

Non-Qualifying Regulatory Provisions Summary

Regulator: Ofqual

Business Impact Target Reporting period covered: 8 May 2015 – 8 June 2017 (data below correct as at 21 March 2017)

Excluded Category	Summary of measures, including any impact data where available
A: European Union Regs	Nil return
B Monopoly Providers	Nil return
C: Price Controls	Nil return
D: Civil Emergencies	Nil return
E: Fines & Penalties	Nil return
F:Pro-competition	Nil Return
G:Large Infrastructure project	Nil Return
H: Misuse of Drugs/ nat minimum wage	Nil Return
I:Systemic Financial Risk	Nil Return
J:Nat Living Wage	Nil Return
K: Industry Codes	Nil Return
L1: Regulator Casework	<p>We can report the following enforcement activity in the period from 8 May 2015 to 21 March 2017:</p> <ul style="list-style-type: none"> • 2 Notices of a Monetary Penalty (£38,000 & £85,000), issued with Notices of Cost Recovery • 3 Notices of Intention to Fine • 1 Direction to an awarding organisation to take specific action • 11 Undertakings by awarding organisations, accepted by Ofqual, setting out action they will take to ensure ongoing compliance with the <i>General Conditions of Recognition</i> • 7 Special Conditions imposed

We can report based on local management information that in the period from 8 May 2015 to 21 March 2017 we have undertaken the following regulatory casework activity:

- 4 investigations of awarding organisations
- 134 audits of awarding organisations
Investigations and audits may involve requests for data/ information as well as site visits.
- 119 recognition applications
These include new applications for recognition, as well as applications for extensions of scope of existing recognition.
- 403 complaint and whistleblowing cases
These relate to complaints about an awarding organisation we regulate, the regulated system or our actions as the regulator. Most relate to awarding organisation decisions on marking, moderation and appeals across a range of qualifications and subjects.

Please note, the above data includes details of completed activity only. For the purposes of this report, we have counted an audit as complete where testing is finished.

Our records indicate that we have made in the region of 70 requests for data/ information from awarding organisations (including formal requests). This excludes requests made as part of the audits/investigations reported above and also excludes those relating to the pilot/ research activity listed under L3 below.

The activities recorded under the L1 exclusion for the period 8/5/2015 to 21/3/2017 do not represent any change to our enforcement/ casework policy or process.

<p>L2 Education & communications activities</p>	<p>We issued 6 communications to awarding organisations in 2015 in relation to the removal of the Regulatory Arrangements for the Qualifications and Credit Framework, closure of the unit bank and introduction of a Regulated Qualifications Framework and Total Qualification Time criteria.</p> <p>We issued 4 communications to awarding organisations in 2016 about changes in regulation arrangements for vocational qualifications in Northern Ireland.</p> <p>Below is a list of other communications/ information documents we have issued and/ or published:</p> <ul style="list-style-type: none"> • Regulatory report: Spring audits 2015 • Infographic on the proposed changes to the marking review and appeal process for GCSEs, AS and A levels • 'Periodic table' of Ofqual's <i>General Conditions of Recognition</i> • Programme of activity for the next 18-24 months • Lord Sainsbury's report and unused qualifications • Links to Qualification Specifications • Licence-linked qualifications used in the private security industry
<p>L3 Activity related to Policy Development</p>	<p>Consultations:</p> <p>We have consulted/ are consulting on proposals to implement the regulatory changes listed below:</p> <ul style="list-style-type: none"> • Removal of the Regulatory Arrangements for the Qualifications and Credit Framework and introduction of the Regulated Qualifications Framework/ Total Qualification Time criteria • Removal of the Code of Practice for GCE & GCSE, setting of grade boundaries and changes to arrangements for reviews of marking/ moderation and appeals • New and amended statutory guidance to 13 <i>General Conditions of Recognition</i> • Changes to specifications for reasonable adjustments under S96 of the Equality Act 2010. • Withdrawal of criteria for Entry Level qualifications • Ofqual's statistical releases • Amending statutory guidance for condition G4 • Updating rules & guidance for project qualifications • Withdrawing principal learning and Diploma rules.

Pilots:

Appeals: We proposed to extend grounds on which appeals can be made to an exam board against a review of marking decision. A pilot was undertaken in 2016 for 3 A level subjects (Religious Studies, Physics, Geography). We are now evaluating before reaching a decision on implementation.

Audit procedure: We conducted a risk-based audit pilot. We included four awarding organisations and completed this pilot study in February 2017. We are now evaluating before reaching a decision on implementation.

Research activity:

We have undertaken research in the following areas which has involved engagement with/ requests for information from awarding organisations and/or schools:

- Validity of qualifications
- Proficiency specifications
- Mastery assessment (Functional Skills)

For GCSE/ GCE:

- Standards comparability
- Standard setting
- Quality of marking
- Moderation
- Reviews of marking, moderation and appeals
- Investigation into 'Sawtooth effect' in assessment
- Modular v Linear qualifications
- Summer awarding
- Predictability of examined assessments

Other: National Reference Test

Ofqual's National Reference Test (NRT) will provide additional information to support the awarding of GCSEs. The information from the test will be considered each year by Ofqual and the exam boards prior to GCSEs being awarded. The NRT will provide information on changes in performance standards over time and will be based on results from a nationally representative sample of students who will take the test shortly before taking their GCSEs. Currently, exam boards have limited evidence of how performance standards can change

	<p>over time. The test will indicate if, over several years, there is a change in how students perform at the national level, which exam boards can then consider during awarding. More information about the NRT is available at www.gov.uk/government/collections/nationalreference-test-information. Ofqual has appointed NFER to develop, administer and analyse the test on its behalf. To reflect the importance of the new test and to ensure high participation rates, the government has introduced legislation that requires the participation of state schools that are selected to take part. For maintained schools, this obligation is placed on the school directly through legislation. For the vast majority of academies and free schools, the requirement has effect through their funding agreements.</p>
L4 Changes to organisation/ mgt of regulator	Nil return

The reform of GCE and GCSE qualifications is not in the scope of the Business Impact Target.