EXPLANATORY MEMORANDUM TO

The Education (Levels of Progression for Key Stages 1, 2 and 3) Order (NI) 2012

SR 2012 No. 444

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Education to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by Articles 8(3), 9(2) (3) and (5), 10(2) and 43(5) of the Education (Northern Ireland) Order 2006 and is subject to the negative resolution procedure.

2. Purpose

2.1 The Statutory Rule seeks to specify the Levels of Progression to be used by schools for assessing pupils in the final years of Key Stages 1, 2 and 3 in the cross-curricular skills of communication, using mathematics (and, from 2013/14, using information and communication technology) and associated assessment arrangements.

3. Background

3.1 The Statutory Rule provides for the Levels of Progression to replace the current levels which have been used on a transitional basis and are based on the previous Levels of Attainment (which pre-date the revised curriculum).

4. Consultation

4.1 There is no statutory requirement for consultation. However, the Department took the opportunity of the consultation on Education (Pupil Reporting) Regulations (NI) 2009 (between 17 December 2008 and 20 March 2009) to consult on draft new Levels of Progression and on the use of Levels of Attainment prior to those new levels being introduced.

4.2 After this consultation the Department commissioned further work from CCEA on the Levels of Progression.

5. Equality Impact

5.1 The Department screened the Rule for Equality and Human Rights impact, and determined that an Equality Impact Assessment was not required as the non-

statutory complementary arrangements developed for statemented pupils will offset any minor impact on pupils with special educational needs.

Rule already takes account of pupil needs by including provision for the exemption of pupils from the assessment arrangements in certain specified circumstances.

6. Regulatory Impact

6.1 As the Rule relates to pupil assessment and associated reporting arrangements with no costs to businesses, charities, social economy enterprises or voluntary bodies, the Department determined that a Regulatory Impact Assessment was not required.

7. Financial Implications

7.1 None. Assessment and annual reporting is an established and ongoing element of schools' working arrangements.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department's legal adviser has confirmed that the Rule complies with Section 24 of the Northern Ireland Act 1998, which requires that it is compatible with the rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

9. EU Implications

9.1 None

10. Parity or Replicatory Measure

10.1 Not applicable as the assessment arrangements are related to the revised curriculum, which is specific to the north of Ireland.

11 , Additional Information

11.1 Not applicable.