



Department  
for Education

# **Arrangements to implement the national reference test**

**Government consultation response**

**March 2016**

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## Introduction

This report sets out the Government's response to its consultation on new legislative arrangements to implement Ofqual's National Reference Test (NRT) together with a summary of responses received. The consultation ran from 30 November 2015 to 22 January 2016 and this report is based on the 28 responses received.

Of the responses we received:

- 9 were submitted directly from teachers
- 1 was submitted on behalf of a maintained school
- 2 were submitted on behalf of awarding organisations
- 2 were submitted on behalf of academies
- 2 were submitted by parents
- 1 was submitted on behalf of a college
- 4 were submitted on behalf of organisations representing school teachers and lecturers
- 7 were submitted as 'other'

Throughout the report, proportions and percentages are expressed as a measure of those answering each question, not as a measure of all responses.

## Background

The NRT is one of a number of strands of activity that Ofqual is taking forward to strengthen the GCSE grade setting process. Ofqual consulted on the introduction of the test as part of its plans for setting grade standards for the new GCSEs<sup>1</sup>. It announced on 17 April 2015 that it had awarded a contract to the National Foundation for Educational Research (NFER) to develop and deliver the test<sup>2</sup>.

Ofqual has asked the Department for Education to introduce new secondary legislation to underpin the test. The legislation will make it mandatory for selected schools to take part; allow head teachers to withdraw pupils from the test under certain circumstances; and make NFER's guidance subject to the approval of the Secretary of State for Education. It will come into effect on 1 September 2016 and will be applicable to the first test in March 2017.

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<sup>1</sup> <https://www.gov.uk/government/news/setting-standards-for-new-gcses-in-2017>

<sup>2</sup> <https://www.gov.uk/government/news/ofqual-signs-national-reference-tests-contract>

## Summary of responses received and the Government's response

Overall, there was a consensus amongst respondents that the test should be made compulsory for selected schools with two-thirds agreeing with this point. The overwhelming majority also agreed that the head teacher should be able to withdraw a pupil from the test where they consider this to be necessary. There were a number of suggested circumstances which might warrant this, the most common being because the pupil exhibited stress or anxiety or was suffering from long term illness. Over half of respondents agreed that the NFER guidance on the administration of the test should be subject to the approval of the Secretary of State. Two-thirds of respondents did not believe that the secondary legislation will have a disproportionate impact, positive or negative, on specific pupils, in particular those with 'relevant protected characteristics'.

### Administration of the test

Respondents raised a number of questions regarding the administration of the test, focused on statistical validity (given the length of the test and the inclusion of different school types in the sample), the costs that may be incurred by schools and the communication of information about the test. These are addressed below.

#### *Statistical validity*

The mandatory nature of the test will contribute to ensuring statistical validity. Each test consists of eight booklets of questions and each pupil takes just one booklet. It is not necessary to test every pupil on every area of the curriculum; the test is not designed to award a mark or grade to individual pupils, but to measure the overall performance across the whole sample of pupils that take the test. The length of the test can therefore be kept to an hour without materially affecting the statistical validity of the outcome.

The sample taking the test will be constructed on the basis of schools' historic GCSE performance and number of pupils, and will not take into account the type of school. Therefore, if certain types of school are underrepresented it will not affect how representative the sample of pupils is of the national GCSE cohort. NFER, however, will invite independent schools to participate. Respondents to the consultation representing the independent school sector supported their inclusion in the tests.

#### *Costs incurred by schools*

Ofqual has sought to minimise the burden on schools and pupils who will be asked to take the test. NFER will liaise with each school to agree the most convenient day during the testing window on which to hold the test. It will be for schools to decide the level of

administrative support they will provide, but Ofqual's intention is that schools' input should be small. The administration of the test has been designed to minimise the amount of work involved for schools. Ofqual will make a payment to each school that takes part, approximately equivalent to a day's supply cover.

### *Communication*

Ofqual has produced a fact sheet that provides more information about the test and how it will be administered in schools<sup>3</sup> and has published further information on its blog.<sup>4</sup> As part of its guidance NFER will also provide more detailed information to those schools that are selected to take part, including advice for schools to pass on to parents and pupils.

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<sup>3</sup> <https://www.gov.uk/government/news/national-reference-tests-an-overview>

<sup>4</sup> <https://ofqual.blog.gov.uk/2016/02/10/update-on-the-national-reference-test/>

## Government response

The Government has made it clear that it regards the National Reference Test as having the potential to provide a valuable additional source of information over time that may be taken into account when GCSEs are awarded.

Having carefully considered the small number of responses to this consultation it has decided to proceed with enacting the proposed secondary legislation. The Orders will come into force on 1 September 2016. The legislation will therefore apply to the first test in March 2017 and will continue to apply in subsequent years. It is important that the sample of pupils taking the test each year is fully representative and therefore it is appropriate that it should be mandatory for selected schools to take part.

We have considered whether there is potential for there to be a disproportionate impact on specific pupils, in particular those with 'relevant protected characteristics', arising specifically from making the test mandatory. We do not consider that there will be a negative impact because we are giving head teachers the authority to withdraw individual pupils if they have concerns about their participation.

The Government recognises that there can be very limited and specified circumstances in which it would not be appropriate for an individual pupil to take the test. The school is best placed to make this assessment and therefore the proposed legislation gives the head teacher the authority to withdraw an individual pupil from taking the test. NFER will also provide additional guidance to schools on how to make this assessment prior to the tests taking place each year. This guidance and other supplementary provisions will be subject to the approval of the Secretary of State as this is the best way to ensure that the administrative burden on schools is minimised.

## Question analysis

### Question 1

**To what extent do you agree or disagree that it should be mandatory, if selected, for a school and the sample of pupils to take part in the National Reference Test.**

There were **27** responses to this question:

	Total	Percent
Agree	11	41%
Strongly Agree	7	26%
Strongly disagree	6	22%
Disagree	3	11%

Two-thirds of respondents believed it should be mandatory, if selected, for a school and the sample of pupils to take part in the National Reference Test. One-third of respondents disagreed. Several respondents noted the importance of having a fully representative sample for the results to be useful and valid.

A third of respondents either disagreed or strongly disagreed. The reasons for this were varied and included concerns about whether the methodology should be more fully tested before making this commitment, children losing teaching time, or schools not being able to opt out in extreme circumstances (like closures due to adverse weather conditions for example).

### Question 2

**To what extent do you agree or disagree that the head teacher should be able to withdraw a pupil that has been selected to take the test, having regard to the guidance that the test supplier will provide?**

There were **27** responses to this question:

Options	Total	Percent
Strongly Agree	16	59%
Agree	9	33%
Strongly disagree	1	4%
Disagree	0	0%



Options	Total	Percent
Don't know or no opinion	1	4%

92% of respondents believed that the head teacher should be able to withdraw a pupil who has been selected to take the test, having regard to the guidance that the test supplier will provide. Comments received also emphasised that it is important that the vast majority of students selected to take the tests do so, to ensure it is representative.

### Question 3

**What circumstances do you consider would justify a head withdrawing a pupil from taking a test, taking into account the need to achieve a nationally representative sample of students and that pupils do not receive individual results or awards from taking the National Reference Test?**

There were **25** respondents to this open question.

Pupil stress was the most common reason provided, with 12 respondents mentioning it. Several respondents providing this response highlighted a possible problem of stress arising from participating in the test having an adverse effect for individuals in their GCSE examinations. Other reasons included ill health, bereavement and difficult personal circumstances.

### Question 4

**To what extent do you agree or disagree that supplementary provisions in relation to the administration of the test that Ofqual's test supplier makes should be subject to the approval of the Secretary of State?**

There were **25** responses to this question.

Options	Total	Percent
Strongly Agree	8	32%
Agree	7	28%
Disagree	4	16%
Strongly Disagree	2	8%
Don't know or no opinion	4	16%

Almost two-thirds of respondents agreed that the supplementary provisions in relation to the administration of the test that Ofqual’s test supplier makes should be subject to the approval of the Secretary of State. Those who disagreed raised concerns about this causing additional bureaucracy, or encroachment from the Department for Education into Ofqual’s regulatory remit.

## Question 5

**Do you think that the proposed secondary legislation has a disproportionate impact, positive or negative, on specific pupils, in particular those with 'relevant protected characteristics'? (The relevant protected characteristics are disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.)**

There were 25 responses to this question

Options	Total	Percent
Will have no disproportionate impact on specific pupils	13	52%
Will have a disproportionate negative impact on specific pupils	5	20%
Will have a disproportionate positive impact on specific pupils	1	4%
Don't know or no opinion	6	24%

Over half of all respondents did not believe that the secondary legislation will have a disproportionate impact, positive or negative, on specific pupils, in particular those with 'relevant protected characteristics'. Some respondents commented that the mandatory nature of the test will ensure there is no disproportionate impact on specific groups of pupils, while others felt that pupils who are particularly anxious about taking the test might be affected.

Those with concerns said they felt that pupils with anxieties were likely to be disproportionately represented within protected groups. One response stated that the effect on pupils with relevant protected characteristics should be closely evaluated and monitored through the trials in March 2016.

## Next steps

The new secondary legislation will become statutory in time for it to be applicable to the first test, which is due to take place in March 2017.

## **Annex A: List of organisations that responded to the consultation**

Altrincham Grammar School for Girls

Association of School and College Leaders

Association of Teachers and Lecturers

Beacon Academy

Examination Officers' Association

Freedom and Autonomy for Schools - National Association (FASNA)

Headmasters' & Headmistresses' Conference (HMC)

The Independent Schools Association

Mathematics in Education and Industry (MEI)

National Association of Head Teachers (NAHT)

The National Association of Schoolmasters Union of Women Teachers (NASUWT)

National Foundation for Educational Research (NFER)

Pearson

WJEC



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