



Standards
& Testing
Agency

Standards and Testing Agency
53-55 Butts Road
Coventry
CV1 3BH

Tel: 0300 303 3013

www.gov.uk/sta

Email enquiry form:

www.education.gov.uk/contactus/sta

Date: 09 August 2017

Dear Nicola

Correspondence case number: 2017-0035987

I refer to your request for information, which was received on 13 July 2017. You requested:

I am writing to you under the Freedom of Information Act 2000 to request the following information from your KS2 SATS Department: KS2 SATS Marking Guidance for Examiners.

Please provide the information in either paper or as PDFs.

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under your Section 16 obligations, as to how I can refine my request to be included in the scope of the Act.

I have dealt with your request under the Freedom of Information Act 2000 ("the Act").

The Department holds the information that you requested but it is being withheld under Section 36(2)(c) of the Act.

Under Section 36(2)(c), the Department is not required to provide information, if in the reasonable opinion of a qualified person (a Minister in the case of Government Departments) disclosure of the information under the Act would be likely otherwise to prejudice, the effective conduct of public affairs.

In relation to your request, a Minister has decided that, in his reasonable opinion, disclosure of the information requested is likely to have this prejudicial effect, and therefore the exemption in Section 36 applies.

Section 36 is a qualified exemption and therefore a public interest test has been carried out. The following arguments were considered as part of the test.

Arguments considered against disclosure:

Publishing the marker training materials (MTM) is highly likely to endanger the policy intention behind the revised national curriculum – i.e. the 2014 curriculum provides a high-level description of *what* should be taught, but deliberately has less prescription around *how* to teach the curriculum in schools, leaving discretion for teachers. This is why the Department removed prescriptive levels, as they had come to dominate teaching and did not fit with the revised curriculum freedoms that schools had been given.

The panel came to the view that disclosure of the information would be likely to add to teacher/school workload, as teachers may use the MTM to plan their lessons to teach to the test, rather than to teach the curriculum in full. This is likely to risk adding to teacher, and in turn pupil, stress.

Arguments considered for disclosure:

The panel considered the transparency of disclosing the MTM. Their release would result in the materials being seen by practitioners and experts and aligned to the published mark schemes, thereby dispelling the myths about the MTM being 'secret' or something nefarious.

The panel considered that their release would present STA with the opportunity to provide context about how the materials are developed, and how markers use them to ensure that the key stage 2 (KS2) tests are marked rigorously, consistently, objectively and fairly.

It was recognised that the materials could show marking in a positive light. Markers are required to adopt a positive approach to marking pupils' tests and award marks where acceptable answers are given.

STA published the [KS2 mark schemes](#) post-test in May on GOV.UK.

Having considered the arguments for and against disclosure of the MTM, the panel concluded, on balance, their disclosure would not be in the public interest, for the following principal reasons:

- Publishing the materials is highly likely to endanger the policy intention behind the revised national curriculum.
- Release of the MTM could in the future adversely influence classroom-teaching practice, with the risk that teachers will overly concentrate on teaching pupils how to provide acceptable responses to test questions, rather than teaching them the wider curriculum. This would not only put at risk primary education standards, but also the ability of pupils to successfully transition to secondary school.
- Without expert explanatory guidance, the MTM are highly likely to be misunderstood by less experienced or less confident teachers, resulting in the long-term risk to the quality of teaching practice, this in turn putting at risk primary education standards.
- Disclosure is likely to result in the subject experts and contractors who develop the MTM to be more cautious about providing robust and comprehensive marking guidance, resulting in markers being left to their own subjective judgement. This would put the consistency, objectivity and fairness of the marking of the tests at risk.
- Disclosure is likely to add to teacher/school workforce workload, as teachers are likely to use the MTM to plan their lessons to teach to the test, rather than to teach the curriculum. This is likely to risk adding to teacher, and in turn pupil, stress.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the way your request has been handled, you should make a complaint to the Department by writing to me within two calendar months of the date of this letter. Your complaint will be considered by an independent review panel, who were not involved in the original consideration of your request.

If you are not content with the outcome of your complaint to the Department, you may then contact the Information Commissioner's Office.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'N. Jones', followed by a long, horizontal, wavy line.

Nicola Jones
Senior Marking Manager