



Northern Ireland  
Assembly

Committee for Education

# OFFICIAL REPORT (Hansard)

Draft Regulations: Provision of Performance  
and Other Information Relating to Pupils and  
Schools

14 November 2012

# NORTHERN IRELAND ASSEMBLY

## Committee for Education

### Draft Regulations: Provision of Performance and Other Information Relating to Pupils and Schools

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**Members present for all or part of the proceedings:**

Mr Mervyn Storey (Chairperson)  
Mr Danny Kinahan (Deputy Chairperson)  
Mr Jonathan Craig  
Mrs Jo-Anne Dobson  
Mrs Brenda Hale  
Mr Chris Hazzard  
Mr Trevor Lunn  
Miss Michelle McIlveen  
Mr Sean Rogers  
Mr Pat Sheehan

**Witnesses:**

|                       |                         |
|-----------------------|-------------------------|
| Mr Dale Heaney        | Department of Education |
| Dr David Hughes       | Department of Education |
| Dr Christopher Hughes | Department of Education |
| Mr Carl Savage        | Department of Education |

**The Chairperson:** I welcome Dale Heaney, David Hughes, Chris Hughes and Carl Savage. Thank you for coming to the Committee today. I am beginning to get lost in all these assessments and regulations. If I were a school teacher, I really do not know whether I could be bothered with it. The paper tells us that teachers have a raft of issues, and we will go through those as we have the briefing this morning. Who is going to lead?

**Dr David Hughes (Department of Education):** Thank you for the opportunity to update the Committee on the outcome of the consultation exercise. As was covered in a briefing provided previously, the consultation covered three sets of regulations relating to the provision to parents of performance and other information about schools and pupils. The three sets of regulations — the Education (Target-Setting in Schools) Regulations (Northern Ireland) 2012; the Education (School Information and Prospectuses) Regulations (Northern Ireland) 2012; and the Education (Pupil Records and Reporting) Regulations (Northern Ireland) 2012 — share a common aim, which is to support parental engagement and the accountability of schools by ensuring that parents have consistent information about their child's school and their child's progress. As the regulations are interconnected, we consulted on the three sets as part of a single exercise.

Of course, schools were, and are, already doing much of what is covered in the regulations. However, we reviewed the information that they are already required to publish to ensure that any requirement supports and aligns the Minister's policy direction and the targets published in the Programme for

Government (PFG). Another key aim of the new regulations is to reduce the burden on schools. We intended to clarify and streamline the existing requirements, as well as specifying certain minimums; for example, the information that must transfer between schools along with pupils. For all the regulations, it is important to recognise that, in most instances, we specify the minimum to be published or provided. Schools are then free to add to that as they feel appropriate.

The Department reviewed the existing regulations: first, to take account of the range of policies now in place for raising standards in schools; secondly, to ensure that the targets and indicators on which schools are required to report align with the targets that the Department has set for improving outcomes in literacy and numeracy; thirdly, to ensure that parents receive information that is clear, meaningful, relevant and easily accessible; and, fourthly, to promote greater openness and accountability of schools for the outcomes achieved by their pupils.

First, on the prospectus and target-setting regulations, boards of governors of primary and post-primary schools are required to set targets each year to raise the standards achieved by their pupils in statutory end-of-key-stage assessments and in public examinations. Schools are then required to publish information on the achievements of their pupils. The Department previously made regulations specifying the targets to be set by schools in 1988. Boards of governors are required to publish an annual report to parents on the steps they took during the year to fulfil their duty. The Department last made regulations specifying the information that schools and boards are required to publish in 2003.

As regards changes to the prospectus and target-setting regulations, the performance indicators for which schools are required to set targets and report against at Key Stage 1 to Key Stage 3 remain unchanged, although, as you know, this year sees the introduction of revised assessment arrangements, and all the regulations reflect that. At post-primary level, we proposed revising the targets to include a specific focus on our key measure of the proportion of pupils achieving five or more GCSEs at A\* to C or equivalent, including maths and English. That requirement would be the same for all post-primary schools, meaning that grammar schools would no longer be required to publish figures for those getting more than seven GCSEs, although schools may still do so if they wish.

We also intend to clarify the circumstances in which pupils can be excluded from a school's performance data. For historical reasons, schools were able to exclude the results relating to certain groups of pupils from their overall data on the achievement of pupils in years 12 and 14. These might include those in education other than at school and pupils with a long-term illness or special educational needs. In light of the Minister's raising standards agenda and the accountability of schools for the outcomes achieved by all their pupils, we proposed ending that practice and requiring schools to report on the achievements of all pupils registered at the school in public examinations; that is, from 2012-13, there would be no exemptions. Schools would be free to contextualise their published information if they wished to do so, by which I mean that they may add an explanation, particularly if it demonstrated a significant change year on year.

The reporting regulations continue to require schools to provide an annual report to parents on the educational and other achievements of their child, including their achievement in statutory end-of-key-stage assessments or in public examinations. The Department last made regulations relating to pupil records in 2007 and to pupil reporting in 2009.

As regards changes to the reporting regulations, many of the key elements of the legal requirements governing annual reports have not changed. In addition to specifying the minimum information that a parent can expect to receive in their child's annual report, an important aspect of the 2012 reporting regulations is that they will specify the minimum requirements for the information to be provided to a new school upon a pupil's transfer. That aspect of the regulations was informed by advice from the Council for the Curriculum, Examinations and Assessment (CCEA), following consultation with schools, with a particular focus on post-primary schools receiving pupils at the end of Key Stage 2.

The consultation was launched in May, and it closed on 21 September, allowing additional time for the school holiday period. There were 57 written responses received, including one late response, which was included. In addition, officials held a series of four workshops, which were attended by 80 school principals. There was also a meeting with a parents' group, facilitated by Save the Children, and a pupils' workshop, which was facilitated by the Participation Network. In addition, a young people's version of the reporting consultation was made available, and schools were encouraged to use it as a basis for discussion with pupils prior to submitting a response.

Broadly, the key points raised during the consultation were as follows. First, while schools are free to publish whatever additional data they wish, including in terms of more challenging targets, some schools said that they disliked the requirement for selective and non-selective schools to report on five or more GCSEs at A\* to C. Secondly, some schools felt that it was not appropriate to have no exemptions when reporting against targets. Thirdly, schools felt that as the school prospectus was their main marketing tool, the content should be largely left to them to decide. They queried the value of including a reference to policies on community relations, equality and diversity, study leave, food in schools, relationships and sexuality education, and so on. It was felt that, if required, those could be supplied on request. Fourthly, schools broadly welcomed the de minimis levels of information provided to parents and the fact that that could be added to if the school desired.

It is worth noting, at this stage, that the Minister has not yet had the opportunity to consider in detail the responses to the consultation. So, today's session, along with the briefing paper that has been provided, is just a factual outline of the responses received. It is also an opportunity for us to take away any further observations and comments from the Committee.

**The Chairperson:** In the previous papers that you gave to the Committee, the policy and legislative context was set out, stating that achieving the goal would, in part, depend on schools providing information to parents and the wider public. It then gave the requirements that that information would be accurate, reliable, relevant, timely and easy to understand. Would it not be a good starting point if the Department were to use those same adjectives — accurate, reliable, relevant, timely and easy to understand — when it comes to putting in place policies? Here you have another raft of regulations. If you are a parent — I declare an interest as a parent — what do you want to know from the school? You want to know how your pupil is doing. Parents do not want to know about all this other fluff and bumf that is put around.

Let us be brutally honest. We are in a competitive market, and the reality for us all, whether or not we like it and whether or not we want to change it, is that parents have perceptions about what is a good school and what is a school that they would prefer their child not to go to. It is not so much an issue with primary schools, generally. The general view is that you go to your nearest local primary school, though we are beginning to see in rural areas that there are parents who are making choices. With post-primary schools, it is a particular issue. Do you believe that as a result of this consultation, you have a sense, as you have outlined in the paper, of where schools would like to be positioned in all this, accepting that they have a duty and a responsibility to report on how the school is performing? They have accepted the de minimis approach. Where do we get the balance between those two things to provide something that, for our schools, is accurate, reliable, relevant, timely and easy to understand?

**Dr D Hughes:** The consultation exercise was clearly very useful in that a lot of feedback is contained in the material that has been shared with the Committee, and it is very useful to get that information. As I set out, a number of very strong key themes were coming back. Some of those will need to be taken into consideration alongside the Minister and the Department's responsibility.

You started with the point about what parents want to know. The fundamental point here is that this is about ensuring that there is effective communication and information, and, sometimes, there will be a pull for information. The information that parents want to know and need to be able to get hold of needs to be provided in such a way that it makes sense. A very clear and strong message is coming through that parents need to understand the information with which they are being provided. There is definitely a pull from parents for information. At the same time, there has to be a responsibility on the school to put information out to be available. It may not be that every parent goes looking for it, but there will be some elements of information that need to be made available. It is important that the Department is able to take the messages from this consultation and look at it in light of both.

Earlier, I identified four main themes. For example, schools responded to a question by saying that, if the Department is requiring the school to put things into its prospectus, the Department has to remember that it is the school's prospectus and is for it to use as a marketing tool. Yes, but it is also very important that it is not just a marketing tool presenting one version of events. It is also a key source of objective information about the school. It is a prospectus rather than an advertisement, if that makes sense. We need to ensure that we have the balance between those two points.

**The Chairperson:** The Every School a Good School (ESAGS) policy stated that the Department would introduce contextual value added measures to be used. The issue has been expressed in this Committee and in previous Committees about how you assess and put in place a measure for value

added or contextual value added. How has this consultation been able to focus on that, and what sense did you get about where the system is at on that issue?

**Dr Chris Hughes (Department of Education):** You are quite right, Chairman, that there was the commitment, in 2009, in ESAGS to introduce the contextual value added measure. As you are aware from what I have said to the Committee before, no education system in the world has managed to successfully introduce one that is meaningful and easy for parents to understand. That is the reality: people have not been able to do this. It is a tough nut to crack. What we do have is a desire to introduce a measure of value added rather than contextual value added. Therefore, there is a commitment to look at how many pupils progress by at least one level of progression during a Key Stage. If, for example, a child leaves primary school not at the expected level — say, at level 3 instead of level 4 — but by the end of Key Stage 3 has gone up to level 4, that is a success and a development for that child. We feel that the school should be allowed to be recognised for that. The level of progressions need to be in for a few years before that measure will be available, but it is our intention to introduce that into the regulations, so schools will report on what proportion of their children progress by at least one level during a Key Stage. That is a measure of value added for the schools, which responds to their request that it be provided.

**The Chairperson:** David, I appreciate what you said earlier, and the Committee will respect the fact that the Minister still has not had an overview of all this. What timeline do you see for this? I always get worried that the Department brings in legislation, sets a point of time and then starts to beaver its way through regulations and all sorts of things. Of course, it always says, "This is the law." The Department of Education is no different from any other Department. They are all guilty of it, regardless of who the Minister is. That is what they do, and, of course, that keeps us all on our toes and keeps the officials working on regulations. What is the timeline? We have existing legislation, and we have existing reporting regimes. I picked up from the papers that there would be an issue around some saying that this should not be introduced until 2013-14. Where does the Department sit with regard to advice that it will be giving on the outworkings of all this and the way in which it will be rolled out?

**Dr D Hughes:** Some elements of these regulations could, in effect, inform something in a school only once a year, for example, so the timing is dependent on the fact that there is not a rush to get it done before the next time they need it. I think that you picked that up correctly.

**Mr Dale Heaney (Department of Education):** That would most probably apply to the school prospectus regulations. We are already past the point at which those could have any real impact this year, and we have taken that on board, as a result of the direct interface we had with school principals in the workshops. We have time to sit back and look at the detail of the comments from schools about the school prospectuses. Should we take into account the concerns about website provision, for example, and how many schools do not yet have a website? Many schools that we spoke to suggested that that was still a likely occurrence. That was not our starting point in making provisions to that particular set of regulations, but in light of those comments, we need to take it into account. We would like to revisit that set of regulations in that context and make sure that we are able to answer those questions before the next academic year, if that is when we are introducing the regulations.

We still have the view that it would be important to make changes regarding target setting and pupil reporting for the current academic year. There is still time to do that, provided that we are able to get the agreement of the Committee and the Minister in time for the new calendar year, for example. We are still keen to update those regulations, many of which, as you will have seen, have not been revised for some years. So, we are keen to touch on some of the specific points on those with the Committee today, to tease out what your views might be on the target-setting regulations, for example, in the exceptions and whether the target of five-plus GCSEs should apply to all schools or whether there should be differences, as there are at the moment, for selective and non-selective schools. It would be helpful to get the Committee's view on those sorts of details. We would also be keen to hear your thoughts on the timescales and on whether you think that this year is unreasonable or unrealistic. We think that this academic year is feasible for the two sets of regulations.

**The Chairperson:** The worry would be about the target setting. I think that we will end up having regulated league tables. That is ultimately what this will give us. I find that strange from a Department that is so opposed to setting school against school and that says that every school is a good school. It does not mean that every school is the same, yet we are now very keen to have regulated league tables, and the Department is saying that it is doing this on the basis of five GCSEs from A\* to C, but it did a viability audit, which was the foundation for area plans, on targets that were based on five

GCSEs from A\* to C in non-selective schools and seven GCSEs from A\* to C in selective schools. The system is in the process of making decisions on the basis of a different approach. It is now saying that we should maybe change that because we have used it and it has done what we wanted it to do.

I am not clear in my own mind about what is preferable. You could set just five GCSEs as the benchmark, but if you do that, be assured that some schools will be able to show that they are performing very much above the Northern Ireland average and that other schools are performing very poorly and below the Northern Ireland average. So, there are risks. In reality, that is probably what is happening out there anyway, but how do we avoid compounding the problem? What will happen if we do not address the issue of underachievement, which we discussed before you came in, but, in fact, we regulate it and compound the problem?

**Dr C Hughes:** The point of the regulations is to allow parents to make informed decisions about how the schools are performing. The five-plus GCSEs is one of the measures that we require schools to publish, and we also ask them to publish the percentage of free school meal pupils who get five good GCSEs, including English and maths. We also ask them to publish the proportion of school leavers who get two A levels at A\* to E and three A levels at A\* to C. If you look at the five-plus including English and maths, and compare it to seven-plus, including English and maths, you see that they are almost exactly the same for both selective and non-selective schools. The change to the seven-plus makes almost no difference, but you are not allowing parents to compare like with like. The five-plus is the PFG target that the Executive signed up to. It allows you to become economically active and dramatically alters your life chances, if you manage to get five-plus, including English and maths. The percentage who go on to get two A levels at A\* to E falls by about four percentage points. The percentage who go on to get three A levels at A\* to C falls by about 10 percentage points. Once you get over that barrier of the five-plus, including English and maths, you can go on to further progression, and almost all our pupils do. That is why it seems to be an incredibly important barrier.

If you want to tease out the performance across grammar schools, the three A levels at A\* to C measure really spreads them out across a bell curve with 40 percentage points difference between the highest and the lowest. If you look at the five-plus, including English and maths, 96% of our grammar schools get 80% or more of their kids to five-plus, including English and maths. That drops to 90% with the seven-plus. So, you are teasing nothing additional out. You do when you look at the A levels.

The regulations propose that schools publish the information broken down by boy and girl. When you do that, you get some quite dramatic performance differences in schools, not just in non-selective schools. I can think of a particular selective school — the data go back a year — that is sitting at around 90% in the overall figures. With girls, the achievement of the five-plus was 98%, and for the boys, it was 80%. Parents make a decision on that basis. So, when you look at the totality of the information that the regulations put in front of parents, you can see that it would be foolish to do it all on the five-plus. I concede that absolutely, but we are not doing that. However, that is an important part of the information.

**The Chairperson:** That is extremely useful. I commend you for giving us that answer. I am just disappointed that Hansard is not here. However, it is recorded, and we will get members a copy of that. I confess to being the one who is probably the most guilty of always being very cynical and very critical of some of these things. However, when you set it in that context, it gives you an informed view of what is wanting to be done and what we want to get out of this. I very much appreciate that, and thank you very much for that.

**Mr Kinahan:** I have two points. The first goes back to my hobby horse of consultation. I was skimming through the document after David had gone through his remarks, and I saw that only 80 principals responded out of 1,600 schools. I missed the other two pieces of statistics.

**Dr D Hughes:** There were 57 written responses, and 80 principals were involved in the workshops. There were also the participatory workshops with parents and with children.

**Mr Kinahan:** How many parents?

**Mr Carl Savage (Department of Education):** I think that it was between 15 and 20. It was a parents' group in the west of Belfast.

**Mr Kinahan:** My point is that we are not consulting, really. If 80 principals were involved from 1,600 schools, that is a tiny number. I get the feeling that we are not consulting and are not really talking to them to find out. They may have in place a whole lot of things that are doing what we trying to put on them to do. I am concerned that, going back to the point that the Chair made, we are overloading the schools. I know where you are trying to get to, and I appreciate that, but we are going about this the wrong way around.

Moving on to GCSEs, I welcome what you said, but again we are looking at the wrong end. It is the value added. Yes, we want to know how well the pupils who have passed and are likely to pass have done, but it is about the pupils who are not even getting there and are underachieving. Easy targets can be set that do not clog up the school system so that we all understand what is going on, but we want to have some measurement of numeracy and literacy to get the lowest end up so that they can then start passing exams. That seems to be where we are missing, and that is the one area that we should be concentrating on.

So, it is really two things. One is how can we consult better so that we get thorough answers, and the other is how can we get value added so that we really understand how we are measuring the value added at the bottom?

**Mr Heaney:** I will take the first point, and perhaps Chris could pick up on the second. The offer to come to the workshops as part of the consultation process was open to anyone. We tried to promote that as best we could, so, yes, that 80 principals took part was perhaps disappointing. We did put up more workshops and debates to facilitate the final numbers that expressed an interest. School principals appreciated the engagement that we had, and as a consequence, they asked us to please do more of it. Although it was very challenging, as you will have seen from some of the comments, we found it very useful. Compared with the 57 online responses, the interfacing and the comments that we had through face-to-face engagement in those workshops brought a richer debate that was very useful and which very much informed and made real for us what the issues were for schools, particularly the issue of pressure on schools this year. That comes across in the documents that we have shared with you.

You are right. We started off the process as an administrative exercise in the Department. We looked across the three sets of regulations, and the task given to us was to update and rationalise them and to try to cut out the things that we do not need and which are not necessary. For example, reductions were made on the references to the Data Protection Act 1998 and the Freedom of Information Act 2000. Our Departmental Solicitor's Office recommended taking those out because they exist in other pieces of legislation. Similarly, we tried to rationalise and put across the idea of five-plus GCSEs and leaving no pupil behind by suggesting that there be no exclusions.

So, there were important messages that we wanted to get across, but perhaps we need to think about the order in which those things are done and begin the engagement process face to face before even sitting down to the drafting process. We will reflect on that, and we will want to see that reflected elsewhere in other areas of our work. Hopefully, that is reassuring. Chris might want to address the second point.

**Dr D Hughes:** Before Chris comes in, I will make a further point about consultation. I appreciate that I am learning considerably about the way in which these processes work in a different area. It will always be a challenge for a Department to have confidence that the messages that it gets from stakeholders contain a proportionate balance of the kind of messages that need to be heard or of the range of views. It is not always the sheer volume of responses that demonstrates that you are getting all the views. Alternatively, it may be a highly representative selection of views. There is always the risk that we take up a lot of stakeholder groups' time consulting when there is already a degree of consensus among them. In some areas, public policy workshops that attract 80 committed professionals to have discussions could be a good result. Clearly, from what I hear, that does not apply in this case, but it was a very useful exercise. Although I was not there, I understand that it was not an entirely comfortable experience. Nevertheless, it was enormously valuable, and we can build on that.

**Mr Kinahan:** There were 47,000 responses to the Education and Skills Authority consultation. In a way, that is a good consultation, although I hesitate because we do not know anything about it. We need to find some way of listening. You may have got some very valuable points, but I am concerned that we do not consult properly.

**Dr C Hughes:** On the measure of value added, as I said earlier, there is the notion that once the levels of progression are in, we see what proportion of pupils progressed at least one level. I gave the example earlier of someone who was not at the expected level. That applies equally to somebody above the expected level who leaves primary school at level 5 and is still at level 5 at the end of Key Stage 3. Principals have responded very positively to that because they feel that it allows them to demonstrate what they do.

There are other measures that we look at across the system. Inspection is a measure of value added that takes account of the context of a school. The inspectorate looks at a school and consciously takes account of all the circumstances pertaining to that school and its pupils.

We also have the chief inspector's report, which gives us a system-level assessment of the schools inspected. We have a number of layers where we can look at the value added.

Finally, we have our international studies. The trends in international mathematics and science study and the progress in international reading literacy study, which look at how our P6 pupils do, are due to report on 11 December. The programme for international student assessment, which looks at how our 15-year-olds do, will come out at the end of next year. We have a range of measures, although the one to which principals, in particular, responded very positively was the progression in Key Stages.

**The Chairperson:** Just on that point, how does that align with comments made by respondents who referred to the importance of baselining pupils on entry to school? Is that the same? David made an interesting point about the process being uncomfortable. Was it uncomfortable for the Department to say what it had to say or was it uncomfortable for the Department to hear what it had to hear? I reckon that it was probably the latter, which gives me some concern that the people at the coalface are not convinced about the way in which this is all being done. Is baselining similar to what you are saying, Chris? Is it about a school being able to say, "When John came to this school, he was at level 3; he is now at level 5. That is the progress that we have made"? Is that the same?

**Dr C Hughes:** It would be, but there is no proposal to introduce baselining. For primary schools, progress is between Key Stage 1 and Key Stage 2. Largely, for primary schools, we will still be looking at how they perform on the basis of the assessment of their Key Stage 2 results. At Key Stage 1, a very large proportion of children are at the expected level. It is not untypical for schools to have 95% or 100% of their pupils at the expected level in English and maths at that point. If you had agreed on and introduced baseline measures, that would be the case, but we do not have those, and I have not had sight of any proposals to introduce them.

**The Chairperson:** Obviously, if you had a standardised system from primary to post-primary, it would help rather than having the National Foundation for Educational Research tests, progress in mathematics and progress in English, computerised adaptive testing, and so on.

I welcomed the Minister's comments in the House yesterday. I think that some of you were present when he did not rule out looking at these issues. Clearly, the computer-based assessment process has raised a huge number of issues practically and in a policy context. I hope that we can, collectively, return to that to make it simpler for schools to be able to engage in this process.

**Dr C Hughes:** The tests that you mentioned are ones that post-primary schools opt to administer to their pupils. That is entirely a pedagogical decision for the schools. However, part of the issue is that schools want to assess the validity of the Key Stage results. Of course, the new levels of progression may introduce more robust moderation arrangements precisely to respond to the concern that principals raised with us.

**Mr Rogers:** Following on from that point, I think that the value added is a fantastic idea, but it is a pity that we do not have value added the whole way through post-primary. Obviously, you can see the progression from Key Stage 1 to Key Stage 2 and then Key Stage 3, but the next thing is five As to Cs at GCSE level. It is a pity that we cannot see the progression between those two points. Non-selective schools feel that, whether children do the transfer test or not, they do some fantastic work to get to GCSE, whereas many selective schools oversubscribed with As are in a different position. I would love to see value added the whole way through.

My point is slightly different and relates to education other than at school (EOTAS). I welcome the idea that reporting will be for all children. Take, for example, a child who has been part of an EOTAS



programme for his or her complete Key Stage 4 schooling. Is it reported by the school that the child left at Key Stage 3 or does EOTAS have a reporting system for its centre?

**Dr C Hughes:** The proposal is that the pupil will be reported on by the school with which he or she is registered.

**Mr Craig:** I have listened intensely to what you said and am quite interested in how this will pan out. Like the Chair, I have concerns that we will just establish a league table for all schools that will be based entirely on academic attainment. How do you get the message across that some schools are incredibly good at bringing out the best achievement from a pupil? That does not necessarily manifest itself in academic qualifications, unfortunately. We have to face up to the reality that not everyone will be a rocket scientist. We have very good mechanics and builders. We have people who are very good with their hands and others who are very talented in other fields, such as acting, singing or whatever. How do we measure the achievement of a school in bringing out the full ability of a pupil, as opposed to just his or her academic qualifications?

**Mr Heaney:** That would fall within pupil reporting. That is where the additional information that a school may want to provide over and above the de minimis levels that we suggested will be so critical, and that is the case at the moment. We have not really changed anything in the new version of that set of regulations. It is important to acknowledge that pupil reporting already exists. We want schools to continue to do that and to include any additional attributes, not just academic achievement, that a pupil might demonstrate.

**Mr Savage:** That is not just in a pupil's report; it is in the prospectus regulations. The de minimis approach is across the board. It is very hard to legislate for the kind of information that schools have already put into the prospectus. You would not want us to try to legislate to capture that kind of thing, because I do not think that we could do it, or we would not do it well. That is why it is left that the schools are given that freedom.

**Mr Craig:** I agree with you entirely that legislating would not work but it needs to be encouraged.

There is another vital element to this. Good schools can bring out the best in any pupil, whether the pupil is academically minded or otherwise. If there is a pupil who, if you look at his track record, would achieve only a C but the school brings him up to the level of achieving an A or a B, how do we reflect that? At the top level, a school that brings a pupil who had been targeted for a B up to achieving an A is an extremely good school. It does not matter what sector or stream of the education system the school is in. How do we get a system that shows us how good a school is at bringing the best out of a pupil?

**Dr D Hughes:** I will nip in here, and colleagues will stop me if I am heading in the wrong direction. The point that an individual school will want to highlight what it is capable of doing comes back to the point about the prospectus. It is not supposed to be an advertisement, but it should be the prospectus for that school and show what it can do and what it offers, including bringing on the young people from when they arrive to when they leave. It is in everyone's interests that schools bring that information to the fore. Part of the external validation of or commentary on that comes through inspection. Inspection looks at the qualitative input of the school and at whether it is a good school. It is very interesting that you use the expression: is it a good school? Very often, we know what a good school is, and the work of the inspectorate contributes to our identification and encouragement of a good school. That comes back to an earlier point about the role of the inspectorate.

**Mr Craig:** Lastly, I was very interested in what you said about your consultation on all of this. Was the consultation geographically and religiously spread across Northern Ireland?

**Mr Savage:** Do you mean in the responses that we received? We have not done a religious analysis. Do you mean the school sectors that responded?

**Mr Craig:** It tends to fall into school sectors, but I mean right across the board. How good was the spread of the consultation?

**Mr Savage:** There was a reasonably good geographic spread among the principals who responded. The invitation was open to all schools, so we were not seeking to fit people into boxes. Anyone who wanted to respond could do so. We can give you some information on that.

**Mr Craig:** I find that no one ever goes out of their way to take part in such things. I am concerned that we may be getting a slanted view from those who responded.

**Mr Savage:** We are happy to provide that detail.

**Mr Craig:** I appreciate that.

**Mrs Dobson:** At the Committee on 2 May, I was told that these regulations would:

*"relieve some of the burden on schools".*

This does not seem to be the opinion of the consultation respondents, as Danny highlighted. They have queried the inclusion of various policies and aspects of the prospectus. Can you give a guarantee that the burden will be relieved for all schools, and are you aware that these regulations could increase the burden rather than reduce it? That might be because schools have had to lose administrative staff to meet their budgets and now they have further regulations.

**Dr D Hughes:** Which element of burden is it that you are particularly concerned about? Is it the producing of information that does not already exist?

**Mrs Dobson:** What is your opinion on how the Department will assist the schools in compiling this information? Will it, for example, devise a simple guide for levels of progression, which would save schools time, effort and repetition? Could there not be a draft template with certain information to help schools? I want to see how you will assist schools rather than overburdening them when they are already under so much pressure.

**Mr Heaney:** We are not introducing new legislation but updating, revising and, we hope, reducing some of the detail across the three. I have talked about taking out some of the references to the Data Protection Act and the Freedom of Information Act in pupil reporting regulations because that was the advice given, and we accepted it, from our solicitors to reduce duplication and complexity. That existed elsewhere, and we took that on board.

You are right that schools reacted as though that was new to them. It was certainly the first time that we had spoken to them in detail face to face. It took some time for that initial reaction to settle down and give us an opportunity to talk about the detail of the changes in the regulations. The comments there reflect that initial reaction: "This is more change; can you not think about doing it a different way?"

I take your point about finding a way of interpreting the key changes and what they mean for schools. There was, for example, a mixed message about whether schools wanted to be told what to put in their prospectus and for that to be the template for everyone. Other schools said that they liked the flexibility of our saying that this is the de minimis level, over and above which you can provide information in whatever way you want on whatever subject you want. So when reflecting that in the papers that we shared with you, we tried to interpret the consensus and were left with the feeling that schools liked a level of flexibility. At the same time, there are exemplars of good practice that, for example, CCEA provides in certain areas, which outline examples of the type of pupil report that schools may wish to produce. There are alternatives for schools that, for example, are perhaps not sure what a pupil report at the end of the year might look like. We have taken on board those sorts of comments, and I agree that we need to follow up the legislation with very clear and simple guidance on what the changes mean, depending on where we decide to draw the line with the final conclusions.

**Mrs Dobson:** Will you listen to schools' concerns and give them direct assistance? What level of assistance will you give?

**Mr Savage:** There was value in the sessions with the principals. One of the main elements of the increased bureaucracy was the prospectuses, and that was the key issue that we wanted to eliminate. As Dale mentioned, we introduced references to websites, thinking that that would free schools up because they would not have to publish in hard copy, and all the policies would be available easily and accessibly. The feedback from schools was that not all of them have websites and that if we tell them that they have to have websites, they will have the —

**Mrs Dobson:** There is a financial burden as well.

**Mr Savage:** Absolutely. It was really valuable to speak to the principals directly. As Dale said, we need to look at that because an unintended consequence of the legislation was that we were forcing schools to have websites. We need now to make a recommendation, as that was the principal issue of burden mentioned by schools.

**Mrs Dobson:** Dale, you are aware that many schools do not have a website. Will those schools be required to produce hard copies of their prospectuses?

**Mr Heaney:** Many do that already, even those that have websites. As we see when visiting schools, that is how they share information for the first time with parents who are looking at schools. They share with them information on what they can provide and the range of services that a pupil can enjoy.

**Mrs Dobson:** I hope that the regulations will not force schools into purchasing websites.

**Mr Heaney:** It would be useful for us to understand, through an analysis of the exact position with website provision, how prominent it is, and if it is a small gap, how that gap might be filled. It is important information that we need to gather before taking the school prospectus regulation forward.

**Mrs Dobson:** Will schools be forced to have a website and face the financial implications of that? You say it would be useful, which it would, but will they be put under pressure?

**Dr D Hughes:** No decision has been taken on what will be the conclusion of all of this, because we have received a lot of feedback. As I said at the beginning, we are taking the feedback from the consultation to the Minister. We will engage with him on that and look at the issues raised. It is very important that, in that consideration, we do not lose sight of what we are trying to achieve. That is to ensure that the right information and sufficient information is available to parents who want it and also that sufficient information is provided for anyone who wants to find it. That is the basic principle, and it is on that basic principle that we need to look at the very specific questions that have arisen because this consultation has thrown them up.

**Mrs Dobson:** I am wary that, because of what I have been told by many principals about schools' falling budgets and cuts to their administrative staff, they will be put under more financial pressure to produce a website.

**The Chairperson:** I will stay on the issue of target setting. Dale, you mentioned the three sets of regulations and said that the one that the Department is keen to progress in this academic year is the one on target setting, as opposed to the other two.

**Mr Heaney:** Target setting and pupil reporting are two that could be progressed this year. As I said, the school prospectus is not at the point at which it could be useful this year.

**The Chairperson:** The original documentation referred to the Department considering the need for other level 2 qualifications on essential skills. Has any progress been made on that? Obviously, it is an important issue for a number of schools, especially non-selective schools. If we get ourselves into the situation of having regulated league tables, which is a worry for us, there will be an issue with the validation and acceptance of essential skills qualifications. I know that there is one of those things that I love and am very fond of, the dreaded departmental circular, which gives guidance to schools on the use of essential skills qualifications. Where are we with that element of it?

**Mr Heaney:** The reporting is broad enough to allow for equivalent qualifications information to be captured. It is not the case that we will discourage or not permit schools to capture that information. We want that to happen. That is not an issue. There was a difference in how English and maths equivalence was presented separately from GCSE English and maths. That distinction is important in saying what schools are expected to produce. They are encouraged to achieve five-plus GCSEs at A\* to C or equivalent. That will take into account the essential skills qualifications that you referred to.

**The Chairperson:** Has the Department come to a definitive view on the use of Qualifications and Curriculum Development Agency (QCEA) points?

**Mr Heaney:** That work is ongoing, and we hope to make changes to how that information is captured at school level. It is captured via the school information management system. We are making progress on looking at our policy in that area and which performance points and certain qualifications might accrue. At present, it is very much based on QCDA guidance, but we understand that England is moving away from that and making the rules much tougher. Currently, that guidance states that, for example, certain BTEC qualifications are the equivalent of four GCSEs. In England, from 2014-15, those will count as equivalent to only one GCSE. In view of our policies being much wider here, with the entitlement framework, and so on, we are looking at what might be appropriate here. Therefore, it is likely that our policy will be different from the one being set in England. We are not quite at the point of explaining that to schools, because there is quite a bit of work involved in going through each of the various qualification ranges and deciding to what those are equivalent.

**The Chairperson:** Dale, will some of that tie into the review of the qualifications as well? Not all qualifications equate to points, so there is a current disparity. At present, schools can record QCDA's, but the Department said some time ago that points will not always be available for all qualifications. So a change in our approach to qualifications in England, and so on, could set a different platform for all of this to be interpreted. How much of an issue is that for our schools?

**Mr Heaney:** I would not suggest that it is a particular issue for the future direction that may be set by the fundamental review that has been initiated, because its implementation may be some time off. It is important to emphasise that the vast majority of qualifications undertaken by schools are given credit through the QCDA points system that we use. The number for which that would not happen is very small. I cannot see that changing drastically in the next number of years. Certainly, the review of GCSE and A levels could have an impact. However, as the majority of qualifications taken at those Key Stages will be in one form or another, they would still accrue a certain number of points, and we want to ensure that that continues. The detail is not sufficiently developed to share it with schools, but I imagine that there will be a consultation on all of that, which we will want to share with schools to make sure that they understand.

**The Chairperson:** We need to look specifically at target setting and reporting given that they are the two areas in which there could be progress. I take the point that you made earlier, Dale, about getting the Committee's view. I think that members, individually and collectively, should give serious consideration to the points raised in the paper that we were given today as a result of the consultation process, as well as to the papers in today's meeting pack, which include previous correspondence from you. Is there a timescale for us to get back to the Department? I am trying to get into my mind whether, by the end of the month or this year, you would like to have a response from the Committee collectively or its members individually about these specific elements of the regulations.

**Mr Heaney:** If you were able to establish a clear position before Christmas, that would allow us sufficient time to update schools on where the changes stand.

**The Chairperson:** That is helpful. Thank you once again for your time. Carl got to say a wee bit more this time. The next time that you come back —

**Mr Savage:** The first time that I was here, I talked more than the last three times put together.  
*[Laughter.]*

**The Chairperson:** Thank you very much.