



Children's Rights Impact Assessment (CRIA)

If you are uncertain whether a CRIA is required please refer to Section 7 of [Children's Rights Scheme](#).

Where you remain uncertain if a CRIA is required you should adopt a cautionary approach in favour of completing a CRIA. Guidance and advice on when to complete a CRIA, is available from the Measure Implementation Team at: CRIA@wales.gsi.gov.uk Further advice and information on resources to help inform your assessment is available on the [CRIA Intranet pages](#).

If a CRIA is required you should complete the template below as fully as possible. You should be aware of the following:

- The completed CRIA may be used to evidence Ministerial compliance with the due regard duty under Section 1 of the [Rights of Children and Young Persons \(Wales\) Measure 2011](#).
- In line with the Ministerial CRIA publication commitment, CRIAs are required to be published or made available upon request through the WG CRIA newsletter (see page 2).
- The completed CRIA will be available to any person making a Freedom of Information request and will be publically available.
- The National Assembly for Wales may refer to a completed CRIA when scrutinising Ministerial compliance with the Section 1 duty (above).

Please remember that CRIA is a process. Prior to completing this template, you may wish to start by having a conversation with your team about:

- **who should be involved in developing the CRIA;**
- **what the CRIA should include; and**
- **starting to populate this template at the earliest opportunity.**

You may wish to complete the CRIA over a period of time, returning to consider or reconsider issues as new evidence becomes available and/or a proposal is subject to change.

You may wish to cross-reference to other completed CRIA. Please ask the Measure Implementation Team for examples: CRIA@wales.gsi.gov.uk

Once completed the CRIA should be retained on iShare and a copy forwarded to the Measure Implementation Team for monitoring purposes at: CRIA@wales.gsi.gov.uk



CRIA Template

Policy or Legislation Title:	The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018
Related MA:	MA(L)-KW-0326-17
LF number (if applicable):	as above
Name of person responsible for CRIA:	Rob Knowles
Secretary or Minister responsible:	Kirsty Williams, AM. Cabinet Secretary for Education.
Department:	Education Directorate
Date CRIA initiated:	17 May 2017
Date CRIA completed:	29 June 2017 (draft)

The following sections should be completed in sufficient detail to enable the reader to fully understand the assessment and how these have been reached, including by referring to evidence that has informed the assessment.

You should avoid technical language or jargon.

Please read the guidance at each stage.

When should a CRIA be published?

All fully completed CRIA documents relating to legislation must be published on the Welsh Government website, on the appropriate WG webpage as agreed with your departmental Web Team. This is also the case for subordinate legislation, for example, regulations made under primary legislation.

For all other pieces of work, CRIA titles are listed on our CRIA Newsletter and must be made available upon request. To do this, send your CRIA to our mailbox CRIA@wales.gsi.gov.uk

Choosing to publish your CRIA as a matter of course e.g. alongside a public consultation is good practice and allows for early stakeholder engagement and increased transparency of the process.



Step 1: Describe the proposal

This section is intended to provide a descriptive summary of the proposal to a reader unfamiliar with the background. You should:

- Set the proposal in context, including any reference in the Welsh Government's Programme for Government.
- Briefly explain why the proposal is being introduced making reference to any evidence used to establish the need for policy/legislation (summary information and/or links or references to available data will be sufficient).
- The primary objectives of the proposal and the key mechanisms for achieving those objectives (note: the intended outcomes from the proposal will be described in more detail in Step 2).
- Identify the intended main beneficiaries from the proposal.
- Explain how the proposal links with other existing or intended policy or legislation.
- Explain, if applicable, how the proposal is supported by budgetary allocation.

This draft Children's Rights Impact Assessment (CRIA) relates to **The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018**. The CRIA is published alongside a consultation for these regulations to help inform development of the work. The CRIA will be updated to reflect the outcome of the consultation and any amendments. Full detail related to the proposal is available to view in the consultation document and draft RIA.

In 2015, Professor Donaldson delivered his report, *Successful Futures*, to Welsh Ministers. The report made 68 recommendations to Welsh Ministers, to create a positive change for education in Wales. All recommendations were accepted in full and paved the way for curriculum reform in Wales. Curriculum reform forms a key part of the Programme for Government (*Taking Wales Forward 2016-2021*). Several of the recommendations in *Successful Futures* have direct reference to existing accountability arrangements and offer a different vision for the future, in recognition that the revised curriculum and assessment arrangements will have implications for current approaches. Professor Donaldson makes it clear that issues such as different marking standards between schools means there is limited value in teacher assessment data for school to school comparison.

In July 2017, the Cabinet Secretary for Education therefore announced plans to end the publication of teacher assessment data and the National Reading and Numeracy Test (national tests) data, below the national level. This change marks the first step in addressing Professor Donaldson's recommendations for accountability purposes. The Cabinet Secretary for Education is clear that teacher assessments and tests should not form part of any high stakes accountability system – but instead, that it should be used in the best interest of pupils enabling teachers to adjust teaching strategies to suit individual learner progress. Evidence to support the change was gathered as part of Professor Donaldson's review process. A copy of his independent review, including analyses of the evidence he obtained, is available online [here](#). The main beneficiaries of the proposal are school children, as the proposal seeks to improve learning standards in the main.

The powers for Welsh Ministers to collect, and to amend the means to collect school data come under section 537 of the Education Act 1996. Section 569 of the Act permits Welsh Government to make regulations for this purpose. There are various legislative and non-legislative impacts as a result of the proposal – these are detailed in step 2 below. There is no budgetary allocation for the proposal.



Step 2: Describe and explain the intended outcomes of the proposal, with a focus on children and young people

This section requires a summary of the intended outcomes from the proposal and an explanation of why it is thought the proposal will result in the outcomes described. You are also required to draw attention to the intended outcomes for children, or outcomes likely to affect children.

In this section you should:

- Describe the intended outcomes from the proposal.
- Identify how the intended outcomes will affect the lives of children.
- If relevant, explain how the proposal will affect different groups of children (e.g. children living poverty, children with a disability etc.).
- Identify any positive affect the proposal will have on the lives of children, and explain why this is likely to be an outcome from the proposal.
- Identify any negative affect the proposal will have on the lives of children.
- Explain how resources will be applied to support implementation of the proposal, including budgetary resources if applicable
- Make reference to any evidence that has informed your assessment of the affect of the proposal on the lives of children (both positive and negative outcomes).
- Make reference to any evidence from children or their representatives that has informed your assessment of the affect of the proposal on the lives of children.
- Consider whether any additional evidence is required to inform your assessment.

Ending the publication of teacher assessment data below national level will mean the following data information releases to schools / local authorities will stop:

1. All Wales Core Data Sets containing comparative teacher assessment data; and
2. School Comparative Reports containing teacher assessment and test data.

Because of this, bringing effect to this change of policy requires a change to the law, as there are currently statutory requirements placed upon some people and organisations, such as headteachers and governing bodies, to use All Wales Core Data Sets (AWCDS) and School Comparative Reports in their roles. New regulations have been drafted to ensure the policy change can go ahead, but in brief include:

- Removal of the requirement for governors' annual reports and head teachers' reports to parents to contain the school comparative reports for teacher assessment and test data.
- Removal of the requirement for school prospectus to include school comparative reports for teacher assessment and test data.

- The data training for School Governors will be amended. A new training document will be issued in May 2018.
- School performance targets will no longer rely on data sets and benchmarking data.
- School comparative teacher assessment data, which informs self-evaluation by individual practitioners and at school level for planning, will no longer be available. The guidance for Staff Performance Appraisal and for School Development Plans will be amended.

The policy change has further, non-legislative, impacts. In the main, these are:

- Step 1 of the National School Categorisation System currently relies on data from the data sets. The proposal therefore means Step 1 process will end in primary schools. Secondary schools will not be affected as Key Stage 4 is out of scope. However, a means to review and improve the National School Categorisation System is being considered, potentially strengthening step 2, and improving the process.
- The My Local School website relies on information from data sets and the National School Categorisation System. As a result, this information will no longer be published onto the website once the amending Regulations (the Education (Amendments Relating to Teacher Assessment Information) Regulations 2018) come into force. Parents will still have access to other information about their children's schools, such as the school prospectus from governing bodies and head teachers.
- Estyn will no longer have access to the data sets and comparative information to assist them in inspecting schools, local authorities and consortia. They will of course continue to have access to data for each individual establishment they inspect, as well as comparative information at a national level.

Professor Donaldson argued that the focus of teacher assessment needed to improve. He argues "teacher assessment has the potential to have high validity because it can cover the full breadth of learning, can relate to and be embedded in coursework and can take place on a regular or continuous basis". However, he also goes on to say that "teachers may apply different marking standards, and there may be variations on performance conditions and unconscious bias" such that there can be issues on the reliability of data when compared from different schools. Ending the publication of teacher assessment data at school and local authority level will end such use of data, and allow continued use of its original intention – to improve learning standards for children.

The intended beneficiaries are school children of maintained schools receiving the National Curriculum for Wales, although Key Stage 4 is outside of scope for the change. The change will not affect sub groups of children (such as Special Educational Need or those receiving Free School Meals) in a disparate way. As the changes go some way to answer the recommendations from *Successful Futures*, the change will be a positive one for children; nevertheless, they will experience little direct change themselves as to how they go about learning in schools. No negative effects on children and young people have been identified. Evidence in support of the proposal comes from Professor Donaldson's *Successful Futures* review. Donaldson received responses from over 300 children and young people in his call for evidence and every response was considered in detail. However, this CRIA is a draft to be published alongside a consultation - should any other as yet unidentified issues arise, the CRIA will be amended to reflect this.

The policy change is an administrative one, and will have procedural impacts on the way workers in the education sector use the data they collect from teacher assessments. A Regulatory Impact Assessment has been developed alongside the proposal, and it has identified that no additional resources will be required as a result.

Additional evidence required (if none required enter N/A):

N/A



Step 3: Explain how the proposal is likely to impact on children rights

This section requires an assessment using informed judgment of the likely impact of the proposal on children's UNCRC rights. It is vital that you avoid the assumption that the intended outcomes identified at Step 2 are the same as the predicted impact on children's rights.

You will need to carefully consider how the intended outcomes relate to children's rights and what impact they will have. There may be predicted impacts which are not intended outcomes from the proposal.

You should:

- Identify which [UNCRC articles](#) are most relevant to the proposal
- Explain if, and if so - how the proposal maximises, supports or promotes children's UNCRC rights, making connections between the outcomes identified at Step 2 and the rights you have identified.
- Remember that prompting children's rights includes: increasing children's access to their rights, or to services and/or resources that give access to rights, or enabling children to participate and take advantage of their rights. You should explain how the proposal achieves these objectives, if at all.
- Explain any negative impact on children's rights arising from the proposal, including any reduction in resources available to support other policies or programmes (if applicable).
- When considering each of the above ensure you take account of how the proposal will impact on the rights different groups of children (e.g. children living poverty, children with a disability etc.).
- Make reference to any information or evidence that has informed your assessment.
- Make reference to any evidence from children or their representatives that has informed your assessment.

The most relevant articles from the UNCRC to this proposal are:

Article 17 – Access to information

Article 17 states that every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Current law requires schools and local authorities to publish information on their schools in prospectuses to help children, young people and their parents understand how well their schools perform. However, the proposal will mean data will no longer be included to compare schools with other similar schools of the same type. Access to information that allows those with an interest to compare school information at a national level will continue, and of course learners and parents will continue to have access to data related to their own schools. Similarly, teacher assessment data which compares schools below a national level will no longer be published onto the [My Local School website](#).

While this change may appear as a limiting one, it is argued that access to comparative teacher assessment data is ineffective when applied to raising learning standards, since the reliability of comparing data between schools is questionable. Furthermore, Freedom of Information rights will continue to apply. Nevertheless, Welsh Government is engaging, both via consultation and other methods, with all stakeholders to ensure they are aware of the information that will continue to be available to them.

Article 28 – Right to education

This article states all children and young people have the right to an education. It is argued in both Successful Futures and by Welsh Government that the amendment to end the publication of teacher assessment data below the national level will improve the educational standards offered to learners in maintained schools.

Article 29 – Goals of education

The article states education must develop every child’s personality, talents and abilities to the full. By refocussing the basis of teacher assessment away from school comparison and back to assessment for learning, the proposal should go further to develop the talents and abilities of children.

In all of the above, it is understood that the changes will not affect different groups of children and young people disparately.

Additional evidence required (if none required enter N/A):

N/A



Step 4: Summarise your assessment from Steps 2 and 3

This section is intended to highlight the key points from your assessment at Steps 2 and 3 to bring these to the attention of the Secretary or Minister. Do not repeat the assessments in full.

IMPORTANT NOTE

This section **does not** require you to confirm whether the proposal is compliant with Section 1 of the Rights of Children and Young Person (Wales) Measure 2011.

This CRIA is a contribution to Ministerial compliance with Section 1 of the Rights of Children and Young Persons (Wales) Measure 2011. It provides the Cabinet Secretary / Minister with information required in order to discharge the Ministerial duty of due regard to the UNCRC.

You should:

- Highlight key points in summary.
- Draw attention to any additional evidence required (which you have not been able to obtain prior to completion of this CRIA).

- Draw attention to any significant reduction in resources available to support other policies or programmes.

If the proposal will result in ANY negative impact on children’s rights you should bring this to the Cabinet Secretary / Minister’s attention. You should do this even if the negative impact is fully compensated by other positive impacts.

The proposal to end the publication of teacher assessment and test data below the national level is ultimately stated to improve the education of children and young people currently studying the National Curriculum for Wales in maintained schools. There are three articles of the UNCRC which are pertinent to the proposal. Two relate to education, and the proposal does much to promote these rights. The third is related to access to information; while it could be argued that the information available is limited by the proposal, evidence suggests this is to the greater benefit of children and young people overall.



Arrangements for Monitoring and Review

Person or department responsible for monitoring outcomes from the proposal:

School Information and Improvement Branch

Brief description of new or existing arrangements for monitoring the outcomes from the proposal (e.g. data available, indicators).

The department is responsible for the collection and dissemination of school information, and the improvement of schools based on the use of such information. Many policies exist in relation to the use of school data, and guidance will be amended as necessary to reflect the changes made in the proposal.

How it will be established whether the proposal has had the proposed impacts identified at Step 3?

This change marks the first step in moving towards the recommendations of the Successful Futures report which provides a blueprint for an entirely new curriculum with reformed assessment and accountability arrangements in Wales. The proposal allows for a period of implementation whilst future accountability arrangements develop.

Date for review CRIA:

Following consultation – 30 January 2018

Person or department responsible for review of CRIA:

Curriculum Reform Legislation Branch