

Legislative changes related to the Performance Scales – Policy Briefing for Parent Carer Forums

In 2015 the Minister of State for School Standards established an independent review of statutory assessment arrangements for pupils who are working below the standard of national curriculum tests, led by Diane Rochford. The review group was asked to advise whether existing arrangements remained fit for purpose in the light of wider changes to curriculum and assessment.

The Rochford Review¹ concluded that making **cognition and learning** the focus of statutory assessment for pupils with severe or profound and multiple learning difficulties would help to ensure that they are developing the right concepts and skills to progress on to those aspects of subject-specific learning assessed by the pre-key stage standards, if and when they are ready to do so. The Review was very clear; focusing statutory assessment on cognition and learning should not undermine provision in the other areas of need set out in the SEND Code of Practice, all of which play a crucial role in **promoting independence** and **quality of life**.

The recommendations were as follows:

R1. The removal of the statutory requirement to assess pupils using **P scales**.

P Scales or (P Levels) are used to assess the progress of children aged 5-14 who have special educational needs (SEN) and whose abilities do not yet reach Level 1 of the National Curriculum. P-scales are used for all the subjects of the National Curriculum as well as Religious Education, Citizenship and PSHE (Personal, Social and Health Education). P-scales allow for the evaluation of an individual child's progress in an extremely detailed way and allow for a clear indication of their development.

R2. The interim pre-key stage standards for pupils working below the standard of national curriculum tests are made permanent and extended to include all pupils engaged in subject-specific learning.

R3. Schools assess pupils' development in all four areas of need outlined in the SEND Code of Practice, but statutory assessment for pupils who are not engaged in subject-specific learning should be limited to the area of cognition and learning.

R4. There should be a statutory duty to assess pupils not engaged in subject-specific learning against the following 7 aspects of cognition and learning and report this to parents and carers: responsiveness; curiosity; discovery; anticipation; persistence; initiation; and investigation.

R5. Following recommendation 4, schools should decide their own approach to making this assessment.

R6. Initial Teacher Training (ITT) and Continuing Professional Development (CPD) for staff in educational settings should reflect the need for teachers to have a greater understanding of assessing pupils working below the standard of national curriculum tests, including those pupils with SEND who are not engaged in subject-specific learning.

¹ <https://www.gov.uk/government/publications/rochford-review-final-report>



R7. Where there is demonstrable good practice in schools, those schools should actively share their expertise and practice with others. Schools in need of support should actively seek out and create links with those that can help to support them.

R8. Schools should work collaboratively to develop an understanding of good practice in assessing pupils working below the standard of national curriculum tests, particularly across different educational settings. Schools should support this by actively engaging in quality assurance, such as through school governance and peer review.

R9. There should be no requirement to submit assessment data on the 7 areas of cognition and learning to the Department for Education, but schools must be able to provide evidence to support a dialogue with parents and carers, inspectors, regional schools commissioners, local authorities, school governors and those engaged in peer review to ensure robust and effective accountability, according to the curriculum that they use and the needs of their pupils.

The Review recommended that schools should have a statutory duty to assess pupils who are not engaged in subject-specific learning against 7 areas of **engagement for learning** identified by the Complex Learning Difficulties and Disabilities (CLDD) research project commissioned by DfE in 2017. These are:

- Responsiveness
- Curiosity
- Discovery
- Anticipation
- Persistence
- Initiation
- Investigation

The Department for Education piloted the Review's recommended approach to assessing pupils not engaged in subject-specific learning in the 2017 to 2018 academic year, before taking the final decision on whether to implement this approach on a statutory basis. **Changes will take effect from the 2020 to 2021 academic year onwards, following amendment to the relevant legislation.**

Whilst the Review recommended that schools should have a statutory duty to assess pupils against the 7 areas of engagement for cognition and learning, it recommended that schools should be free to assess pupils against these 7 areas in a way that best reflects the needs of the individual pupil and the curriculum that they follow. This is because the needs of this group of pupils are such that their progression is not always linear, and it is therefore inappropriate to prescribe milestones that should have been met by a particular age.

What does this mean for forums?

1. Forums should make their members aware of the changes that will come in from September 2020 once the legislative changes have been approved.
2. Forums should consider how progress is measured locally for children and young people with complex needs.
3. Forums should consider how this affects the education and wider outcomes children and young people with complex needs are achieving.
4. Forums should work with their Local Authority, Clinical Commissioning Group and education settings to develop an Outcomes Based Accountability framework to demonstrate impact.