

Ofqual Board

Paper 54/17

Date:

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Title:

Strategy, Risk and Research Directorate Update

Report by:

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Responsible Director:

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Paper for discussion/information

Open paper, with some paragraphs and all annexes closed.



Issue

1. This report provides an update on the work of the Strategy, Risk and Research Directorate since the last Board meeting. It includes the following updates from the Strategic Policy and Risk Team (paras 3-10), the Regulation Development and Impact Team (paras 11-13), the Legal Team (paras 14-17), the Standards and Comparability Team (paras 18-21), the Research Team (paras 22-36) and on National Assessments (paras 37-55).

Recommendation

2. To note the issues raised in the report and the progress made.

Strategic Policy and Risk Team

Strategy and Corporate Planning

3. At the October Board Strategy Day we discussed our refreshed regulatory strategy. We are now taking this work forward, with the view to

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rebalancing our strategy to be more explicitly preventative, and pro-active in seeking to drive good behaviours and stop poor behaviours among Awarding Organisations (AOs).

4. The strands of this work include:
 - a. Making the provision of guidance, including examples of good and bad practice and lessons learnt a core part of all work;
 - b. Repositioning AO Communications as a regulatory tool in its own right, as a mechanism to achieve our objectives and achieve greater systemic impact;
 - c. Using the audit tool to identify areas for improvements to drive good behaviours in AOs – as well as continuing to generate evidence on compliance;
 - d. Making full use of our investigation and enforcement powers to address serious breaches, with a greater focus on using enforcement to drive behaviours across the sector;
 - e. Continuing to use, and develop, technical evaluation to ensure that the majority of our work focuses on matters directly related to the validity of qualifications; and,
 - f. Without changing the bar, making the recognition process more expert, engaging and supportive to potential new entrants so they better understand what is expected of them as regulated AOs, and our decisions on entry into regulation are risk-based and proportionate.
5. Each of these strands will be progressed through different parts of the organisation. We will update the Board as they are developed and embedded.
6. We will take this work forward mindful of the need both to not be seen as shifting to an ‘improvement agency’ role; and also to not conflate guidance with rules – so that AOs are clear of our expectations.
7. The Strategy Day also included discussion of the findings of the recent systemic risk review. We note that the Board asked us to consider opportunities to take a more pro-active, thought leading role to address systemic issues and risks. Both the results of the systemic risk review and the Board’s steer will inform the executive’s discussion of strategic priorities for the year ahead. This will be presented to the Board in January and subsequently reflected in the Corporate Plan – to be approved at the Board’s March meeting.

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

Regulation Development and Impact Team

Qualifications Wales (QW)

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8. We updated the Board previously on QW's plans to review its Standard Conditions of Recognition. We attended QW's first stakeholder workshop on 23 October, which considered Conditions A-C (Governance; the AO and Ofqual; third parties). In attendance were CCEA (regulator), JCQ, FAB and representatives of nine awarding organisations. Separately, QW had sought feedback on these Conditions through an online survey of all 118 AOs who offer qualifications in Wales.

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10. QW has two further workshops to review the remaining Conditions, scheduled for the first half of next year, which we will attend.

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Standards and Comparability Team

12. We are putting in place arrangements to monitor the November re-sit series in English language and maths (as well as a final re-sit in the legacy science qualifications). This includes setting grade 9 at a comparable standard to summer 2017 while recognising that only a small section on the cohort is re-sitting (hence the formula cannot be applied).
13. Looking ahead to summer 2018, we are planning a two-day meeting with the technical staff in exam boards to agree some of the technical arrangements for summer 2018, particularly for those qualifications that are awarded for the first time. These include the new GCSE science suite, with a double award Combined Science reported on a 17-point grade scale (9,9; 9,8; 8,8 through to 1,1) replacing the separate legacy GCSEs in science and additional science. The legacy qualifications currently have different cohorts of students taking them, and different grade distributions, so the decision about how to anchor the new standards at 7,7; 4,4 and 1,1 is complex.
14. Following our work in the summer to collect data on new Applied General qualifications, we are putting in place arrangements to collect student-level data from summer 2017, as well as entry data for the externally assessed units in January and summer 2018 (which must be passed in order to achieve the qualification). We expect volumes to be much higher for 2018 certification, as this is the first full two-year cohort. Many of these students will also be applying to higher education institutions via UCAS, who are keen to understand the likely impact of the must-pass units on overall qualification pass rates and ensure that relevant stakeholders are prepared for the consequences.
15. We are also working with colleagues in VTQ to put in place additional monitoring arrangements for January and especially summer 2017 awards, along the lines of the delivery/awarding monitoring for general qualifications. This work includes bringing the 20 AOs together to discuss

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standard-setting and, where appropriate, share 2017 student work at the pass/distinction boundaries on the externally assessed units.

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Communicating validity and validation

17. A report entitled An Approach to Understanding Validation Arguments was published on the Ofqual website on 19th October, alongside a short podcast and video clip. <https://www.gov.uk/government/publications/an-approach-to-understanding-validation-arguments>
18. This report summarises a body of conceptual-analytical work that has been undertaken (over the past few years) to provide a technical point of reference for Ofqual and stakeholders, to support effective communication over validity and validation; bearing in mind Ofqual's commitment (since 2014) to putting validity at the heart of what we do.
19. The report was published in parallel with a document entitled The Qualification Manager's Handbook, which has been produced by the Federation of Awarding Bodies as a professional development resource (and launched at their Annual Conference). The Handbook makes reference to Ofqual's report, and draws upon Ofqual presentations in which early versions of ideas presented in the Ofqual report were discussed.

National Assessments

Content validation study and subsidiary reading test review

20. On 5 October, we published our content validation study of the new suite of KS2 reading and maths tests, alongside a review of evidence relating to the accessibility of the 2016 key stage 2 reading test <https://www.gov.uk/government/news/research-into-national-curriculum-testing-at-key-stage-2>.
21. The main report evaluates STA's approach to ensuring effective coverage of the knowledge, skills and understanding set out in the new English reading and maths curriculum. It finds that STA's approach is robust and compares favourably to approaches taken in similar tests internationally, while acknowledging that there are aspects of maths and reading that cannot straightforwardly be tested.
22. The subsidiary review summarises a wide body of evidence and data relating to the accessibility of the 2016 reading test, acknowledging concerns raised by teachers at the time. While standards were set appropriately in 2016, the review suggests that the test seemed to be more challenging than the sample materials provided and a significant minority of pupils did not finish the test. The 2017 reading test did not raise similar

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accessibility concerns, nevertheless, the review suggests areas that could benefit from further consideration by STA, in particular:

- Whether pupils have sufficient time to complete the reading test;
- Whether there are ways in which test and item review processes can be made more rigorous;
- Whether alternative approaches can be adopted to investigate potential biases more effectively for pupils from various groups (e.g. SEND, EAL, socio-economic).

23. These questions require considerable thought and exploration. Test construction, for reading in particular, is a highly complex process and takes place over three and a half years. STA have engaged positively with this work and are currently considering the detail of the reports.

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

24. The research was covered in both sector and national media. As expected, reporting tended to focus on negative aspects of the reading review, however, overall, reporting was reasonably balanced, particularly in the sector press. Reaction from key stakeholders, including teaching associations, has been positive.

25. We will continue to monitor STA's actions in response to this research and will provide updates as part of annual reporting.

Education Select Committee report on primary assessment

26. In May 2017, the Education Select Committee reported on its primary assessment inquiry, which considered a wide range of aspects of primary assessment, and focused on STA's handling of changes introduced in 2016.

27. The committee made a number of wide ranging recommendations, including that Ofqual's role in relation to National Assessments should be reviewed to ascertain whether we should have greater oversight.

28. On 13 October, the Department for Education sent the government response to the report on the primary assessment inquiry. This confirms that government will not review Ofqual's role, as it considers that our powers are appropriate and that our regulation is effective and proportionate.

29. Whilst none of the other recommendations are directed at Ofqual, shortly after the government response was shared with the Select Committee, we sent a memorandum to the Committee welcoming the report, in particular the recognition of the impact that accountability can have on the assessment (see Annex B).

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30. In our memorandum we suggest that a review of our role would have limited value, but commit to being more transparent in our regulation of National Assessments. We also highlight our intention to consult on our regulatory framework. The Select Committee are likely to publish our memorandum alongside the government's response to the report within the coming weeks.

Regulatory framework consultation

31. On 18 October, we opened a public consultation on our regulatory framework for National Assessments
<https://www.gov.uk/government/consultations/regulating-national-assessments>.
32. The existing framework was published in 2011 and sets out (a) our role and responsibilities in relation to National Assessments and (b) our expectations of bodies responsible for designing, delivering and monitoring them.
33. Following the Board's agreement in July, we reviewed and updated our existing framework for consultation. In line with the approach set out to the Board, we do not intend this review to make fundamental changes to our approach to regulation; changes are intended to:
- bring our framework up to date, in particular by reflecting changes to the bodies responsible for developing and delivering national assessments
 - provide greater transparency and clarity about how we regulate, by giving more detail about what regulation looks like in practice and by making the framework document easier to read and navigate
 - make sure our expectations of responsible bodies focus on outcomes, in particular assessment validity, rather than prescribing certain administrative approaches
34. Prior to public consultation, we consulted the primary regulated bodies (STA and other relevant teams within the Department for Education). We have briefed key stakeholders about this consultation, including STA, Ofsted, Local Authority networks, teacher associations and English and mathematics subject associations. We will continue to engage with these groups during the consultation period, which is due to close on 20 December.
35. Following analysis of consultation responses, we will bring a paper to the board in the New Year seeking approval to publish a new regulatory framework in spring 2018.

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

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Paper to be published	YES with the exception of closed paragraphs and annexes
Publication date (if relevant)	After the meeting
If it is proposed not to publish the paper or to not publish in full please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA), please include references to specific paragraphs	<i>See guidance on exemptions below</i>

Memorandum to the Education Select Committee relating to the Primary Assessment report



We welcome the Education Select Committee’s report and its valuable consideration of key aspects of primary assessment following a time of significant change. The report draws important distinctions between formative assessment, internal summative assessment and statutory summative assessments, the last of which are regulated by Ofqual. The Committee’s inquiry also brings helpful attention to the pressures that accountability can place on assessment, particularly on teacher assessment, and the need for consideration of these pressures to inform high quality assessment design and delivery.

The Committee’s report recommends a review of our regulatory role in relation to National Assessments. While such a review could bring welcome focus to the role of regulation, it may not add significant value, as our objectives, powers and duties have been set out in statute taking into account the way that National Assessments are developed and delivered. Our role and powers for National Assessments are different to those we have for qualifications, where we set and enforce rules governing a competitive market. We are clear about our National Assessments role, but we accept the Committee’s finding that our responsibilities in relation to National Assessments are not well understood by the public and stakeholders.

In regulating National Assessments, Ofqual’s objectives are to promote standards and confidence in statutory early years and national curriculum assessments, such as those at Key Stage 1 (KS1) and Key Stage 2 (KS2). We regulate at national, systemic level, for example, while we do not have powers to investigate complaints about National Assessments, we consider stakeholder concerns when deciding where to focus our activity. We focus on the validity of assessment, in particular, on technical aspects such as test development, standard setting or marking. We also monitor wider activity, such as delivery and risk, at a high-level and we provide advice to inform future approaches to assessment. We do not have a role in deciding whether or not there should be particular statutory assessments, or in curriculum policy, accountability policy or internal school assessment. Further, we do not approve decisions made by the Standards and Testing Agency.

Nonetheless, we provide independent post-hoc assurance about assessment quality, for example, as we did in relation to standard setting for the new KS1 and KS2 tests in 2016.

More information on Ofqual’s specific powers and duties in relation to National Assessments can be found in our [Regulatory Framework for National Assessments](#).

We acknowledge that we must do more to improve the visibility and transparency of our regulation of National Assessments and we intend to do this, including by:

- providing a National Assessments annual report, setting out our activities and views
- publishing high quality research into aspects of validity, such as our recent [content validation study](#) of the new 2016 KS2 tests, which provides important insights into the test development process and the accessibility of 2016 reading test
- publishing more of our findings and views, such as our recent [response](#) to the primary assessment consultation, and
- ongoing engagement with stakeholders to explain our regulatory activity, role and findings

We will shortly be consulting on an updated [Regulatory Framework for National Assessments](#).

The framework sets out our responsibilities and provides guidance to the Standards and Testing Agency and other bodies involved in developing and delivering National

Assessments. We want our framework to provide clearer and better information about our role

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and what this looks like in practice. We look forward to hearing public and stakeholders' views on our consultation.

We would be pleased to answer any questions the Select Committee may have about our National Assessments role and activity in our forthcoming evidence session.