



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

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

5 December 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)
Mr Danny Kinahan (Deputy Chairperson)
Ms Michaela Boyle
Mr Jonathan Craig
Mrs Jo-Anne Dobson
Mrs Brenda Hale
Mr Chris Hazzard
Miss Michelle McIlveen
Mr Sean Rogers

Witnesses:

Ms Ruth Kennedy	Council for the Curriculum, Examinations and Assessment
Mr Dale Heaney	Department of Education
Dr David Hughes	Department of Education

The Chairperson: I welcome back to the Committee David Hughes, Dale Heaney and Ruth Kennedy. The Committee Clerk has shared with the Department a summary of yesterday's feedback in advance of this morning's meeting. I am happy for the Department to make its presentation on the background to and importance of the proposed rule, and to respond, I trust, to the points that were raised with us yesterday at Loughview.

Mr Dale Heaney (Department of Education): Thank you, Chair and Committee members. The Committee will be aware that schools have been working towards the new assessment arrangements for a number of years now. Teachers have had training and will be preparing to assess children under the new levels of progression this year. Until the current academic year, teachers had been using and assessing against previous levels of attainment, which predate the introduction of the revised curriculum and do not incorporate the skills or application of knowledge dimensions that are so critical to the revised curriculum. There was clear agreement that that was not a tenable position. We had previously provided assurances to schools, and to the Committee, that that position would not be allowed to continue for any longer than necessary.

As to the urgency and importance associated with the statutory rule, if the Committee can agree to the laying of legislation, we can proceed as planned. If there is further delay on making a decision, that is likely to have an impact on Council for the Curriculum, Examinations and Assessment (CCEA) processes, because work has been invested in the new levels of progression and getting those set up in CCEA and across schools. Assessment is an ongoing process, and schools need clarity on what is likely to happen this year. Given that the first term is almost over, it is extremely important that we

arrive at that decision as soon as possible. If the decision is delayed, for example, until the new year, the problem would simply be exacerbated and there would be considerable implications for the ability to deliver the new levels of progression and, indeed, the confidence that schools tell us that they want to see through the moderation that goes along with the new assessments this year.

If the rule is rejected, there are a number of potential repercussions. Schools will have been working under the assumption that the new levels of progression will apply. They would then have to set aside that information and knowledge, which was imparted to them via training and through their own implementation arrangements, and revert to assessing pupils for another year against outdated levels of attainment. CCEA is no longer set up to handle the data associated with levels of attainment. Therefore, there would be potentially no data collected for 2012-13. That, in turn, could have financial implications for schools, which receive money depending on pupils with free school meal status and his or her agreed level of attainment during the next academic year. Ultimately, schools would be unable to fulfil their statutory duty as a result of our failure to put the legislation into effect in time.

There is a clear expectation that the new arrangements will evolve over time. Where they become embedded in the schools, there will be less need for moderation. Indeed, such schools could be involved in helping to support others in their moderation. The Minister has asked us and CCEA to increase engagement with school principals and teaching unions to seek their input on further practical training, guidance and support that can be provided to ensure that moderation arrangements operate with minimal bureaucracy and in the best interests of pupils. That engagement can be constructive only if it is set in a context of a clear decision on the way forward.

I am happy to respond to the specific issues raised with us by the Committee following its visit to Loughview, if that would be helpful.

The Chairperson: Thanks, Dale. I want to pick up on something that you said about the funding link between free school meals and the levels of attainment. Why is there a link between free school meals and levels of attainment?

Mr Heaney: I do not pretend to know the detail of how the methodology operates, but I know that, if there were an absence of levels attained by schools, moving from primary to post-primary, there would be funding issues for certain pupils. If we are unable to reach agreement on whether the legislation can be made, that raises the risk to a much greater degree. I just wanted to make the Committee aware that if there continues to be a delay in agreeing or not agreeing the rule, that is a potential risk.

The Chairperson: I always get worried when the Department starts to use financial issues as a reason for making a particular policy.

Mr Heaney: It is certainly not the main reason why we want the rule to be laid. There are very good policy reasons why schools tell us that they want to see it in place. That is a side issue that, up until now, has not been an issue of concern.

The Chairperson: I will give you a summary of the issues raised with us yesterday. It was interesting to hear those principals' comments. Other members will be able to comment on that as well. There is clearly a desire among teachers to get this right. There is no revolt by teachers; they are not saying that they do not want to do this. However, they want to be sure that the outcomes and the reasons for doing it will benefit the pupils, not the system, and that it is not being done to satisfy people who love mulling over information and pushing pieces of paper around different Departments.

The issues raised included a desire for more help from CCEA in the development of the tasks used to assess the levels of progression to ensure consistency of assessment among schools. CCEA had promised that it would produce a step-by-step guide. However, we understand that, as yet, there is no clarity. Do you want to comment on that, Ruth?

Ms Ruth Kennedy (Council for the Curriculum, Examinations and Assessment): I will just update you on what has been done. We emphasise that the assessment arrangements are about teachers' summative judgements based on a range of evidence, including observation and classroom activities. We know from the shadow year and training that teachers want as much consistency as possible in how the assessments are carried out. We have done a series of things.

I will deal first with post-primary level. At post-primary, schools generate their own assessment tasks, which are then reviewed by CCEA. We ran a series of task workshops throughout June, September

and October and were very well received. Those were practical workshops to which schools brought along ideas, which were then reviewed by revisers. They were given practical input so that they went away at the end of the day with tasks worked up. There are plans to offer more of those events in January.

The feedback from schools and the shadow year indicated that they wanted exemplar tasks. At post-primary, we have provided 21 exemplar tasks. Those are up on the CCEA website, and schools can use or adapt them as they see fit. We also provided step-by-step guidance on creating and writing tasks and on the approval process. That went up on the NI curriculum website in the summer and is available to schools. It is about to be joined by an interactive online walk-through of the process. It is there in a text version, and there is additional support.

We are in the process of running agreement trials as well. The last one will be on Friday. We are providing examples of portfolios and looking at standards with schools. We have also been offering support visits for talking and listening. We recognise that that is one aspect of assessment with which schools feel that they need support. Officers go into schools and work with them to create assessment opportunities for talking and listening and to talk around that.

At primary level, there are currently 24 tasks available online for schools to use. We are in the process of developing at least 90 more. Those are being trialled by schools before they go up on the website. They go up in batches, and the next batch is due in the next few days. We are also producing exemplification for talking and listening that can be used by schools for internal standardisation in that area.

For both primary and post-primary, we have developed supplementary guidance. That may lead into the next point about more detailed guidance on the process of assessment. That guidance is drafted and ready to go. We have not put it into the system yet because we are waiting for confirmation that we can move ahead with the assessment arrangements or to hear whether there are any other adjustments that need to be made before the guidance goes out. That is ready to go, but we are just waiting for the go-ahead. That is the range of things that we have been doing.

The Chairperson: Will specific and detailed guidance from the Department on how the tasks should be delivered be forthcoming, subject to the progression of this part of the process?

Ms R Kennedy: Yes. The guidance has been written, and it has been put into print format by our multimedia team. We just need to make sure that we take account of anything else before we progress to putting it into the system.

The Chairperson: One of the biggest issues raised was the need for a revised timetable for the delivery of levels of progression. Teachers prefer April or the summer term rather than the spring term, as that will allow them enough time to prepare pupils properly. I know that Chris wants to make a point. Chris, do you want to raise that point now because I think that it is relevant to the issue of timing?

Mr Hazzard: My point was about engagement. Dale, you mentioned the Minister asking you to engage more with trade unions and principals. Will you expand on that? What benefits will come from that? What shape will that increased engagement take?

Mr Heaney: That process has just started. We met the unions two weeks ago, and we have another meeting to arrange just before Christmas. As you heard, perhaps during your visit, they outlined their concerns about the impact on teachers and what exactly the new assessment arrangements and moderation process will mean. The first meeting was a case of explaining and clarifying what the new arrangements will mean in practice for primary and post-primary schools and understanding the teachers unions' perspective. They asked us to explore what flexibility there might be in the arrangements within the confines of the legislation as it is currently written. We have been asked to go away and think about what room to manoeuvre there might be. That process of engagement will, I imagine, probably continue. We are keen to meet, as far as we can, those demands.

As the Chair said, the challenge in the timing of the arrangements is to strike the right balance between allowing enough time for schools to do the assessments and allowing enough time for the assessment arrangements to be moderated. It is not straightforward. CCEA has spent many months looking at various options as to where to draw the line. Following feedback during the trials and

discussions with teachers, CCEA expanded that period of assessment by two weeks to provide teachers with additional time, which obviously eats into the amount of time available for moderation.

To date, those sorts of comments have been taken on board. Ruth can probably expand a bit further on the detail. It is very difficult to extend beyond the confines of 30 June, which is the date on which we have to report to parents. The Easter holidays make the process much more complicated. When Easter falls is a movable feast, and it puts increased demands on teachers in respect of —

The Chairperson: No. Dale, is it not the case that it puts an increased demand on those involved in moderation and the process after the assessments have been done? What you are doing is front-loading all the pressure on to the schools. I do not think that that is the right way to go about it. The Department and CCEA have pressures but, with all due respect, those pressures are not comparable with the pressures that teachers are under every day when they go back to school in September.

Yesterday, teachers told us that all they do is work for these assessments. That process takes up September, October and November, but the question still has to be asked: for what? Teachers told us that the levels of progression are included at the back of the reports that parents receive, but parents do not look at them because that is not what they want to see. My worry is about the front-loading of the process. Teachers say that they could manage if allowed to carry out the assessments later, and it worries me that that is just being ignored by the Department.

Mr Heaney: It certainly has not been ignored. We took those issues into account by moving the date back by two weeks to allow teachers that additional time. Obviously, the process has to start with teachers, so CCEA has gone as far as it can for the moment. The Minister has written to CCEA: while accepting its advice, he said that the arrangements will continue to be kept under review and that, if there is any way in which we can increase the time for schools to carry out that assessment, we will do everything we can to ensure that that happens. Perhaps Ruth will expand on the detail.

Ms R Kennedy: Schools are required to report outcomes to parents by 30 June. So the focus is on trying to ensure that, following moderation, schools receive feedback in time for them to respond to it and make the necessary adjustments before reporting those outcomes. Therefore, 30 June is the date from which we work back. As Dale said, we considered how we could shift the timescales for schools, and there was a shift forward in the submission of levels of progression. I think that the plan for this year is 15 March. We looked at whether we could shift it forward any further, but we had to take account of the Easter holiday starting on 1 April. For most schools, that means a two-week period in which they can do no more work on that. That is why we moved the date to 15 March, so that there would be a submission of levels of progression. The request for portfolios will then be on 18 and 19 April. That means that CCEA could be processing at a time when schools would not be progressing with things, and it means that we do not require any activity from schools over the Easter break.

The Chairperson: This is probably a facetious comment, but, during that break, schools will be responding to consultations issued by the Department over the holidays, in the same way as happened with the launch of a consultation yesterday, which will be over the Christmas holidays. However, teachers' comment on the revised timetable for the delivery of levels of progression is that they would prefer April or the summer term rather than the spring term, as that would allow them enough time to prepare pupils properly.

Ms R Kennedy: We considered moving the submission of results to April. However, because of the impact of Easter, that would have had no significant advantage for schools. Any later and we were into May, when schools are asked to respond and adjust to feedback before reporting on 30 June. That would have meant a very tight timescale if a thorough process was to be in place.

Mr Rogers: I agree with the Chair. Dale, you talked about the problems of delaying this statutory rule, and I do not think that anybody wants to go there. However, we still have concerns about manageability and how this really contributes to teaching and learning. In the shadow year, many issues were raised. Those need to be addressed, including the timings during the year. A teacher spoke yesterday about level 4 and the range of abilities of children who end up with a level 4.

We can talk about having a review, but if we are to move ahead with this, it will have to be conditional on real and meaningful engagement with schools. There are, as the Chair says, genuine concerns about the timing. The teachers talked about the old Key Stage 3, when we did English, maths and science at the beginning of April, and that was manageable. I understand the whole process.

However, when you pull this back into the spring term and consider preparation, and so on, it really is very early in the year. I hope that, if this is to move on, there will be a real commitment from the Department and CCEA to address the particular concerns raised in the shadow year and the additional concerns being raised now.

Dr David Hughes (Department of Education): I will respond to those points in a general sense. There is general recognition that there needs to be assessment and that the assessments need to tally with the revised curriculum. That is at the very root of how we reached this point. There is recognition that, over time, the issues that will emerge as a result of that shift will be acknowledged and addressed. It may be possible to address some of those immediately. Not only will your point about providing more detailed, specific guidance be addressed but we are ready, through CCEA, to address those other issues. We will continue to listen to any points raised.

There was a query about our engagement with the teaching unions. When we met a couple of weeks ago, it was very clear that it was just an initial meeting. It was, however, an important meeting to have to begin the discussion that will assist us in ensuring that the assessments are, ultimately, what they need to be for pupils, schools, parents, and so on.

The Chairperson: Is that not an admission that the Department has to be dragged into such engagement either by this Committee or the Minister? The Department should have been engaging a long time ago.

Dale commented about your having an initial meeting with the unions. I spoke to the Minister about that the other day, and I think that he thinks that I am becoming a closet union member and that I am doing some sort of work on behalf of the unions. I have no agenda other than teachers and pupils being absolutely sure that this is necessary for the system. I think that teachers are, generally, making the same point as you have about the assessment of the revised curriculum. However, it seems as though it is another example of problems occurring when it comes to putting something into practice. There is a disconnect between the policy intention and the practice used.

This has been rumbling on for the past number of years, only now are you talking to unions, and you say that there will be further engagement with teachers. Your engagement with teachers during the shadow year and CCEA's July 2012 evaluation report raised exactly the same issues as we have raised. The Department has those in black and white. Yet, here we are in December, still raising the same issues. I accept that we have made some progress, but we need to be satisfied that there will be meaningful engagement — I think that that was Sean's point — and meaningful outcomes. Another issue raised was that the levels of progression differed from expectations, sometimes substantially. There is a real risk to the worth and value of the process.

Does any other member want to comment? Danny, do you want to say anything?

Mr Kinahan: I am a bit late, and I am sorry that I was not here to listen to everything. I am sure that members have made all the points. It is a bit difficult to come in at this stage.

The breadth of level 4 was one of the major points, and I assume that you have dealt with that. Have you?

The Chairperson: Go ahead.

Mr Kinahan: Level 4 seems to span all sorts of levels of assessment. It should be two or three different levels rather than one. It was felt that you were going to group a whole mass of children of different standards at one level, which needs to be sorted out. What I am saying is that there seems to be a need to look again at the levels so that we get them right. Can that happen?

Dr Hughes: It may be difficult to comment about the intention behind the levels as they are designed.

Ms R Kennedy: I will go into a bit of the background to the levels of progression. Generally speaking, one level will bridge 18 months to two years of a child's progression. That is how the levels of attainment were set up and how the levels of progression are set up. In fact, when developing the levels of progression, we tried to ensure, through our mapping, that they moved on from the levels of attainment while taking account of what was already in place. That allowed us to make sure that we understood where the read-across was. We also mapped to look at essential skills, basic skills, function at skills and the routes that children would take thereafter. So the levels of progression are

broad indicators, and level 4 is an indicator of the expectation of what children should be able to do by the end of Key Stage 2. A lot of work went into that. When the content of the levels of progression were signed off and accepted by the Department, it was with the understanding that there would be a period of using and embedding them to build up an understanding. Then, after, say, a five-year period, a review would determine, on the basis of individual comments and criteria, whether adjustments were needed. The original concept was that levels of progression would be a broad continuum in which each level would cover a period of 18 months to two years of a child's progression.

Mr Craig: David, I find a few things that you said a bit alarming. I cannot believe that, at this stage, you have not already consulted with the unions on all of this. Have you?

Dr Hughes: The engagement with the unions is an ongoing process. I was talking about an initial meeting. The unions sought a discussion on how the assessments will be put into practice and on the specific questions, which are asked of them, that they want to put to us. Much of the discussion was about what they would expect to see in the more detailed guidance from CCEA and on understanding what the documents mean by a, b or c. That is an important place to have that kind of discussion, because it is explanatory and clarificatory. Also, a conversation needs to take place if they want to challenge us to explain what we mean by certain things. Of course, discussions with teaching unions have been ongoing throughout the process that has got us to where we are now. I did not mean to give the impression that we ignore the unions and talk to them only when everything is a fait accompli.

Mr Craig: That is at least something. All of the Committee members who went out and spoke to teachers, who are the ones who will have to deliver this, were struck by the extreme pressures that teachers are now under to meet deadlines. In some cases, you have to be honest and ask whether it would really matter whether a parent or a school did not have this done until Easter as long as the results were reported to the parents on time. Will there be any flexibility at all? I do not believe that anyone deliberately set out to do this, David, but, unintentionally, we are putting schools and teachers under pressure that, quite frankly, will lead to less teaching in schools. A bit of flexibility would be helpful to everyone.

Dr Hughes: I appreciate the point about the timing. It is also important to say that, to have this assessment completed in its fullest sense within the timescales available, work is being done to ensure that the best timescale has been offered. We hear the points being made, but, going back to the points that Dale made earlier on the number of steps required to complete this assessment process, I think that there needs to be a very clear point at which schools complete their part, CCEA has its part, and so on.

Ms R Kennedy: There is a requirement on schools to report outcomes to parents by 30 June. It may be that parents look at the information and do not act on it, but the information is used elsewhere. We know from the feedback from schools that, if they are reporting outcomes, there is a desire to ensure that those outcomes have been verified and are as consistent as possible. Therefore, to facilitate the moderation service and the giving of feedback to schools so that they can act on it, make the adjustments and be confident in the outcomes that they report on 30 June, that is the end date from which the process works back. We have reviewed the process as much as possible to see whether we could shorten the moderation period to give schools as much time as possible, but there are still pressures because of the end date.

Mr Craig: That was an interesting statement. Who are the other people who will use those results?

Ms R Kennedy: The school outcomes appear in school prospectuses. They are used as benchmarking data for target-setting for schools. There is a range of other uses for the data. Schools themselves will use the data. We know that schools look for value added. They will look at a pupil at the end of Key Stage 2 or Key Stage 3 to see how much difference the school has made and how much that pupil has progressed. Their concern is that, if the original judgement was not sound, or was inflated, it would look as though that pupil had not made progress. So there are reasons why we want, and why schools in particular want, the data to be as secure as possible. When pupils transfer from primary to post-primary education, the information travels with them, as it does, potentially, from Key Stage 3 to Key Stage 4 if pupils change schools at that stage.

Mr Craig: I think that they have an awful lot more faith in them than I have.

The Chairperson: The Department is opposed to teaching towards a test, but we are now teaching towards assessment. That is the irony of the situation. The Department has a real issue with tests and teaching towards tests, but assessment has now become the big issue, which is a concern.

Mr Rogers: The sole purpose is to raise standards in schools. I am going back to the point of how this informs teaching and learning. There is a statutory requirement, and we need the data for league tables, school prospectuses, and so on, but, fundamentally, does it inform teachers? At the end of Key Stage 3, for example, when a student is awarded a particular level, do teachers use that? They do not. I asked that question yesterday. We were talking about whether teachers used the Key Stage 3 result when tracking underachievement in years 11 and 12, and an English teacher said no. They do not see it as being of value, and I understand why. At Key Stage 3, there is a level, but how can you measure value added at GCSE when you do not have the same information? Danny made a point about level 4. It covers such a wide range that, when children go into post-primary education, it is not a useful measure to inform teaching and learning. Those issues really need to be addressed. We are all coming from the one place: we want to raise standards in schools. However, to do that, this system has to add value and be useful to teachers. If you can convince teachers that this is really a useful exercise, we are all on a winner.

Mrs Dobson: I apologise for missing your briefing. Maybe my question has been asked. Unfortunately, I was not able to be part of the Committee visit yesterday; I was on Agriculture Committee business. I am sure that this has been said, but we do not want another Northern Ireland Literacy Assessment (NILA) and Northern Ireland Numeracy Assessment (NINA) situation when the pilot is completed. Although objections were made, the system was rolled out. Can you assure us that the views expressed by schools taking part in the shadow year will be listened to?

Mr Heaney: Absolutely. We are keen to do so. The Minister said, in his response to CCEA, that we expect the arrangements to evolve and take into account any lessons to be learned from that implementation across all schools.

Mrs Dobson: So you will act on that feedback.

Mr Heaney: We are happy to take into account any concerns or issues that schools raise with us or CCEA.

Mrs Dobson: I understand that a high level of funding is available in the shadow year. Are you concerned that that might lead to an imbalance in the results from those schools? Is it your plan that the same level of funding will be available for the roll-out in the coming year and beyond?

Ms R Kennedy: The shadow year report made recommendations. We have already shared with shadow year schools the actions that we have taken on each of those recommendations, and we have given them face-to-face feedback on that and on the action plan that is in place. So we do listen, we are listening and we take account, where possible. We explained our consideration of the timing of the assessments, for example.

I do not think that there was significant additional funding for shadow year schools. Part of the funding included in the figures was for running and trialling events, etc, which are now being replicated for all other schools. Some of the shadow year schools had a small amount of additional teacher release available to reflect the fact that they were implementing a year early and participating in evaluations, questionnaires, case studies, etc.

Mrs Dobson: I still have reservations about the workload that the proposals will put on teachers in the classroom, as, I am sure, do all Committee members. During previous briefings on the issue, we discussed communication with teachers, or the lack of it. Have you entered into communication with the teachers to help them to understand exactly what their role will be in these proposed changes?

Dr Hughes: Is that in reference to the more specific guidance that is anticipated?

Mrs Dobson: Yes.

Dr Hughes: As we mentioned earlier, CCEA will provide more detailed guidance very shortly. The rules could not be made until agreement was reached.

Mrs Dobson: I noted that Lough View Integrated Primary and Nursery School raised concerns about the speed of the introduction of these changes. I share its concerns. Do you agree with its assessment that CCEA has had no time to make necessary changes, based on feedback from the shadow schools, to the assessment process?

Dr Hughes: Do you mean the speed of the turnaround from the shadow year to the current year?

Mrs Dobson: On the basis of their assessment and feedback from the shadow schools.

Ms R Kennedy: We have had an ongoing process of evaluation of and feedback from the shadow years, so we responded to some issues in-year. When schools said that February was too early, for example, we worked to move the timescales forward for the shadow year schools to give them more time. We aimed to take on board and respond to certain things in-year rather than waiting until the final evaluation report was out and making adjustments thereafter. We tried to make sure that it was a dynamic process.

Mrs Dobson: So changes were made on an ongoing basis?

Ms R Kennedy: Yes, but the timescale still presents challenges, and we have been explaining what those challenges are. We have tried to respond and adapt as much as possible within the parameters.

Mrs Dobson: Thank you.

Mr Craig: I want to go back to the point that Sean made about the breadth of the levels of progression, especially level 4. My point comes directly from a meeting that I had yesterday with the feared inspectorate. The inspectorate was basically giving a lecture on the importance of the accuracy of the data from schools. When I started to ask some very awkward questions about the accuracy of the data coming from primary schools, I got some alarming answers from the inspectorate. There is a lot of variability, which brings us back to what is being said here. Level 4 is so broad that it is almost meaningless for post-primary schools, so they are then forced to rely very heavily on their own internal assessments of pupils. That is the reality. If there is that breadth within this system, how useful is the information to post-primary schools? If it is not that useful, why are we making such a big deal about deadlines?

Mr Heaney: We believe that that is addressed through the moderation process. Schools tell us that there is no confidence in the assessments currently performed. That was almost unanimous among all those whom we spoke to. On Monday, CCEA ran a shadow year event, and we heard from schools that they need to have confidence in the assessments. That is the value added that will come from these arrangements through the moderation process. We will try to refine that process to the point at which there is sufficient time for the assessments to be done. Through that moderation process, we will build that confidence, and schools will then see that the results are much more reliable. So if a child comes to them from a primary school at Key Stage 2, level 4, that child is, indeed at level 4, so they will not have to carry out an internal assessment at post-primary level to ensure that that is correct. They can rely on the new assessment arrangements in place because of the moderation process.

Mr Craig: This is not about whether the assessment of a pupil at level 4 is correct or incorrect. The point is that the breadth of level 4 does not give schools an accurate enough reflection of how capable a child is. Will anybody address that issue? We were told yesterday that level 4 extends from a child being almost three months ahead to being almost a year behind — all in the one level. I found that absolutely remarkable. I would have thought that you would need something slightly tighter than that to give post-primary schools a clear indication of how well a child is doing.

Mr Heaney: That takes us back to the point that Ruth made earlier about one level covering a period of between 18 months and two years of a child's progression. I am not sure whether there are any plans to review that at this stage.

Ms R Kennedy: I accept what you are saying, but when you talk about the Education and Training Inspectorate (ETI) and the variation in results, the feedback that we got from schools reflects the point to which Dale referred, which is the understanding of level 4. From teacher A to teacher B, or school A to school B, is there a common understanding of what a level 4 is because the variation in schools'

interpretation can create a wider spread? So it is about ensuring that there is a consistent understanding of the level 4 to begin with so that you can be sure that the range that it covers is tighter.

Mr Craig: Are we convinced that we have got to the bottom of that? Will we end up with a widely varying set of results this year that are not particularly useful to post-primary schools? Let us be honest — if the range is that wide, they will not be particularly useful to parents either. I doubt that most parents would even understand what was meant by their child being at level 4. I think that a double whammy is being built into the system. First, the level is too wide, and, secondly, because it is new, it will not be understood anyway. Do we really need to meet an artificial deadline that might have no meaning? Can we not give teachers a bit more flexibility in their timescale for implementing this?

Mr Heaney: We have been tasked by teaching unions to see what further flexibility there might be, and we are happy to continue to look at that. We appreciate that the timings are very tight.

Increasing parents' understanding is part of the communication plan that CCEA has set in motion and will release, assuming that the statutory rule goes ahead. We will want to keep that under review, and, if there are any additional changes that we can make, we will be more than happy to do so. We expect that, as schools' skills and expertise increase through implementation and delivery, the moderation timescale will, potentially, reduce.

The Chairperson: Dale, could we get to a point where the primary schools could initially report to parents on the unmoderated assessment?

Mr Heaney: In this first year, the moderation will not apply or will be optional. In a sense, schools may choose, at primary level, not to go through the moderation process. That will be the case this year, as the Committee has asked.

The Chairperson: If that is the case, why do they have to do the test in March? Why could they not do it in the summer term?

Mr Heaney: I suspect that that is down to CCEA's processes for being able to manage and assess which schools volunteer to take part in the moderation process.

Dr Hughes: It is still important, even if moderation is voluntary. We would still be keen that moderation went ahead, because it is a very important part of making the assessment as valuable as possible. If it continues to be variable, and question marks are placed against the value of those results for yet another year, we will have lost an opportunity. Moderation is a very important part of ensuring that the assessments are as useful as possible to schools, in particular, and parents. Moderation is part of that. Even if it is voluntary, we would still encourage it. It would still make the assessment process as valuable as possible this year. To come back to the point about the timing, there is a necessity for a period of time for that process. That needs to be built in this year, because we would still encourage moderation to take place. It is just that it will not be statutorily required this year.

The Chairperson: Could what I am suggesting be done?

Dr Hughes: Could the timescales be changed?

The Chairperson: Yes.

Dr Hughes: Not if there are still schools choosing to go into the moderation process, which we would still be encouraging.

The Chairperson: But if they do not have to report on the moderated assessment, and do not have to do the assessment until later, they could do that in a timescale that is more manageable for them. With respect, I am not so worried about the pressure that it puts on the Department or CCEA. I am not picking on CCEA, but the Committee wants to be a defender of what goes on in the classroom. The issue is whether that would be able to be done, working towards moderation.

We have been at this since 2007 or 2008. We are now in 2012. Speed and the way things are done do not normally correlate. We are saying this: let us work at this over a period of time to see whether

that could be done in a way that is advantageous and gives confidence to teachers, so that they are not under so much pressure with all the issues that they have to deal with on a variety of levels. Then, we as a Committee would revisit this in 12 months' time to see where we are and what the issues are. I am trying to find a halfway house. If we said that we were not going to agree to the statutory rule, that would throw the system into further chaos. I do not want to do that. Equally, I do not want to say to the Department, "That is all right. We have raised our concerns. Thank you very much." Away the Department and CCEA would go, and then the next thing would be, come March or April, that we are getting all sorts of complaints, concerns and issues. We would be partly to blame, because we had it in our hand.

We have made some progress around the issues that we have agreed, namely a revised position regarding statutory moderation at Key Stages 1 and 2 and changes to the size of the portfolio. However, I want to clarify that. Although we have said that there is an agreement to changes to the size of the portfolio sample that will be required of schools, am I right in saying that, if you have a class of 10, there would have to be a portfolio for each one of the 10, and it would then be up to CCEA which one of the 10 it picks?

Ms R Kennedy: For moderation of any skill, we want to see a small range of a child's work to support the judgement that the teacher made.

The Chairperson: Each child?

Ms R Kennedy: However, we request to see the work of a number of children. If we requested to see the work of six children, the teacher would provide three or four pieces of work from each child to demonstrate the judgement that they made. So, the requirement on the content of the portfolio is for those children that we are looking at for moderation. We would not be looking at a class of 30. The teacher may have the pieces collated or may know that there is work in the child's workbook that could be used.

Mr Rogers: Even where you have 10 children in the class, in order for the teacher to assess the level a child is at, they will have to have the four pieces of work.

Ms R Kennedy: For the teacher to make a judgement about the level that a child has reached, they will use a range of evidence in their mark book and a range of observational evidence. It has always been the case that, to make the judgement that a child has reached a level three or a level four, you have to carry out a number of assessments, carry out things in the classroom and have the evidence to make your summative judgement. For a sample of those pupils, we will be asking, "Can we please see three or four pieces from each child." That will not necessarily be all the evidence that the teacher has used to make the judgement, but we will ask for two pieces of reading and two pieces of writing from each child to show the judgement that they made.

Mr Rogers: So, essentially, the teacher will have to have the 40 pieces of work in a folder and will pull out the few pieces that they want.

You talked about coming back to this in a year's time. I suggest coming back to it in nine months at the very beginning of September.

Ms Boyle: Going back to what Sean said about the time frame for revisiting this, we have been getting feedback from schools about their areas of concern, and we have heard from yourselves about what the Minister has said about further engagement. David or Dale, what will be the impact of this not going forward?

Mr Heaney: Do you mean the impact of the rule not being approved?

Ms Boyle: Yes.

Mr Heaney: The impact could be fairly significant in that significant investment and training has already been undertaken by teachers on the assumption that levels of progression will be introduced this year. So, teachers would have to revert back to their understanding of the previous levels of attainment and apply that this year, despite the difference between that and the curriculum. That would mean omitting the skills aspect that the levels of progression contain. So, the levels of attainment would be based on the very outdated methodology and assessment that schools recognise

is no longer appropriate. That would create confusion in the system and amongst schools. CCEA is no longer set up to handle the data that would be coming from schools on levels of attainment, so there would be a risk that we would not be able to collect the data for 2012-13, although we would need to look at that to see what would be feasible. Ultimately, schools would be unable to fulfil the statutory duty that is there, because of our failure to put the legislation in place. The biggest issue for schools would be the confusion that might be generated.

Dr Hughes: It is worth making the point that a lot has been said about timescales in this academic year, and teachers will have in mind those timescales already. Even if everything has not been finalised and formalised, they know what they are working towards. If it turns out that they have to be told that they are no longer working towards those timescales, there would not only be confusion: the effect would be stronger than that, because they are already working towards a timetable and within timescales. They have had the training and the lead-in to that this year.

The Chairperson: I think that schools are akin to confusion. That is a common part of much of what goes on with a lot of these things.

David and Dale, I want to put a proposition to you and to get your view on it. Could we not have a system in which all the tests were done in the summer term, moderation was done in May and June, the report on the unmoderated outcomes went to parents by 30 June — that would meet the legal deadlines, and I know that the Department has a bee in its bonnet about that — and a report on the moderated outcomes was made in August or September in time for the school prospectuses? Why would that not work?

Ms R Kennedy: May I speak? We know that the big concern that schools have with the current system is the fact that outcomes are reported to parents and CCEA and are used for target setting and in prospectuses — there is a range of audiences — and that those outcomes are not moderated and there is no check on consistency. Therefore, we know that the big concern for schools is around consistency of outcomes, and that is the big driver behind what we are looking to do. We are trying to ensure, as far as possible, that there is consistency of outcomes within and between schools.

With pressure to report to parents on 30 June, before outcomes have been verified or confirmed, there is a risk that what is reported to parents is not correct and is then different from the information that would be reported in September or October. You would have two sets of information and data out in the broader system, and there would be a potential mismatch between the information that the parent receives about their child, which may be wrong, and the adjusted and moderated outcomes in September or October.

The Chairperson: OK. Thank you. The Committee is going to have to come to a conclusion on this. I still think that we have serious concerns. However, Ruth, David and Dale, thank you for your time.