

Board Paper

Paper 160/20

Date

09 December 2020

Title

Acting Chief Regulator's report (Open Paper)

Report by

Dame Glenys Stacey, Acting Chief Regulator

Paper for information and decision

Recommendation

1. The Board is asked to note the matters reported.
2. The Board is asked to approve an Annex to the existing Memorandum of Understanding with the Institute for Apprenticeships and Technical Education, set out at Annex E and introduced at paragraph 58.

Overview

3. Ofqual has a substantial body of work on which to report in the last quarter of this calendar year, across its regulation of both general and vocational qualifications, its central role in delivering the government's agenda for reform of vocational and technical qualifications, and in stabilising and building resilience itself after the acute challenges of the summer. I am pleased to confirm good progress on many fronts, as set out in this report.
4. The context in which Ofqual is regulating is unique, due to the baleful and continued effect of the pandemic on education. Public policy in respect of examination and assessments remains exceptionally challenging, and our role as the regulator of qualifications and assessments no less so.
5. This is demanding work, but we are skilled and experienced at it. Ofqual has shown resilience and is making a material, valued and respected contribution. This should serve Ofqual and its reputation well in the medium term.
6. Ofqual's portfolio remains dynamic, demanding and full. Confirmation of our settlement under the comprehensive spending review, success in recruitment to some senior posts, and the bolstering of our most pressing work in respect of 2021 through robust joint programme governance with government all bolster

our resilience, capacity and capability, as we look to continuing demands in the new year.

General Qualifications

Contingency, Adaptations and Standards for GCSE, AS and A levels in 2021

7. We undertook extensive work with the exam boards, key stakeholders and DfE officials to inform our views on possible contingencies for and adaptations to GCSE, AS and A level assessments and to inform our decisions on grading of these qualifications in 2021. We submitted advice notes to ministers on 23 November.
8. The notes will inform a ministerial statement which we expect will have been made before the Board's meeting.
9. We anticipate that the ministerial statement will provide important clarity to students, parents and teachers, building on announcements made in October in respect of the examination timetable, and our prior announcements on adaptations. Secure implementation of all changes by exam boards and all others in the system, will require significant work.

Autumn Series

10. An additional GCSE, AS and A level exam series was a key part of the measures announced by government in response to the decision to cancel the summer 2020 exams. The autumn exams have been delivered, albeit with a small number of entries for each qualification relative to a summer series.
11. Earlier in the autumn we confirmed our decision that we and exam boards would seek to align results with those of summer 2020, recognising that the series was intended to give students opportunity to be assessed where they were disappointed in, or unable to obtain, a grade in the summer.
12. Given the small and atypical cohort, we expect an atypical profile of results when compared to a more usual series. We have confirmed that exam boards will rely heavily on examiner judgement in the award of qualifications this autumn, as is always the case in very small awards
13. A level and AS results are due to be released on 17 December 2020, GCSE English language and mathematics results on 14 January 2021 and all other GCSE results on 11 February.

Preparing for summer 2021 delivery

14. We continue to engage extensively with the exam boards as they prepare for the summer 2021 series.

15. We will undertake readiness reviews with the exam boards in the spring, as usual, when we will focus on how each board is preparing for the summer and managing risks to the safe delivery of the series.

COVID-19 Learning Loss 2020-21

16. Loss of teaching and learning caused by the pandemic is one of the most significant matters affecting students, and an area of real concern for them, parents and teachers. Qualifications, however, must give a reliable indication of the knowledge and understanding of candidates - examinations and assessments cannot provide the whole solution to the significant and differential lost learning.
17. We are working actively with DfE and others to consider how to mitigate this impact through interventions across the whole system.

Research

18. A series of research papers are in the process of being published to give voice to our assessment expertise and provide evidence to support our decisions and advice regarding arrangements for examinations in 2021.
19. [Research on the sawtooth effect was published](#) on 23 November. Sawtooth is the pattern in student performance that can be seen when assessments are reformed. Performance tends to dip then improve over time as students and teachers become more familiar with the new content and assessments. The research looks at how comparable outcomes can be used to protect the interests of students in the first awards of reformed qualifications. Parallels are drawn with the use of comparable outcomes to compensate at an average level for learning loss from COVID-19. The research was picked up by the trade press and we are supporting through trade press interviews with the authors.
20. We plan to publish Research into optionality and predictability on the same day as the ministerial statement. The optionality research shows the difficulty of aligning standards across options and the risk of disadvantaged students making poor question choices. The research into examination predictability explores the factors that make assessments predictable and sets out the difference between 'good' and 'bad' predictability. Predictability can be good - allowing students to show what they can do and reducing anxiety – or bad, driving teaching to the test and a poor educational experience. The need for good predictability in the summer 2021 series is highlighted.

Stakeholder Engagement

21. In addition to the stakeholder work we have undertaken to inform our position on 2021 arrangements, we have continued to engage with stakeholders, particularly those who represent the interests of particular groups of students, on the 2020 outcomes. For example, we held a briefing for a wide range of interested groups when we published the equalities analyses for 2020.

Government relations

22. We continue to work closely with government, as is necessary in the exceptional circumstances in which we are regulating, and as it develops its policy responses.

Summer 2020

Evaluation

23. An evaluation programme is underway and considering aspects of the approaches and delivery of grades in 2020 in both GQ and VTQ. We aim to provide a clear response to some key stakeholder concerns and to ensure that contingency positions or other implementation plans for the coming year and beyond can take on board insights.
24. We [published equalities analyses](#) for both general and vocational qualification outcomes in summer 2020 on 26 November, which confirm that students were not systemically disadvantaged on the basis of particular protected characteristics or socio-economic status. However, a small proportion of GCSE students in independent schools were awarded centre assessment grades better than expected, or suggested by their calculated grades.
25. Before the Board's meeting we expect to have also published a report on the limitations of using statistical approaches like those used in the standardisation of GCSE, AS and A levels in summer 2020 when awarding grades to students atypical within their centres (so called outliers). At the same time, we will publish the code we produced to assist exam boards.

Vocational and Technical Qualifications

2020/21: Publication and support for the implementation of the Extended Extraordinary Regulatory Framework (E-ERF)

26. On 12 October we published updated regulatory arrangements for VTQs and other general qualifications in 2020/21 – the E-ERF. It is wider in scope than the extraordinary regulatory framework (ERF) in place earlier in 2020 as it includes all regulated qualifications except GCSEs and A levels.
27. Responding to feedback from the summer, we have set up a cross-sector communications group with sector representatives to facilitate support for AOs in engaging with their centres. We set the expectation that AOs would have started to communicate with their centres about adaptations by 23 October 2020.

Contingency planning

28. The E-ERF provides AOs with a great deal of flexibility to put in place adaptations to assessments and qualifications to help to mitigate the impacts of the pandemic. The adaptations aim to free up teaching time and/or respond to PHE measures. Adaptations being implemented include:

- a. changing the timing of assessments and allowing more assessment windows;
 - b. altering the form of the assessment to account for social distancing measures e.g. changing group assessments in performing arts or sport, or achieving synoptic assessment through professional discussion rather than a practical demonstration of a skill that requires access to specific facilities;
 - c. moving to remote invigilation of assessments to allow assessments to be taken in a wider range of settings, including remote viewing of practical assessments;
 - d. flexibilities to work placements where needed, including reducing the amount of experience required or seeking alternative ways in which students can access similar knowledge and skills that they would normally have acquired through work placements.
29. AOs are also encouraging providers to take assessments early and bank as much assessment as possible to ensure students have as much assessment completed, and evidence of their performance, as possible should further disruption impact later in the year.

Functional Skills Qualifications

30. Significant numbers of workplace-based apprentices are having difficulty accessing FSQ assessments, and Ofqual has been working actively with colleagues in ESFA and with AOs to address this. The Secretary of State's decision to extend the end date for legacy FSQs to July 2021 has allowed more time for continuing learners to complete their assessments, and extension of the Exam Support Service to provide financial support for additional venue and invigilation costs for FSQs should help.
31. We are doing all we can to remove all potential barriers so that those who are genuinely unable to access assessments are not held back.
32. We believe that there needs to be flexibility on the part of all those involved, including learners, employers and providers as well as AOs.

Reform

33. **T Levels** - The procurement process for Wave 4 T Levels has now launched. AOs had until 17 November to submit their responses to the invitation to tender.
34. **Apprenticeships** – we have reached all the requisite milestones in order to transfer 68 Apprenticeship Standards from Open Awards on 12 November, the first stage of expansion of our role. This was announced in the sector press.
35. **Strengthening Qualifications in KS4 performance tables** – we re-launched our process in September and asked the AOs to share with us which qualifications they intend to submit for our consideration from December. We

now expect circa 50 qualifications to be submitted by around 10 AOs. These submissions will be made by the end of January, at which point our reviews against the new rules we introduced earlier in 2020 will commence. We will provide advice to the DfE to inform their decision-making about the qualifications that will be on the 2024 KS4 performance tables.

36. **Essential Digital Skills Qualifications** – we continue to consider submissions from AOs who wish to provide Essential Digital Skills qualifications that will be eligible for the Digital Skills Entitlement.
37. **Higher Technical Qualifications** – we have now agreed an approach to reviewing the first set of Level 4/5 qualifications put forward to be branded a Higher Technical Qualification by the Institute. These will all be digital qualifications in the first instance. The Institute will approve the qualifications against their occupational standards and we will provide advice in to this process. Decisions will be announced in June 2021.
38. **Level 3 Qualifications Review** – the Department has now launched its consultation on the future of public funding for qualifications at Level 3. We have agreed that we will need to respond publicly to the Department’s consultation and drafting is in train following a clear steer from the Recovery Committee to which it will return for approval before Christmas.

Equality, Diversity and Inclusion (EDI)

39. We have begun to operationalise plans approved at the September Board to extend and develop our work on equalities.
40. We have also continued to communicate a regular calendar of events celebrating EDI including, Bi+ awareness week, inclusion week, mental health awareness week, menopause, prostate awareness, an espresso on assistive technology research and equality impacts of the summer’s consultations, and a variety of activities celebrating Black History Month.
41. Terms of reference have been agreed for an equalities programme: ‘Fairness in Assessment’. This is in response to increasing stakeholder interest in the relationship between assessment, qualifications and equality and social equity. It recognises the need for us to build public confidence in our commitment to equality and addressing disadvantage following summer 2020 awarding and in the run up to 2021.

Publication of paper

Paper to be published: Yes

Publication date (if relevant): With Board minutes

ANNEXES

Annex A: Letter to Secretary of State in respect of GCSE, AS and A levels
Annex B: Redacted

Annex C: Redacted
Annex D: Redacted
Annex E: Redacted