

Ofqual Board

Paper 33/18

Date:

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Title:

Chief Regulator's report

Report by:

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Open paper



Recommendations

1. The Board is asked to note the matters reported, and to:
 - a. Delegate to the Chief Regulator authority to sign a Memorandum of Understanding with the Department for Education (DfE) (para 11).

Summary

2. This summer's exams finished in June with the sitting of 20 new GCSEs, 20 new decoupled AS levels and 12 new A levels. Given the extent of change the taking of exams has been relatively quiet; the total number of event notifications has been broadly similar to last year. There have been a small number of more significant issues, including a security breach of a Pearson A level maths paper.
3. In June I briefed the Secretary of State ahead of summer awarding, where we discussed how exams had gone and the issue of student stress.

Exam boards' safeguards when exams are taken outside of the UK

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4. Following the last Board meeting, we have sought further information from the exam boards about how they reduce the risk of malpractice at their non-UK centres where GCSE and A level exams are taken.
5. Overseas centres are subject to the same exam board rules, for example with regard to the safe storage and conduct of exams, as those in the UK. The main way exam boards seek assurance that centres are complying with these rules is through the use of unannounced inspections by the JCQ Centre Inspection Service (CIS), particularly when exams are being taken.
6. The exam boards have confirmed that in 2015 the CIS introduced an overseas inspection programme covering centres in British Overseas Territories and international military bases (BOT/BFPO centres), to ensure they were subject to an equivalent level of scrutiny to those in England. The arrangements and expectations of these inspections match those for domestic centres.

The summer series

Malpractice

7. The last GCSE, AS and A level exams were taken on 27 June. The exam boards notified us of the typical range of events during the exam period, the most concerning of which related to the apparent availability for sale of at least one Pearson A level maths exam paper late in the night before the morning of the exam.
8. Our priorities are to be assured that Pearson is taking appropriate steps to identify and take appropriate action against anyone responsible for the leak and subsequent dissemination of the paper (subject to any restrictions required while the police investigation is underway) and to protect any students who had been unfairly advantaged as a result. If there is evidence that other exam boards' papers have been leaked, we will expect the same of them.
9. We had already told the exam boards that, after the results are issued this summer, we will be working with them to review their current policy and practice on malpractice. Some recent cases have highlighted the need to ensure arrangements appropriately cater for the full range of behaviours at every stage of the exam cycle that could constitute malpractice, particularly where social media or digital technology is involved. We will also want to ensure lessons are learned from this incident – by all exam boards – informed by good practice in other sectors where appropriate. We will be seeking to understand practices from organisations at the forefront of preventing and detecting fraud such as DWP and HMRC.

Review of marking

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10. In light of our concerns about exam boards' approaches to reviews of marking in 2017, we have been seeking assurances they will improve their practices for the reviews they undertake for the 2018 series. AQA gave us an undertaking before it undertook in January reviews for its November 2017 GCSE entries. It will carry forward the lessons it learned from those changes to its summer series. WJEC is also changing its arrangements for this summer. Pearson, which appeared in 2017 to have better adapted to the reviews of marking requirements, is also making some refinements. We are working with OCR to seek assurance it will improve its approach to reviews this summer.

Memorandum of Understanding with the Department for Education

11. We have developed with the Department a high-level Memorandum of Understanding (MoU) which recognises the different roles and responsibilities of the two organisations, and areas of common interest, and outlines how we work together. The draft MoU can be found at Annex B.

The Board is asked to delegate authority to the Chief Regulator to sign the MoU, which will then be published on a date agreed with the DfE.

International GCSEs

12. There has been some media interest in comparisons between GCSEs and International GCSEs. International GCSEs are different qualifications to GCSEs, with different content and assessments. They do not have to follow the new or old GCSE curriculum or meet our rules for GCSEs. Therefore, it is not possible to make simplistic comparisons between the two types of qualification. Nevertheless, the awarding organisations that offer the qualifications have changed the grading scales for some of them to 9 to 1 to reflect the grading scale for GCSEs. In some cases the new grading scale has been applied to the existing qualification without revising its content or assessment.
13. We have not scrutinised International GCSEs in the way we scrutinised the new GCSEs during the accreditation stage of the reform programme. In fact, many International GCSE qualifications are not regulated by Ofqual at all. Most international GCSEs are unregulated, however both Pearson and Cambridge Assessment International Education do have some that are currently regulated. They are all being withdrawn from regulation by the respective awarding organisation. The majority of Pearson's will be withdrawn from recognition by 31 August 2018, with the final one being withdrawn next year. Cambridge Assessment International Education has also decided to withdraw the remainder of its International GCSE qualifications from regulation; from April 2020 none will be regulated by us.

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14. The qualifications of this kind we do regulate (which we describe in our Register as Level 1/2 qualifications to avoid confusion with GCSEs), and the date from which the awarding organisation has decided they should cease to be regulated, are listed in Annex C. As the government has decided that International GCSEs should not receive credit for school accountability purposes in England, the qualifications are primarily taken in independent schools. International GCSEs have long been taken in that sector, although many independent school students take GCSEs. For example in 2017, there were around 20,000 entries from independent schools for each of the three new 9 to 1 GCSEs.
15. We published some research in December 2017 which suggested that, in recent years, grading standards in regulated International GCSEs in English language and literature were not precisely aligned with grading standards in GCSEs. Generally students taking International GCSEs received slightly higher grades, once prior or concurrent attainment was controlled for, than students taking GCSEs, although the position sometimes varied across different qualifications and at different grades. The evidence indicates that this is likely to be due to differences in the grading standards of the two qualifications rather than the characteristics of the students taking them.
16. Across all subjects the approach to awarding International GCSE certificates is different to that used at GCSE, as Key Stage 2-based predictions are not routinely used to secure the maintenance of standards in International GCSEs. We cannot, therefore, be confident that the grade standards of GCSEs and International GCSEs are precisely aligned. International GCSEs can potentially diverge appreciably from reformed GCSEs in terms of the content covered, the way in which they are assessed and the way in which grade standards are set. The extent to which this is the case may vary between the different International GCSE qualifications available.
17. In light of the significant differences between GCSEs and International GCSEs, it would be extremely difficult for us to come to meaningful and precise conclusions about their comparability, beyond the statistical indications of grading standards referred to above. The resources that we would need to divert to undertake such work be disproportionate, given the relatively small number of students in England who undertake International GCSEs and the fact that they will soon be withdrawn from regulation. In line with the strategy previously agreed by the Board, we will continue to be clear about the differences between International GCSEs and GCSEs and about their regulated status.

Vocational and Technical Qualifications update

Functional Skills

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18. We have now published the finalised Conditions and guidance for the reformed Functional Skills Qualifications. This is the first VTQ-specific set of rules that Ofqual has published; it reflects our strategy to regulate reformed national VTQs with the same seriousness and focus we afford to A levels and GCSEs.

Apprenticeships

19. Our consultation on Conditions and guidance for End-Point Assessments (EPAs) concluded on 11 May. Our recommendations are the subject of a separate agenda item; we plan to publish the final set of Conditions and Guidance on 26 July. We have continued to pursue a more streamlined approach to the review of Apprenticeship assessment plans. We have aligned our technical analysis with the Institute for Apprenticeships' review process and Trailblazer Groups are now receiving a single, joint communication about their submission.

Digital

20. We have received a Ministerial steer asking Ofqual to contribute to the reform of Basic Digital Skills qualifications by 2020 and the development of Digital Functional Skills by 2021. Our regulatory approach to Digital Functional Skills is likely to be similar to our ongoing work on the equivalent English and maths qualifications. The Basic Digital Skills reform is likely to be more complex. The Minister has signalled the intention for a wide range of qualifications to be made available; we will want to develop a strategy that provides us sufficient control of the early stages of development given that subsequent regulation will be aligned to our approach to Corporate Goal 3 (all VTQs). For information the Ministerial steer is attached at Annex D.

Regulation

Centre Controls

21. Work continues on our centre controls project and we have completed our first suite of audits. These audits looked at AOs' arrangements to approve centres;

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

The second strand of the centre controls project has also progressed, with the completion of a call for evidence on AOs' quality assurance approaches and their approaches to moderation. We expect to complete the analysis of these responses in August, which we will use to inform our regulatory options.

Performance Table qualifications

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22. We have been monitoring the delivery of new external assessments in Performance Table qualifications this summer.

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Strategic Relationships

23. Our engagement with the regulated community, sector representative groups and users of VTQ qualifications has been extensive over recent weeks, with colleagues speaking at around 15 conferences and meetings (including my own speech to the AELP national conference). Our second event for employers, this time focussed on our approach to external quality assurance, was attended by a range of delegates and received positive feedback.

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25. Work to improve our AO Communications function continues; the centralised management of incoming queries through the Portal has reduced the time taken to respond by more than half. The shift in regulatory strategy to include more sharing of good practice is gaining pace. Further detail on the findings of the recent AO Communications survey, as requested by the Board at its last meeting, is at Annex E.

Business Impact Target (BIT)

26. In May, the Department for Business, Energy & Industrial Strategy (BEIS) published a report for the 2015-17 parliament which reported £6.6bn net savings to business were achieved in the two year period. Regulators' qualifying and non-qualifying activities were included as annexes to this report.
27. On 20 June the government announced the BIT target and scope for the current parliament, which is for £9bn savings to business to be achieved by 2022. The Regulatory Policy Committee (RPC) continues in its role as the independent verification body. As expected, regulatory changes with an annual impact on business of less than £5 million fall in a new 'de minimis' exclusion; other exclusion categories for regulator activities remain unchanged.
28. We do not have any qualifying regulatory provisions to report for the BIT period of 9 June 2017–20 June 2018. We published a summary of non-qualifying regulatory provisions (ie exclusions) on 4 July. We are not legally required to submit our non-qualifying regulatory provisions

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summary to the RPC for validation and have taken a decision that we will not do so.

Communications

29. Media focus over the summer series has centred on student stress and exam anxiety, which have been variously associated with the additional challenge of new GCSE content and the greater number of exams taken in reformed qualifications. Other notable coverage has included the security breach of Pearson's A level maths paper, errors in WJEC's A level French and Spanish exams, and, following the end of the exam period, our notification of intent to fine OCR for the error in its English literature paper last summer. In contrast, we have not seen stories about the new GCSE grading scale. Social media commentary by students has generally been very balanced at a subject level. The overall volume of social media activity has been similar to last year.
30. Our promotion of resources explaining new GCSE combined science grades across various social media platforms finished immediately ahead of the exam series commencing. In total, our films were watched around 4.7million times. After the exam window closed, we issued the first edition of a new newsletter aimed specifically at employers. Its purpose is to reiterate some of our key messages around exam reform.
31. Our Summer Series Symposium took place on 5 July in London. It was attended by around 50 key stakeholders and journalists. As in previous years, it was designed to provide an opportunity for us to set expectations for awarding and answer any questions about this year's exams in a public forum.

Recognition

32. We are taking a more proactive approach to applications as we move towards the refreshed model of recognition.
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IM Ops/IM Transformation

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34. The Information Assurance team has completed the annual Departmental Security Health Check, which I signed as Accounting Officer, and it was submitted to the Cabinet Office on 6 July.
35. A survey to understand who uses the Register, what they use it for, and what they find helpful or unhelpful, has been completed and the results compiled. The heaviest users of the Register are now learners (25%), compared to three years ago when the heaviest users were learning providers (40%). While the sample size is very small, we assume the change is as a result of the removal of the QCF rules and the subsequent removal of information about units and rules of combination from our Register.
36. Functionality is now in place within the Portal to enable the issue and collection of returns for the annual Statement of Compliance, the window for which opened in June. As a result, the Standards teams will have improved access to data in a way that is easier to interrogate and analyse.

Forward look

37. Summer awarding is upon us, and over the next month a number of us will be observing various standardisation and awarding meetings for general and Applied General qualifications. We will also continue to monitor any pertinent event notifications, including keeping under review Pearson's actions regarding the leaked A level maths paper.
38. With our policy consultation now open on the regulation of Technical Qualifications within T levels, over the summer we will work through the responses that we expect to receive from AOs and other stakeholders. Subsequently, and in line with the Institute's timeline, we will be working to prepare our response and decisions ahead of launching a technical consultation on our conditions for regulation in September. We will continue to work closely with the Institute and the DfE over the summer to this end.

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Paper to be published	Open
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	S.36, <i>publication would</i> , or would be likely to, inhibit the free and frank provision of

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<p>available under the Freedom of Information Act (FOIA), please include references to specific paragraphs</p>	<p>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.</p>
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