

# Ofqual Board

## Paper 06/18

**Date:**

23 May 2018

**Title:**

Chief Regulator's report

**Report by:**

Sally Collier, Chief Regulator

**Open paper with closed annexes**



### Recommendations

1. The Board is asked to note the matters reported, and to:
  - a. Delegate to the Chief Regulator authority to publish the final revised Conditions and guidance following the conclusion of our technical consultation into strengthening the safeguards to protect the confidentiality of assessment materials (paras 6-8).

### Summary

1. Since the last Board meeting, in early May the Secretary of State confirmed that we will have a role in the regulation of qualifications within T levels, as part of an Institute-Ofqual partnership.
2. On 15 May, along with Sir Gerry Berragan (Chief Executive, the Institute for Apprenticeships) I met with the Secretary of State to discuss the governance for how Ofqual and the Institute will work together to deliver the T level programme to the 2020 timeline. Colleagues from VTQ, risk and legal will continue to work very closely with the Institute for Apprenticeships (the Institute) to help ensure the programme is a success.
3. The Summer series began in earnest this month, with GCSEs and A levels from each of the four main exam boards being taken from 14 May onwards. Over the last few weeks I have met with the Chief

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Executives or Responsible Officers for each of the boards to discuss their final preparations. We continue to work closely with the Department for Education, with our teams holding weekly meetings to discuss any pertinent event notifications and potential risks.

4. The Enforcement Committee made a final decision to impose a penalty of £125,000 on OCR for its failure to comply with our conditions relating to GCSE Computing in 2017.

### General Qualifications update

#### Preparation for the Summer series

5. We are finalising the detailed requirements for exam boards to follow when setting and maintaining standards in GQs, with a number of decisions confirmed once the provisional entry data has been reviewed (this will be published on 24 May). We are putting in place arrangements to observe a small number of standardisation and award meetings in GQs and Applied Generals/Tech levels this summer, as well as planning the data collection for GQs and Applied Generals/Tech levels to enable us to carry out analysis of results data, as required.

#### Strengthening the safeguards to protect the confidentiality of assessment materials

6. We received 35 responses to our consultation on teacher involvement in developing confidential assessment materials. In the main, the responses were from awarding organisations, including the exam boards, and groups representing school and college leaders and teachers.
7. The responses were broadly supportive of our proposed approach to strengthening the safeguards awarding organisations should use when they involve teachers in developing confidential assessment materials. We proposed to strengthen the current arrangements through small changes to two existing Conditions of recognition and expanded guidance. On 11 May we published for consultation our draft guidance and the draft amended conditions under cover of a further technical consultation, in line with the Board's extant delegation to the Chief Regulator.
8. The Board members who have been particularly engaged with this work will be invited to comment on the draft guidance before the final version is published. **We now invite the Board to delegate to the Chief Regulator authority to publish the final revised Conditions and guidance, once the technical consultation has concluded, and the responses to the consultation have been considered and reflected in the final documents.**

## Enforcement

9. On 18 April the Enforcement Committee made a final decision to impose a monetary penalty of £125,000 on OCR, following publication of a Notice of Intention on 2 March. This was in relation to its failure to comply with a number of our Conditions with respect to GCSE Computing in 2017. There were no representations. The Enforcement Committee also decided that OCR should pay Ofqual's enforcement costs which were just under £6,000.

## Vocational and Technical Qualifications update

### Regulation of Vocational and Technical Awards

10. **Centre controls project.** We have piloted our call for evidence on moderation with three Awarding Organisations and three centres. The responses from the pilot have been useful and have enabled us to finalise the call for evidence. We have subsequently launched the call for evidence and engaged key stakeholders, including the Federation of Awarding Bodies, for support.
11. **Withdrawal of recognition.** Our recent investigation into Awarding Body for Vocational Achievement Ltd. (AVA) found significant failings which indicated that the awarding organisation did not have the capability or capacity properly to deliver and award qualifications. The awarding organisation had given an undertaking, during the investigation, as a result of which there were no registered learners by the time the investigation concluded. Following the commencement of an enforcement case to withdraw recognition, the Director of Enforcement secured AVA's agreement that it would not contest those proceedings and recognition was withdrawn by the Enforcement Committee on 4 May.
12. **Apprenticeships.** To date, we have reviewed 108 assessment plans: submissions have been steady and the trajectory is positive. We have recently piloted a revised process for reviewing Assessment Plans, which dovetails our process with that of the Institute. This will enable judgements to be made in parallel (rather than sequentially) and with employers given a single set of feedback, although we retain our independent scrutiny. We have also conducted technical evaluation of the first eight End Point Assessments that we will regulate and are considering how to use the information we find. Importantly, we have seen that this process does not just inform our subsequent regulation, but also allows us to identify and address differences in assessment approach that undermine consistency.

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13. We are intending to present our approach to External Quality Assurance to the Institute for Apprenticeships' Quality Assurance Committee in July.
- Reform**
14. **Functional Skills.** We have begun to design the process for technical evaluation of the reformed qualifications before they are made available, and have had useful discussions with awarding organisations about this, which have largely confirmed the viability of our intentions, but have also usefully flagged particular aspects to consider. To support the work, and aid in planning, we have been communicating with awarding organisations, to build a picture regarding the overall offer they envisage, the details within that, and their anticipated timescales. We have also been working with colleagues in the Strategy, Research and Risk directorate to propose, and discuss with awarding organisations, the arrangements for maintaining standards in the reformed qualifications, reflecting on the particular challenges this will entail.
15. **T Levels.** Ministers have now confirmed that they would like the Technical Qualifications within T levels to be regulated through an Institute-Ofqual partnership. This is the subject of a separate VTQ paper.

### **Engagement**

16. We have undertaken a number of speaking engagements in recent weeks, including my address to the Annual Apprenticeship Conference. Phil Beach accepted the British Chamber of Commerce's invitation to deliver a Q&A podcast; this will be released during May. There has been a big push to widen and grow our pool of vocational subject experts. Looking forward, we are focussed on our sector employer event on 5 June in which we will engage with employers who do or could benefit from our work on Apprenticeships.
17. **Awarding Organisation Communications.** We recently conducted a survey of AOs' perceptions of our communications and guidance, receiving 160 responses from 99 AOs. In general, respondents noted an improvement in our tone and general communications over the last 12 months.

### **Educational Assessment Seminar**

18. At the end of April we held our annual Educational Assessment Seminar, with research presentations from a number of Ofqual staff as well as external representatives from exam boards, Cambridge Assessment and STA. This year's themes were: marking, moderation and verification; standard-setting and maintaining, and inter-subject comparability; VTQ assessment functioning and judging performance;

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and reformed qualifications and assessment design. Presentations included topics such as our evaluation of the impact of reformed A level science on students' practical skills, standard-setting in KS1 and KS2, grading of vocational and technical qualifications, the possibility of moving to pre-set pass marks in functional skills qualifications, the use of technology to support scientific thinking and collaborative working.

### **National Reference Test**

19. Ofqual received the draft results of the 2018 National Reference Test from NFER on 8 May. These are being reviewed, and the results will be presented to the Board at its meeting in July, following consideration of the results by the NRT Sub-group of SAG on 19 June.

### **Regulatory and Corporate Services update**

#### **Regulatory Compliance Activity**

##### **Recognition**

20. The total number of recognised AOs is now 150, following a further surrender in March 2018. One surrender is expected in May and a further surrender is expected in June. SMG has analysed the reasons for surrender over the last few years and all but one are due to reasons of changes in the market. 18 AOs are now recognised to offer 25 of the 52 Apprenticeship Standards for which we are the EQA.
21. We continue to receive a broad mix of applications from prospective organisations wishing to offer a VTQ portfolio, including EPAs. So far in quarter one we have rejected five applications at stage one and one at stage 2, where the organisations did not meet the Criteria.

##### **IM Ops/IM Transformation**

22. Ahead of the summer, the IM team has worked with teams in GQ to develop dashboards on PowerBI, an analytic service which provides interactive visualisations of our data. As a result we are now able to visualise the event notifications data we receive, which we can use to inform internal weekly risk meetings, and for meetings with the Department.

### **Forward Look**

23. As exams are taking place over the next two months, we will be monitoring social media to supplement the event notifications which we receive, to gain a broader picture of how the summer series is progressing.

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24. In July we will be hosting our 2018 Summer Series Symposium in London, which will be covering a number of topics relating to this year's exams. This has previously proved to be an invaluable opportunity to share research and information about our processes with key stakeholders. Further information and invitations will be shared with the Board in due course.

Paper to be published	Open with closed annexes
Publication date (if relevant)	With meeting minutes/later date
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>S.36, publication would, or would be likely to, inhibit the free and frank provision of advice, or the free and frank exchange of views for the purposes of deliberation, or would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.</i>

**ANNEXES:**

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