

Ofqual Board

Paper 28/17

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Title:

General Qualifications Update

Report by:

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Responsible Director:

Julie Swan, Executive Director for General Qualifications

Paper for information

Open paper (with some closed sections and paragraphs)



Issue

1. This paper updates the Board on the General Qualifications (GQ) Directorate's key work since the last Board meeting.

Recommendations

2. The Board is recommended to:
 - i. note the issues reported in the paper;
 - ii. provide a steer on the approach we should take to piloting in general qualifications; and
 - iii. to delegate to the Chief Regulator such decisions as are necessary to take forward any consultation on proposals to facilitate piloting, in line with the Board's steer.

General Qualifications Directorate

3. The paper includes updates on:
 - i. **Summer 2017 exam series delivery**
 - ii. **Accreditation of qualifications for first teaching in 2017**
 - iii. **Accreditation of qualifications for first teaching in 2018**

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- iv. Piloting of different approaches in general qualifications**
- v. Appeals of reviews of marking and moderation**
- vi. Stakeholder engagement**

This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs.

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Accreditation of qualifications for first teaching in 2017

31. As at 3 July there were 7 specifications outstanding and 110 accredited. We will provide an update on any further progress at the meeting.

Accreditation of qualifications for first teaching 2018

32. We continue to consider the specifications developed for the outstanding modern foreign language qualifications and biblical Hebrew. None have yet been accredited.

Piloting of different approaches in general qualifications

33. We alerted the Board at its last meeting to interest from one of the exam boards in piloting different approaches to aspects of their GCSEs, AS and A levels. The Board agreed that piloting should be facilitated as a way to encourage innovation. The Board agreed to comment at this meeting on initial proposals for how piloting in general qualifications might work.
34. Currently, we only accredit a GCSE, AS or A level if we are confident the proposed approach will comply with the relevant Conditions of recognition. GCSEs, AS and A levels are subject to more detailed rules than other qualifications. Because of these more detailed requirements, and the assurances we seek at accreditation, there are limited opportunities for exam boards to develop specifications that try out, for example, new styles of assessment and delivery. This is compounded by the exam boards' focus on securing a strong market presence at a time of qualification reform, which is more likely to favour familiar and well-rehearsed approaches.
35. In light of the particular potential impediments to piloting in GCSEs, AS and A levels we are, for now, only considering piloting in these qualifications. However, we might be able to apply, in full or part, any approach to piloting we develop for these qualifications to the wider range of qualifications we regulate.
36. There are at least four broad ways by which an exam board might try a potential new approach for use within its GCSEs, AS and A level offer:
 - i. In a non-live environment, for example trialling new types of questions or assessment delivery mechanisms with students outside of a live exam – the results would not contribute to an award. Our current regulatory framework

would not inhibit this in any way. The exam board might then use evidence of this trialling to support either a change to its assessment strategy or as part of its submission for the accreditation of a new or replacement GCSE, AS or A level. While such trialling is available to exam boards and is low-risk, it has its limitations. It can be difficult to recruit schools and colleges to participate, as the pilot might offer them no direct or immediate benefit. Students will not necessarily approach a trial for which the outcome is immaterial to them as they would a live qualification.

- ii. In a 'behind the scenes' aspect of its delivery, such as question writing and marking, that would not necessarily be visible to students or teachers. In most cases, our current regulatory framework would not stop this. If the new approach meant the exam board would depart from its assessment strategy, considered during accreditation, it would need to amend its strategy and tell us of the changes. We would then decide whether the new approach could stop the exam board complying with the Conditions of recognition for the qualification. We could intervene if that was the case. With a pilot (limited in size and duration, and subject to evaluation) we might wish to accept a higher level of risk with the qualification, with appropriate controls.
- iii. In a way that would change students' teaching and learning and/or assessment experience, but that would be permissible within the existing conditions of recognition. An exam board could develop and submit for accreditation an alternative specification to run alongside its existing specification in the subject. We might need to change our approach to accreditation and our accreditation criterion before we could accredit a qualification that used untried, novel approaches to aspects of the qualification. An exam board taking this approach might wish to limit take-up of such a qualification – or we might wish to impose such a restriction.
- iv. In a way that would change students' teaching and learning and/or assessment experience, but that would not be permissible within the existing conditions of recognition. We would need to adjust our current regulatory framework to allow this to happen, most likely to lift or amend some of our requirements, to allow the pilot to run. If the planned pilot would require a change to the subject content, DfE's involvement would be needed.

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37. We must strike a balance between allowing an exam board potentially to take risks by piloting a new approach whilst protecting public confidence in, and the standards of, the affected qualification. We must recognise an exam boards might be unwilling to be innovative if, by doing so, it exposed itself to a higher risk of regulatory sanction.
38. The Financial Conduct Authority uses its 'regulatory sandpit' to encourage innovation: <https://www.fca.org.uk/firms/regulatory-sandbox>
39. The regulatory sandpit allows authorised providers to test out new products, services, business models and delivery mechanisms in the real market and with real consumers. The regulator provides certain support and assurances about enforcement action. The pilot must have a clear objective – to try a particular new approach – be on a small scale and be time limited.
40. We would welcome the Board's views on whether we should go beyond simply providing a way to accommodate pilots by explicitly and proactively encouraging innovation and, if so, the level of risk we should be prepared to tolerate.
41. Our initial proposals are that any pilot proposed by an exam board should be supported by a piloting strategy that would cover:
 - The rationale for the pilot
 - Its management, including contingency plans
 - The need for any aspect of our regulatory framework to be lifted or revised and suggestions of any alternative safeguards that might be put in place
 - The timescale
 - The number of students and schools/colleges to be involved and the sampling strategy to be followed
 - The monitoring arrangements
 - The evaluation plan
 - The exam board's preferred approach to the qualification's title – notably whether it should be distinguished as a pilot.
42. GCSEs, AS and A levels are all subject to an accreditation requirement. For any qualification subject to an accreditation requirement the following criterion must be met:

An awarding must demonstrate to Ofqual's satisfaction that it is capable of complying, on an on-going basis, with all of the General Conditions of Recognition that apply in respect of the qualification for which it is

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seeking accreditation, including relevant Qualification Level Conditions and Subject Level Conditions.

43. It might be difficult for us to accredit pilot qualifications against this criterion, either because the pilot was designed deliberately to contravene the design requirements imposed by the Conditions, or because we cannot be confident that a novel approach, even though intended to do so, would allow the exam board to comply with the Conditions.
44. We will consider, in light of initial feedback from the Board, and having taken legal advice in light of that feedback, whether and, if so, how, we could change our approach to accreditation better to facilitate innovation.
45. We have sought initial input from the exam boards on their appetite for piloting. Responses were mainly positive. The key points raised by exam boards were:
 - A wish for any pilot qualification to have currency – ie to be of value to learners and to those who use qualifications, eg who use qualifications to make recruitment decisions
 - Concerns that commercial confidentiality could be compromised by our approach to piloting, such that one exam board's ideas could quickly be copied by another
 - The amount of evidence required to support a case put forward for a pilot
 - Whether pilot qualifications would be funded and recognised in school performance measures
 - Opportunities to pilot a qualification that did not comply fully with the government's published subject content
46. We plan to discuss possible options for piloting with the exam boards at the next meeting of the General Qualifications Oversight Board on 18 July. The Board's initial feedback on the issues raised in this paper will help shape that discussion.
47. It is possible that we will need to consult in proposals to facilitate piloting in general qualifications. To avoid delay, the Board is recommended to delegate to the Chief Regulator such decisions as are necessary to effect such consultation.

Appeals of reviews of marking and moderation

48. We have published our report of our evaluation of the pilot in three AS/A level subjects in which exam boards were required to allow appeals on the ground of a marking error. We have also published our decisions on the way in which we will roll out this requirement over time to all AS/A

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levels and GCSEs. We have updated our guide for schools and colleges that explains the appeal arrangements. We are working with key stakeholder groups to make sure schools and colleges understand their options for this year and we explained our decisions at the recent summer symposium.

49. In response to a question from one exam board, we have confirmed our rules would not stop an exam board that wished to allow appeals on the ground of marking errors in all GCSEs, AS and A levels immediately from doing so.

Stakeholder Engagement

50. We have continued our normal range of stakeholder engagements, including through our Exams Stakeholder Engagement Group. We were present on stands during the National Governors' Association conference and the Education Festival. We have presented at some events on higher education admissions and met with some individual teachers who have raised specific issues with marking and reviews of moderation.
51. Reformed qualifications in a number of subjects will be awarded for the first time this year. We have placed particular focus on engaging with the subject communities for those subjects, both to hear any early feedback on the new qualifications and assessments and to address any issues they might still have about awarding and results.

Finance and Resource

52. We continue to operate within agreed budget.

Impact Assessments

53. Equality Analysis

We have not identified any specific equality related issues in any of the matters covered in this paper.

54. Risk Assessment

Risks are included within the risk register.

55. Regulatory Impact Assessment

The regulatory impact of our reforms for reviews of marking and appeals was considered in our final decisions. Our willingness to allow and to facilitate pilots will be material to the impact of our regulatory approach.

Communications

56. An update on communication of GQ related issues is included in the Chief Operating Officer's report.

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Paper to be published	Yes – but not the section on the summer series
Publication date (if relevant)	After the meeting