

Explanatory Memorandum to the Education (Revocation of Assessment Arrangements in the National Curriculum and Miscellaneous Amendments) (Wales) Regulations 2022

This Explanatory Memorandum has been prepared by the Welsh Government's Education Directorate and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the changes to the assessment arrangements. I am satisfied that the benefits justify the likely costs.

Jeremy Miles AS/MS
Minister for Education and Welsh Language

9 May 2022

PART 1 – Explanatory Memorandum

1. Description

- 1.1 The Education (Revocation of Assessment Arrangements in the National Curriculum and Miscellaneous Amendments) (Wales) Regulations 2022 (“the 2022 Regulations”) make provision for the amendment and disapplication of existing statutory assessments in the National Curriculum for Wales. These changes are being made in readiness for, or as a result of, the new Curriculum for Wales roll out.
- 1.2 The 2022 Regulations also remove the requirement on local authorities to distribute paper copies of their annual prospectus to all parents and pupils who are in the final year of schools maintained by the local authority who might transfer to other schools so maintained. This change will apply to the publication of the local authority annual prospectus which must be published no later than 1 October 2022.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 None.

3. Legislative background

- 3.1 The Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”) was passed in the Senedd on 9 March 2021 and received Royal Assent on 29 April 2021. The 2021 Act establishes a legal framework for a new curriculum and new assessment arrangements for pupils and children in Wales (Curriculum for Wales).
- 3.2 Section 56 of the 2021 Act provides that the Welsh Ministers must make provision by way of regulations for assessing in relation to the relevant curriculum. The Education (Arrangements for Assessing in the Curriculum for Wales) Regulations 2022 were made under section 56 and set out the new assessment arrangements for the Curriculum for Wales. The Curriculum for Wales is due to come into force in a phased manner from 1 September 2022.
- 3.3 The power for Welsh Ministers to set out assessment arrangements to support the current National Curriculum is in section 108 of the Education Act 2002 (“the 2002 Act”). The 2002 Act allows Welsh Ministers to set out in an Order such assessment arrangements as they consider appropriate for the Foundation Phase and the Key Stages.

- 3.4 As noted above, these assessment arrangements are being replaced by new assessment arrangements as part of the new Curriculum for Wales.
- 3.5 These legislative changes are being made on a phased basis, in readiness for the introduction of Curriculum for Wales and as it rolls out. Part 2 of the 2022 Regulations makes provision in readiness for the first phase of the roll out of the Curriculum for Wales to children and pupils in Wales on 1 September 2022 to amend and revoke a number of Orders made under section 108 of the 2002 Act. Those Orders make provision in relation to the assessment arrangements for the existing National Curriculum set out in Part 7 of the 2002 Act.
- 3.6 Part 3 of the 2022 Regulations makes amendments to the following regulations consequential on the provisions of Part 1 and 2 of those Regulations:
- the Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011 (“the Reporting Regulations”), and
 - the School Performance Information (Wales) Regulations 2011 (“the School Performance Regulations”).
- 3.7 The 2022 Regulations also amend the School Information (Wales) Regulations 2011 (“the School Information Regulations”). They prescribe school information that must be published by local authorities and schools in relation to the academic year 2011-2012 and subsequent years. Regulation 11 of the 2022 Regulations omits paragraph (2)(c) in regulation 5 of those School Information Regulations so as to remove the requirement on local authorities to distribute paper copies of their prospectus to all parents and pupils in their transfer year.

Procedure

- 3.8 The 2022 Regulations are made under the negative procedure.

4 Purpose and intended effect of the legislation

- 4.1 The purpose of the 2022 Regulations is to remove the following requirements:
- end of foundation phase assessments
 - end of key stage 2 assessments
 - end of key stage 3 assessments in special schools
 - the requirement for moderation of assessment in the National Curriculum.

This is intended to create flexibility for schools in the current school year as they prepare for Curriculum for Wales introduction from September 2022, and allow them to plan appropriate transition to Curriculum for Wales.

- 4.2 The 2022 Regulations also provide for the revocation of those remaining assessment arrangements once the curriculum is fully rolled out for those pupils affected.
- 4.3 These assessment arrangements relate to learners of the Foundation Phase (3 to 7 years of age), Key Stage 2 (7 to 11 years of age) and Key Stage 3 (11 to 14 years of age). Specific provisions are detailed below.
- 4.4 The 2022 Regulations also remove the requirement on local authorities to distribute paper copies of their prospectus to all parents and pupils in their transfer year, whether they want one or not. The change will remove an unnecessary administrative and financial burden on local authorities, reducing time and costs associated with printing, distribution and storage which would better be spent on raising school standards. The change will also ensure that parents and pupils in their transfer year who do not wish to receive a copy of the prospectus don't receive one and help to ensure that local authorities' processes are more sustainable and environmentally friendly. Local authorities will still be required to publish their annual prospectus on their website and make copies available on request at their offices, schools in the local authority area as well as for reference in public libraries.

Commencement

- 4.5 The 2022 Regulations come into force on 30 May 2022.
- 4.6 The Curriculum for Wales itself will roll out through a phased approach. For learners up to 14 years of age, this will take place between 2022-23 and 2024-25 academic years. It will become mandatory for the year groups in schools and other settings as follows—
- a) 1st September 2022 for—
 - children receiving funded nursery education,
 - pupils in their reception year,
 - pupils in years 1 to 6,
 - b) On 1 September 2022 for pupils in year 7 year groups in those schools and other settings where there is a curriculum adopted or otherwise provided in accordance with the Act,
 - c) On 1 September 2023 for pupils in all other year 7 year groups,
 - d) On 1 September 2023 for pupils in year 8 and,
 - e) On 1 September 2024 for pupils in year 9.

The legislative changes

- 4.7 These legislative changes are being made to support a smooth transition from the current assessment arrangements in the existing curriculum to the

new assessment arrangements under the new Curriculum for Wales. Some requirements are being removed ahead of curriculum roll out to create flexibility for schools to prepare and others are being removed as the new requirements are being introduced.

Removing requirements to create flexibility for schools as they prepare for Curriculum for Wales roll out

Removing end of Foundation Phase and end of Key Stage 2 assessments

4.8 In an Oral Statement to the Senedd on 6 July, the Minister for Education and the Welsh Language announced his proposal to remove the requirements for practitioners to undertake assessments at the end of the Foundation Phase and the end of Key Stage 2 a year ahead of Curriculum for Wales roll out, both from the 2021-22 academic year.

4.9 These requirements are being removed to help create more space for practitioners to prepare their curriculum and assessment arrangements for September 2022. It also creates some flexibility for them to move towards the approach to assessment that forms part of the Curriculum for Wales framework, seen in [Supporting Learner Progression: Assessment Guidance](#).

4.10 Regulation 3 of the 2022 Regulations revokes the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004, removing the requirement for end of Key Stage 2 assessments to be undertaken from 2021-22. This affects learners in Year 6. Regulation 8 revokes Part 3 and Part 4 of the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015. This removes the end of Foundation Phase assessments from 2021-22 and therefore, Year 2 learners will not be expected to undertake these assessments. Regulation 8 also revokes the baseline assessment which was undertaken for the last time by learners in the reception year during the first six weeks of the 2021-22 academic year.

Removing the moderation of end of Key Stage 2 and end of Key Stage 3 assessments

4.11 The National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015 (“the 2015 Order”) sets out the requirements for the moderation of teacher assessments during the final year of Key Stages 2 and 3. This Order is also made under Section 108 of the 2002 Act.

4.12 As the end of Key Stage 2 assessments are revoked from 2021-22, the requirement to moderate these teacher assessments also needs to be removed.

4.13 Under the current arrangements, secondary schools and their feeder primary schools come together to form school moderation cluster groups to moderate end of Key Stage 2 and end of Key Stage 3 teacher assessments. The levels of attainment included in the National Curriculum Programmes of Study are well-established and have been used by practitioners for many

years. Therefore, it is considered unfair and disproportional to require secondary schools to make new arrangements with other secondary schools to moderate end of Key Stage 3 assessments during the interim period until Curriculum for Wales rolls out to Year 9 in 2024-25. Regulation 7 of the 2022 Regulations therefore revokes the 2015 Order.

4.14 We will, however, outline in guidance our advice to schools that they continue to ensure consistency for their learners in the manner in which they are assessed at the end of the Key Stage 3, within their school. It will of course not be mandatory that they do so.

4.15 Removing this requirement to moderate end of Key Stage 3 assessments from the 2021-22 academic year creates more space for practitioners to participate in discussions to develop a shared understanding of progression within and between schools and settings in preparation for, and as part of embedding Curriculum for Wales in their school.

Removing end of Key Stage 3 assessments in special schools

4.16 The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (“the 2005 Order”) makes provision for the assessment of pupils in the final year of the third key stage in maintained schools in Wales. The 2005 Order is made under section 108 of the 2002 Act.

4.17 Regulation 4(1) of the 2022 Regulations revokes the requirement for special schools to undertake the end of Key Stage 3 assessments from 2021-22. This amendment is being introduced in response to the feedback received from special schools during the consultation on removing end of Foundation Phase and end of Key Stage 2 assessments, as well as current moderation requirements.

4.18 Special schools teach their learners according to their needs rather than their age. Therefore, when Curriculum for Wales is introduced it would be challenging for practitioners to be assessing within the same class some learners with best fit end of Key Stage 3 levels and others according to the school’s Curriculum for Wales assessment arrangements. Only a small number of learners within special schools are given end of Key Stage 3 levels. The majority of learners in special schools are removed from the end of Key Stage 3 assessments every year as they are not accessible to them.

4.19 Removing the end of Key Stage 3 assessments in special schools from 2021-22 would help provide them with the flexibility to make appropriate transition arrangements for their school and focus on supporting each individual learner to progress.

4.20 Regulation 4(2) of the 2022 Regulations revokes the end of Key Stage 3 assessments in all other schools from 1 September 2024, when Curriculum for Wales roll out reaches Year 9.

On-going assessment under the national curriculum

4.21 Regulation 6 of the 2022 Regulations disapplies the National Curriculum (Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages) (Wales) Order 2014 (“the 2014 Order”) to coincide with the roll out of the new Curriculum for Wales. The 2014 Order is revoked on 1 September 2024. From 1 September 2024 all pupils who are assessed pursuant to the 2014 Order will be following the Curriculum for Wales and the 2014 Order will no longer be needed.

Consequential amendments as a result of removing end of Foundation Phase and end of Key Stage 2 assessments, and end of Key Stage 3 assessments in special schools.

4.22 The Reporting Regulations require head teachers to make a report available to all parents or adult pupils about the educational achievement of pupils each school year. There is a requirement for the content of reports to include teacher assessment outcomes in respect of pupils at the end of Foundation Phase, Key Stage 2 and Key Stage 3. Regulation 9 of the 2022 Regulations therefore amends these regulations to remove the requirements to report end of Foundation Phase and end of Key Stage 2 outcomes (and in special schools end of Key Stage 3 outcomes) from 2021-22.

4.23 The School Performance Information Regulations require governing bodies to report on teacher assessment, national test and examination outcomes to local authorities. They also require local authorities to provide the same information to Welsh Ministers. In addition, they require governing bodies to report teacher assessment outcomes for pupils at the end of Foundation Phase, Key Stage 2 and Key Stage 3 to local authorities and for local authorities to report teacher assessment outcomes at the end of Foundation Phase, Key Stage 2 and Key Stage 3 to the Welsh Government. Regulation 10 of the 2022 Regulations therefore amends these regulations to remove these requirements in relation to end of Foundation Phase and end of Key Stage 2 outcomes, and end of Key Stage 3 outcomes in special schools only from 2021-22. Please also see paragraphs 4.27 and 4.29 for details regarding the removal of the requirement to report the results of personalised assessments to the Local Authority. The requirement to report examination outcomes will remain.

Removing current assessment provisions as requirements relating to assessment under Curriculum for Wales are introduced.

4.24 The purpose of assessment under Curriculum for Wales is to support each individual learner to progress at an appropriate pace, ensuring they are supported and challenged accordingly. To do so, [Supporting Learner Progression: Assessment Guidance](#) sets out that we assess for three key reasons to:

- support individual learners on an ongoing, day-to-day basis,
- identify, capture and reflect on individual learner progress over time,

- understand group progress in order to reflect on practice.

As such, the focus of the new arrangements will be on ongoing assessment to identify next steps in learning.

4.25 In addition to the provisions outlined above, the 2022 Regulations revoke the remaining assessment requirements which support the current National Curriculum in accordance with the proposed roll out of the new curriculum. Those existing assessment arrangements will be replaced with those set out in the Education (Arrangements for Assessing in the Curriculum for Wales) Regulations 2022.

Personalised assessments for reading and numeracy

4.26 The annual reading and numeracy assessments, set out in the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 (“the 2013 Order”), will continue as part of the Curriculum for Wales. They provide a flexible tool for teachers to gain feedback on the skills of individual learners and groups; to support understanding of skills progression along the learning continuum; and to help understand individual and group progress over time.

4.27 The transitional provision in the 2022 Regulations (regulation 5) will ensure that the personalised assessments (the ‘tests’ of the 2013 Order) will continue to be administered in all schools for learners in Years 2 to 9 during academic years 2022-23 and 2023-24, irrespective of where learners/schools are in terms of the phased roll out of the Curriculum for Wales. The 2013 Order will be revoked fully on 1 September 2024, and the intention is to make new regulations in relation to reading and numeracy assessment that will apply from September 2024 onwards following the inclusion of Year 9 in CfW.

4.28 The requirement for head teachers to report to parents and carers on the outcomes of the statutory reading and numeracy assessments – under the Reporting Regulations – is retained.

4.29 The 2022 Regulations will remove the requirement for schools to supply data on the personalised assessments to local authorities. This was introduced in a 2014 amendment to the School Performance Information Regulations, after the National Reading and Numeracy Tests were introduced. While local authorities played a part in collecting test data from schools on behalf of the Welsh Government, this is no longer necessary now the assessments are online and data is collected automatically.

4.30 It is also consistent with the policy of decoupling assessment from accountability (paragraph 8.156 of the [Explanatory Memorandum to the Curriculum and Assessment \(Wales\) Act 2021](#): ‘under the new assessment arrangements there will be a clear separation between assessment and external accountability/national monitoring... to end the high stakes use of assessment information, ensuring that the purpose of assessment within the curriculum is to support every learner to make progress’). A consultation was held in early 2020 on the proposal to remove the requirement for schools to supply data to local authorities, with a clear majority responding in favour. The change in the legislation has been pending since this time as, due to Covid, a

temporary lifting of reporting requirements was put in place. In order to remove this requirement permanently, it is now incorporated within the 2022 Regulations.

Removing the requirement on local authorities to distribute paper copies of their prospectus to all parents and pupils in their transfer year

4.31 The School Information Regulations place a duty on local authorities to publish an annual composite prospectus containing specified information for every maintained school within the local authority area. Schedule 2 to those Regulations sets out the general information that must be contained in the prospectus. The purpose of the duty is to ensure that parents have access to a range of relevant information to enable them to make an informed decision on the school they would like their child to attend.

4.32 The prospectus must be published no later than 1 October in the publication school year and not later than six weeks before the date by which parents may express a preference for a school in respect of the admission school year. Regulation 5(2) of the School Information Regulations requires that a composite prospectus must be published:

- (a) by copies being made available for distribution without charge to parents on request at the offices of the LA who are publishing it, and at every school maintained by that authority; and
- (b) by copies being made available for reference by parents and other persons at the public libraries in that LA's area; and
- (c) by copies being distributed without charge to parents and pupils at schools maintained by the LA, other than special schools or PRUs, who are in the final year at such schools and might transfer to other such schools so maintained; and
- (d) by displaying a copy on the local authority's website.

4.33 Regulation 11 of the 2022 Regulations omits paragraph (2)(c) in regulation 5 of the School Information Regulations.

5 Consultation

5.1 A 7 week formal consultation ran from 14 February 2022 to 1 April 2022 on the proposals to remove aspects of the current assessment arrangements ahead of Curriculum for Wales roll out and to remove the requirement on local authorities to distribute paper copies of their prospectus to all parents and pupils in their transfer year. The consultation was shared with a wide audience of key stakeholders including schools, settings, local authorities, regional consortia, Estyn, teacher unions and wider stakeholders.

- 5.2 104 responses were received. The majority of respondents either agreed or strongly agreed with the proposals set out in the consultation document. As such, they have now be incorporated in the 2022 Regulations.
- 5.3 Details regarding the feedback received in relation to end of Key Stage 3 assessments in special schools can be found in paragraphs 4.16- 4.20.
- 5.4 The consultation document and summary of the responses are available online at: <https://gov.wales/changes-current-school-assessment-arrangements-and-local-authority-prospectus>

PART 2 – Regulatory Impact Assessment (RIA)

6. Removing current assessment arrangements in preparation for, or as a result of, the introduction of Curriculum for Wales

6.1 Two options have been considered in this assessment.

Option 1 - ‘Business as Usual’ - Keep the current arrangements

6.2 There are no additional costs or benefits associated with this option.

6.3 Consideration was given to whether the current assessment arrangements could be kept to support Curriculum for Wales. However, there are significant differences between the current National Curriculum and Curriculum for Wales, and their related assessment arrangements, which means that this option would not be viable. Subsidiarity is one of the fundamental principles of Curriculum for Wales and under the 2021 Act, schools and settings are required to make their own assessment arrangements to support their own curriculum developed within the Curriculum for Wales framework. We are moving away from a national curriculum and, therefore, keeping in place assessments whereby learners are given nationally prescribed outcomes and levels would significantly undermine this new approach.

6.4 The purpose of assessment under Curriculum for Wales is to support each individual learner to progress at an appropriate pace, ensuring they are supported and challenged accordingly. Section 56 of the 2021 Act states that assessment arrangements are arrangements for assessing, in relation to the relevant curriculum—

- the progress made by pupils and children,
- the next steps in their progression, and
- the teaching and learning needed to make that progress.

6.5 As such, the focus of the new arrangements will be on ongoing assessment to identify next steps in learning. The current end of Foundation Phase and end of Key Stage assessments are summative in nature. A judgement is made on the overall attainment of a learner at a specific point in time, through the allocation of an outcome or a level on a ‘best fit’ basis. This approach would undermine the focus on ongoing assessment. Furthermore, continuing to allocate an outcome on a ‘best fit’ basis contradicts the focus of assessment under Curriculum for Wales which is to develop a holistic picture of the learner – their strengths, their areas for development and the identification of next steps in learning.

Option 2 – Introduce the Regulations

6.6 The 2022 Regulations the following requirements from this academic year (2021/22):

- End of Foundation Phase assessments
- End of Key Stage 2 assessments
- End of Key Stage 3 assessments in special schools
- Moderation of assessment in the National Curriculum.

6.7 These changes are being proposed ahead of Curriculum for Wales roll out to create flexibility for schools as they prepare for the introduction of the new curriculum and assessment arrangements from September 2022 and to allow them to put appropriate transition arrangements in place.

6.8 As a consequence of these proposals, the 2022 Regulations remove the requirements for head teacher's reports to parents to include the following from 2021/22:

- end of Foundation Phase and end of Key Stage 2 teacher assessment outcomes
- for special schools only, end of Key Stage 3 teacher assessment outcomes

6.9 Furthermore, school governing bodies would no longer be required to report teacher assessment outcomes for pupils at the end of the Foundation Phase and Key Stage 2, and in special schools, end of Key Stage 3 to local authorities and local authorities would no longer be required to report this information to Welsh Government.

6.10 School governing bodies would also no longer be required to send the results of statutory reading and numeracy assessments, known as 'personalised assessments', to their local authority. Whereas local authorities had an administrative role in supporting Welsh Government's data collection for the previous paper-based National Reading and Numeracy Tests, this is no longer the case with the online versions where data is collected automatically.

6.11 The 2022 Regulations revoke the remaining assessment requirements which support the current National Curriculum in accordance with the proposed roll out of the new curriculum. Those existing assessment arrangements will be replaced with those set out in the Education (Arrangements for Assessing in the Curriculum for Wales) Regulations 2022.

6.12 Removing the current assessment requirements in effect would remove the assessments that support a nationally prescribed curriculum in schools. These include:

- A baseline assessment undertaken within the first 6 weeks of the reception year, using the Foundation Phase Profile.
- End of Foundation Phase assessments whereby learners are given end of Foundation Phase Outcomes as outlined in the Foundation Phase Framework.
- End of Key Stage 2 and end of Key Stage 3 assessments whereby learners are given Levels as outlined in the National Curriculum Programmes of Study.
- The moderation of end of Key Stage 2 and end of Key Stage 3 assessments.

- Assessing learners throughout the year for the purpose of monitoring and supporting their progress in relation to literacy and numeracy (using the Literacy and Numeracy Framework)

6.13 Removing these requirements would create the flexibility that schools need to develop their own assessment arrangements to support their school's curriculum under Curriculum for Wales.

6.14 The requirement for schools to run personalised assessments in reading and numeracy will remain in place for all year groups throughout the transition phase and into full implementation of the new assessment arrangements for Curriculum for Wales. Personalised assessments have been designed for flexible use to support continuous assessment and individual progression as part of Curriculum for Wales.

Amendment to the School Information (Wales) Regulations 2011

6.15 The School Information (Wales) Regulations 2011 ("the 2011 Regulations") prescribe school information that must be published by local authorities and schools. Part 2 of the 2011 Regulations requires each local authority to publish a composite prospectus annually containing information relating to all maintained schools in the prospectus area.

6.16 The composite prospectus must be published no later than 1 October each year or not later than 6 weeks before parents may express a preference for a school (i) by copies being made available for distribution without charge to parents on request; (ii) by copies being made available for reference by parents and other persons at the public libraries in that LA's area (iii) by copies being distributed without charge to parents and pupils at schools maintained by the LA (other than special schools or PRUs) who are in the final year at such schools and might transfer to other such schools so maintained; and (iv) by displaying a copy on the local authority's website (regulation 5).

6.17 The 2022 Regulations remove (iii), the requirement on local authorities to distribute copies of their prospectus to all parents and pupils in their transfer year.

6.18 Two options have been considered in this assessment.

Option 1 - 'Business as Usual' - Keep the current arrangements

6.19 There are no additional costs or benefits associated with this option.

6.20 Increasingly more and more people are accessing information online through the internet. This includes a range of information on schools, for example Estyn inspection reports and various school data on the My Local School Website. Parents and young people who have access to the internet are able to access a copy of the local authority prospectus online. Those who do not have access to the internet are able to obtain a copy on request from

the local authority offices, from any school in the local authority area or for reference at public libraries.

6.21 Maintaining the current arrangements will mean that local authorities will continue to be required to distribute paper copies of their annual prospectus to parents and pupils in their transfer year at school whether they have requested one or not. This will continue to place an unnecessary burden on local authorities along with the cost associated with publication and distribution. Parents and pupils will continue to receive paper copies which they did not request and do not wish to receive and there will continue to be a negative impact on the environment.

Option 2 – Introduce the Regulations

6.22 The 2022 Regulations remove the requirement for local authorities to distribute copies of their annual prospectus to parents and pupils in their transfer year. The change will remove an unnecessary administrative and financial burden on local authorities, reducing time and costs associated with printing, distribution and storage which would better be spent on raising school standards. The change will also ensure that parents and pupils in their transfer year who do not wish to receive a copy of the prospectus don't receive one and help to ensure that local authorities' processes are more sustainable and environmentally friendly.

6.23 Local authorities will still be required to publish their annual prospectus on their website and make copies available on request at their offices, schools in the local authority area as well as for reference in public libraries.

Costs and benefits

6.24 Maintained schools in Wales will not incur any additional costs as a result of the proposed provisions outlined in the 2022 Regulations. The 2022 Regulations will be removing requirements on head teachers and governing bodies and therefore will be creating savings in relation to costs and staff time. For example, removing the requirements to moderate end of Key Stage 2 and end of Key Stage 3 assessments would take away the administrative burden for practitioners in gathering together portfolios of learners' work and the supply costs for releasing them to attend moderation group meetings.

6.25 Removing these assessment arrangements will not have a negative impact on supporting learners to progress. We are proposing to remove the end of Foundation Phase and end of Key Stage 2 assessments, and end of Key Stage 3 assessments in special schools, from this academic year (2021/22). However, as part of assessing learners during 2021/22, practitioners will have continued to:

- Undertake the statutory baseline assessment for every learner within the first 6 weeks of the reception year.
- Support learners in the Foundation Phase, Key Stage 2 and Key Stage 3 through ongoing assessment to make effective progress across the current

curriculum. This includes supporting progress in literacy and numeracy (using the [literacy and numeracy framework](#)).

- Ensure that learners in year 2 and all year groups within Key Stage 2 and Key Stage 3 take Personalised Assessments in Reading and Numeracy in accordance with the [administration handbook](#).
- Undertake end of Key Stage 3 assessments in all schools others than special schools.

6.26 The remaining assessment requirements are being removed as Curriculum for Wales is introduced to the relevant year groups. At this point, schools will make assessment arrangements for their learners in line with the requirements set out in the Education (Arrangements for Assessing in the Curriculum for Wales) Regulations 2022, made under section 56 of the 2021 Act.

6.27 Furthermore, by removing the requirement on local authorities to distribute paper copies of their annual prospectus to parents and pupils in their transfer year the 2022 Regulations will result in savings both in terms of staff time and costs associated with publication and distribution. This is the preferred option.

Competition Assessment

6.28 The competition filter test has been completed, the Regulations have no impact on private business and are not expected to impact on levels of competition in Wales or the competitiveness of Welsh firms.