Ofqual

The first report of the Chief Regulator of Qualifications and Examinations

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A message from the Chief Regulator
Kathleen Tattersall OBE

Ofqual's mission is to be the independent regulator of qualifications, tests and assessments that are valued and trusted by learners, users and the wider public. As Chief Regulator, I commit Ofqual to gearing our efforts to deliver that mission.

Kathleen Tattersall OBE, Chief Regulator

Executive summary

Ofqual was established in 2008 to bring a clear separation between those who provide and deliver qualifications, and the regulator, who ensures they are fair and accurate. In this, my first Chief Regulator's report, I look at what has been achieved so far and at plans for the future against the background of our central mission, which is to be the independent regulator of qualifications, tests and assessments that are valued and trusted by learners, users and the wider public.

Ofqual must be – and be seen to be – independent. The legislation going through Parliament establishes Ofqual as an independent, non-Ministerial department, reporting to Parliament.

With independence comes responsibility to act rationally and fairly, to be open and transparent, to set out regulatory requirements in a clear and understandable way and to give reasons for the decisions we make. A regulator that thinks it can speak from on high without working with its partners would be totally out of touch with reality.

It is essential we listen to the learners who work hard for the qualifications they achieve. We have established learner panels in primary and secondary education and plan to expand them to cover adult learners, including those learning in the workplace.

We are clear that Ofqual does not determine national education policy or targets. That is not our role, but the job of the government. It is our right and duty, however, to inform Ministers of the possible impact of policy changes on standards. Our advice to Ministers over the past year, the interim period prior to the passing of the necessary legislation to establish our role, has already been accorded the status of impartial, independent advice.

Ofqual does not develop or deliver courses, tests, examinations or qualifications. We set the standards and then ensure that they are met. One of our first challenges was to help restore confidence after it was shaken by the problems over the delivery of the results of the national curriculum tests last year. To help establish what went wrong and learn lessons for the future, we commissioned an independent inquiry by Lord Sutherland of Houndwood.

Ofqual is implementing Lord Sutherland's recommendations to strengthen the regulation of the tests. Despite the difficulties experienced by schools in receiving the results, we judged that the quality of marking in 2008 was at least as good as in previous years.

With the economic challenges we face there has never been a more important time for education and qualifications to play a part in helping people acquire new skills for a highly competitive job market. It is our responsibility to make sure qualifications give learners an enduring record of their achievement. In August 2008 we published the regulatory requirements for the Qualifications and Credit Framework (QCF).

Maintaining standards is at the heart of our role and it becomes particularly challenging when

qualifications change or new ones are introduced. The new Diplomas assess learning in applied situations and we have worked closely with awarding organisations to ensure that standards are set appropriately and consistently.

Many GCSEs and A levels are moving to a unitised approach and we have made it clear to awarding organisations that they need to balance the wishes of the learner for a firm and final result for the early units they take with the need to maintain standards across the qualification as a whole when deciding the final grade.

We have been working with awarding organisations to ensure that grading of the new style AS qualifications to be awarded for the first time this year will be consistent and fair. Similar steps will be taken for the new A level awards from 2010, when most will be reduced from six to four units and a new A* grade will be introduced. We will also take care to ensure standards are maintained with the new unitised GCSEs to be rolled out into schools for first teaching in some subjects in September this year and for others in September 2010.

For the last 15 years the Qualifications and Curriculum Authority (QCA) has carried out studies of standards over time in GCSEs and A levels and we are continuing that work. We published reports of the latest set of studies in March this year and they largely showed that standards had been maintained. However, we also reported important concerns about new GCSE science qualifications taken in England in 2007 and 2008. We asked QCA to revise the national criteria for the qualification and required examination groups to improve the quality of the questions.

New national qualifications should not be introduced without first being piloted in full and modified as necessary. This may mean a longer lead-in time, but is fairer to learners. In this report I set out the principles that should govern the piloting of new or changed national qualifications.

Ofqual will have a new regulatory role covering assessment arrangements for very young learners, at the Early Years Foundation Stage (EYFS) and key stage 1. We will work with our partners to ensure that these assessments support good teaching practice and are consistent.

One of our statutory objectives is to secure efficiency and value for money in the qualifications market and we will also have the power to cap fees. We will publish the second review of trends in the qualifications market and complete studies on its efficiency and the reasonableness of fees charged for a range of vocational qualifications.

Reliability is at the heart of good qualifications and we have embarked on a major study involving learners and the public into what makes for reliable assessment. However accurate marking is, some lack of precision is inevitable, given the element of judgement involved and other factors that may vary. We are seeking to improve understanding of reliability and to work with awarding organisations to reduce variations to a minimum where possible.

In our work we will be open, transparent and accountable. We will act always in a proportionate manner and will target our regulatory activities appropriately. The nation needs highly educated, skilled people who can hold their own in a global economy. That needs qualifications that are valued and trusted and, as Chief Regulator, I commit Ofqual to gearing our efforts to deliver that mission.

The Chief Regulator: Kathleen Tattersall

I have been involved in education ever since I graduated from Manchester University. I began my career in 1964 as a teacher, working in primary and secondary schools before joining (in 1972) the Associated Lancashire Schools Examining Board, one of the regional awarding organisations for the Certificate of Secondary Education, as an Assistant Secretary.

Following a year's secondment to the Schools Council to undertake research into differentiation (published as Schools Council Bulletin 42), I became Secretary to the Board. In 1985 I moved to the North West Regional Examinations Board as its Secretary and in 1990 was appointed Secretary to the Joint Matriculation Board. I became the Chief Executive of the newly formed Northern Examination and Assessment Board (NEAB) in 1992. NEAB and the Associated Examining Board merged In 2000 to become the Assessment Qualifications Alliance (AQA). I retired as AQA's first Director General in October 2003.

Between 1983 and 2003 I chaired the national body of school examinations boards in each of its manifestations and represented the boards in discussion with Ministers, the Department for Education and Employment and the Regulator.

In 1988 I was appointed to the board of the School Examinations and Assessment Council (SEAC), charged with the responsibility for the introduction of a national curriculum and better regulation of the examination system. In 2003 I accepted an invitation to take part in the Working Party set up by the Secretary of State and chaired by Sir Mike Tomlinson to make recommendations on the curriculum and assessment arrangements for the 14–19 phase of education. I served on the Group's Assessment Committee and chaired a group of technical experts who advised the Committee.

In 1997 I joined the governing Council of Manchester University and chaired its Audit Committee until 2004, when the University merged with UMIST to form the new University of Manchester. I was appointed to the new Board and continue to chair the Audit Committee. I am also an ex-officio member of the Risk Committee.

In 2003 I was awarded an OBE for my contribution to education and assessment and from 2006 to 2008 I was Chair of the Chartered Institute of Educational Assessors (CIEA).

It is my privilege to be Ofqual's Chair and to work with colleagues and stakeholders to ensure that learners get the high quality qualifications, assessments and tests they deserve.

Section 1. **Why Ofqual?**

This is my first substantial opportunity as the Chief Regulator to explain the rationale for Ofqual, speaking directly to those most affected by our work: the learners and their families whose lives can be changed so dramatically by the qualifications and assessments they take; the employers, universities and colleges who rely on reliable and credible results; and the general public.

Ofqual, the Office of the Qualifications and Examinations Regulator, has been established to ensure a clear separation between those responsible for providing and delivering qualifications, assessments and tests, and the regulator who makes sure they are a fair and accurate measure of achievement. Currently Ofqual is overseen by a committee of the Board of QCA, which, until the necessary legislation is enacted, remains legally responsible for Ofqual's work. However, Ofqual already has a high degree of independence, and, assuming the Apprenticeships, Skills, Children and Learning Bill currently before Parliament passes its remaining stages, Ofqual will report directly to Parliament, not to QCA or to Ministers. The practicalities of establishing the split of functions between Ofqual and QCA in England will be reflected in Northern Ireland in the context of Ofqual (NI) and Department of Education / Education and Skills Authority.

Under the proposed legislation, Ofqual would have five objectives. One is concerned with securing standards in qualifications. The others are promoting reliable and consistent and early years assessments, promoting public confidence in qualifications, assessments and tests, promoting awareness and understanding of qualifications, assessments and tests and the benefits of regulation, and securing an efficient qualifications system.

With the new requirements to promote various aspects of our regulatory brief, it is clear that Ofqual will be much more proactive than was possible for QCA under its remit as regulator.

Ofqual's remit covers qualifications, assessments and tests for learners of all ages, from the Early Years Foundation Stage (EYFS) to adults in employment and in retirement. They all deserve a system of qualifications and assessments that supports the best practice in education, training, and professional development. The principles that I set out in this report should be consistent across all age ranges, although the forms of assessment in the qualifications that learners take may be different. Lord Leitch's 2006 report[1] sets out clearly the numbers of adults already in employment who need to develop their knowledge and skills further, and it is an essential part of Ofqual's mission to promote a qualifications system that will support that aim.

1. *Prosperity for all in the global economy: World class skills,* HM Treasury, December 2006. www.dcsf.gov.uk/furthereducation/uploads/documents/2006-12%20LeitchReview1.pdf

Schools and colleges can choose from approximately ***400 GCSE and A level specifications***, offered by ***five awarding organisations.***

I am delighted that Ofqual has given strong support to VQ Day which, since its launch in 2008, celebrates the success of the learners who benefit from high quality and valuable vocational qualifications.

Trust in the system as experienced in schools was damaged by the delays to the issuing of results of the key stage tests in 2008. The steps we are taking to prevent such problems from occurring again are outlined in Section 2 as part of our work to sustain public confidence. However, I would like to emphasise that the problem was primarily with the processes and not with the markers. Lord Sutherland, who was commissioned by Ofqual and by the government to report publicly on what went wrong,[2] complimented the markers, and I would like to add my thanks to all those who, year upon year, provide the country with a high quality service not just in the national curriculum assessments but in all qualifications, examinations and tests.

Markers are not mere cogs in a machine: they are an integral part of the quality assurance process bringing with them, collectively, a massive amount of expertise and experience. They must be treated as the professionals they undoubtedly are, and I pay tribute to the work of the Chartered Institute of Educational Assessors (CIEA). This Institute has brought a new professional status to educational assessment and Ofqual is very grateful for the support it gives to those involved in making crucial judgements. More and more teachers are finding that undertaking marking gives them a unique insight into the standards required. The new developments in the Diploma, and in new approaches to work-based assessment, will bring even more colleagues into the assessment circle.

Setting and maintaining standards are Ofqual's key functions and Section 3 deals at some length with the steps we are taking to safeguard the interests of learners. Qualifications and assessments are a key part of the education system and the world of employment because they allow learners to take stock of their achievements and record them in a way that will help them go further in their education or training, find work or advance their careers. By recording success, qualifications can provide a motivation for further learning and success.

But qualifications and assessments do not exist in a vacuum. The economic downturn over the last year has dramatically changed the landscape in which they operate. This, added to the continuing need for those in employment to improve their skills, means that qualifications are even more important. They must be fair, allowing learners to demonstrate their knowledge, skills and competencies in ways that reflect their true achievements. Ofqual's role is to set high standards and ensure that they are met.

2. *The Sutherland Inquiry: An independent inquiry into the delivery of national curriculum tests in 2008.* A report to Ofqual and the Secretary of State for Children, Schools and Families. http://sutherlandinquiry.independent.gov.uk/

We live in a society in which most people now have mobile phones and access to computers and the internet. Some retailers now refuse to accept cheques and there are moves to replace cash with smart cards.

In this rapidly changing society, technology is second nature to young people. Yet most school-based examinations and assessments require them to use pen and paper in conditions little different from those experienced by the first school examinees in the 19th century.

We know that e-assessment is often used in tests that Ofqual does not regulate – for example, the hazard perception test in the theory test for drivers and riders, or in the Qualified Teacher Status skills tests run on behalf of the Training and Development Agency for Schools. Of the six thousand qualifications that Ofqual regulates, just under 200 vocationally related qualifications use e-assessment to some extent, as do some graded music and language qualifications. But fewer than 50 GCSEs or A levels use e-assessment.

This disconnection between the environments in which young people live and learn and the qualifications system that exists to accredit their achievements cannot continue indefinitely. As the regulator, Ofqual is encouraging awarding organisations to continue to develop new and reliable assessment methods that are not only responsive to changes in the curriculum but also reflect the ways in which students are expected to operate in their daily life. Assessment must support the curriculum and not distort teaching and learning. Ofqual has published principles that should govern the development of e-assessment to make sure that assessments using technology can command confidence.[3]

The rapid pace of change presents challenges for those responsible for assessing young people. It is Ofqual's role to help maintain standards of consistency and reliability as the curriculum and qualifications are amended and expanded to maintain their relevance. The next few years will see the introduction of the new Diplomas, changes to GCSEs and A levels, the implementation of the Qualifications and Credit Framework (QCF) – a new approach initially being applied to vocational and occupational qualifications – and fresh ways of assessing learners at key stages of their school education.

The government's intention to increase the number of young people participating in education and training up to the age of 18[4] after the end of compulsory education, presents another challenge for assessment. This is a much broader concept than raising the school leaving age. It recognises that education and training does not end at the age of 16, but should continue in some form wherever the young person may be – at school, in college or in employment. It means that more learners will be seeking appropriate certification of their attainment through the qualifications system. Many of those learners will be seeking applied and vocational qualifications that will help them advance within their chosen career. These qualifications are central to Ofqual's remit, even if they are less frequently reported in the press than are GCSEs or A levels. More than six and a half million NVQs have been awarded since they were introduced and many vocational qualifications offered by UK awarding organisations are recognised across the world.

3. *Regulatory principles for e-assessment.* www.ofqual.gov.uk/files/Final_regulatory_principles_document_-_PRINTED.pdf

4. Education and Skills Act 2008.

Through its work, Ofqual will ensure that all accredited qualifications – academic, applied and vocational – are of a high quality and meet the needs of learners, employers and further and higher education. Those gaining accredited qualifications can be sure that these are awarded by recognised awarding organisations and are highly valued.

The new Diploma is designed to assess a range of learning. Courses for Diplomas are currently being taught and new ones introduced and Ofqual is determined to ensure that its regulatory requirements set and maintain appropriate standards. Diplomas are composite qualifications and many of their components are qualifications in their own right. Ofqual is working with the awarding organisations to put in place systems that will ensure standards across all the component parts of Diplomas that are consistent and fair, and comparable with existing qualifications, while reflecting the broad nature of the new courses.

areas that it is charged by law to uphold. Ofqual must safeguard quality in the system – with a primary focus on standards – and in so doing protect the needs and rights of the learners.

Of course, being independent does not mean being isolated. In Section 4 I explore the ways we will work with those we regulate and the benefits to the system of doing so. Once policy in an area covered by Ofqual's remit has been set, our role is to devise the rules and procedures that ensure the highest possible quality of regulated qualifications, examinations and assessments. We will work with QCDA, sector skills councils, the government and other organisations, as well as with awarding organisations, to ensure that assessments and qualifications keep in step with changes in the curriculum, the economy and society. As the Chief Regulator, I will make clear the fundamental issues that need to be considered at times of change, to ensure that standards are

Ofqual has been in existence for just 12 months, but many of the systems and organisations that it regulates have grown up over many years. It will establish its authority as a regulator by being expert, open, honest and independent. This means being independent not only from the awarding organisations and from QCA (which will become the Qualifications and Curriculum Development Agency [QCDA]), but also from the government.

Elected governments rightly determine the direction of policy and the framework within which that policy is implemented. It is Ofqual's right and duty, however, to advise Ministers if policy proposals could impact adversely on those

maintained and learners continue to benefit from high quality qualifications and national assessments.

In Section 5 I look to the next steps as Ofqual's responsibilities widen and develop. Learners are the focus of Ofqual's work and, as well as keeping them informed of our work – we have recently published revised guides to GCSEs and A levels – I want to hear from them directly. We have, therefore, set up learner panels that represent learners of all ages.

With its new responsibilities relating to the early years and national curriculum assessments, Ofqual will need to work in different ways. We are keen to listen to the teachers and carers involved in

Over *800,000 A level results* are issued each year.

the early years of children's lives to ensure that assessments are reliable and consistent in the context of the wide range of nurseries, playgroups and home settings in which young children learn and develop.

We have also started a series of open letters addressed to specific organisations, but of importance to a wider audience. These are published on the Ofqual website for all to see.

In carrying out its duties, Ofqual will follow the best regulatory practice, being clear in what it requires of those who deliver qualifications, examinations and assessments; proportionate and consistent in its demands; targeted on those aspects that are the most important; proportionate in the sanctions it imposes; transparent in publishing its advice to ministers and communicating the reasons for its decisions; accountable for its actions; and open to and willing to learn from criticism.

So, to return to the question in the title of this section, Why Ofqual?

I have indicated several areas where regulation can underpin good qualifications. Our key responsibility is to ensure that standards are maintained. This provides assurance to the public and is underpinned by Ofqual's independence. In order to provide that assurance, it is paramount that Ofqual requires all those responsible for qualifications, examinations and assessments to have in place sound arrangements to maintain standards and we will speak out clearly when those arrangements fall short of expectations.

Much of the strength of Ofqual lies in what we do **not** do:

We do **not** determine what should be taught.

We do **not** set national policy or targets.

We do **not** develop courses.

We do **not** design or deliver tests, examinations or qualifications.

What we must do is set and maintain standards that the public can trust.

Changes to organisations and structures in Northern Ireland

Currently the regulation of NVQs rests with Ofqual's office in Northern Ireland while regulation of other qualifications rests with CCEA. The Education and Skills Act 2008 included provisions for the transfer of the regulation of all vocational qualifications in Northern Ireland to QCA. Regulation of general qualifications will remain with CCEA and then be passed to the Department of Education (DE) who may subcontract to the new body – the Education and Skills Authority (ESA) – when this is established. Legislation announced in the Queen's speech for 2009 will transfer all QCA regulatory functions to Ofqual. The practicalities of establishing the split of functions between Ofqual and QCA in England will be reflected in Northern Ireland in the context of Ofqual (NI) and DE/ESA.

The 2009 Bill proposes that there will be a Northern Ireland representative on the Ofqual Committee and that an annual report must be laid before the Northern Ireland Assembly. Support to the Northern Ireland representative on the committee and reporting to the Northern Ireland Assembly will be new duties falling to Ofqual (NI).

Section 2. **Earning and maintaining public confidence**

Public confidence in qualifications, examinations and assessments is essential if learners are to receive the recognition they deserve for their achievements. This confidence has been built up over many years and is based upon a wide range of different perceptions, but it is fragile and can be lost very easily.

Confidence in qualifications, examinations and assessments

Most people agree that students work hard for their qualifications and get the results they deserve. According to polls conducted over a number of years, the strongest support comes from current students who seem to have more confidence in the system than they did before embarking on the courses.

Surveys by Ipsos MORI, commissioned first by QCA and now by Ofqual, monitor the students', parents,' teachers' and the public's perception of GCEs and GCSEs.[5] The fact that current students are more confident in those qualifications than they were the year before and more confident than their parents or the general public has remained constant from the first survey in 2003 to the most recent in 2008.

It seems reasonable to infer that increased confidence is, at least in part, based upon the degree of the respondent's involvement in the system. While this is probably inevitable, Ofqual has a duty to promote confidence in the whole system, not just A levels and GCSEs but all the qualifications and assessments that it regulates. However, the survey showed that only 35 per cent of respondents had any knowledge of Ofqual and what it does. Around half of the teachers responding did not feel they could trust Ofqual as a source of information about examinations, although four in five of these said it was because the organisation was too new to have gained their trust. I am not surprised at either of these findings, but they do show the work still to be done.

The MORI poll showed that the majority of teachers, students and parents have confidence in the accuracy of marking and grading of A levels and GCSEs. However, it is worrying that 17 per cent of A level teachers and 12 per cent of GCSE teachers cited inaccuracy of marking as their main concern. These are large figures when compared with the numbers of requests for review that the awarding organisations receive each year and the changes that are made. For example, in 2008, even after all the enquiries and appeals had been completed, the grade was changed in a tiny fraction of cases – about a quarter of 1 per cent of the entries.[6] It is clear that perceptions of the quality of marking and grading do not match reality. This is where Ofqual is taking a lead.

5. *Perceptions of A levels and GCSEs Wave 7: Final Report 5 January 2009.* www.ofqual.gov.uk/files/2009-02-26-ofqual-perceptions-of-alevels-gcses.pdf

6. *Enquiries about results and appeals: Report on the summer 2008 GCSE and A level examinations series.* www.ofqual.gov.uk/files/2009-03-18-ear-appeals.pdf

There are more than *45 GCSE* and more than *40 AS/A* level subjects on offer.

Users need to be confident that the results are a fair reflection of the learners' achievements – in other words that the assessments are reliable. Learners have the right to expect that their work will be marked accurately, but beyond that, there are many other factors that can affect reliability, which are much more difficult to deal with.

- **If the same person was assessed on a different day, they are quite likely to have performed differently.**
- **If the test they took had a different combination of questions, they might have been able to give more or better answers.**
- **If a different marker had marked the test, they might have interpreted the student's answers differently.**
- **If a different set of people had been involved in grading or level setting they may have made different decisions.**

These issues are a constant concern for awarding organisations, and Ofqual, and are not related to the processes of checking that markers are correctly applying the mark scheme or that the scores for each question are correctly aggregated. Society has a right to expect that the awarding organisations have procedures in place to ensure that such mistakes are identified early in the process and that action is taken to put them right before the results are finalised.

This issue, known technically as reliability, is a more subtle challenge because, however accurate the marking is, some lack of precision is inevitable. Learners do not always show what they are capable of; one examination paper or practical test may not make exactly the same demands as another; markers may interpret responses slightly differently; and the final choice between one mark and the next as the minimum requirement for a particular grade will always be a matter of judgement. However, Ofqual and the awarding organisations are constantly seeking ways to reduce these variations in reliability to a minimum.

It is equally important to ensure that the assessments are valid; that the questions adequately cover the syllabus and allow candidates to demonstrate their knowledge, understanding and competencies as fully as possible. Good assessment gives good feedback to the teacher and encourages good teaching. Our monitoring of GCSE science over the past two years identified problems of validity in some of the multiple choice question papers and the awarding organisations are currently addressing them as a matter of urgency. I return to these issues in the next section, where I deal with standards in more detail.

One of Ofqual's first actions was to invite proposals for a suite of research projects on reliability. Some of these seek to identify and build upon current approaches to the reporting of the assessments of individual learners both in this country and internationally, and upon research that has already been carried out. Others are looking at different levels at which reliability can be conceptualised – unit, qualification, across qualifications for the same learner, across a cohort of candidates – and at the different ways reliability can be interpreted and the evidence evaluated.

These projects will make a major contribution to thinking in this area. Learners have the right to know that the results they obtain – in whatever

assessments they take – fairly and accurately reflect their achievements. They – and their families, employers, selectors and other users – are entitled to know just how precise they are.

Confidence in national curriculum tests

There can be no doubt that public confidence was badly shaken by the problems that beset the national curriculum tests in 2008. Ofqual's immediate response and that of the Department for Children, Schools and Families (DCSF), was to ask Lord Sutherland of Houndwood to carry out an inquiry into what went wrong.

Lord Sutherland reported in December 2008, and though most of his findings related to the performance of QCA and its contractors, there were some recommendations that related to regulation. Ofqual's response is published on our website[7] and I now want to move beyond that initial document to look at the action we are taking as regulator to minimise the risk of a repetition of the problems of 2008.

An important aspect of this is to make sure that the quality of marking is as high as can be reasonably expected, given the nature of the assessments. QCA commissioned research to check on the quality of marking in 2008. The work had to be undertaken on the basis of available, operational data rather than a designed study. Nevertheless, the researchers found the evidence indicated reliability little different from that found in other tests and examinations. Even for key stage 3 English, where standardisation is most challenging, they found no reason to believe that the quality of marking was different from previous years.

Ofqual has asked QCA to send the research to the expert group that the government approached for advice on some aspects of national curriculum assessments. Ofqual will consider the group's recommendations, in order to provide an independent assurance that proposals for the future can better assure confidence in assessments.

In his report, Lord Sutherland praised the diligence of the markers, who mostly carried out their duties accurately and within the timescale, despite the late delivery of scripts, problems with training and difficulties with IT systems. Schools are also to be commended for the seriousness with which they take their responsibilities for ensuring the correct administration of tests and the quality of teacher assessments. These are important controls of the quality of the tests.

A major contributor to the delays of 2008 was lack of clear lines of communication. Lord Sutherland's report emphasised that QCA is responsible for letting and managing the various contracts necessary for the production, delivery and marking of the national curriculum tests, on behalf of the Secretary of State. Ofqual's responsibility, as regulator, is to set the framework for, and to monitor and report on QCA's delivery of tests and maintenance of standards. The regulatory framework[8] and the code of practice[9] for national curriculum assessments set out the

7. *Ofqual response to the Sutherland recommendations on the regulation of national curriculum tests.* www.ofqual.gov.uk/files/sutherland-response-to-regulation-recommendations.pdf

8. *National curriculum assessments: Regulatory framework.* www.ofqual.gov.uk/files/qca-06-2827_regulatory_framework.pdf

9. *National curriculum assessments: Code of practice.* www.ofqual.gov.uk/files/qca-07-2828_NC_CoP.pdf

nature of the relationship between the regulator and QCA. We have made slight modifications to clarify the roles in relation to the 2009 tests and will be consulting on revised versions to take effect in 2010.

The Apprenticeships, Skills, Children and Learning Bill will for the first time put the regulation of assessments on a clear statutory footing. It also gives Ofqual an explicit power to obtain the information it deems to be necessary to fulfil its regulatory responsibilities.

Ofqual has held accountability meetings with QCA since July 2008. These meetings ensure that senior staff in both organisations are fully involved in the monitoring progress and if a problem arises, prompt and effective action can be taken.

Ofqual's highest priority is to protect the learners, who were clearly let down by the delays in 2008. We have put in place mechanisms to ensure that any problems in future can be identified before they become critical. The changes in the relationship between Ofqual and QCA will make communication more effective.

In April 2008, Ed Balls, Secretary of State for Children, Schools and Families, wrote to me to mark the launch of Ofqual. I end this section with a passage from his letter, which recognises the importance of Ofqual's role:

"Public confidence in standards is just as important as ensuring that qualifications are as challenging as they were in the past. Your efforts to establish a reputation for evidence-based, expert and impartial work – and engaging the public in that work – are the key to establishing Ofqual as a credible, independent and authoritative voice in public debate. And I recognise that Ofqual is the public champion of the learner in that debate; learners' interests must be at the heart of all that we do." [10]

Over *six and a half million* NVQs have been awarded since they were introduced.

10. Letter from Secretary of State, the Rt. Hon. Ed Balls MP, to Kathleen Tattersall 14 May 2008 www.ofqual.gov.uk/files/SoS_Tattersall(1).pdf

Section 3. **Setting and maintaining standards**

Setting and maintaining standards are Ofqual's most important functions.

Standards are reflected in Ofqual's proposed statutory objectives, which require Ofqual to ensure that regulated qualifications and national curriculum assessments are reliable and consistent. I have talked about Ofqual's work on reliability in Section 2. In this section I will explore some of the ways in which Ofqual is working to promote consistency. This means rather different things in different types of assessment.

The test distribution is one of the biggest annual mailing of its kind in the country – *4.5 million test papers* are externally marked each year.

Maintaining standards in general qualifications

The biggest threat to the maintenance of standards is change, whether changes to existing qualifications or the introduction of new ones. If education is to be fit for its purpose, what is taught must be relevant to today's world and the assessment must be true to the course. At the same time, the assessments are expected to carry forward the same standards as in previous years, albeit on different subject matter and in different contexts. This balancing act of keeping standards the same while allowing necessary change is a key challenge to all involved in the assessment process.

Qualifications, such as GCSEs and A levels, which are designed to assess the general achievements of learners' provide the basis for a wide variety of judgements by a range of different users, as well as offering the learners an enduring record of their achievements. Learners and the users of qualification results have a right to expect that their results can be fairly compared with those of others who have been assessed in different centres, on different syllabuses, by different

awarding organisations, in different parts of the country or in recent years. At the same time, the qualifications have to keep up to date with the growth of knowledge and the changes in society.

It is the awarding organisations' responsibility to ensure that their qualifications maintain standards, and Ofqual's duty to monitor the effectiveness of their discharge of that responsibility, and to take action if necessary. Awarding organisations take enormous care to ensure that standards remain the same from year to year, across different syllabuses in the same subject and across the different awarding organisations.

Such complex comparisons cannot be imposed at the end of the process. They need to be built up carefully at each stage:

- **in the development and application of clear criteria to ensure common approaches**
- **in designing syllabuses that provide satisfactory coverage of the curriculum**
- **in choosing appropriate methods of assessment**
- **in ensuring that candidates' work is their own**
- **in careful moderation of internally assessed work and effective standardisation of external markers**
- **in the appropriate balance between statistical evidence and professional judgement to ensure standards are maintained across different syllabuses and across years**
- **in checking that all questions have been marked, totals correctly calculated and information accurately transferred, and**
- **in the review of the whole process – across syllabuses, years, subjects and awarding organisations – before the results are confirmed and issued.**

These processes are carried out by a range of players. Nationally, criteria for GCSEs and A levels are developed by QCA and (provided it is confident that standards are maintained) adopted by Ofqual, both bodies working closely with their counterparts in Wales and Northern Ireland. The regulators also set requirements to ensure consistency and appropriateness in question setting and marking. Awarding organisations develop syllabuses to meet the national criteria, and their examiners set and mark papers. Teachers, lecturers and examination officers in centres share with awarding organisations the responsibility of ensuring the security of examination material. Awarding organisations carry out checks to ensure that internal assessments (carried out by teachers and lecturers) are fair and consistent. The regulators set the rules and make sure that the organisations carrying them out are able to do so and have appropriate quality controls in place. We check that the awarding organisations have the resources, expertise and procedures to comply with the regulations and monitor the whole process.

Assessment cannot stand still and must change with the needs of society, but each reform adds complications to the process of maintaining standards.

Of the changes that have been introduced in many qualifications over the past few years, one has been a move to a unitised approach to assessment. Instead of taking a lengthy examination at the end of the full course, learners are assessed on each unit. Unit assessments are shorter and more accessible. They are flexible – a centre can decide when the learner should take the assessment. Most centres will choose to enter candidates for assessment at the end of each unit, though some may wish to group the assessments at the end of a course. For the learner, assessment at the end of the unit gives the potential for feedback on progress, the opportunity to revise an area further if the achievement is not as expected and take the assessment again.

Unitised assessment brings with it some challenges: the opportunity to take a unit assessment again is valuable but it is important to guard against the potential for over-assessment; shorter tests tend to be less reliable and, in some cases, can be less valid – testing what it is easy to assess rather than what is important; and the focus of the marking and grading shifts from the qualification as a whole to the unit. In particular, setting and maintaining standards for the qualification as a whole is challenging.

In traditional examinations, with most of the assessment at the end of the course and perhaps some coursework along the way, the awarders, meeting after all the components have been marked, can look across the whole qualification when considering the standard that must be met for each grade.

In the unitised approach, the decisions are primarily at the level of the unit, but awarding organisations are expected to carry forward the standards and maintain consistency with other awarding organisations, for the whole qualification. If the unit decisions are firm and final (which is what the candidates want), there is no room for adjustment when the unit results are aggregated.

This balance – between the needs of learners for immediate feedback and the necessity to ensure that standards of the whole qualification are maintained – is a conundrum that Ofqual and the awarding organisations are addressing to ensure that awards in unitised A level and GCSE examinations are consistent across awarding organisations and in line with standards of previous years.

We have learned much from the experience of the 2007–8 GCSE science qualification, which followed a unitised approach. The courses were introduced for first teaching in 2006 in the light of changes to the key stage 4 programme of study and to the GCSE criteria for science.[11] A clear aim was to raise standards of achievement in science that would enable and encourage students to study the separate sciences at AS and A level. The changes also aimed to engage as many students as possible in science by encouraging them to study its relevance to the modern world. The courses provided more flexible assessment of units, which could be combined in different ways to obtain a single science award (three units), a double science award (six units), or three separate awards in biology, chemistry and physics (all nine units).

11. *GCSE science criteria 2005.* www.ofqual.gov.uk/files/11881_gcse_science_criteria_apr05.pdf

Because these were new syllabuses with a new approach to the assessment of science, Ofqual closely monitored GCSE science in 2007 and 2008. The findings gave Ofqual concern.[12] Variations across the different syllabuses in the types of assessment used, and in the weight given to them, made it difficult to be certain whether all routes to a subject grade were comparable. We also had concerns about the validity of some of the assessments, which did not always give sufficient scope for candidates across the range of ability to demonstrate their true achievement.

Ofqual has taken action to remedy the situation. It has asked QCA to review the criteria, and the awarding organisations will be required to develop new syllabuses to meet the new criteria. In the meantime, we need to safeguard the learners already following these courses. To this end, Ofqual requires awarding organisations to take action to improve the quality of question papers in 2009 and beyond. We have set out our expectations in detail to the awarding organisations to ensure that they set grade standards that are at an appropriate level and in line with national standards. Ofqual's monitoring of these changes will particularly consider the opportunities provided for more able candidates to show what they know, understand and can do.

It is pleasing to note that Ministers have now set up an expert group chaired by Sir Mark Walport of the Wellcome Trust. This group considers the teaching and learning of science with a view to stimulating students' interest in this area of the curriculum while maintaining high quality courses. Ofqual will play a positive role as these developments are taken forward to ensure that the problems we identified in 2007–8 are fully addressed.

In GCEs, following a review of the six-unit A levels introduced in 2000, changes have also been made to address concerns about the number of assessments and the evidence that, in some subjects, assessment was based too much on the recall of factual knowledge and too little on thinking and problem solving. The new approach reduces the number of units to four in most subjects and the assessments include a wider range of question types, including questions requiring extended answers. More attention will be paid to synoptic assessments, testing the candidate's ability to synthesise information from across the whole syllabus, in order to enable candidates to demonstrate more fully their knowledge and understanding. AS qualifications based on the new syllabuses will be awarded for the first time in 2009 and A level qualifications in 2010.

In 2010 the new A* grade will be introduced to provide an incentive for, and to recognise, the attainment of the highest achievers. In order to be awarded an A*, students will have to achieve a grade A overall and 90 per cent or more on the Uniform Mark Scale (UMS) for the A2 units.

Consider for a moment the complexities these modifications bring to the process of monitoring standards.

The content that was previously spread over six 'slim' units is now compressed into four 'fat' ones. There are new types of question with more of them requiring extended responses and more emphasis on synoptic questions.

12. *The new GCSE science examinations: Findings from the monitoring of the new GCSE science specifications: 2007 to 2008.* www.ofqual.gov.uk/files/ofqual-09-148_GCSE_science_2007_2008_report.pdf

In trying to ensure that the standard of the grades is maintained and that the standard for A* is set appropriately, the awarding organisations have to probe beneath the surface to identify how the achievements of candidates compare with those of candidates in previous years. This is by no means easy, especially when the constituent units are marked at different times. Recognising that whenever fundamental changes are introduced there is the potential for different interpretations of standards, Ofqual has been working with the awarding organisations to ensure consistency of grading within and across awarding organisations, and across time. The public can be assured, therefore, that all steps are being taken to ensure that the standards of the 2009 AS qualifications and of the 2010 A level qualifications will, regardless of the awarding organisation concerned, be comparable and in line with those of previous years.

Standards in vocational and occupational qualifications

Of equal importance are the standards in vocational and occupational qualifications. These have a different function: to meet the needs of the industry or occupation for which they are designed. Standards change in the light of changes within the industry itself as practices change. The priority is to make sure that the learner's knowledge and skills are up to date and that they are fit to practise, not that the assessments are necessarily comparable with or of the same difficulty as those in previous years. The requirements of many occupations have become more difficult over the years, or the skills required have changed – for example, from technical drawing to computer-aided design.

Assessment in most vocational and occupational qualifications is competence-based, identifying the degree of skill and understanding needed to succeed in a particular task or job. Many such qualifications, particularly occupational ones, are undertaken as part of the learner's work, with on-the-job training and assessment carried out in the workplace. The primary value of the award is progress within the learner's chosen career.

Many employers have sought to participate in the Qualifications and Credit Framework (QCF) (see below) and some have applied for recognition as awarding organisations. This means that the qualifications based upon their internal training courses can be acknowledged more widely, reflecting the high standards that employers set for their employees. Ofqual has applied the same high standards to employers in this role as it has to other awarding organisations. Ofqual has set its regulatory requirements in this field to ensure that any potential conflicts of interest between the commercial interests of the employer and its role as an awarding organisation are appropriately managed.

The UK Commission for Employment and Skills (UKCES) and the sector skills councils have vital roles in identifying the skills and standards that are needed and assisting awarding organisations to develop qualifications that enable appropriate assessments to be carried out wherever the learner is based. Sector skills councils also approve vocational qualifications before they are accredited by Ofqual. Ofqual's regulatory functions are primarily focused on the awarding organisations to ensure that they have the necessary expertise, resources and systems to allow them to carry out rigorous assessments and that the systems are in place to ensure that appropriate standards are set and maintained.

Ofqual also has a key role in the implementation of the QCF. This provides a more flexible framework to enable qualifications to support the recognition of learner achievement.

Over *26 million* separate examination scripts and internal assessments are submitted by students and marked by over *55,000 examiners* each year.

The QCF is designed to provide learners, learning providers and employers with an inclusive and flexible regulated qualifications framework. All qualifications in the QCF are unit-based and achievements are recognised through the award of credits building up to qualifications. For the first time, the QCF has introduced a standard currency for learner achievement that can be implemented across the qualifications system through the award of credit. Where it is appropriate to do so, learners in the QCF are given the opportunity to transfer achievement between different qualifications and awarding organisations.

So far, the development of the QCF has taken place within the context of the UK Vocational Qualifications Reform Programme.[13] It is therefore appropriate that vocational qualifications are the immediate focus for the organisations and qualifications that will seek recognition in the QCF. The QCF is, however, designed to be capable of recognising a wide range achievements at all levels.

The QCF was introduced following a two-year period of testing and trialling between 2006 and summer 2008, led by QCA. When the trials concluded, and QCA presented its view to the government that the QCF should be implemented, I wrote to Ministers to set out Ofqual's position on this matter. In this letter[14] I made it clear that Ofqual supported the recommendation that the first year of the QCF must be a year of 'controlled implementation'. The letter also noted that Ofqual had produced a set of regulatory arrangements that we have

confidence in and that we would use as a basis for our activity in regulating the QCF. However, as this is a new development and the trials raised some issues that still need to be further explored, I emphasised that it will still be vital to review their operation in practice through a planned evaluation.

13. www.dius.gov.uk/vqreform

14. www.ofqual.gov.uk/files/Le_to_David_Lammy_MP_from_Kathleen_Tattersall_9jul08.pdf

The QCF is now being implemented. Ofqual's role, for all regulated qualifications, is to work with our partner regulators in Wales and Northern Ireland, to set the standard that all organisations and qualifications must meet in order to be part of the QCF and ensure these are met and maintained. Our approach to regulating the QCF builds on established requirements and processes for regulating awarding organisations and their qualifications. However, the detail of the mechanisms that we are putting in place has been developed to reflect the particular characteristics of the QCF.

Regulatory arrangements for the Qualifications and Credit Framework was published in August 2008 by Ofqual together with the regulators in Wales and Northern Ireland. This publication sets out the specific requirements that all organisations and qualifications must meet. The QCF has already grown from a limited set of qualifications developed as part of a trial, to an increasing proportion of the qualifications we regulate.

The arrangements we have put in place support the aims of the QCF to provide learners with a greater range of choice, opportunities and increased flexibility. They also provide a secure foundation on which standards and comparability and public confidence in the QCF will be maintained. This emphasis on the unit rather than the qualification makes it imperative that quality assurance mechanisms are focused on the ability of the awarding organisations, rather than the details of individual qualifications, to meet the needs of learners, maintain standards and comparability, promote public confidence, support equality and diversity and ensure value for money.

Monitoring standards over time

Awarding organisations take very seriously their responsibility to ensure that comparable qualifications maintain standards from year to year and it is Ofqual's role to monitor the effectiveness of their procedures. Sometimes, however, it is difficult to spot subtle changes which, over a period of years, can have a serious impact.

A rolling programme of review[15] in which standards are compared across a span of years has been undertaken by QCA for nearly 15 years and has produced some 60 reports. In most cases the results indicate that the awarding organisations have successfully maintained standards over time and across their syllabuses. A small number of reviews have indicated problems with standards – in some cases a decline and in others an increase. In the past year, reviews have been carried out in GCSE English literature, GCE mathematics, and both GCSE and GCE physics. Reports on each of these subjects were published in March 2009.

As in previous years, the results were mixed.[16] In English literature and mathematics there were some concerns about differences in standards across the awarding organisations, but overall the standards had been maintained despite some

15. *QCA's review of standards description of the programme March 2006.* www.ofqual.gov. uk/files/qca-06-2374_QCAs-review-of-standards.pdf

16. Ofqual website. www.ofqual.gov.uk/799.aspx

considerable changes to the content. In physics however, and particularly GCSE in 2007 (before the latest change in GCSE science to which I have previously referred) there had been a general decline in standards. The syllabuses that were reviewed are no longer being examined, but the lessons learned from the review will be carried forward as new qualifications are developed. Wherever a change of standard is identified, action must be taken as quickly as possible to reverse the trend in order to protect the interests of the learner. As the regulator, Ofqual will be open about where it has concerns and, as with GCSE science in March 2009, we will explain to learners, parents and the public what action we require to rectify the matter. Ofqual will also identify and enforce whatever changes in procedures are necessary to prevent a repeat.

For AS physics, Ofqual is closely observing the standard-setting process and expects awarding organisations to take account of any evidence of inconsistent standards. GCSE English literature is currently undergoing revision and the development is expected to make the assessment both accessible and challenging for the full range of learners. A level mathematics is also being revised to ensure that the assessment objectives are fully reflected in the examination papers.

Ofqual's current review of the standard of assessments taken in 2008 is concentrating on the sciences at GCSE. This will help identify where the issues lie in the separate science syllabuses. At the same time, the awarding organisations are considering their own procedures and are working together and with Ofqual to ensure that appropriate standards are set in 2009.

New qualifications

It would be tempting to assume that there are no problems when setting standards for a new qualification; it is new, so surely the standards can be determined from scratch?

That is far from the case. All qualifications operate within a framework in which comparisons are made. It is not sufficient that the standards are correct for a single qualification, they must relate appropriately to other qualifications in consistent and acceptable ways, particularly where they open the same doors into higher education and employment. As far as is possible, grades in one subject must equate to the same level of achievement as in another. They must be comparable across the awarding organisations and with the standards applied in previous years.

So it is never easy to set the standards for a new qualification, especially one that is very different from the ones with which we are familiar. But, from the outset, it is vitally important to get the standards right. The work that is being undertaken to ensure that the standards for the Diploma are right from the outset is an example.

The new Diplomas present an opportunity to bring together learners' applied, vocational and academic skills in a single qualification. They are composite qualifications consisting of many components: some are new, such as principal learning qualifications and extended projects, others are self-standing awards, such as functional skills and GCSEs and A levels. While all the components must be successfully completed before the Diploma can be awarded, the overall grade for the Diploma is determined solely from the principal learning and extended project. Ofqual has been working alongside the awarding organisations to develop a mechanism for ensuring that the standards for these are set appropriately.

As soon as the principal learning is accredited, awarding organisations are asked to identify existing applied qualifications that are most relevant in terms of the knowledge, skills and understanding covered. They then provide copies of the syllabuses and examples of students' work, with commentaries detailing how they meet or exceed the standards for key grades. These examples are then considered across levels and across different lines of learning to ensure that all materials are of an appropriate standard and reflect the applied nature of the course.

Before the first awards are finalised, key personnel from across all the awarding organisations concerned meet with Ofqual to check the standards, using real examples that have been judged worthy of key grades. In addition, staff from the different awarding organisations observe meetings in other awarding organisations where decisions are made about the number of marks needed for each grade. If any staff are worried about the standards being applied – whether they regard them as too lenient or too severe – they can alert the awarding organisations concerned and Ofqual. Finally, before the results are published, statistics are exchanged across the awarding organisations and with Ofqual to check that standards are being consistently applied.

Ofqual will monitor the early years of the Diploma awards very carefully to ensure that the new assessments properly reflect the applied nature of the curriculum, that they provide the opportunity for all learners to demonstrate what they know, understand and can do, and that they yield grades that do justice to the achievements of candidates.

Piloting new and revised national qualifications

New and revised syllabuses are essential if the qualifications and testing system is to keep up with changes in learning, employment and society. However, throughout my professional life I have been concerned that changes have been introduced too hurriedly without guarantees that the modifications to assessment models can be delivered reliably and will benefit learners across the ability range. All changed qualifications need careful thought and preparation, but in this section I am particularly concerned with 'national qualifications', by which I mean qualifications that are endorsed by government as core provision, including those in the national suites identified by government as the appropriate focus for qualifications for 14–19 year olds.

One example of a hastily introduced reform is the implementation of Curriculum 2000 modifications to AS and A levels. The short development period allowed little time for schools and colleges to prepare for the major changes that were being introduced. Awarding organisations were worried that the implications of the new awarding mechanisms for AS and A level had not been fully explored. In the event, the period after the first awards in 2002 proved to be turbulent for all concerned, leading to considerable political fall-out and shaken confidence in the qualifications.

Unfortunately, the lessons that could have been learned from that bruising experience have not informed all developments since then. There is always an understandable desire to reform the system as quickly as possible, particularly when problems that affect the well-being of learners have been identified. For example, the desire to change the science curriculum and its assessment to interest more students in science and encourage further learning in the subject was understandable. Yet, as Ofqual's report on GCSE science in 2007 and 2008 showed, more time should have been given to evaluating the new criteria, syllabuses and assessment models before they were offered to all learners. It should not be assumed that a reform will be successful.

I would like it to be accepted that no new national qualification is introduced without first being piloted and modified as necessary in the light of the lessons learned from the pilot.

A pilot is a valuable opportunity to try out a new qualification in a real-life situation. Learners will achieve a genuine qualification so their interests must be protected from the risk of something going wrong. To this end Ofqual has developed a set of principles (see Table 1) to identify when and how qualifications should be piloted.

I recognise that piloting may mean a longer lead-in to the introduction of much-needed changes, but the opportunity to iron out problems before qualifications are made available to all students should provide solid foundations on which new qualifications can be built. When problems do occur in fully fledged qualifications, as in GCSE science, it takes at least three years before essential modifications can be fully implemented. This is unfair to the learners caught in the middle of a qualification that needs fundamental change, is a poor use of the expertise of those involved and is wasteful of the scarce development and delivery resources of the awarding organisations. In the long run, therefore, pilots safeguard learners and are a better use of expertise and resources.

Table 1. Proposed principles for piloting new or changed national qualifications

When should qualifications be piloted?

Indications include –

- When a national qualification (or group of qualifications) has a radically different structure or an innovative approach to assessment and/or subject content.
- When the new or changed qualification is eventually expected to be taken by large numbers of candidates.
- When the qualification is part of a national suite (such as GCSE), but is on a different timeline from the rest of the suite, and one or both of the other indicators are present.

Who decides when qualifications should be piloted?

- Awarding organisations, the government, or QCDA should make proposals to Ofqual.[17]
- If Ofqual considers that a pilot is appropriate, it should inform the awarding organisation or bodies concerned and require them to submit a proposal.
- Ofqual approval must be obtained before a pilot begins.

If a pilot is to be launched, what principles should govern it?

- Learners taking a pilot qualification should not be disadvantaged by the fact that it is a pilot.
- There must be a clear purpose for the pilot. Pilot qualifications should be explained to the public, to promote public confidence and support.
- The size and arrangements for the pilot should be decided to strike an appropriate balance across the following considerations:
  - The number of candidates and centres participating in pilots must be limited, so that those involved can be safeguarded should problems be identified.
  - The number of examiners should be sufficient to assess and review all candidates' work to ensure that consistent and appropriate standards are applied.
  - The sample of candidates should, as far as possible, be representative of the range of centres, their geographical location and the diversity and ability range of candidates ultimately expected to take the qualification.
  - The evaluation of a pilot should include an evaluation of the value for money of the qualification.

When can a piloted qualification be offered nationally?

- All pilots should run for sufficient time to allow a thorough testing of the aspects being piloted; normally this will take two years (plus the time required for evaluation). Pilots must be evaluated against their stated purpose.
- The evaluation should be conducted independently of the awarding organisation and reported to Ofqual.
- Evaluations of pilot national qualifications should be published.
- Ofqual should decide whether the qualification should proceed to full availability on the basis of the evidence from the evaluation.

17. The references in this table to Ofqual should be understood also to refer to the regulators for Wales and Northern Ireland, as appropriate.

I started this section by referring to setting and maintaining standards as Ofqual's most important functions. I end by emphasising that Ofqual's Regulatory Framework requires awarding organisations to maintain standards of existing qualifications and assessments and set appropriate standards for new ones. Recognising the complexities of the task, we will work with our partners in the education and training system to make sure that new qualifications and assessment arrangements are appropriately piloted and evaluated before they are released for general use.

In this way learners can be provided with a choice of exciting and challenging qualifications while being guaranteed that their achievements will receive the recognition they deserve.

Over *6 million* GCSE results are issued each year.

Talking to the authoritative voice of colleges

The qualifications accredited by Ofqual benefit a vast range of learners. It is not only schools, but also further education colleges, sixth form colleges and specialist colleges that are key to our work.

To reach these centres, teachers and learners, Ofqual has forged links with The Association of Colleges (AoC), which exists to represent and promote the interests of colleges.

Kathleen Tattersall recently spoke at the AoC annual conference held in Birmingham. The informative speech covered details of the new Qualifications and Credit Framework, in which all vocational qualifications will eventually sit. Kathleen also drew upon Ofqual's regulation work, which linked in with the conference themes of improvement in a world of change, self regulation, and ensuring that the qualification system is fit for purpose.

Section 4. **Independence but not isolation**

Establishing Ofqual's independence

To gain and retain the confidence of the public Ofqual must be – and be seen to be – independent. In interim form, we have already taken over QCA's regulatory function following the government's decision to separate it from the rest of QCA's remit. The consultation document on what was proposed pointed to two problems under the old system. The first was the "inherent conflict of interest between QCA's existing functions." It was seen as "difficult for QCA to be recognised as a truly independent guarantor of standards in qualifications which it itself helps develop." The second was the fact that QCA reported to Ministers, "which can make it harder to demonstrate that, in carrying out its regulatory functions, it is acting wholly independently." [18]

The Apprenticeships, Skills, Children and Learning Bill aims to establish that independence: Ofqual will no longer be part of QCA and will report directly to Parliament, not to Ministers. Ofqual in its current and future form is committed to working with QCDA and other organisations – Ofsted, the awarding organisations, local authorities and the government – each of which has powers and responsibilities that Ofqual must respect.

18. *Proposed monitoring and enforcement powers for Ofqual.* Consultation with awarding organisations. October 10 2008 para 3.

Ofqual's relationship with the government

The Bill, which is now making its way through Parliament, sets out the proposed relationship between the Secretaries of State for the DCSF and the Department for Innovation, Universities and Skills, and Ofqual. The Secretaries of State are responsible for setting out the government's policy on qualifications and assessments, and Ofqual has the statutory duty to secure standards. In a letter to the Secretary of State for the DCSF when Ofqual was launched, I set out our role:

"We both recognise that Ofqual is independent of the government, and is not part of the delivery chain for the government's proposals for reform. However, I accept that Ofqual has an important role in making sure that there is a suitable framework for regulating new or changed arrangements, following the government led reforms." [19]

The Bill would provide for Ministers to specify "minimum requirements in respect of a specified qualification in relation to knowledge, skills or understanding" and for Ofqual to perform its functions "in a way that secures that the minimum requirements in respect of the qualification… are met." [20] "In performing its functions Ofqual must also have regard to such aspects of Government policy as the Secretary of State may direct." [21]

19. Letter from Kathleen Tattersall to Secretary of State, The Rt. Hon. Ed Balls MP, 14 May 2008.

20. Apprenticeships, Skills, Children and Learning Bill 2009 Part 7 Chapter 1 clause 139.

21. Apprenticeships, Skills, Children and Learning Bill 2009 Part 7 Chapter 1 clause 127.

This independence brings with it responsibilities. If we are to be seen to be acting rationally and fairly, we must be open and transparent about what we do. We will publish our advice to Ministers and their responses. We will also be clear about our criteria for recognising organisations and accrediting qualifications, and our requirements for monitoring national curriculum assessments and we will set out clearly the rationale on which they are based.

Another indication of the relationship between Ofqual and the government is the government's response to the Children, Schools and Families Committee's concerns about single level tests. The government states:

"We agree with the [Children, Schools and Families] Committee about the importance of using the pilot to understand how single level tests work in schools before deciding whether to implement them on a national basis. The Children's Plan makes clear that we will only make a decision to do this on the basis of positive evidence from the pilot, and endorsement of the approach from the regulator." [22]

We have already had evidence of this new open approach in the discussions we have had with Ministers over the question of the relationship between functional skills and GCSEs.

I wrote to Ministers in October 2008, indicating that "I fully support the importance which ministers have placed on ensuring that young people have the functional competencies required for the modern world. The question for Ofqual is how to advise you, from its regulatory perspective, on the fairest and most appropriate way of achieving that objective."[23]

In keeping with our intention of basing our decisions on explicit criteria, we developed a set of principles against which we could judge the different options:

- **Qualifications must support the interests of learners and be fair to them**
- **The public must understand, have confidence in, and support qualifications**
- **It is important to maintain three-country regulation**
- **Qualifications with the same label should demonstrably have the same standard**
- **There should be clarity over the purposes of qualifications**
- **Assessment should be economical and not burdensome**
- **The way qualifications work, and grades are derived, should be transparent to users.**

It has long been an accepted principle of general qualifications that candidates are not expected to perform wholly consistently across all elements of an examination or assessment – strengths in one aspect of a subject can provide some element of compensation for weaknesses in another. A 'hurdle' – a requirement to succeed on a certain element of the assessment as a prerequisite of achieving a result in the qualification as a whole – goes against this principle. Hurdles can be unfair, denying certification to a candidate who may have performed highly in all aspects of the qualification except that in which there is the hurdle.

22. *Testing and assessment: Government and Ofsted responses to the Committee's third report of session 2007–08. Fifth special report of session 2007–08.*

23. Letter from Kathleen Tattersall to Rt. Hon. Jim Knight MP, Minister of State for Schools and Learners, 10 October 2008.

Around *1,200,000* pupils take key stage 1 and 2 national curriculum tests each year in over *17,000* schools.

In my letter, I indicated clearly Ofqual's position:

"Ofqual would support an approach that allowed candidates to be awarded appropriately both for their achievements in their GCSEs and for their evidence of functional skills. That cannot be accomplished when GCSE grades are dependent on the outcome of a quite separate assessment. Ofqual cannot support an option which denies candidates the recognition of the level of attainment they have reached in a given qualification."

We were very conscious that our letter would present Ministers with a difficult issue to resolve and that it would take some time for them to respond. However, it is pleasing to report that the government's response to Ofqual's considered advice has been positive. We now have a way forward to finalise new GCSEs in English, mathematics and IT, which have large elements of functional skills embedded within them. Free-standing functional skills qualifications will reinforce the need for all students at the end of key stage 4 to be functional in literacy, numeracy and IT. Ministers have declared their intention to do further work on the assessment of functional skills and Ofqual will have a distinct role in commenting on any new proposals.

The work we have carried out on standards and the advice we have given to Ministers in the last year show that, even before the passage of the new legislation, Ofqual is establishing its independence from the government. Ministers recognise the benefit of Ofqual's independent advice on the implications their policy proposals may have on the standard and quality of qualifications, assessments and tests.

Working with other bodies

Independence does not mean isolation. Ofqual will work with a wide variety of organisations to help secure the standards, public confidence, awareness and understanding of the qualifications, assessments and tests it is required to regulate. An essential element is the development of appropriate regulatory frameworks that set out how Ofqual intends to carry out its role, and guidance to the bodies it regulates as to how to comply with the requirements. We shall be consulting on these frameworks in the summer of 2009.

The role of Ofqual in relation to the assessment arrangements for both national curriculum and EYFS is new and will require us to work closely with QCA, Ofsted and local authorities. Education during children's early years takes place in the home and a wide variety of different settings. As the regulator charged with ensuring that standards are reliable and consistent – over time and in different settings and parts of the country – Ofqual will need to engage with its partners over what is expected.

The Secretary of State has a duty to consult with Ofqual before making or revising the assessment arrangements and Ofqual has a continuing duty to "keep under review" both the EYFS and national curriculum assessment arrangements.

In developing the qualifications regulatory framework we will be working closely with the awarding organisations. They, not Ofqual, are responsible for providing high quality qualifications and examinations. They, the relevant sector skills council or QCDA must identify the necessary qualifications and examinations needed. The awarding organisations devise the necessary syllabuses or specifications for their assessment. Ofqual's responsibility is primarily at a more strategic level: establishing the appropriate standards for a qualification; deciding what methods of assessment are necessary to ensure the validity and reliability of the results; checking what resources are necessary to ensure that the assessments are carried out in a timely fashion; and deciding which criteria should be used to determine whether the qualification is needed.

Ofqual will work with QCA both before the enactment of the new legislation and afterwards, when it has become the Qualifications and Curriculum Development Agency (QCDA). The Apprenticeships, Skills, Children and Learning Bill makes it clear that QCDA has responsibilities in relation to qualifications and assessments "to keep under review all aspects of qualifications within its remit". QCDA may also assist Ofqual in setting the qualifications criteria, though enforcement is solely the responsibility of Ofqual.

It is clear that Ofqual will need to work with the various organisations it regulates, for the system relies heavily – and rightly so – on the vast amount of experience and expertise they have developed over the years. Ofqual also needs their help to meet its objective of promoting awareness and understanding of the benefits of regulated qualifications. We are moving to a different relationship with them; one in which they are given much more responsibility for ensuring the quality of the assessments they make remains high and consistent.

Section 5. **Looking to the future**

As an organisation committed to championing the needs of the learner, it is essential we listen to them and all those involved in their education. As we look to the future and the many new responsibilities we will be undertaking, their voices will play an important part in our deliberations.

Listening to learners

One of Ofqual's earliest and most important innovations has been the establishment of learner panels, which will meet at least twice a year to discuss matters that are important to learners of all ages and for us to hear their concerns. The first took place in November 2008 with participants from primary, secondary and further education and focused on e-learning and e-assessment. Learners discussed what they liked about using technology in school and at home and how they thought it might be used in assessment. They also looked at the problems involved in the use of technology for assessment and whether those without a computer at home would be disadvantaged.

We want to give back something to those taking part, so the aim is to include a session that is useful to them. Participants in the first panels were given media training to teach them to conduct interviews with their peers – useful both for them and for Ofqual. Further meetings of the learner panels took place in March 2009 – one in a primary school and one in a secondary school in Devon, and one at the UK Youth Parliament in Staffordshire. We hope to expand the participation to include more mature learners and those whose training and assessment take place at work. Only when we have a full range of ages and settings can we claim to have truly listened to the voice of the learner.

Early Years Foundation Stage (EYFS)

The primary aim of the EYFS assessments is to provide information to year 1 teachers about the child's development. The information collected will also help parents and carers track the child's progress. Children from birth to the age of five learn in a variety of different settings, including home, nurseries, playgroups or with childminders, and the assessments for this age group should be informal. Ofqual's requirements must ensure that assessments take place in natural settings and do not intrude on the individual learning experience of each child. We must allow a range of evidence to be used to build up as comprehensive a picture as possible, which will help those responsible for guiding young children to nurture each child's learning. As the foundation stage handbook states: "Observation of children participating in everyday activities is the most reliable way to build up an accurate picture of what children know, understand, feel, are interested in and can do".[24]

24. *Early Years Foundation Stage Profile Handbook*, QCA 2008 page 4.

QCA is responsible for developing the EYFS profile and handbook. The focus of Ofqual's work is to ensure that the assessment arrangements encourage good practice and support the early years curriculum. It is also to establish that the monitoring procedures used by local authorities ensure consistency in the way the profile is interpreted across the country and the different settings in which young children learn.

Ofqual has been listening to practitioners about their views on valid and reliable ways of assessing young children's development in very varied settings without distorting their learning experience. We have held events in which we have invited nursery teachers, childminders, pre-school staff and local authority colleagues to discuss how they currently assess the children in their care and how the requirements of the profiles can best be accommodated. Ofqual's role is limited to the assessment arrangements and, here again, we will be working closely with QCDA, which develops the learning and development requirements for nought to five year olds; the Secretary of State, who approves those requirements; and the local authorities and Ofsted, which monitors the quality of early education.

The same features of good assessment must be seen in EYFS as in later tests and qualifications; reliability and validity are essential. But the assessment is very different. At this stage of the child's development the evidence of progress may be ephemeral and there is no expectation that every instance will be recorded. So what are the processes by which we can ensure that the assessments in one setting are comparable – as far as they need to be – with assessments in another?

High-flying apprentices

Vocational qualifications allow learners to continue their own professional development once they have left school and throughout their careers. These qualifications are available across a huge variety of sectors and include BTECs, City & Guilds, NVQs, Apprenticeships and HNDs to name but a few.

Ofqual was recently welcomed by leading aircraft manufacturer Airbus to its extensive UK factory in Broughton where the company's coveted apprenticeship scheme is run. The visit provided the ideal opportunity for Ofqual to meet with three apprentices who are at various stages of their programmes.

This commitment by Airbus to training is a clear indication of the value this multinational company places on lifelong learning. In fact many of the senior staff started their careers as apprentices themselves.

Key stage 1 assessments

Ofqual's role in ensuring national standards at key stage 1 is also new and again requires a different approach to that taken with older learners. There are no common tests and teacher assessment is moderated initially by the local authorities. Ofqual will need to ensure that the criteria for assessing children are clear and unambiguous and will need to develop mechanisms to help local authority moderators align their standards before determining the mechanisms by which the processes will be regulated.

Regulating the qualifications market

The Apprenticeships, Skills, Children and Learning Bill sets an efficiency objective for Ofqual

"to secure that regulated qualifications are provided efficiently and in particular that any sums payable to a body awarding or authenticating a regulated qualification in respect of the award or authentication represent value for money."

and gives Ofqual the power to cap fees as a condition of recognition. This objective and power will strengthen Ofqual's ability to act in the interest of the learners and will need to be used in conjunction with all other objectives and powers to provide a balanced approach to the regulation of the qualifications sector.

Ofqual's priorities for economic regulation are to prepare for the new powers and duties in the Apprenticeships, Skills, Children and Learning Bill, to increase transparency of the market and to complete current studies into efficiency of the qualifications market and fees for vocational qualifications.

This work will include consulting later in summer 2009 on how these new powers will be met. Discussions will be undertaken with other interested parties in the market and have actually already begun with college finance directors, awarding organisations and others about the perceived efficiencies and inefficiencies in the market, and how Ofqual can promote a better understanding of the costs, fees and services provided.

Ofqual's work to promote transparency and public confidence includes publishing an annual qualifications market report. The purpose is to provide data to the market on trends in fees, and

market dominance. This is the second year that this report has been produced. This data is largely publicly available from Companies House, the DCSF website, JCQ and Ofqual's vocational qualifications database. Future reports will aim to inform strategy and identify areas for further focused studies.

To increase fee transparency and to assist centres in budgeting, Ofqual and The Welsh Assembly Department for Children, Education, Lifelong Learning and Skills requested that awarding organisations publish the fees for GCSEs and GCE A levels one year in advance from September 2008. Awarding organisations will be asked to do this again this year.

Ofqual is also publishing a report on the efficiency of the qualifications system. To facilitate understanding of the regulated qualifications system in England, Wales and Northern Ireland, Ofqual commissioned PricewaterhouseCoopers (PwC) to map the supply and demand sides of the qualification system. These maps indicate the relative importance of financial and information flows, but do not contain actual financial or quantitative data.

Through desk research and consultation with stakeholders, PwC identified cost drivers and perceived high cost or inefficient areas across the system, including for: awarding organisations, centres and learning providers, policy makers, regulators, sector skills councils and national or regional funding bodies. The next step in this work is to populate the maps with data that is publicly available before deciding where further investigations may be appropriate.

Following the publication by QCA in December 2006 of a report on reasonableness of awarding organisation fees for the revised GCE A levels and GCSEs, Ofqual commissioned Grant Thornton to see if the methodology applied to general qualifications could be used to assess whether the fees for other widely used qualifications, including vocational qualifications, were reasonable.

Reasonableness has proved difficult to define. In addition to the definition used for the previous study, which depended on an assessment of the profitability of fees, this project used a range of factors that included a review of the qualifications landscape, supply-side analysis, demand-side analysis and financial and product analysis for a

Ofqual recognises approximately
140 awarding organisations.

Engaging with learners

Learners are at the very heart of Ofqual's mission, so talking directly to them is a vital part of our work.

A series of recent Learner Panels gave us the ideal opportunity to start meeting face to face with learners of all ages. The sessions enable us to discover exactly what learners feel are the main issues affecting their experience of education.

The first series, which included a visit to secondary school pupils at Caludon Castle School in Coventry, gathered opinion on the use of e-strategy and technology in education. Learners took part in discussions and got the chance to use plenty of technology themselves when they carried out their own interviews into the topic with each other and filmed the results.

selection of 33 case study qualifications across 15 awarding organisations. Awarding organisations have found it difficult to allocate costs to the individual qualifications identified for the study, but Ofqual will gain a much better understanding of how awarding organisations do assess costs and set fees. The results will be published in due course.

Other initiatives

In addition to the centrally initiated reforms, Ofqual needs to respond to qualifications being developed by the awarding organisations themselves. The International Baccalaureate has been accredited for a number of years and is established in a number of publicly funded centres. The AQA Baccalaureate was launched in 2008 with its first results in 2009. The Cambridge Pre-U examination has been accredited following Ofqual's acceptance of Cambridge International Examinations as a recognised awarding organisation. Its certificate at Levels 1 and 2 has also been recently accredited and offers a different approach for learners at secondary level.

Over the next few years, as Ofqual develops, we will be working with QCDA, the awarding organisations, the sector skills councils and employers to promote innovation in order to meet the needs of all learners and provide assessments and qualifications that are valuable for their future in education and employment.

Ofqual will apply the same rigorous standards to new initiatives as it does to current qualifications and examinations to ensure they have currency in the qualifications market.

And finally

In order to underpin public confidence in the standards of qualifications, assessments and tests Ofqual is instituting an independent regulatory system that adheres to the principles laid down in the Legislative and Regulatory Reform Act 2006. These are that regulatory activities should be:

- **carried out in a way that is transparent, accountable, proportionate and consistent, and**
- **"targeted only at cases in which action is needed."** [25]

I outline below how Ofqual will ensure that it meets these principles.

Ofqual will be open and transparent in carrying out its regulatory functions

Ofqual will publish all its requirements, guidance, advice, reports and sanctions. It will then publish any response alongside its own views, even if the response is negative or critical of Ofqual.

Ofqual will be accountable

Ofqual has a statutory duty to report to Parliament on an annual basis. However, in addition to that report, the Chief Regulator will publish reports that explain Ofqual's actions to those who are most affected by them: learners and their families, employers and higher education institutions, and the awarding organisations and those who work for them.

Ofqual will always act in a proportionate manner

Where Ofqual requires action to be taken, this will be discussed in advance with those concerned and will be designed to cause the minimum additional burden that is commensurate with ensuring that standards are maintained and the criteria met.

Ofqual will be consistent

In all its dealings, Ofqual will ensure that its decisions are consistent and compatible

- **with previous decisions**
- **across the different organisations whose activities it regulates**
- **across different qualifications, assessments and tests, and**
- **with the government policy.**

Ofqual will target its regulatory activities

Ofqual's risk-based approach will ensure that rather than spreading its scrutiny too widely, monitoring will be carefully focused on aspects where potential difficulties are most likely to occur or those where the consequences of failure, however unlikely, would be greatest.

As Chief Regulator, I believe that these principles, to which Ofqual is fully committed, will strengthen both its regulatory role and its credibility with the sector, other stakeholders and the wider public. At the heart of all that we do are learners of all ages who stand to benefit from Ofqual's protection and promotion of high standards in all qualifications across the full range of learning. Our first year has demonstrated our commitment and resolve to ensure that the qualifications system is the best that can be offered to learners.

Safeguarding high standards throughout the system will remain the focus of our regulation and I am confident that Ofqual's work will maintain quality assessment for all.

25. The Legislative and Regulatory Reform Act 2006. www.opsi.gov.uk/acts/acts2006/ukpga_20060051_en_2

Annex 1

Ofqual's objectives and general duties

Extract from the Apprenticeships, Skills, Children and Learning Bill.

126 Objectives

(1) Ofqual's objectives are –

(a) the qualifications standards objective,
(b) the assessments standards objective,
(c) the public confidence objective,
(d) the awareness objective, and
(e) the efficiency objective.

(2) The qualifications standards objective is to secure that regulated qualifications –

(a) give a reliable indication of knowledge, skills and understanding, and

(b) indicate a consistent level of attainment (including over time) between comparable regulated qualifications.

(3) The assessments standards objective is to promote the development and implementation of regulated assessment arrangements which –

(a) give a reliable indication of achievement, and

(b) indicate a consistent level of attainment (including over time) between comparable assessments.

(4) The public confidence objective is to promote public confidence in regulated qualifications and regulated assessment arrangements.

(5) The awareness objective is to promote awareness and understanding of –

(a) the different types of regulated qualifications available,

(b) the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and

(c) the benefits of recognition under section 130 to bodies awarding or authenticating qualifications to which this Part applies.

(6) The efficiency objective is to secure that regulated qualifications are provided efficiently and in particular that any sums payable to a body awarding or authenticating a regulated qualification in respect of the award or authentication represent value for money.

127 General duties

(1) So far as reasonably practicable, in performing its functions Ofqual must act in a way –

(a) which is compatible with its objectives, and

(b) which it considers most appropriate for the purpose of meeting its objectives.

(2) So far as relevant, in performing its functions Ofqual must have regard to –

(a) the need to ensure that the number of regulated qualifications available for award or authentication is appropriate;

(b) the other reasonable requirements of relevant learners, including persons with learning difficulties;

(c) the reasonable requirements of pupils and children, including persons with learning difficulties, in relation to regulated assessment arrangements;

(d) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training (including required standards of practical competence);

(e) the reasonable requirements of institutions within the higher education sector;

(f) information provided to Ofqual by a person falling within subsection (4);

(g) the desirability of facilitating innovation in connection with the provision of regulated qualifications;

(h) the specified purposes of regulated assessment arrangements.

(3) For the purposes of subsection (2)(a) the number of regulated qualifications available for award or authentication is appropriate if the number is such that –

(a) there is a reasonable level of choice for learners, in terms of both the number of different regulated qualifications and the number of different forms of such qualifications, but

(b) the number of different regulated qualifications in similar subject areas or serving similar functions is not excessive.

(4) The persons falling within this subsection are –

(a) the Qualifications and Curriculum Development Agency;

(b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;

(c) such other relevant persons, or relevant persons of such a description, as the Secretary of State may direct.

Ofqual

The Office of the Qualifications and Examinations Regulator

Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

Telephone 0300 303 3344
Text phone 0300 303 3345
info@ofqual.gov.uk
www.ofqual.gov.uk

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