results of the pilot from an equalities perspective before making any policy decisions. In the meantime, schools should continue to assess pupils not engaged in subject-specific learning using the P scales.

# Reporting assessment data

## Policy background

Schools currently have a statutory duty to submit P scale data to the department and this data is made available at national level only. Once the use of P scales has been made non-statutory, this duty will cease.<sup>8</sup> Whilst schools will have a statutory duty to report judgements against the pre-key stage standards for pupils engaged in subject-specific learning, the Rochford Review recommended that schools should not be required to submit the data they collect for pupils not yet engaged in subject-specific learning when assessing them against the 7 areas of engagement.

This is because a specific reporting format would require a specific form of assessment, which goes against the Review's recommendation that schools should be free to assess these pupils in a way that is appropriate for the needs that they have and the curriculum that they follow.

As set out above, we will pilot the 7 areas of engagement in the 2017 to 2018 academic year. Decisions about the reporting of assessment data for pupils not engaged in subject-specific learning will be taken following this pilot.

## Equalities analysis

Some responses to the equalities questions in the consultation expressed concerns that changing the reporting duties of schools for this pupil group would disadvantage pupils with the most complex special educational needs and disabilities. Those respondents who expressed concerns felt that implementing this recommendation would reduce accountability for these pupils, and that there should be consistency in the data collected across all pupils.

One of the Rochford Review's guiding principles was that equality is not always about inclusion. Sometimes equality is about altering the approach according to the needs of the pupils. While an inclusive approach to assessment is desirable where it is both feasible and valuable, it is equally true that the fairest and most positive way to provide for some children is to use a different approach.

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<sup>8</sup> This section refers to Rochford Review recommendation 9.

R9 - There should be no requirement to submit assessment data on the seven areas of cognition and learning to the Department for Education, but schools must be able to provide evidence to support a dialogue with parents and carers, inspectors, regional schools commissioners, local authorities, school governors and those engaged in peer review to ensure robust and effective accountability.

As set out in the government response, we will take a final decision on whether or not to accept the Review's recommended approach to assessing these pupils once we have piloted their suggested model, the 7 areas of engagement for cognition and learning. The pilot will consider whether schools should have a greater degree of flexibility over how they assess pupils who are not engaged in subject-specific learning, as well as the extent to which the Review's recommended approach provides information that is able to robustly evidence pupil progress. Following completion of the pilot, we will determine what, if any, assessment data will be collected by the department on pupils not engaged in subject-specific learning. Through this pilot we will carefully consider the equalities implications of the Review's recommendation around collecting assessment data.

However, if we were to implement the 7 areas of engagement on a statutory basis, assessment against these 7 areas would still provide information to support accountability for the work schools do with these pupils. The absence of a prescribed approach to assessment would not mean that accountability is any less important for these pupils, it would simply mean that schools would need to be held to account in a different way. Schools would be expected to provide evidence when required and must continue to meet their statutory duty to report to parents and carers. This could take the form of dialogue between parents, carers, schools, and those working with them, such as Ofsted inspectors, local authorities, regional school commissioners and governors. These discussions could cover the variety of ways in which these pupils make progress and should be supported by a range of evidence that underpins teachers' judgements about their pupils.

It is also important to note that these pupils would be able to progress to the pre-key stage standards if and when they start to engage in subject-specific learning.

# Implementation

## Policy background

The Rochford Review made a number of recommendations on the implementation of changes to assessment arrangements for pupils working below the standard of national curriculum tests.<sup>9</sup> These include the recommendation that initial teacher training (ITT) and continuing professional development (CPD) should facilitate greater understanding of how to assess pupils working below the standard of the national curriculum tests, and that schools should work collaboratively to share expertise and good practice on assessment of these pupils.

As part of our commitment to strengthen how new teachers are trained, in July 2016 we published the new framework of core content for ITT.<sup>10</sup> Standard 5 within this framework details how to *'adapt teaching to respond to the strengths and needs of all pupils'* and therefore contributes towards taking forward the Review's recommendations regarding ITT.

The Review also recommended that schools should actively seek to collaborate and share their expertise and practice in assessing pupils working below the standard of national curriculum tests. There should be a sense of responsibility to both share and seek out examples of good practice. The government will support a culture within the profession that constantly seeks to improve, uses evidence, and stays ahead of the curve by supporting developments such as the Chartered College of Teaching. Through the chartered college, the teaching profession will drive its own improvements in practice by helping teachers to access high-quality professional development.

We will continue to consider how we can further support and encourage this collaboration.

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<sup>9</sup> This section refers to Rochford Review recommendations 6, 7 and 8.

R6. Initial Teacher Training (ITT) and Continuing Professional Development (CPD) for staff in educational settings should reflect the need for teachers to have a greater understanding of assessing pupils working below the standard of national curriculum tests, including those pupils with SEND who are not engaged in subject-specific learning.

R7. Where there is demonstrable good practice in schools, those schools should actively share their expertise and practice with others. Schools in need of support should actively seek out and create links with those that can help to support them.

R8. Schools should work collaboratively to develop an understanding of good practice in assessing pupils working below the standard of national curriculum tests, particularly across different educational settings. Schools should support this by actively engaging in quality assurance, such as through school governance and peer review.

<sup>10</sup> [A framework of core content for initial teacher training.](#)

## Equalities analysis

There was strong support amongst consultation responses for the Review's recommendations on implementation. A number of responses felt that there should be increased content in ITT on assessing pupils with special educational needs, and many respondents also agreed that there should be greater collaboration between special and mainstream schools.

As set out above, we have strengthened the quality and content of ITT programmes. This will mean that new teachers enter the classroom fully equipped for success with an in-depth subject knowledge, practical behaviour management strategies, a sound understanding of special educational needs, and an ability to use the most up-to-date research on how pupils learn. In addition, we are promoting a culture of high-quality professional development in schools, as well as helping teachers and school leaders to participate in the most effective activities. We will explore the training materials and additional support that could be offered to help teachers have a greater understanding of assessing pupils working below the standard of national curriculum tests.

We believe this will have a positive impact on all pupils, including those with protected characteristics.



# Pupils with English as an additional language (EAL)

## Policy background

There are some pupils who have not completed the relevant key stage programmes of study, and are therefore working below the standard of national curriculum tests because they have English as an additional language (EAL). According to the 2014 schools census, 18.7% of pupils in state-funded primary schools in England have EAL. This proportion is increasing in both primary and secondary schools.<sup>11</sup>

Pupils with EAL can fit a wide range of profiles. Some may be newly-arrived to the country and may have come from difficult circumstances in their home country. Others may always have lived in the UK, but may come from homes where English is not spoken. Others may already be bilingual or multilingual. There is significant diversity in attainment within pupils with EAL, more so than between pupils with EAL and those with English as their first language.<sup>12</sup> The right approach to supporting assessment for all these pupils may be different.

The Rochford Review recommended that further work should be done to consider how schools can best be supported to assess pupils with EAL who are not yet working at the standard of national curriculum tests because they do not speak English as their first language.<sup>13</sup>

The statutory assessment and reporting arrangements (ARAs) set out the process to be followed if a pupil's limited ability to communicate in English means that he or she is unable to access the tests and should not take them. This statutory assessment guidance will be updated to provide further information on assessing pupils with EAL to support teachers in making these judgements.

We also support the work of the Education Endowment Foundation (EEF) who are working in partnership with The Bell Foundation and Philanthropy Unbound to fund trials of different approaches to raising the attainment of pupils who are classed as having EAL and are from socio-economically disadvantaged backgrounds.<sup>14</sup> In addition, The Bell Foundation is separately funding and running a 5 year programme focused on improving outcomes for disadvantaged EAL pupils.<sup>15</sup> The programme includes a project led by EAL

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<sup>11</sup> <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2014>.

<sup>12</sup> Strand, S., Malmberg, L., and Hall, J. (2015). English as an Additional Language (EAL) and educational achievement: An analysis of the National Pupil Database. London: Educational Endowment Foundation.

<sup>13</sup> R10. Further work should be done to consider the best way to support schools with assessing pupils with English as an additional language.

<sup>14</sup> Full details of the projects are available on the EEF website ([educationendowmentfoundation.org.uk](http://educationendowmentfoundation.org.uk)).

<sup>15</sup> Details of this work are available on The Bell Foundation website ([bell-foundation.org.uk](http://bell-foundation.org.uk)).

experts to develop a dedicated national framework for assessing pupils from linguistically diverse backgrounds when they enter school, and activities which aim to build capacity of the EAL teachers in ITT and in schools.

## Equalities analysis

EAL is not a special educational need or disability, and the needs of these two groups of pupils should not be conflated. A review of provision for pupils with EAL indicated that there is often a blurring between SEND and EAL. It showed that the SEND coordinator was often the lead teacher on EAL provision and case studies showed examples of pupils being withdrawn from mainstream classes for additional support, which took place in mixed SEND support groups.<sup>16</sup> This may not be appropriate for meeting the needs of pupils with EAL. Our reforms to ITT will support schools and teachers to provide a differentiated and tailored support programme for pupils with EAL.

However, there can be challenges identifying SEND within pupils with EAL. Genuine SEND could wrongly be assumed to be a problem involved with learning English that will be overcome as the pupil increases their fluency.<sup>17</sup> There is the potential for SEND to be ignored or confused as merely a language problem in pupils with EAL, with issues arising purely from language differences being attributed to SEND, or vice versa. This is particularly true for language or communication-based SEND, such as dyslexia. Some have argued that a 'wait and see approach' is often taken in the classroom regarding pupils with EAL and dyslexia, which undermines the potential for early identification and can delay support.<sup>18</sup>

Evidence from a 2015 systematic review<sup>19</sup> suggests that strategies which aim to teach and improve English language skills, particularly vocabulary and academic vocabulary, in pupils with EAL can result in short and long-term benefits. Other evidence shows that understanding academic language is key to accessing the curriculum.<sup>20</sup> It might be reasonable to expect that the pre-key stage standards, which directly align with the

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<sup>16</sup> Institute of Education (2009). *English as an Additional Language (EAL) provision in schools – 10 case studies*. Institute of Education report produced under contract from the Training and Development Agency for Schools.

<sup>17</sup> Cline, T. & Shamsi, T. (2000). Language needs or special needs? The assessment of learning difficulties in literacy among children learning English as an additional language: a literature review. London: DfEE Research Report 184.

<sup>18</sup> Hutchinson, J.M., Whiteley, H.E., Smith, C.D, & Connors, L. (2004). The Early Identification of Dyslexia: Children with English as an Additional Language. *Dyslexia*, 10, 179-195.

<sup>19</sup> Murphy, V. & Unthiah, A. (2015) A systematic review of intervention research examining English language and literacy development in children with English as an Additional Language (EAL). London: Educational Endowment Foundation.

<sup>20</sup> Cummins, J. (2012). The intersection of cognitive and sociocultural factors in the development of reading comprehension among immigrant students. *Reading and Writing*, 25, 1973-1990.

mainstream teacher assessment frameworks, will better support pupils with EAL to transition onto the national curriculum.

As set out above, in addition to updating statutory assessment guidance to provide further information on assessing pupils with EAL, we will consider whether there is any further guidance that it would be appropriate for us to provide. In addition, we are supporting the work of the Education Endowment Foundation, who are working in partnership with The Bell Foundation and Philanthropy Unbound to fund trials of different approaches to raising the attainment of pupils who are classed as having EAL and are from socio-economically disadvantaged backgrounds. We anticipate that this additional focus will have a positive impact on pupils with EAL.

## Next steps

This document sets out our assessment of the impact of the Rochford Review final report and government consultation response. This assessment is ongoing and further policy work will be undertaken to ensure that any risk of negative impact is mitigated and potential positive impact is maximised as we begin to implement the changes set out in the consultation response.

We will continue to actively identify and consider opportunities to promote equality issues in consultation with key stakeholders with a view to improving equality for all.



Department  
for Education

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