Ofqual Board

Paper 63/18

Date:
26 September 2018

Title:
Chief Regulator's update

Report by:
Sally Collier, Chief Regulator

Paper for decision and information

Open paper with closed annexes

Recommendation

1.   The Board is asked to note the matters reported and to:

  a.   Delegate authority to the Chief Regulator to approve the
       consultation on amendments to the conditions for GCSE and
       GCE music and dance (para 23); and

  b.   Delegate authority to the Chief Regulator, in consultation with
       the Chair, to approve the consultation on changing the
       conditions for GCSE computer science to require the
       qualification to be assessed by examination (para 29).

Overview

2.   This year's summer series came to a close at the end of August, and
     went especially smoothly considering it was the key year of the biggest
     overhaul of general examinations in a generation. Our preparations over
     many months ahead of summer awarding paid dividends: our innovative
     interactive map app was used over 24k times over the results weeks; our
     blogs received over 68k views; and we were on the front foot to deal with
     issues including the GCSE combined science 3-3 grade.

3. In parallel with the summer series, there has been a very considerable cross-organisational effort over the summer months on our T Levels work. We launched on time the results of our policy consultation and our subsequent technical consultation, to meet the Institute for Apprenticeships' contract launch deadline on 3 September. I continue to meet regularly with Eileen Milner (ESFA), Sir Gerry Berragan (IfA) and Jennifer Coupland (DfE), as well as bi-monthly with Minister Milton, to discuss progress, and relationships are working well.

4. Following the Board's decision in July about our ongoing strategy for regulating National Assessments, in mid-September we published an exchange of letters between myself and the Secretary of State, where we confirmed our commitment to focus on the validity of the assessment itself, as well as broadening our scope to include monitoring for risks to validity that could arise as a result of the change of supplier. I also wrote to the Chair of the Education Select Committee, to inform him of the same.

General Qualifications

Summer series

5. I am pleased to report that overall the summer series was safely delivered and results were issued on time. As usual, we will publish a comprehensive report on the delivery of the summer exam series in December. In the meantime, we will follow up with the exam boards on specific events, consider the need for any enforcement action and take forward some thematic issues with the exam boards collectively, for example on the use of erratum notices.

6. We did not see any serious errors in exam papers this year,[1] although there were many minor ones. Some boards reported higher than usual numbers of errors in exam papers they had modified for disabled students. We saw fewer cases this year than last of exam paper security breaches, for example when an exams officer distributed the wrong paper to students. However, the consequences of some of the breaches that did occur were serious.

7. Reviews of marking are underway. We are holding regular calls with each exam board to consider its process and progress and the steps each is taking to ensure marking errors are found and corrected but marks are otherwise left unchanged. OCR is subject to an undertaking with regard to its approach to reviews of marking.

Malpractice

8. We brought some specific events to the Board's attention during the series, including the apparent availability for sale of a Pearson A level

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[1] We define serious (category 3) assessment material errors as those which 'could or do make it impossible for learners to generate a meaningful response to a question / task.'

maths paper on the day of the exam. Pearson's Responsible Officer wrote at the start of A level results week to all schools and colleges that had entered students for the qualification. The following extracts from that letter summarise what Pearson found and the action it took:

    a. We have evidence that a very small number of students had access to the A level Maths C4 paper (6666/01) ahead of the exam sat on Friday 22 June. Following the examination, we were alerted to the apparent sale of images of questions from the paper in the early hours of the day via two closed social media applications. There is no evidence to show that they were publicly available before the examination, but after the paper had been sat individuals posted images of the sharing of the secure content on publicly accessible platforms.

    b. Our investigation, in compliance with Joint Council for Qualification requirements, has progressed well. We have followed all leads and conducted centre visits to interview staff and students. We also have robust measures in place to be able to identify statistical anomalies in student performance during the marking process.

    c. As a result of this work, we have identified one individual as the source of the breach, who has been debarred from any involvement with Pearson examinations for life. We have disqualified five students and are currently investigating a further 30 with regards to their involvement. Their results will be withheld until these investigations are completed.

9. In this case, Pearson's decision to take some precautionary actions following a similar event in 2017 enabled it to identify the source of the leak. We are keen that we and the exam boards learn from this incident and from practice in other sectors. We have arranged to visits to the Department for Work and Pensions and HM Revenue and Customs to learn from their approaches to preventing and detecting malpractice.

10. The JCQ is launching a Commission on malpractice. I have been invited as an observer on the Commission and have had an introductory meeting with the Commission's chair, Sir John Dunford. We have provided Sir John with a range of materials and will further offer the Commission our written thoughts on the areas on which they might focus. We have already written to the exam boards about the need for them to consider the potential consequences when they decide whether a sanction is proportionate to the malpractice committed.

11. We are also working with Ofsted to ensure effective sharing of information about concerns of malpractice.

A GCSE in British Sign Language (BSL)

12. The Government has agreed to consider any proposals put forward for a GCSE in British Sign Language. It has said that if the proposals meet "the rigorous standards set by both the department and Ofqual" it will consider an exception to its general rule that there should be no new GCSEs in this parliament.

13. In order for a subject to be developed as a GCSE, AS or A level qualification, agreed subject content must be in place. The subject content, which specifies the curriculum to be studied, is set by the government. We set the rules about how it is assessed. We must be satisfied that we can regulate any proposed content effectively.

14. During the reform programme, the Ofqual Board formally considered whether we could regulate effectively each of DfE's proposals for subject content before it was finalised and incorporated into our regulatory framework.

15. We applied some principles to help us judge, before work on the content started, which subjects we would expect to be able to regulate effectively. We required the organisation proposing new content to set out its key features and how it would support appropriate standards being delivered in qualifications, for example by being suitably demanding or supporting effective differentiation between students. The principles can be found in Annex B.

16. Any organisation planning to develop BSL content for a new GCSE will need to have regard to these principles. The organisation will be able to start working on the proposals if we judge we could regulate the content effectively and DfE judge the proposal acceptable. We will invite the Board to decide whether any final proposal is, in fact, capable of effective regulation before we adopt it into our regulatory framework. We will also develop and consult on assessment arrangements.

17. We would take the same approach should organisations put forward proposals for GCSEs or GCEs in other subjects.

Proposed changes to GCSE and GCE music and dance conditions

18. We are keeping the conditions we introduced during the reform programme under review. In particular, we are looking for any unintended consequences of our rules that come to light once the reformed qualifications are assessed and awarded for the first time.

19. Our GCSE and GCE music and dance conditions include a requirement that, for the performance component of the non-exam assessment, each assessment must be designed and set to ensure only performances of a minimum duration are admissible. In other words, performances under the minimum time requirement must be disregarded completely. We had

expected that centres would ensure student performances were chosen to be safely over this minimum time requirement.

20. In the first assessments this year some students failed to meet minimum times as they performed a piece too quickly, or they failed to complete a performance due to nerves. The conditions meant that the exam board could not give credit for the parts of the performance they had completed – as it was inadmissible.

21. Some exam boards mark recordings of the performances, submitted to them by the student's centre. In such cases students whose initial performances are short on time are likely to repeat their performance. The recording that is submitted for marking will then be of sufficient duration. Other exams boards send an examiner to the centre to undertake a live assessment. Students assessed in this way do not have a second (or further) attempt.

22. We propose to consult on amending the conditions to allow exam boards to give credit for performances that are a little short. The exam boards would need to decide how short performances would be marked and what penalties they would apply. We are discussing options with the exam boards.

23. The Board is asked to delegate authority to the Chief Regulator to approve the consultation on such amendments.

GCSE computer science

24. We have agreed and announced that GCSE computer science should be assessed on an examination basis only for awards made in 2019 and 2020, with centres being required to timetable provision for students to complete programming tasks set by their exam boards. We intended this would be a short-term arrangement to address breaches of the rules in the original non-exam assessment. Feedback suggests teachers have generally responded positively to the change.

25. We are evaluating the 2018 exams and students' performance in them. We have met with many stakeholders during the year to consider with them the optimum longer-term arrangements. We have also considered the way that programming is assessed in other qualifications, in particular the approaches taken in the following qualifications that are aimed at the same cohort as the GCSE and have a similar purpose: Pearson Edexcel International GCSE computer science, Oxford International AQA Examinations International GCSE computer science, and Cambridge IGCSE computer science. In each of these qualifications, programming is assessed in an exam setting.

26. We have a considered a range of options. In summary, we believe that it would be possible to take one of two approaches. The first is an endorsement to the overall GCSE grade that would focus on students'

programming skills. However, this would not be a straightforward option. In GCE A level science, for which there is an endorsement, students evidence their skills by carrying out practical work. Exam boards monitor centres' approaches through visits. An endorsement is also used in GCSE English language for spoken language skills. Monitoring is facilitated through recordings. Neither of these are open to plagiarism or unauthorised support from others, which have been the main source of malpractice in computer science.

27. The second is for programming skills to be examined. One of the boards currently uses on-screen assessment in one of its exam papers to assess programming skills. Computing at School (CAS), which is a subject community for teachers that is part of the British Computing Society (BCS), has published an analysis of how completing the programming tasks supported students in answering questions in the 2018 examination papers (see Annex C). Our evaluation of the wider range of options we have considered is set out in Annex D.

28. We will have to consult on changing our conditions – and the assessment objectives – to effect this change. We had intended that any new assessment arrangements would be finalised and published before students started their two-year course in September 2019. These students would be the first who would be assessed under the new arrangements in summer 2021. However, this would give teachers limited notice of the assessment arrangements. It would also give the exam boards little time in which to develop their approach, which might in turn deter innovation. We therefore propose to consult on retaining the current arrangements for a further year. This would give the exam boards more time to develop and, where necessary, test and refine their approaches and allow teachers time to prepare.

29. Even to meet this extended timetable will need to start our consultation in October. We therefore invite the Board to delegate authority to the Chief Regulator, in consultation with the Chair, to approve the consultation.

Regulators' Pioneer Fund

30. In August we submitted a bid for funding from the Regulators' Pioneer Fund in a competition run by the Department for Business, Energy and Industrial Strategy (BEIS). The competition makes available £10m over 2 years for regulator-led projects to 'promote cutting-edge regulatory practices to help make the UK the world's most innovative economy'. Our bid looks at opportunities to leverage artificial intelligence (AI) marking in qualifications to improve quality and increase competitiveness – with a goal both to facilitating the AO market here in England and regulated AOs' international markets.

**Publication of book on standard setting**

31. We have been collaborating with colleagues from Oxford University, AQA and the UCL Institute of Education on research into how standards are conceptualised and set internationally. This has led to the publication of a book: *Examination standards: How measures and meanings differ around the world*. This volume is the outcome of a powerful coming together, from across the globe, of authorities in the field of standard setting.

32. The book discusses what standard setting is and should be. Differing assessment paradigms, appropriate research methods, and culture, context and controversy in setting national examination standards, are contextualised by frank and illuminating case studies. These accounts are offered from a representative selection of jurisdictions (Chile, England, France, Georgia, Ireland, Queensland, South Africa, Sweden, and the United States).

33. Our conclusion from this work is that while systems around the world vary, England's approach is as good as any studied.

Vocational and Technical Qualifications

34. **Functional Skills.** The window for evaluating the new Functional Skills Qualifications has now opened and we have received the first submissions.

35. **Apprenticeships**. We have now shared our findings from the first three tranches of technical evaluation of Apprenticeship End Point Assessments with the relevant Awarding Organisations. This means that 10 AOs have had feedback across 19 different EPAs from 5 Apprenticeship Standards, and we are effecting change across the system. We will publish a summary of our findings, with a view to benefiting the wider public (as we did with Assessment Plans last year) in due course.

36. We are now actively monitoring live EPAs as part of our EQA approach and the relevant regulatory activity is recorded separately in this report. We have commissioned an audit to look at 16 different Awarding Organisations' approaches to assessor capacity and capability as they deliver or prepare to deliver their first Apprenticeship End Point Assessments. Our intention is to confirm that they have the capacity to deliver, having registered intelligence that there are concerns about assessor availability across the system.

37. **T Levels**. Following Board discussions in August, we have published the first set of policy decisions we have made about our approach to regulating the Technical Qualifications within T Levels. We also launched our technical consultation on our proposed Conditions and guidance and published the Ministerial steer on T Levels, and our response to it. We worked at pace to get these publications launched at the same time as the Department's launch of the Invitation To Tender for

the first Technical Qualifications, which went live on the same day. Our technical consultation runs until 28 October and we will publish our final decisions before Christmas. We are hosting events and a webinar this month to engage stakeholders in the detail. The successful bidders will be awarded the exclusive right to develop and deliver the qualifications across England for specified T Levels for four cohorts starting from September 2020. The ITT includes a detailed product specification for the qualifications including content that has been approved by the Institute for Apprenticeships.

38. **Basic Digital Skills**. We have responded to Minister Milton's steer that invited us to support the government's work on the Basic Digital Skills entitlement, and published the letters earlier this month.

39. **Applied General and Technical Level Qualifications.** This summer saw the first substantive results day for Applied General and Tech Level qualifications with mandatory external assessments that were developed to meet government Performance Table rules. The BBC covered this extensively on 15 August, with positive albeit fairly superficial coverage of VTQ students opening their results, and a focus on the numbers of qualifications awarded. Given BTEC dominance of this market, shown in the diagram below, it was pleasing to note that other providers also received coverage.
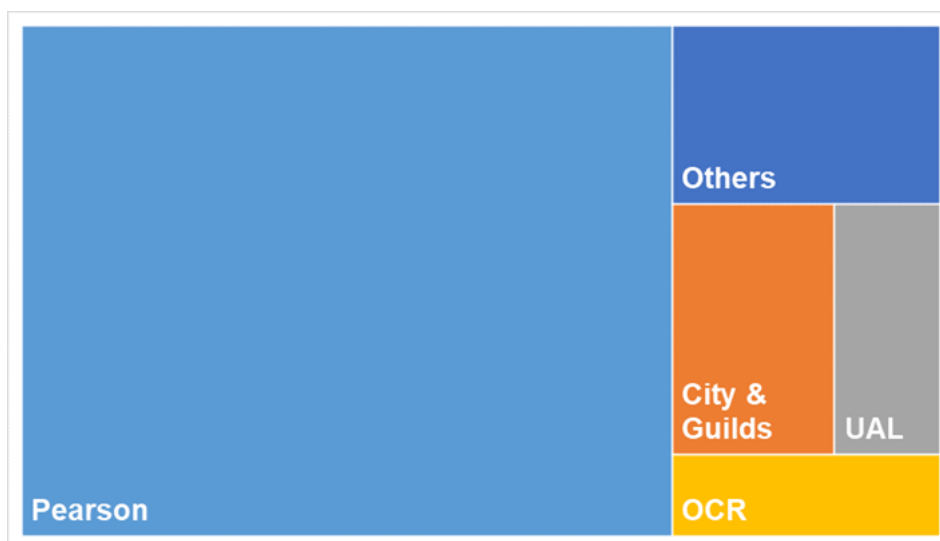
October 2016-September 2017 AG&TQ market share (by certificates)

40. **Apprenticeships.** We have heard concerns about the lack of assessor capacity and capability from various stakeholders in the Apprenticeships system, and it was also reported in FE Week. Audits into the recruitment, training and monitoring of End Point Assessment (EPA) assessors have begun and the first tranche will be complete in November.

Grading Vocational and Technical Qualifications

41. In our Corporate Plan we committed to initiating a long-term research programme into performance-based assessment. Grading presents both technical and conceptual challenges in the context of VTQs and Apprenticeships, and some have argued that certain qualifications - including heavily competence-based assessments, such as National Vocational Qualifications - are simply not amenable to grading. Observing that there is very little published research in this area, Ofqual initiated a programme of work to explore principles of 'good practice' in grading VTQs and Apprenticeships, the first element of which has focused specifically upon VTQs.

42. The programme, for 2018, has three strands. The first strand explored recent policies and current practices within regulated VTQs in England. A detailed analysis of grading practices within 18 regulated qualifications (roughly 2,000 regulated VTQs currently award higher grades) was conducted. From this small sample alone, it was clear that current practice in grading VTQs in England is not underpinned by a straightforward, generally accepted, set of principles governing good practice. The second strand involves a review of the small literature on grading competence-based assessments. Unfortunately the literature does not lead neatly to principles of good practice. The third strand will involve a day conference on grading practices in VTQs, using the reports (which will be launched at the conference) as a foundation for initiating a broader debate on good practice. This is scheduled for 11 December 2018.

National Assessments

43. In July, the Board agreed we should aim to provide clarity about our regulatory approach to National Assessments during the period of STA transitioning to a new test operations supplier (from the 2020 assessment cycle). The Secretary of State wrote to us on 10 September confirming direct Ministerial oversight of transition and operational delivery and also confirming the scrutiny of cross-government bodies (the Cabinet Office's Infrastructure and Projects Authority and the Government Internal Audit Agency).

44. Following receipt of this letter, we wrote to the Select Committee Chair, Robert Halfon, updating the Committee on our regulatory framework consultation, confirming our focus on assessment validity and providing information on our recent regulatory monitoring and research. We also confirmed our approach to regulation during the supplier transition period, namely that we intend to remain focused on the validity of National Assessments, but broaden our scope to include monitoring for risks to validity that could arise as a result of the change. We also advised that we will maintain a high-level overview of wider risks and

systemic issues as we do now. We published these letters in early September.[2]

National Reference Test (NRT)

45. Our annual review of our contract with NFER, who deliver the NRT, took place in early July between myself and the NFER Chief Executive Carole Willis.

46. Delivery of the project has remained on-track during July and August as NFER prepare to engage schools selected for NRT 2019. On 12 September we published our information for schools who will take part in the 2019 NRT, and shortly after NFER began to contact those schools which have been selected.

Digital

47. The technology platform that the Portal sits on is being improved to enhance speed and performance. We are also refreshing the look and feel and general usability in response to feedback from users with a relaunch due in November.

48. Recruitment is underway for lead developer and graduate developer roles in line with the strategy approved by the Board earlier in the year.

Communications

49. We continued our campaign to support understanding of reformed qualifications, including Applied Generals, and other aspects of awarding ahead of and during GCSE and A level results days. We achieved some notable successes, including our blogs being read more than 68k times during GCSE results week, and our interactive apps being accessed over 24k times over the 8-day results window. We will use this information, along with information from our various surveys, to consider how our strategy for explaining the reforms should evolve.

Forward look

50. We now look forward to a number of key publications planned for the autumn, including official statistics from this year's summer series on access arrangements, entry data and special considerations. We will continue to monitor exam boards' progress relating to reviews of marking or moderation, and appeals, and will publish our findings in our 2018 summer report, at the end of the year. We will also launch our consultation on assessment in GCSE computer science in October, subject to the Board's delegation at this meeting.

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[2] https://www.gov.uk/government/collections/national-assessments

51. We also are holding two events this autumn which will provide the opportunity to present our research findings: these are the conference on grading in vocational and technical qualifications to be held in December, and a roundtable on marking research, to be held in November. We would very much welcome the Board to attend both events.

Paper to be published	Yes
Publication date (if relevant)	

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