

POLICY WATCH

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'Next Steps.' DCSF/DIUS issue a Progress Report on Ofqual and the new regulatory system

There were 80 responses to the consultation earlier this year on proposed changes to the regulatory system, including the creation of [a new independent regulator - Ofqual](#), for exams and qualifications in England.

The biggest 'yes,' 80%, was for the regulator to "have the power to investigate appeals and complaints covering all types of qualifications and National Curriculum assessments." The biggest *no - no* was that the regulator should have the power to charge awarding organisations for recognition, rejected by 42% of respondents. The biggest 'not so sure' was about the role of the new development agency over the post - 19 qualification system, 31% 'no' + 24% 'not sure.' The biggest problem left outstanding is the exact nature of Ofqual's powers; "we are planning further discussions with awarding organisations over the summer about the powers of the regulator. We will publish the results of the discussions later in the summer." And the biggest moan was about the lack of detail in the consultation which "many respondents said made it extremely difficult to provide responses to questions" while others "felt that it focused on schools."

But most of the responses were of the 'we welcome' type and as such gave the Government sufficient traction to proceed with the next steps, many of which have already been announced.

Ofqual itself was set up in interim form and in a new location in April and has already completed amongst other things a readiness report for this year's exam season and confirmed that it will be carrying out an 'in depth review of the assessment system in England' in the future. The intention to introduce legislation to establish Ofqual was announced by the Prime Minister on 14 May and will be laid before parliament in the autumn. The remainder of QCA has a new name - Qualifications and Curriculum Development Agency (QCDA) and a remit: "advising Ministers on the curriculum and on developing and delivering qualifications and assessments." Finally, the two 'Ofs' have now got clear demarcation lines: "whereas Ofsted assesses and inspects the quality of the education being delivered, Ofqual will be concerned with regulating the qualification and assessments which measure and demonstrate the outputs of that provision."

So as the new regulatory system takes shape, how is it all looking? A recent Progress Report issued jointly by DCSF and DIUS gives us some clues.

Ofqual takes its place as the guardian of standards at a time when the winds of change seem to be blowing ever more fiercely around the qualification and assessment system. At such times the pressure on standards becomes more intense and it is interesting to note that the Report sees Ofqual as a bulwark against such buffeting, a consistent reference point during times of change. "The new regulator will anchor the system in a time of change, and thereby safeguard standards, and

confidence in standards for the benefit of learners now and in the future.” The role of the steady anchor should not be underestimated. In a recent Report for the CfBT Education Trust, Geoff Stanton looked at previous qualification initiatives for the 14 - 19 age group and noted that assessment and thus the maintenance of standards had constituted a fault line in every one; *“in each case there was an over - engineered assessment regime that was unmanageable, hindered rather than supported learning and by focusing on the measurement of outcomes implied that the enabling of learning would be relatively unproblematic.”* He felt, as Tim Oates of Cambridge Assessment had proposed last year, there should be an independent ethics committee such as that in medicine for the trialling of new drugs, for the trialling of new education initiatives before they were allowed to go live.

Ofqual's role is in fact much more extensive, namely *“ to ensure that standards of assessment are maintained right across the qualification and assessment system in England.”* This will include everything from the early years Foundation Stage Profile, general and vocational qualifications and up to but not including first degree level. The intention is to operate at a more strategic level, focusing on accrediting awarding organisations rather than every individual qualification. It will do this through the statutory setting of criteria that awarding organisations will have to meet. Significantly the criteria may include allowing units awarded by one awarding organisation to count towards the qualification of another, and SSC endorsement for the content of vocational qualifications, two eagerly debated issues at present. But not it would seem, any cap on the number of awarding organisations, another feature that has provoked comment in the past.

In fact the number of such organisations is likely to increase rather than decrease with the planned removal of the externality rule - the rule whereby qualifications can only be awarded by a body that is external to the one that has done the teaching. Over the last year, the Government has been trialling a system whereby ‘other bodies’ can apply for accreditation to deliver or award recognised training and it intends to formalise this under the legislation. There was reasonable, 49%, support for this in the consultation but equally, 49% concern about whether other bodies would be subject to the same robust accrediting criteria and 30% questioning whether more awarding organisations were needed at all

Generally Ofqual intends to adopt a risk - based approach to accreditation - the more important the qualification in terms of take - up and profile, the greater the level of scrutiny. A large number of respondents, 59%, were worried that this might leave some qualifications, notably vocational, as of lesser importance although in all fairness, the risk - based approach is not new and was signalled in the Government's response to Leitch last year.

On the proposal to charge awarding organisations for recognition, this like proposals on Ofqual's powers, is subject to further discussion. As is the all important relationship between Ofqual and QCDA, *“we would expect that the two organisations will in due course agree and publish a Memorandum of Understanding between them.”* The view seems to be that QCDA would develop qualification or subject based criteria such as for GCSEs, A levels and Diplomas which might then be adopted by Ofqual. The trouble is that both will also have to work with the YPLA and JACQA for pre - 19 qualifications and the LSC/SFA, SSCs and potentially other bodies post -19. Perhaps why 44% of respondents to the consultation expressed concern about *‘an overlap of responsibilities because of the number of other development agencies.’*

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