



Department
for Education

Consultation response form

Consultation closing date: 22 January 2016

Your comments must reach us by that date

Arrangements to implement the national reference test

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

Ofqual is introducing a national reference test to provide additional information to support the awarding of GCSEs. In March 2016, Ofqual will hold the preliminary reference test, a full-scale operational trial, and the first annual national reference test will take place in March 2017. The introduction of the tests is expected to contribute to setting standards in the new GCSEs. This consultation seeks views on proposed secondary legislation to require selected schools to take part in the test. This will help to ensure that the sample of pupils and schools that take part each year will be fully representative.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Lesley Davies	
Please tick if you are responding on behalf of your organisation.	✓
Name of organisation (if applicable): Pearson	
Address: Pearson, One90 High Holborn, London, WC1V 7BH	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by email: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's ['Contact us'](#) page.

Please insert an 'x' into one of the following boxes which best describes you as a respondent.

<input type="checkbox"/>	Teacher	<input type="checkbox"/>	Parent	<input type="checkbox"/>	School
<input type="checkbox"/>	Employer/Business sector	<input type="checkbox"/>	Academy	<input type="checkbox"/>	Organisation representing school teachers and lecturers
<input type="checkbox"/>	Young person	<input type="checkbox"/>	Local authority	<input type="checkbox"/>	College and further education institution
<input type="checkbox"/>	Subject association	<input type="checkbox"/>	Higher education establishment	<input checked="" type="checkbox"/>	Awarding organisation
<input type="checkbox"/>	Other				

Please specify: Pearson

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?

<input type="checkbox"/>	Strongly agree	<input checked="" type="checkbox"/>	Agree	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Strongly disagree	<input type="checkbox"/>	Don't know or no opinion		

Comments:

It is critical to the success of the National Reference Test as a source of evidence for measuring changes in cohort ability to put steps in place to ensure that the sample is representative of the profile of the national student population. If the sample is not representative and balanced then the test outcomes will be invalidated and it will not be possible to recognise genuine improvements in cohort performance. However, if the results are to be meaningful it is also very important that there is buy-in from across the school system for these tests so that they are taken in the right atmosphere and spirit. We therefore agree that participation should be mandatory, but we are concerned that the approach suggested could present some logistical challenges for schools. We would like to see the need for full participation accepted and achieved in a way that is more consensual, similar to international tests that sample cohort performance such as the PISA tests. We believe that more needs to be done to communicate the purpose and benefits of the National Reference Test and how it is aligned to the needs and demands of the schools who will be committing resource and time to supporting its implementation.

2 To what extent do you agree or disagree that the headteacher 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?

<input type="checkbox"/>	Strongly agree	<input checked="" type="checkbox"/>	Agree	<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Strongly disagree	<input type="checkbox"/>	Don't know or no opinion		

Comments:

It is hard to provide a definitive response to this question when the guidance is not available to review, but the principle is correct that a head teacher should be able to withdraw a student in certain limited circumstances in line with other national test survey instruments. It is also important to consider the position of parents, clarifying whether they also have a right to withdraw their child from the test.

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?

Comments:

The circumstances are best agreed in consultation with those who work most closely and directly with students. However it is important to consider the impact on the validity of the test when establishing the rules for special considerations that permit withdrawal of specific students.

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

<input type="checkbox"/>	Strongly agree	<input type="checkbox"/>	Agree	<input checked="" type="checkbox"/>	Disagree
<input type="checkbox"/>	Strongly disagree	<input type="checkbox"/>	Don't know or no opinion		

Comments:

The National Reference Test is primarily a technical assessment instrument which is administered on behalf of Ofqual, not the DfE. It follows therefore that the test administrator's guidance should be approved by the regulator; they are best placed to confirm that it will not lead to a negative impact on the representative nature of the cohort taking the test.

In accordance with the Equality Act 2010, public bodies must have "due regard", when making decisions, to the need to eliminate discrimination, harassment, victimisation; advance equality of opportunity; and foster good relations, in relation to relevant protected characteristics. It would therefore be very helpful to understand if, in your view, there is any potential for the proposed legislation to have a disproportionate impact upon any pupil with relevant protected characteristics under the Equality Act 2010.

Ofqual has considered the impact of introducing the National Reference Tests. This is set out in its Board paper 68/14^[1].

We have set out in this consultation why making the test mandatory will help to ensure that the sample of pupils that take the test is nationally representative. Similarly, making the tests mandatory will ensure that pupils with a relevant protected characteristic are included in the overall sample and their performance is reflected in the National Reference Test results. If pupils with protected characteristics who were entered for GCSEs were excluded from taking the test or had the option not to take it, the test outcomes would not reflect the performance of the national GCSE cohort.

Ofqual's test supplier will provide similar reasonable adjustments for disabled pupils taking the National Reference Test that are available to disabled pupils when they take their GCSEs and similar access arrangements for pupils who have temporary injuries.

For example, these will include large print and braille versions of the test, allowing extra time and the use of a scribe.

We propose to enable the head teacher to withdraw a pupil who has been selected to take the test. This ensures that, in exceptional circumstances, an individual pupil who would be disproportionately impacted due to having a protected characteristic were they to take the test, can be protected.

Every pupil who is asked to take the National Reference Test will be encouraged to do their best. However, unlike an exam for a qualification, the outcome of the test will have no direct impact on that individual pupil's GCSE results. The test is solely intended to measure performance nationally.

^[1] <https://www.gov.uk/government/publications/papers-for-the-ofqual-boards-december-2014-meeting>

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.

<input type="checkbox"/> Will have a disproportionate positive impact on specific pupils	<input type="checkbox"/> Will have a disproportionate negative impact on specific pupils	<input checked="" type="checkbox"/> Will have no disproportionate impact on specific pupils
<input type="checkbox"/> Don't know / no opinion		

Comments:

We do not foresee disproportionate impact on those with the protected characteristics listed because of their protected characteristic – the impact will come from factors other than race, religion etc. There will be students on whom it has a disproportionate impact, but these students (some of whom may have a protected characteristic) should be covered by the ability of the head teacher to withdraw specific students for agreed reasons.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.	
Email address for acknowledgement:	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office consultation principles. The key consultation principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected

Completed responses should be sent by 22 January 2016. Send by post to: Iain Cuthbert, 2nd Floor, Sanctuary Building, Great Smith Street, London, SW1P 3BT. Send by email to: TheNationalReferenceTest.CONULTATION@education.gsi.gov.uk

We acknowledge that this consultation runs over the school Christmas holidays and it will therefore run for 8 weeks rather than 6 weeks.

If you have any comments on how DfE consultations are conducted, please email: consultation.unit@education.gsi.gov.uk