

12 September 2018

Rt Hon Robert Halfon MP
Chair, Education Committee
House of Commons
London
SW1A 0AA

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Dear Mr Halfon,

National Assessment regulation

As you know, regulating National Assessments, including key stage tests, is an important part of Ofqual's responsibilities. While our role here is different to our role for qualifications, we have specific statutory objectives to promote standards and public confidence in National Assessments.

To meet these objectives, we primarily focus on assessment validity, i.e. the extent to which assessments can be relied on to measure effectively what they are designed to measure. Indeed, we recently consulted on our regulatory approach to National Assessments, setting out our focus on validity. We gained support for our approach from a broad range of stakeholders and have now published our updated regulatory framework. This explains our focus on validity and how we fulfil our role, including our commitment to report annually on National Assessment validity.

For 2017 key stage tests, we were pleased to be able to report that standards had been maintained and the consistency of marking was high. We have also published three recent research studies on assessment validity: a content validation study of the new suite of national curriculum tests; a review of the accessibility of the 2016 key stage 2 reading test; and observations on the moderation of key stage 2 writing assessments, providing feedback to the Standards and Testing Agency to support ongoing improvements to processes where appropriate. We look forward to publishing our report on the 2018 test cycle later this year.

In 2014, we wrote to the Education Select Committee setting out our intention to focus on validity rather than on operational delivery. We did this because we found that, when national testing was transferred into the Department for Education in 2011, our close monitoring of delivery was not adding significant value. This was different from when Ofqual was first established in 2010, when we monitored the detail of delivery in light of issues with late return of results in 2008, highlighted by the subsequent Sutherland Inquiry.

By 2014, this type of monitoring was no longer necessary; test delivery had remained stable for several years and the circumstances and structural issues that gave rise to

delays in 2008 were no longer in evidence. Indeed, our delivery monitoring was duplicating oversight of the Department for Education and there was direct reporting to Ministers from officials responsible for testing. This remains the case today, with the Standards and Testing Agency continuing to operate a stable service from within the Department for Education, directly responsible to the Secretary of State for effective delivery.

The Secretary of State has recently written to us confirming he is overseeing the approach being taken by the Department to manage a change of test operations supplier, taking effect from the 2020 test cycle. The letter also sets out the safeguards officials are putting in place to ensure effective governance and delivery through the transition period. We have considered carefully the approach we should take to regulation through this period, taking into account our statutory objectives and duties, the need for us to add maximum value in the current context and the need to avoid adding unnecessary burden.

To most effectively meet our objectives during this period, we have concluded that our strategic focus should remain on the validity of National Assessments, but that we should also broaden our scope to include monitoring for risks to validity that could arise as a result of this change. This would not duplicate the monitoring and quality assurance of the detail of operational delivery that the Department has put in place; our focus would be on supporting the maintenance of assessment quality and standards during the change period. We will, of course, maintain a high-level overview of wider risks and systemic issues as we do now.

I would be happy to provide you or the Committee with any further information about our approach to regulating National Assessments, should you wish it. If Committee members are interested to read our recent reports and research on National Assessments, they are available on gov.uk.¹

Yours sincerely,



Sally Collier
Chief Regulator

Encl.

Letter from Glenys Stacey to the Education Select Committee, August 2014
Letter from the Secretary of State to Sally Collier, September 2018

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¹ <https://www.gov.uk/government/collections/national-assessments>

Glenys Stacey
Chief Regulator



22 August 2014

Mr Graham Stuart MP
Chair
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Dear Graham

National Assessment arrangements – the role of Ofqual

I am writing to you about Ofqual's role in relation to National Assessment arrangements and how we are reconsidering our approach now that the Standards and Testing Agency (STA) operates as an Executive Agency of the Department for Education.

You will know that Ofqual has duties and objectives in relation to regulated assessments as well as to qualifications. The ASCL Act of 2009 which established us, set out our objectives for standards, ensuring that these are appropriately set and maintained and that national assessment outcomes are valid, reliable and comparable over time and for promoting public confidence in national assessment arrangements. It also gave us a duty to keep all aspects of the arrangements under review and to inform the Secretary of State and all those responsible if there is, or is likely to be, a failure in those arrangements. We drafted and consulted on our Regulatory Framework for National Assessments on this basis and published it early in 2011. Whilst our powers are relatively limited in this area - we can require information and can lay reports before Parliament – the value we add is principally in maintaining an independent, expert perspective on the arrangements so that we can provide sound advice and provide a view on the validity of assessment outcomes and the integrity of the system.

Much has changed since Ofqual was set up. In relation to National Assessments, the most significant change came about in October 2011 when QCDA's responsibilities for developing and delivering National Assessments passed to the newly established Standards and Testing Agency. This operates as an agency of the Department for Education and its Chief Executive reports to the Director General for Education Standards and ultimately to Ministers. The first two cycles of National Assessments since STA came into existence have passed without notable failure despite the significant number of changes introduced during that period. It is also clear that, in terms of the delivery and logistics of the arrangements, senior



officials and Ministers are kept fully informed by STA officers of progress, risks and issues. This raises the question of whether Ofqual still needs to provide a separate and independent level of monitoring of the delivery elements of the national tests, checks and statutory teacher assessments. Significant elements of the delivery of the Key Stage 2 test arrangements are, in fact, contracted by the Department, currently to Pearson, and STA manages that contract.

We are conscious that the Act requires us not to maintain regulatory burdens which we consider to have become unnecessary. With this in mind, our Corporate Plan for 2103-16 included a commitment to 'focus on the setting and maintenance of standards and on the fairness and integrity of National Assessment arrangements'.

We have discussed our regulatory approach with Department officials and with STA over the last year and we intend to consult on a revised Regulatory Framework shortly; this would signal a shift in our approach, moving away from monitoring delivery aspects of the National Assessment arrangements and concentrating on providing a more strategic overview of the validity and reliability of outcomes and the maintenance of standards. This would include any risks to the maintenance of standards posed by high-stakes school accountability measures. We would also want to ensure that the revised Framework took account of the forthcoming changes to the National Assessment arrangements outlined in the Government's recent response to its consultation on Primary Assessment and Accountability.

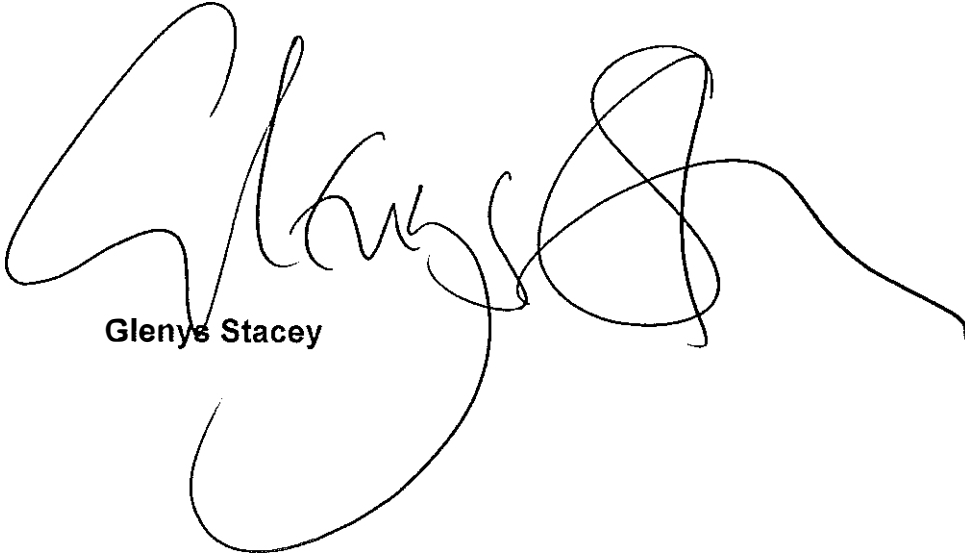
The Government's decision to take direct responsibility for the National Assessment arrangements, the higher stakes brought about by school accountability 'floor standards' and reliance on national assessment data in Ofsted inspections, means that there remains a strong case for Ofqual's role. We are effectively the only body without responsibility for designing or delivering the system but with an informed and expert perspective; this enables us to provide assurance to Parliament, the education profession and the public on the extent to which the arrangements are fair and outcomes can be trusted. We can also take an overview of the wider system and comment where we see signs of strain. For example, we recently wrote to colleagues in the Department, STA and Ofsted drawing their attention to evidence of tensions between assessment and accountability across all phases and of the need to think carefully about the role of Local Authorities in requirements for future National Assessment arrangements.

Before going ahead with a public consultation on this proposed change, I wanted to make sure that the Education Committee would be content with the approach I have outlined. Following the last major failure of the National Assessments arrangements in 2008, the Sutherland Enquiry made recommendations that Ofqual should carefully monitor the delivery arrangements of the national tests at Key Stage 2. Circumstances, responsibilities and delivery arrangements have changed since 2008. With STA operating as an Executive Agency of the Department, any failure in delivery would now be the responsibility of the Secretary of State. The Ofqual Board and colleagues in the Department agree, therefore, that our role in monitoring purely delivery elements of the arrangements adds little value, risks blurring accountability and diverts resources from our main focus. This should be on meeting our assessment standards and public confidence objectives by keeping

a wider view of the system as a whole and on the validity and reliability of national assessment outcomes.

I would be happy to discuss this with you if you require any more detail and look forward to receiving your response.

Yours sincerely

A large, stylized handwritten signature in black ink, appearing to read 'Glenys Stacey'. The signature is highly cursive and fluid, with a large loop at the end.

Glenys Stacey