

Date

16 September 2020

Title

Acting Chief Regulator's Report

Report by

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Paper for information**Recommendation**

1. The Board is asked to note the matters reported.

Overview

2. In the three months since the last report of the Chief Regulator in June, Ofqual has been fully focussed on the delivery of results to learners in both general and vocational and technical qualifications, and managing the very significant challenges experienced in respect of summer awarding. This report focusses primarily on matters outside of those leading up to and immediately after the issue of results in August, which have been reported to the Board through its series of extraordinary Board meetings.
3. It is clear that Ofqual retains an important work programme for the immediate future, and the longer term. Since my appointment as Acting Chief Regulator my focus has been on stabilising the organisation, its resourcing and its external relations so that it is set up to manage that work alongside the equally important task of evaluating and learning lessons from this summer.
4. High amongst our immediate priorities is the safe awarding of qualifications in the autumn series in general qualifications and the arrangements for qualifications in 2021 in both general and vocational and technical qualifications. Substantial work has been completed, but there remains much to do, particularly in coordinating and ensuring coherence of the activities of all those with a role to play in government and beyond. Doing this work well and quickly is a key priority.
5. Our work on reform of vocational and technical qualifications also continues, and in particular:
 - a. our preparations for expansion of our role in the external quality assurance of apprenticeship end-point assessments following the

announcement of the Institute for Apprenticeships and Technical Education (Institute) at the start of August. We are now proceeding to implement.

- b. our engagement with the government's qualifications reviews and preparations for an FE white paper.
6. A number of important areas of work to support evaluation of the issues of the summer are in course.

General Qualifications

Summer 2020

7. Since results were issued our focus has been on making sure the appeals and complaints arrangements are working as intended. At the request of representatives of school and college leaders we published a summary of the appeal and complaints arrangements on 26 August. This helped schools and colleges to manage sometimes difficult conversations with students and parents who were disappointed with, and wanted to challenge, their centre assessment grades and the process used to determine them.
8. We have been joining exam boards and representatives of school and college leaders at regular meetings hosted by the Minister to check on progress in processing appeals and dealing with complaints about the way grades were determined. We have continued to respond to complaints and queries from students about how they can challenge their centre assessment grade(s). We have also been hearing from some heads of centre who, given that centre assessment grades were not standardised as expected, want to be able to change those grades.
9. We will be collecting and publishing data on the number and nature of appeals received at the end of the appeal process.

Autumn 2020

10. We are holding pre-series meetings with each of the exam boards to consider their readiness to run the additional exam series this autumn. We will be collecting and publishing as official statistics entry data. To date, signs are that entries will be very low, but with likely a high proportion of private candidates.
11. The DfE has published guidance for schools and colleges on the support the Department is making available for centres to run this extra exam series. This includes financial support where costs for the autumn exceed savings made from the cancellation of the summer exams. They will also soon publish details on public health arrangements for schools to ensure safe running of the series. Contingency arrangements – for example for individual students who miss a paper – are largely in place from a normal exam series. We, exam boards, DfE and JCQ are reviewing and adding to these as necessary. There is, of course, some risk that students may not be able to take an exam and secure a grade

as they planned in autumn if, for example, they are unwell with coronavirus and so miss both papers in a particular subject.

12. We are consulting with the exam boards on the technical changes we must make to our Conditions to allow them to offer exams in the autumn. We are also planning to consult publicly on our approach to setting standards in the autumn series.

Summer 2021

13. We are amending our Conditions to reflect the changes to GCSE, AS and A level exams and assessments next summer we announced at the start of August. The exam boards are making the necessary changes and publishing information on their websites. We have asked the Secretary of State to confirm whether the government is considering any further changes to content and we have stressed the need for teachers to have urgent clarity.
14. We are actively engaging with DfE as it considers the advantages and disadvantages of delaying the exam timetable, which we summarised following our consultation in July; we have highlighted the particular risks to timely marking if exams are delayed. We are also developing contingency options in case exams next summer are disrupted because of national or national responses to the pandemic. We are considering the standard to be set for summer 2021 awards - including in the context of decisions about the standard for the autumn series.

National Assessments

15. Over the summer, the Standards and Testing Agency (STA, within the Department for Education) ran a number of small-scale statutory instrument consultations directly with stakeholders, including Ofqual and teacher associations. These consultations were in response to school closures and the cancellation of this summer's assessments and the delayed introduction of the reception baseline assessment, now due to be introduced from autumn 2021.
16. Following consultation, Ministers have now decided to require schools to hold a one-off phonics assessment for all pupils in year 2 who missed the phonics check at the end of year 1.
17. Risks to the validity of and public confidence in National Assessments in summer 2021 remain. 2021 will now be the first year of Capita delivering test operations. In addition, there has yet to be a decision on the level of accountability to which schools will be held based on national assessment outcomes. As normal test operations resume this term, we will increase our monitoring to usual operational levels.

National Reference Test

18. This summer, for the first time, we made an adjustment to the predictions used for GCSE maths, to take account of NRT evidence that showed students performed better in maths this year. The 2020 results continued a trend we

have seen since the NRT was introduced. We published NFER's [Results Digest and our Annual Statement](#), setting out our rationale for the adjustment, on 20 August.

19. We are now focused on arrangements for the 2021 test, including contingency planning with NFER. Our aim, as far as possible, is for the 2021 test to go ahead as normal. Next year's NRT will offer objective evidence of the impact of school closure on performance in English and maths

Recognition

20. Recognition continues to progress with plans in place to accommodate the transfer of EQA of organisations offering apprenticeship end point assessments. As expected we are starting to experience an increase in the number of applications for recognition and expansion of recognition following the announcement of the Institute. Recognition work relating to T levels has been completed to agreed timescales.

Vocational and Technical Qualifications

2020 Awarding

21. Overall, the VTQ Extraordinary Regulatory Framework (ERF) worked as planned. Hundreds of thousands of results were issued for the 14,000 qualifications in scope through the use of calculated grades or adapted assessments. The majority of these results were issued on time. There were, however, delays to the issue of results for BTECs and Cambridge Technicals and Nationals largely as a consequence of the decision to revert to centre assessment grades for GQs, and some delays for other reasons.
22. Results have now been issued to all learners where awarding organisations have received the relevant information from centres, including for qualifications that were recalculated.
23. Based on information provided by AOs in early summer, we anticipated that around 2m calculated grades might be issued. We know that the total will be less, not least because in some cases the minimum evidential threshold was not met and so assessments have been delayed. We will have a fuller picture of the number of certificates awarded compared with the same period for previous years later in the year.
24. The grading of International Baccalaureate Diplomas (and, to a lesser extent, Mid Years Programme qualifications) continues to attract attention. We have sought further information from IBO.
25. We are putting in train a programme of evaluation of summer 2020 awarding, and a number of AOs have indicated their desire to engage with us on this. As well as gaining some understanding of strengths and weaknesses in the operationalisation of the ERF, evaluation activities should have utility for 2021 and beyond. Thus, we anticipate a particular focus on lessons learned about

use of remote assessment and invigilation, and maintenance of standards issues.

2020/21

26. We published the second stage of the consultation on arrangements for the Extended Extraordinary Regulatory Framework on 7 September. The consultation includes revised principles, the statutory guidance we have developed to guide awarding organisations' decisions around adaptation of assessments, and statutory guidance on Special Considerations. We are not consulting on any changes to the overall approach. The proposed arrangements will apply to all regulated qualifications apart from GCSEs, AS and A levels, and end-point assessments, and seek to assist in mitigating disruption to teaching, learning and assessments so that, as far as possible, learners have the opportunity to receive fair results in 2020 to 2021 and are not disadvantaged by the longer-term impacts of the pandemic.
27. We anticipate publishing the final regulatory framework and guidance in late September. In the meantime, AOs are submitting their proposals for adaptations and we are considering those relating to higher-risk, higher-volume and higher-stakes qualifications through our internal Technical Advisory Group in the same way as we considered approaches to calculation and adaptation under the ERF.
28. In parallel, we have formalised a working group with AoC, AELP, FAB and JCQ to focus particularly on communications issues, with the aim of securing a smoother and more consistent approach to the exchange of information between AOs and centres in 2020/21. As a first step, we are negotiating a common date in October by which AOs will have communicated their adaptation approaches.

Apprenticeships – EQA Transition Programme

29. The Institute published their response to their consultation on simplifying the External Quality Assurance of Apprenticeships on 4 August, concluding that they would transition to a combination of Ofqual and the Office for Students (for integrated degree apprenticeships).
30. A detailed two-year transition plan has now been agreed between the Institute, Ofqual and the Education and Skills Funding Agency (ESFA), and work started in earnest in August. There are 679 Apprenticeship Standards (excluding integrated degree apprenticeships), of which 601 are yet to be regulated. There are 252 End Point Assessment Organisations, of which 195 are not yet recognised by Ofqual. These have now been segmented into groups, with the first set of 69 Standards set to transition in November.
31. The recognition of EPAOs remains a key risk in transition, due to the volume of work anticipated and the potential blockages in the system that setting a new quality bar creates. We are reliant on a number of unknown actors – the EPAOs and EQA providers – who are beyond our control. We are mitigating

through careful resource planning, through dynamic phasing in the transition plan, and through targeted communication and upfront engagement with EPAOs. To-date, we have had contact with 75 EPAOs who are likely to apply; we expect to gather crucial further intelligence in the next eight weeks.

32. The existing EQA providers, numbering approximately 20 organisations, are also important because they provide a continuation of quality assurance provision while the transition work progresses.

Apprenticeships – EQA Delivery

33. We continue to provide External Quality Assurance for the 78 Apprenticeship Standards that are currently within our jurisdiction, delivered by 26 AOs who are also EPAOs. We recently submitted our annual report to the Institute, which was well received by their Quality Assurance Committee. This included findings from over 86 technical evaluations we have undertaken of End Point Assessment materials, across 21 EPAOs.
34. Our work in recent months has focused on supporting EPAOs with their Covid response where we provide EQA. Where assessments have been halted due to Covid-19, we have worked with the Institute, the Trailblazer and employer representatives to agree ways of adapting (principally observations and practical assessments) within Government guidelines wherever possible so that End Point Assessments can continue and yet maintain their rigour and validity. To-date we have supported 25 Institute-led 'Taskforces' relating to 21 Apprenticeship Standards. This has facilitated the adaptation and continuation of assessments for 12 Standards. A further 9 Standards are awaiting potential agreed adaptations from the Institute or did not require an adaptation.

T Levels

35. The three Technical Qualifications (TQs) that form Wave 1 of T Levels are now being taught. We have had productive discussions with the Institute about our approach to regulating these qualifications once in delivery. We have also been discussing with the Institute and the Department, as well as the relevant AOs, the potential approach to TQ assessments in 2020/21, in light of disruption related to Covid-19: in particular, this has related to the adaptations that might be made (consistent with the VTQ ERF) to the TQs specifically.
36. The final accreditation submissions for six out of the seven TQs that form Wave 2 of T Levels (for first teaching in September 2021) are due in late September.
37. The Institute has recently initiated market engagement for Wave 4, where we have contributed as in previous years.
38. Recently, the Secretary of State has decided to retain the requirement that students must achieve a level 2 qualification in each of English and maths in order to be awarded a T Level. This requirement was under review owing to its likely impact on T Level pass rates.

Higher Technical Qualifications

39. The Government's response to their consultation on Higher Technical Education was published in July. It confirmed the introduction of trade-marked 'Higher Technical Qualifications' that will be approved by the Institute if they align sufficiently with employer-led occupational standards. Higher Technical Qualifications can be existing or new qualifications which will have a distinctive 'Higher Technical Qualification' brand, alongside the original title. An organisation can only submit a qualification for approval by the Institute if it is either regulated by Ofqual or the Office for Students. The Government's goal is to drive up learner numbers at this level and is working on an associated communications strategy.

The Institute will run a 'pathfinder' this Autumn where the approval process will be tested with digital qualifications. We expect around 20 qualifications will be submitted by AOs from October to December. Ofqual will provide advice in to the Institute's approvals process; we have determined the broad focus and nature of our initial approach to cohere with that of the Institute. We will evaluate how the pathfinder progresses in order to refine our approach long-term.

Strengthening Key Stage 4 Technical Awards for Performance Tables

40. In light of Covid-19, the Department agreed with our recommendation to postpone its performance tables process for the KS4 (level 1 and 2) technical awards.

Digital Qualifications

41. Digital Functional Skills Qualifications at entry level and level 1 were originally planned for first teaching from September 2021, but in light of Covid-19, the Department decided in March to pause their development. They therefore delayed publication of the final version of the subject content, which had been due in February.

Corporate

Investigations into summer 2020

42. The Office for Statistics Regulation has announced a review focussed on the process of developing the statistical models of all four qualifications' regulators. We have provided a range of published documents on the model and its development and are meeting on 16 September. The Office for Statistics Regulation has confirmed it intends to publish its interim findings in September.
43. We continue to engage constructively with other interested groups, such as the Equalities and Human Rights Commission, who have indicated some appetite for some approach to review or evaluation of summer awarding. None has yet progressed beyond indications.

Our People

44. The Finance and Human Resources Committee reviewed arrangements to support colleagues' health and wellbeing in its July meeting. A new Ofqual Wellbeing Group is now established, with a senior sponsor. Internal communications have continued to focus on wellbeing and assisting staff adjust to working in new ways. Individual resilience coaching is being introduced for key staff and a resilience training programme will be piloted in September. Managers also continue to encourage colleagues to take annual leave and breaks as part of their own wellbeing.
45. Sickness has continued to decrease and is now at the lowest level on record, with no cases of long-term sickness. Turnover remains stable at just over 10% which is in line with the Department for Education and Ofsted.
46. In response to the challenges of the summer we now have in place arrangements with Ofsted that allow us to bring in skilled and experienced Ofsted staff on secondment to provide additional capacity.
47. In each case we are scoping permanent role requirements and further work will include support that has been offered by Board Members including the Board Diversity and Inclusion Champion and members of the Finance and Human Resources Committee.

Our Technology

48. The Information Management team has focused on maintaining a consistency of support and the reliability of technology across the summer period. Notable achievements include:
 - a. delivery of a digital solution for managing complaints, whistle-blowers and malpractice cases; and
 - b. confirmation of ISO 27001 certification.
49. One service outage occurred over the summer where the Microsoft Teams telephony service was unavailable for a 4 hour period on a Saturday owing to a code change made by Microsoft that took 24 hours to replicate across the world. Our business continuity plan for this technology was invoked and a move back to standby technology was actioned.
50. The team continue to closely monitor cyber security threats to ensure Ofqual's defences are robust. Work has started in earnest on the legacy technology programme.

Our Building

51. Approval was received from the Government Property Agency towards the end of August for reoccupation of Earlsdon Park following its closure due to COVID-19. The building will open for up to 25 people on 28 September 2020.

52. Work is underway to confirm colleagues who would most benefit from being in the office on a rotational or permanent basis from the end of the month including colleagues who would benefit due to a health or wellbeing need.
53. Ahead of the formal opening, Earlsdon Park has been opened for up to 15 people to support the recovery plan development. The intention is to follow a five stage process towards full occupation, as appropriate, in 2021.

Our Intelligence and Evidence gathering services

54. Since June, the Regulatory Compliance team has maintained capacity to deliver required investigations while the majority of the team supported other parts of Ofqual as part of the COVID-19 and summer results responses..

Public Facing Services

55. As a response to the events over the summer, the operational oversight of the processes and capacity to deliver our public facing services was gathered on a temporary basis under the Chief Operating Officer. This has included seven areas of service, including public enquiries, complaints and Freedom of Information Act requests.
56. At its height, capacity was needed to deal with nearly 1,000 calls per day and over 600 outstanding emails in total from a usual level of activity of around 15 calls and emails per day. To address this, new technology was put into place, training delivered and rotas developed. This work involved at different points around 30% of the organisation.
57. Public Enquiry levels have now flattened to around 150 calls and 60 emails a day and additional Ofsted support is being progressed to add capacity. A key immediate focus is to publish responses to the first tranche of Freedom of Information requests received by Ofqual in or around the A Level results week.

ANNEXES

A Confidential Items (Closed)

Publication of paper

Paper to be published: Yes

Publication date (if relevant): N/A

Exemptions to publication: N/A

