

## **Assessment: impact and consequences – exploring a children's rights perspective**

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### **Introduction:**

Assessment and testing of children has always been a significant part of the educational fabric of schooling both in the UK and beyond. The ways in which we evaluate children's learning and the impact that such assessments may or may not have on their life chances as they progress through their schooling careers is well documented and the subject of much research. However, a focus of debate in recent years, especially in the UK, is that we have some of the most frequently tested children in the world – 'the *average pupil in England will take at least 70 tests during a school career*' (HoC, 2008, p. 52). This debate has come out of reflections on the impact of a now very-well established system of national curriculum testing for 7, 11 and 14 year olds, and the introduction of modular GCSEs, AS and A2 level qualifications (and their vocational equivalents) so that from a very early age children are exposed to formal, high-stakes testing situations across all their years of schooling. This debate has culminated more recently with political, academic and policy level concern that children are suffering unduly through the amount of testing that they have to go through in their school lives and that too much testing has adverse consequences for their overall experience of schooling and the curriculum with which they engage (HoC, 2008; Alexander and Flutter, 2008).

The link between the impact of testing and compliance with children's rights is a connection, which although seemingly obvious, is nonetheless rarely made, particularly by the government, which, as the signatory to the relevant International Treaties, has the primary responsibility for ensuring that educational practice is compatible with international children's rights standards. In recent times, the UK government has committed itself to a vision for education that is underpinned by a commitment to children's rights. While this is explicit in general policy documentation, it rarely features when the focus is on assessment and testing. Indeed the recent and significantly important England House of Commons Select Committee report (2008) concluded that the '*principle of national testing is sound... however... national testing can be used in inappropriate ways and that this may lead to damaging consequences for the education system and, most particularly, for children*' (p. 87). However, while children are considered in this report in relation to the conclusions reached, the issues about the extent to which assessment and testing affect them and their lives per se are never framed within a consideration of their rights.

Thus, in spite of the fact that there is significant public and academic attention given to the consequences of assessment and testing on children and that government is committed to acting in a manner that is consistent with children's rights standards, the two are rarely considered together. There

is dearth of literature and research studies exploring the relationship between children's rights and assessment. The discussion at the conference will consider the implications of international human rights standards for assessment practice. In particular, we will use key children's rights principles and standards as a critical lens to examine assessment policy and practice. The overall aim is to seek new insights into the complexities of assessment practice from the critical but neglected perspective of children's rights. We will begin with an overview of the relevance of international human rights laws for the assessment and testing of children. These are then explored more fully through a focused analysis of key children's rights principles and their application to significant assessment policies and practices: (i) children's best interests (ii) non-discrimination and (iii) participation. We will conclude with some reflections on the challenges which emerge in terms of ensuring children's rights compliant assessment practice.

### **Children's rights and assessment:**

The UK government is a signatory to a series of legally binding international human rights treaties. The two which are most relevant to the issue of children's rights and assessment are (i) the European Convention on Human Rights and (ii) the United Nations Convention on the Rights of the Child (UNCRC). Both contain an explicit right to education as well as a general prohibition on discrimination. Since October 2000, the Human Rights Act 1998 has made it unlawful for public bodies (which includes government departments, curriculum and assessment bodies) and schools to act in a way that is incompatible with Convention rights. It has also enabled individuals who think that their Convention rights have been breached to make a complaint in the UK's domestic courts.

The UNCRC contains a more comprehensive statement of rights for children, most notably in its inclusion of two innovative principles: first, that in all decisions that are made about children, their best interests must be "a primary consideration"; and secondly, that children who can express a view have a right to have that view given "due weight" in all matters affecting them. However, a limitation of the UNCRC is that individuals cannot make complaints about breaches of their rights under the UNCRC to a court. The primary enforcement mechanism is a system of periodic reporting to the United Nations Committee on the Rights of the Child. The Committee on the Rights of the Child last reported on the UK's progress in implementing the Convention in 2002 and the UK government has recently submitted its latest report to the Committee for consideration.

Assessment, testing and examinations are not mentioned explicitly in any of the international human rights treaties. However, education is generally accepted to cover a wide range of aspects of children's schooling. For example, the UNESCO Convention Against Discrimination in Education states that education 'refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given'. At the outset, the European Court of Human Rights acknowledged that the right to education was not simply one of access to institutions but also for example, the right to recognition for one's studies. There can be little doubt, however, that international human rights law applies to assessment practices and that the UK has publicly committed and is legally bound to ensure that what happens to children is compatible with fundamental human rights standards.

### **Current key directions in assessment – what are we considering?**

One key direction in the area of assessment is the move towards the large-scale implementation of formative assessment practices within schools and classrooms. Such approaches are considered as instrumental in setting new goals for raising standards in education more generally. Since 1998 we have seen the wide-scale dissemination of research that advocates the use of formative assessment to specifically raise overall levels of student achievement as well as create better equity of student outcomes (CERI, 2005, Wiliam et al 2004). The out-workings of this research into programmes of formative assessment, especially through the principles of 'Assessment for Learning' (AfL) (ARG, 2002) have captured the interest of policy makers and practitioners alike. So much so that many educational systems world-wide encourage the use of such practices for *all* teachers across *all* phases of education as a way to raise standards and overall student achievement. For example, since September 2007 all teachers in Northern Ireland post-primary schools are being encouraged to use AfL strategies within the revised curriculum (CCEA, 2007). Examples of AfL strategies are: developing questioning technique; sharing learning and success criteria; student self- and peer assessment and providing quality feedback (comments) instead of marks or grades. Teachers are encouraged to use such techniques in the assessment of key cross curricula skills such as communication, using mathematics and ICT in the middle years of schooling (12-14 years). While the above research and practice persuasively argues for the efficacy and importance of formative assessment practices to greatly improve student learning and achievement, we have yet to establish how such practices impact on different groups of students and whether such practices actually do create and sustain better equity of student outcomes.

A second key direction, however, is the continuing (and in certain states growing) dominance of high-stakes testing and assessment for accountability across nations and states. Such tests are seen as significant mechanisms for reform of curriculum and assessment in order to raise standards of education. For example, in the USA the *No Child Left Behind Act* (NCLB) of 2001, a reauthorization of the *Elementary and Secondary Education Act* of 1965, refined systems for holding school personnel accountable, relying on standardised assessments as evidence for educational progress. The NCLB act has inflated the consequences for poor results, thus also heightening focus on these tests by schools and educational authorities. The implementation of the act has heightened concerns about the social consequences of such assessment requirements which continue to drive education provision for many children and young people (Koretz, 2008, Moss et al, 2009). Likewise, the Australian Curriculum Assessment and Reporting Authority (ACARA) Bill 2008 has established the single authority responsible for the functions of curriculum, assessment and reporting at the Australian national level which will set core content and achievement standards across all ages of education. The intention here is to establish a standards-referenced framework to "invigorate a national effort to improve student learning in the selected subjects" (National Curriculum Board, 2008: 3 in Klenowski and Wyatt-Smith, 2008, p.1). This standards framework includes national testing in numeracy and literacy as well as a sampling programme across other subjects.

Tensions have been acknowledged between these policy directions (e.g. Moss et al 2009). What is of concern is how such tensions impact on assessment practice and student achievement more generally. On the one hand we have the move towards more teacher and student autonomy in learning and assessment and on the other we have the move towards more state intervention in curriculum and assessment provision to ensure better standards for all children irrespective of where they go to school. Yet, despite findings presented through the formative research literature (CERI, 2005) that advocate such practices to obtain the biggest gains in improved student performance, there are still major barriers to the wider implementation of formative assessment practice - mainly the resource and organizational difficulties of large-scale implementation of formative assessment that make it impractical. Moreover, there are tensions with the accountability demands of more 'highly visible' summative tests of student performance. Thus not only is there friction between these directions in order to achieve the goal of a better education for all but there is also a considerable lack of coherence between assessments at the classroom, school and system level. What is clear, however, is that considerations of assessment reform and change tend to ignore children as definitive stakeholders in assessment policy development and implementation (Mitchell, Angle and Wood, 1997), rarely consider whether the proposed assessment policies and practices are fundamentally non-discriminatory and do not explicitly engage in debates as to whether such policy changes are in the best interests of all children.

### **Children's Rights and assessment – exploring the links**

This paper is based on work in progress that is looking at assessment from the perspective of children's rights. The work has come about through conversations exploring questions as to why when we talk about assessment reform or change, or when we talk about the impact (both good and bad) that assessment has on children and their achievements that children's role in assessment as definitive stakeholders is not considered. The focus of this paper has come about through interdisciplinary connections in the fields of law, children's rights and assessment to ask some fundamental questions:

- What link is there between children's rights and assessment?
- What might a consideration of children's rights bring to assessment?
- What would assessment look like if it were children's rights compliant?
- How might a children's rights framework help us to consider assessment differently at different levels – policy, design, school, classroom and child

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