

## Regulating for Confidence in Standards

*This is MEI's response to Ofqual's consultation. The answers were entered online. In this document, the black text is Ofqual's questions and the blue is MEI's response.*

Question A:

(i) What are your views on how we should measure our performance?

Measuring success in regulation is not easy. In order to meet its objectives Ofqual must

- Know whether regulated qualifications and assessments meet the appropriate standards.
- Take prompt action to remedy instances where standards are not met.

The tables in the consultation document make considerable use of surveys as indicators of success. Surveys may find out what particular groups of stakeholders think is happening; that may not be the same as what actually is happening. Surveys may sometimes indicate that there is a need for further investigation but are not a valid way of measuring Ofqual's performance.

Research will show whether qualifications and assessments are meeting the required standards but this will be over a longer time scale than Ofqual's monitoring work. The outcomes of Ofqual's monitoring work and enforcement work should be part of the measures of performance.

(ii) What matters do you think Ofqual should cover in its Annual Report (over and above those required by the Act)?

(no response)

B. What are your views on:

i) our proposed approach to regulation?

The principles of good regulation outlined in the consultation document do not seem controversial. However, we have a number of questions regarding the implications of the new regulatory system. These are outlined in a separate document.

ii) how we should fulfil our general duties?

See answer (i)

iii) any steps we should take to promote equality and eliminate discrimination in our approach to the regulation of qualifications, assessments and tests?

See answer C.

C. Do you have any comment on our proposed approach to securing the standards of regulated qualifications?

We agree that it is important that standards of comparable qualifications should be consistent.

The use of statistical information relating to the candidature needs to take account of possible differences between groups. For example, the Further Mathematics Support Programme works to enable all students in England to study Further Mathematics at A Level. Some of the students we have enabled to take Further Mathematics have attended schools which do not have a high proportion of high grades at GCSE. Using GCSE performance information when awarding A Level grades can disadvantage groups of such students and advantage groups which have attended high performing schools.

Using data on previous performance in a particular qualification to determine the proportions of each grade which may be awarded in subsequent years discounts the possibility of performance changing over time. Thus it would lead to the situation where the only answer to the question "Have standards fallen?" would be "The same proportion are getting each grade as before", but that is the answer to a different question.

This methodology also creates problems when the candidature changes, or should change, over time. This applies to several STEM subjects. The use of statistical data assumes that the present candidature is, in a sense, correct and should stay at the same over time. However, in A Level Mathematics there is severe under-representation of those with GCSE grades B and C and there is a risk of the current methodology locking such students out.

Valid regulation cannot be carried out without stable teams of subject experts.

D. To what extent do you agree with the proposed approach to recognition?

To a large extent	1
To a certain extent	2
Neither agree nor disagree	3
To a limited extent	4
Not at all	5

Please comment in particular on:

i) the draft recognition criteria

The examples of typical evidence given in the consultation document are all paper-based. An organisation which wishes to become an awarding organisation should certainly be sufficiently well-organised to produce such paper work. However, being able to produce appropriate paper work may not be sufficient evidence that an organisation has the capacity and ability to be an awarding organisation.

ii) the advantages and disadvantages of applying a common set of criteria to all organisations seeking recognition.

These criteria would cover organisations with very varied previous experience in awarding qualifications. Newer awarding bodies might need closer monitoring in the early years of awarding to ensure that they understand and meet the regulatory requirements.

The differences in the nature of different qualifications make the idea of a common set of criteria seem unrealistic.

E. To what extent do the draft conditions reflect the performance of a good awarding organisation? (no answer)

To a full extent	1
To a certain extent	2
Unsure	3
To a limited extent	4
Not at all	5

Please comment on:

i) any additional conditions you think should be imposed

(no answer)

ii) any draft conditions that you consider to be unnecessary or unreasonable

(no answer)

iii) whether the draft conditions would support the fulfilment of Ofqual's objectives and general duties.

(no answer)

F. What are your views on:

i) when an accreditation requirement should be used?

If qualifications are accredited, there must be published criteria for this to happen. It is possible that a newer awarding organisation might be subject to an accreditation requirement for a qualification that other organisations were awarding without the need for accreditation. So there would need to be published criteria for that qualification; would the organisations offering the qualification without accreditation need to meet the criteria also? Would there be advisory criteria for non-accredited qualifications?

ii) whether certain qualifications should always be subject to an accreditation requirement?

iii) which qualifications or descriptions of qualifications should be subject to the accreditation requirement?

G. How effective would the draft principles for piloting new qualifications be as a basis for facilitating innovation in qualifications while also safeguarding standards?

Very Effective	Effective	Neither effective nor ineffective	Ineffective	Very ineffective
1	2	3	4	5

We would particularly welcome your views on:

i) any additional or alternative safeguards that could be used when new qualifications are being introduced

ii) steps that could be taken to facilitate innovation.

In this country, innovation has usually come from enthusiastic groups of teachers and curriculum development groups working on specifications and qualifications that are initially small-scale projects. (This is not the same as piloting where awarding bodies are contracted to undertake a national pilot.) Small-scale project specifications should not be free from all regulation but the procedures should allow those responsible to argue the case for exemptions and they should, in general, be treated sympathetically. The situation should never be allowed to arise that a proposer is putting the case to people who do not themselves have deep subject knowledge.

A new specification must be allowed to grow naturally. If exemptions from the regulations have allowed it to be successful, then the regulations should be reviewed and this should happen systematically, as part of Ofqual's way of working.

H. How appropriate is our proposed risk-based approach to monitoring?

(no answer)

Very appropriate	1
Appropriate	2
Neither appropriate nor inappropriate	3
Inappropriate	4
Very inappropriate	5

We would be particularly interested in your views on:

- i) the factors we should take into account when deciding on the focus, scope and frequency of our monitoring
- ii) the use of a risk profile for each awarding organisation.

I. We would welcome in particular your views on: (no answer)

- i) the proposal to develop of a set of generic operating requirements
- ii) any alternative approaches to guidance you would favour
- iii) the type of behaviour that should be covered in the guidance.

J. To what extent is the proposed approach to enforcement fair, reasonable and proportionate?

(no answer)

To a full extent	1
To a certain extent	2
Unsure	3
To a small extent	4
Not at all	5

We would be particularly interested in your views on:

- i) the circumstances in which we should make use of the power to give directions or withdraw recognition
- ii) steps we should take to protect learners, particularly if recognition is surrendered by an awarding organisation or withdrawn from an awarding organisation.

K. To what extent are the draft procedures for directing an awarding organisation and withdrawing recognition fair and reasonable? (no answer)

To a full extent	1
To a great extent	2
Unsure	3
To a small extent	4
Not at all	5

Please explain your answer.

L. To what extent are the proposed entry and inspection conditions fair and reasonable? (no answer)

To a full extent	1
To a great extent	2
Unsure	3
To a small extent	4
Not at all	5

Please explain your answer.

M. How likely is it that advance publication of information on fees and other charges would promote efficient purchasing decisions?

Very likely	1
Likely	2
Unsure	3
Unlikely	4
Very unlikely	5

Please explain your answer.

Decisions about which general qualifications students should take are not usually made on grounds of cost. In any case, the cost of the examination is only a small fraction of the total cost of teaching the qualification. There may be some qualifications where the cost of the award is a significant factor in deciding whether to take the qualification.

It might be helpful if Ofqual were to determine and impose realistic minimum lower bound on the costs of qualifications offered by more than one body. That would prevent undercutting, for example by offering substandard assessment.

Awarding bodies should not be allowed to offer institutions special deals.

N. How reasonable would it be for Ofqual to require awarding organisations to provide it with financial information that was not in their published accounts?  
(no answer)

Very reasonable	1
Reasonable	2
Neither reasonable nor unreasonable	3
Unreasonable	4
Very unreasonable	5

Please explain your answer.

O. How appropriate would it be to judge fees and other charges as 'fair and reasonable' if they enabled an awarding organisation to recover the efficiently incurred costs of providing qualifications, including the cost of capital?  
(no answer)

Very appropriate	1
Appropriate	2
Neither appropriate nor inappropriate	3
Inappropriate	4
Very inappropriate	5

Please explain your answer.

P. To what extent do you support the proposal that specific conditions could be placed on organisations that are dominant in the qualifications market?  
(no answer)

To a full extent	1
To a great extent	2
Unsure	3
To a small extent	4
Not at all	5

Please explain your answer.

Q. How appropriate is the proposed fee-capping procedure?  
(no answer)

Very appropriate	1
Appropriate	2
Neither appropriate nor inappropriate	3
Inappropriate	4
Very inappropriate	5

Please explain your answer..

R. What are your views on:

i) the steps we should take to promote understanding of the benefits of regulated qualifications and confidence in regulated qualifications and assessments

Parents, carers, employers and higher education institutions all want information about qualifications but do not always know where to find it. It would be useful if Ofqual provided such information, in a format which these groups found helpful. Teachers also need information about qualifications but it tends to be more specific than the information required by other interested people and teachers are more used to finding the information they need from awarding bodies.

ii) the information that should appear on the register?  
(no answer)

S. What should be Ofqual's priorities as it promotes of the development and implementation of assessment arrangements which give a reliable indication of achievement, and indicate a consistent level of attainment between comparable assessments?

Ofqual should consider whether it is possible for the current system of assessments to simultaneously fulfil all the purposes identified in the report of the Expert Group on Assessment:

- to optimise the effectiveness of pupils' learning and teachers' teaching
- to hold individual schools accountable for their performance
- to provide parents with information about the child's progress
- to provide reliable information about national standards over time.

MEI's comments to the Expert Group on Assessment can be found here:

[http://www.mei.org.uk/files/pdf/Expert\\_Group\\_on\\_Assessment\\_\(MEI\\_comments\).pdf](http://www.mei.org.uk/files/pdf/Expert_Group_on_Assessment_(MEI_comments).pdf)

We wish to reiterate our recommendation that different measures be devised for the different purposes for which assessment is used.

T. How helpful are the principles of validity, consistency, reliability, manageability and minimising bias as a basis for the regulation of national curriculum and early years' foundation stage assessments?

Very helpful	1
Helpful	2
Neither helpful nor unhelpful	3
Unhelpful	4
Very unhelpful	5

Please explain your answer.

National curriculum and EYFS assessments are not qualifications so they are different from the rest of Ofqual's remit. It is important to consider whether the assessments are providing information which is useful to teachers, parents and the nation as a whole and whether they add any value to a child's education. Where the purpose of assessment is neither for gaining a qualification nor for providing information which will directly improve learning, it should be recognised that those being assessed, usually young children, are being used as pawns in adult games; there should be strong emphasis in ensuring that the experience is a positive one for them and that they suffer no damage. Fitness for purpose would be a useful addition to the list of principles.

U. How appropriate are the proposed risk factors for determining the nature, scope and frequency of our monitoring activities?

Very appropriate	1
Appropriate	2
Neither appropriate nor inappropriate	3
Inappropriate	4
Very inappropriate	5

Please explain your answer.

The nature, scope and frequency of monitoring needed depends on the purpose of the assessment. For example, assessments which are for the purpose of informing teachers about what students can already do so that they can plan further teaching appropriately do not need to be monitored – the information provided by such assessments is qualitative and transitory; the teaching will change what the child can do.

## Questions for Ofqual

### Introduction

This document is the written part of MEI's response to the Ofqual consultation entitled "Regulating for confidence in standards". It consists of a number of questions which we believe Ofqual needs to answer to ensure the quality of its work and confidence in it. The questions are grouped under the 5 standards objectives which are written into Ofqual's statutory remit.

### 1. Qualifications

*The qualifications standards objective is to secure that regulated qualifications:*

- (a) give a reliable indication of knowledge, skills and understanding, and*
- (b) indicate a consistent level of attainment (including over time) between comparable regulated qualifications.*

- 1.1 How many mathematicians does Ofqual plan to deploy to monitor the testing of "knowledge, skills and understanding" in the various mathematics examinations and the levels of attainment corresponding to the different grades awarded ?
- 1.2 How frequently does Ofqual plan to scrutinise each mathematics qualification ?
- 1.3 A criticism of the assessment of many current mathematics qualifications is that while it is reliable (different markers obtain the same marks), it is not valid because it does not cover all the specified requirements. What steps does Ofqual intend to take to rectify this situation ?
- 1.4 To what extent does Ofqual believe that it is possible to monitor achievement by using statistics ?
- 1.5 How does Ofqual intend to ensure comparability between qualifications at the same level in different subjects ?
- 1.6 What does Ofqual intend to do to adjust qualifications in subjects that are currently harder (or easier) than others at the same level ?
- 1.7 Does Ofqual accept differences in the natures of subjects mean that the same regulations are not always appropriate across all subjects ?

## 2. Assessment

*The assessment standards objective is to promote the development and implementation of regulated assessment arrangements which:*

- (a) give a reliable indication of achievement, and*
- (b) indicate a consistent level of attainment (over time) between comparable assessments.*

- 2.1 In relation to regulated qualifications, Ofqual has the responsibility to monitor and also has sanctions which it can impose on awarding organisations. In relation to national curriculum and EYFS assessments, Ofqual has the responsibility to monitor but it does not appear that there are any corresponding sanctions. If monitoring reveals problems with NC and EYFS assessments, how will these problems be solved ?
- 2.2 Does Ofqual believe that reliability and consistency in national assessments is sufficient to ensure public confidence in them ?

### 3. Public confidence

*The public confidence objective is to promote public confidence in regulated qualifications and regulated assessment arrangements.*

- 3.1 The consultation document talks about “a shift in the focus of regulation from individual qualifications to the organisations that award or authenticate them”. Is this compatible with maintaining confidence in the standard of qualifications ?
- 3.2 Does Ofqual agree that an awarding body has a conflict of interests between maintaining the standards of qualifications and competing for market share ?
- 3.3 To what extent does Ofqual believe that its national role requires its relationship with the awarding bodies to be based on institutional mistrust ?
- 3.4 Should the names of Ofqual’s subject experts be in the public domain ?
- 3.5 Should advice given by Ofqual’s subject experts be placed in the public domain ?
- 3.6 What are Ofqual’s views on the relationships between awarding bodies and publishing companies ?
- 3.7 What are Ofqual’s views on advertising textbooks as having been written by the Chief or Principal Examiner ?
- 3.8 How does Ofqual plan to gain the confidence of the subject communities, including that for mathematics ?
- 3.9 Should there be an independent ombudsman to whom individuals and organisations can appeal over decisions by Ofqual ?

#### 4. Awareness

*The awareness objective is to promote awareness and understanding of:*

- (a) *the range of regulated qualifications,*
- (b) *the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and*
- (c) *the benefits of recognition to bodies awarding or authenticating qualifications.*

- 4.1 How will Ofqual ensure that the range of available qualifications is at all times fit for purpose ?
- 4.2 How does Ofqual intend to ensure that qualifications and their assessment promote good learning ?
- 4.3 How does Ofqual intend to ensure that it encourages curriculum development and does not stifle innovation ?
- 4.4 How does Ofqual plan to involve subject communities in curriculum and qualification development, including those independent bodies which, particularly in STEM subjects, have a strong tradition in these activities ?
- 4.5 Given the importance of curriculum development, will Ofqual be considering requiring awarding bodies to take on specifications that have come from their subject communities ?
- 4.6 In recent years several valuable mathematics specifications have been discontinued because they no longer met the regulatory requirements of the day. How will Ofqual ensure that this does not happen in the future ?

#### 5. Efficiency

*The efficiency objective is to secure that regulated qualifications are provided efficiently and in particular that any relevant sums payable to a body awarding or authenticating a qualification in respect of which the body is recognised represent value for money.*

- 5.1 What mechanism will Ofqual use to ensure that qualifications which are fee-capped are not then withdrawn by awarding organisations for being uneconomic ?
- 5.2 What measures is Ofqual planning to take to ensure that awarding bodies invest sufficient money in their procedures to ensure the quality of the reported outcomes ?