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2011

Office of Qualifications and Examinations
Regulation (Ofqual) Annual Report
to Parliament

Office of Qualifications and Examinations Regulation (Ofqual)

**Annual Report to Parliament 2010/11
For the period 1st April 2010 to 31st March 2011**

Presented to Parliament pursuant to Section 171 of the Apprenticeships,
Skills, Children and Learning Act 2009.

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Any enquiries regarding this document/publication should be sent to us at

Ofqual	
Spring Place	2nd Floor
Coventry Business Park	Glendinning House
Herald Avenue	6 Murray Street
Coventry CV5 6UB	Belfast BT1 6DN

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2010/11 key figures

In England, Wales and Northern Ireland

- 5.8 million GCSEs
- 2 million AS and A levels
- 0.9 million Key Skills
- 6.8 million other qualifications¹
- Achievements² awarded in 7,750 different qualifications
- 141 qualifications accounted for over half of the achievements in qualifications other than A level and GCSE in 2009/10.

Examination marking in summer 2010

- 16 million examination scripts completed by candidates
- 7 million pieces of coursework.

Awarding organisations

- Over 170 awarding organisations recognised as at September 2010
- 7 awarding organisations account for 63 per cent of all achievements in 'other' qualifications
- Market in qualifications worth over £900 million annually.

1. 'other' qualifications for the purpose of this report are all regulated qualifications except for GCSEs, A levels and Key Skills.

2. An 'achievement' is a pass grade for a qualification. This means that all certificates for vocational qualifications are achievements, and for general qualifications all grades that are not U or absent.

Foreword by Sandra Burslem and Glenys Stacey



Dame Sandra Burslem DBE, Deputy Chair

We are delighted to present Ofqual's first annual report to Parliament. This report (along with the parallel report to the Northern Ireland Assembly,³ which we published last month) is an important document, as it makes a reality of our accountability to Parliament as a non-ministerial government department.

Qualifications and assessments are important: they open doors for learners of all ages and so can change lives. At their best they recognise real achievement, motivate students, and help employers and universities understand what applicants and employees know and can do. But there are many things that can get in the way of qualifications and assessments being as robust and credible as learners deserve and employers, universities and others need, and that is why a regulator is needed.

Our role is to secure standards and efficiency, and promote public confidence and awareness.

As set out in this report, Ofqual's first year has been a challenging but productive one. We laid the foundations for our new approach to regulation: making clear that awarding organisations are responsible for the quality of their qualifications, and holding them to account for that. In turn, we will aim to work with awarding organisations in a fair and open manner. In particular, we are determined to minimise the burden of our regulatory requirements, and we are committed to the Government's principles of good regulation.

Our day to day work on qualifications regulation continued: we report here on important work investigating problems with English for Speakers of Other Languages (ESOL) qualifications, accrediting GCSE Science qualifications, and overseeing the first awards of the A* grade at A level in summer 2010.

The context within which Ofqual works changed significantly during the year. A new Government was elected with ambitious plans for qualification and assessment reform. Although we are independent of Ministers, education policy relies on and helps shape the qualifications and assessments we regulate, so we need to understand the Ministerial agenda and provide wise advice on the regulatory implications of their policy proposals. We accepted the challenge laid down last summer by the new Secretary of State to undertake a study into how the standards of qualifications in England compare with those overseas. Since then, the Government has asked us to explore and advise on changes to GCSEs and A levels, begun the process of reforming

3. *Annual Report to the Northern Ireland Assembly 2010/11* www.ofqual.gov.uk/files/2011-06-22-Annual-Report-to-the-Northern-Ireland-Assembly.pdf

National Curriculum and early years assessments, and set out its ambitions for vocational qualifications to support educational achievement and economic growth.

Ofqual also saw changes to its leadership during the year, with the departure of its first Chair and Chief Executive. Both Kathleen Tattersall and Isabel Nisbet made invaluable contributions to the establishment of Ofqual, and we pay tribute to their leadership. They left an established organisation which is ready to face the challenges of the future, having made good progress towards building the skills and capacity which our work as regulator requires. Like all public bodies, we have published information and data about our work on our website (www.ofqual.gov.uk), including information about staffing and our open Board papers, and we are determined that Ofqual will be as efficient as possible.

We hope you find this report informative: please contact us via our website if you want to give us feedback or find out more about our work. You can also read the *Ofqual Business Plan 2010/11*⁴ on the website, setting out our important plans for the coming year, and we look forward to reporting in our second Parliamentary report this time next year on further progress.



Sandra Burslem



Glenys Stacey



Glenys Stacey, Chief Executive

4. *Ofqual Business Plan 2010/11* www.ofqual.gov.uk/files/11-05-16-Ofqual-Business-Plan-V2.pdf

Section 1



Who we are

The Office of Qualifications and Examinations Regulation (Ofqual) is the regulator of qualifications (other than degrees), examinations and assessments in England and of vocational qualifications in Northern Ireland. We were established under the Apprenticeships, Skills, Children and Learning Act 2009 (the ASCL Act)⁵ and came into being⁶ in April 2010.

We are a non-ministerial government department accountable to Parliament and the Northern Ireland Assembly. Our Board is the legal authority ultimately responsible for the regulation of

qualifications and assessments. It provides leadership and direction, setting the strategic aims, values and standards of the organisation.

Our Board currently comprises 11 non-executive members and the chief executive. In June 2011 it was announced that Amanda Spielman will become our second Chair, subject to the Order in Council, which will give effect to the appointment, being approved by Her Majesty.

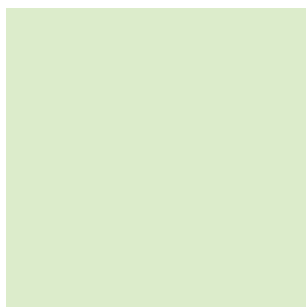
5. ASCL Act 2009: www.legislation.gov.uk/ukpga/2009/22/contents

6. Before 2008 the regulation of examinations and assessments was carried out by the Qualifications and Curriculum Authority (QCA). Between 2008 and 2010, Ofqual existed in interim form as part of the QCA.

What we do

As a statutory body, our objectives, powers and duties are set down by Parliament. Our work is aimed at achieving our five statutory objectives and meeting our duties, as set out in the Act. Our statutory objectives are detailed in Appendix 1.

We aim to be a strategic and risk-based regulator, with a decision-making process that is proportionate, based on evidence and open to scrutiny. We aim to be transparent in the way



that we work – we consult both formally and informally on what we do, and we publish our open Board papers and minutes and the results of our regulatory monitoring, whatever the findings may be.

To be trusted, qualifications and assessments need to be valid – to measure what they are supposed to measure and provide learners with the skills they need and which employers require. They also need to be reliable⁷ and comparable, manageable and, as far as possible, to be free from bias (differentiating only on the basis of learners' ability to meet the assessment outcomes). Those qualifications and assessments that meet these criteria are likely to be fit for their purpose and to have lasting value. We evaluate qualifications and assessments so that we know they are fit for purpose and we take action where they are not, and report on what we have done.

Qualifications are big business, with some 15.5 million achievements⁸ being awarded in the last year for which figures are available in England, Wales and Northern Ireland. Having consulted extensively last year, we are changing the way qualifications are regulated. We expect awarding organisations to be accountable for the quality and standards of their qualifications and the efficiency with which they operate, and we expect them to be open with us and to cooperate with us. In turn, we will aim to work with awarding organisations in a fair and open manner, and to provide a stable and consistent framework for them to work within. We are committed to the Government's better regulation principles (transparent, targeted, consistent, accountable and proportionate) in how we develop and operationalise our regulatory arrangements. The ASCL Act 2009⁹ also requires us to perform our functions efficiently and effectively and not to impose or maintain unnecessary burdens.¹⁰

8. *Annual Qualifications Market Report (May 2011)*: www.ofqual.gov.uk/files/2011-05-25-annual-qualifications-market-report.pdf

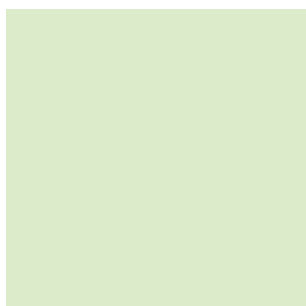
9. ASCL Act 2009 section 129(8)

10. ASCL Act 2009 section 170

7. Reliability in education assessment terms, can also be thought of as consistency.

At the centre of our qualifications regulatory arrangements are our *Recognition Criteria* and *General Conditions of Recognition*.¹¹ Once awarding organisations are recognised against our published criteria, they are required to meet our general conditions, and we can take regulatory action against them only when they have not done so. We have published our policy on *Taking Regulatory Action*.¹² We will publish our fee-capping policy separately.

In order to meet our **qualifications standards objective**, we specify the requirements which qualifications must meet and check that they have been met. For some qualifications, notably GCSEs and A levels, we set very detailed requirements,



and check that proposed qualifications meet those requirements ('accredit' them) before they can be added to The Register of Regulated Qualifications (The Register).¹³ We require awarding organisations wishing to award other qualifications to meet our general conditions; over the next year we will stop checking every qualification before it is added to The Register, putting the responsibility onto the awarding organisations themselves where they have proved that they can take responsibility for doing so.

We also undertake monitoring activities to look at awarding organisations and qualifications in practice. For example, standards reviews analyse the nature of the requirements that different examinations make on candidates, compare the levels of performance required for a particular grade, and consider how these two elements relate to each other. Where these reviews identify

problems with standards, we take regulatory action.

Our regulation of statutory assessments to meet our **assessments standards objective** is less complex than for qualifications – there are only a small number of National Assessments (National Curriculum and Early Years Foundation Stage assessments) and only one provider. In February 2011 we published our first statutory *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage*.¹⁴ This sets out our role and responsibilities and how we will meet them, and provides guidance to others about their work on statutory assessment arrangements.

In order to meet our **confidence and awareness objectives**, we seek to lead and be an active participant in public debate. We also make available a wide range of information about qualifications including on our website.

In October 2010 we launched The Register online. The Register replaced the National Database of Accredited Qualifications and contains details of recognised awarding organisations and regulated qualifications in Northern Ireland, Wales and England. The Register, which is supported by each of the qualification regulators in England, Wales and Northern Ireland, enables people to view the full range of regulated qualifications. It is accessible through our website, which also provides a section on frequently asked questions. A quarterly e-newsletter is sent out to stakeholders and awarding organisations.

All our reports and open letters are also available. As well as this, we have throughout this year engaged directly with people including schools, further education colleges, employers, training providers, sector skills councils, Government and awarding organisations. We have ensured at all times that our stakeholders' views are taken into consideration in relation to our regulation of qualifications, examinations and assessments.

11. Regulatory arrangements: www.ofqual.gov.uk/for-awarding-organisations/96-articles/610-regulatory-requirements

12. *Taking Regulatory Action*: www.ofqual.gov.uk/files/2011-taking-regulatory-action.pdf

13. The Register of Regulated Qualifications register.ofqual.gov.uk

14. *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage* (February 2011): www.ofqual.gov.uk/files/2011-regulatory-framework-for-national-assessments.pdf

To meet our **efficiency objective**, we are undertaking analyses of the qualifications market, and developing our understanding of the factors that impact on costs and efficiency. This will inform the development of our regulatory arrangements, including (amongst other things) our fee-capping power.

It is in the interests of learners, employers and universities that qualifications are comparable across different countries. So we work with qualifications regulators in other parts of the UK and, where appropriate, put in place regulatory arrangements that are consistent. We are also involved with the European Qualifications Framework (EQF) which is an overarching qualifications framework that links the qualifications of different countries together. This will help learners and workers who are moving between countries, from job to job and from one education or training institution to another.

We also have a scrutiny programme: scrutinies are in-depth studies of the examination process and products across a range of GCSEs and A levels offered by different awarding organisations. Scrutinies aim to identify any aspects of the process that appear to limit fair and effective examinations, and any good practice worthy of encouragement and dissemination.

Working with Government

Whilst we are an independent regulator, reporting directly to Parliament and the Northern Ireland Assembly, we have a duty to provide on request information and advice about our work to the Secretary of State or the Northern Ireland Department of Employment and Learning, and to have regard to Government policy. Government policy often has an impact on, or relies upon, qualifications, and we aim to be a trusted, independent and evidence-based source of advice to Ministers on qualifications policy issues.

Where appropriate, we will seek to make sure that our regulatory arrangements complement and enable government policy objectives.

We respond to Parliamentary Questions that fall within our remit and have provided, where appropriate, submissions to Parliamentary Select Committees. We welcome the opportunities to engage with the Select Committees where we have input to make.

The new Government elected last year has set out a number of reforms to qualifications and assessments, to which we are contributing. In particular, *The Importance of Teaching: Schools White Paper*¹⁵ set out reforms to GCSE and A levels, and the *Review of vocational education - The Wolf Report*¹⁶ made some significant proposals relating to vocational qualifications.

Ministers want universities and learned bodies be more involved in the development of A level requirements, so we and DfE have held meetings to discuss this with the main university organisations and learned societies, and we are exploring ways of ensuring that recommendations are representative of the whole sector.

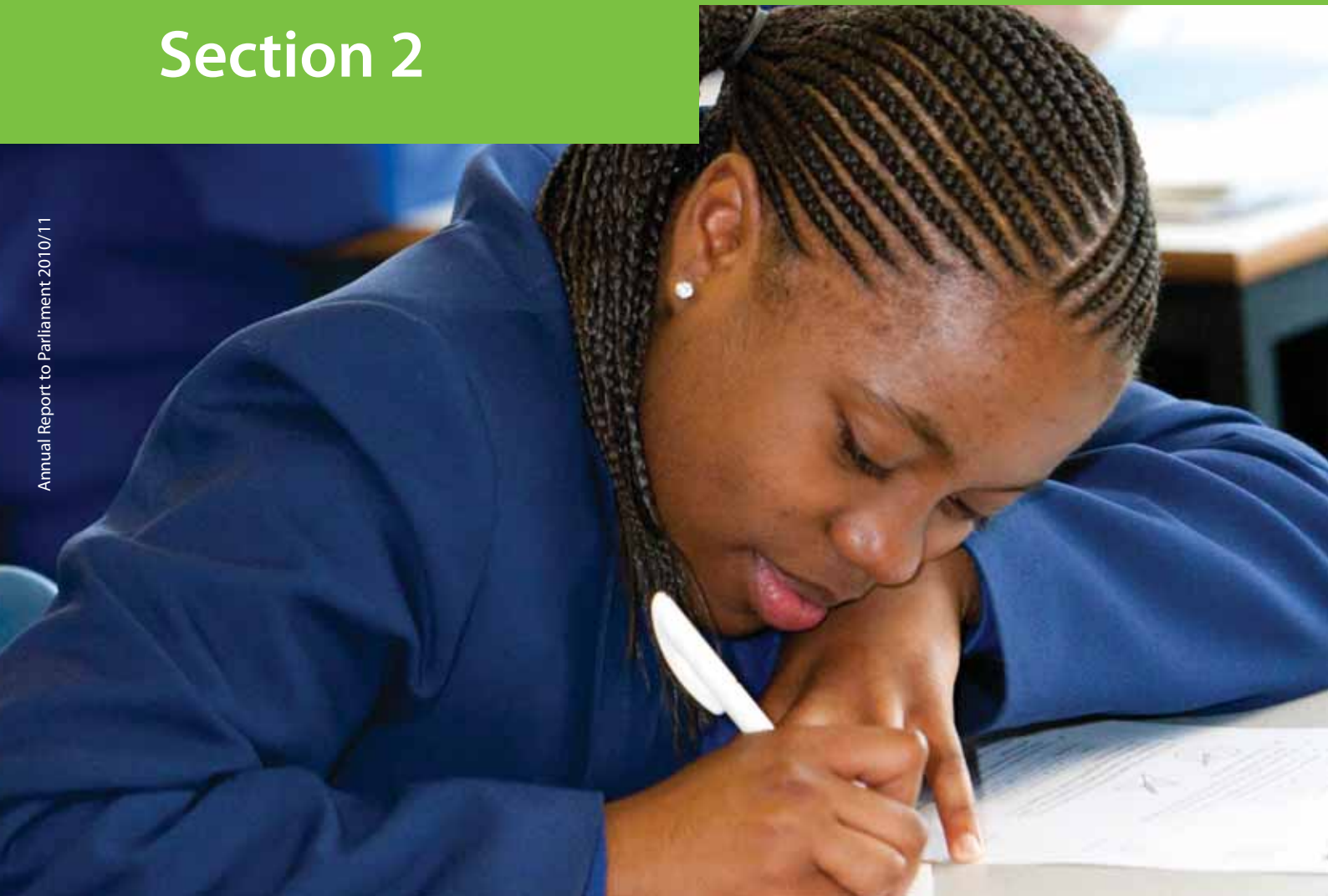
The Government has made clear the importance it attaches to the maintenance of rigorous standards in examinations and assessments, as of course do we. Proposals in the White Paper and now included in the current Education Bill would add to our statutory objectives to require us to seek to bring standards of regulated qualifications into line with those in other countries. Prior to the introduction of this proposed new objective, the Secretary of State asked us to look at international standards. We therefore started work in summer 2010 to compare A levels with equivalent qualifications for 18-year-olds used for university entrance abroad.

Further details of our work with Government can be found throughout this report.

15. *The Importance of Teaching: Schools White Paper* www.education.gov.uk/b0068570/the-importance-of-teaching/

16. *Review of vocational education - The Wolf Report* (March 2011) www.education.gov.uk/publications/eOrderingDownload/The%20Wolf%20Report.pdf

Section 2



The year in view

2010-11 – our first year of operation – was a busy and eventful year for Ofqual.

Alongside our work to establish ourselves and develop our approach to regulation, we have maintained our crucial day-to-day role of regulating, alongside our fellow regulators in Wales and Northern Ireland, more than 15,000 qualifications in an industry that we estimate is worth over £900 million a year.¹⁷

However, Ofqual's role is still evolving: the *Education Bill 2010-11*¹⁸ currently before Parliament proposes to amend our governance arrangements and to change one of our standards

HIGHLIGHTS

- 20 new awarding organisations
- 5222 qualifications entered on the Register
- 4400 qualifications removed from the Register
- 14 monitoring visit reports published: 13 monitoring visit reports awaiting publication
- 413 complaints and investigations.

17. *Annual Qualifications Market Report* (March 2010): www.ofqual.gov.uk/files/2010-03-19-Annual-Market-Report.pdf

18. *Education Bill 2010-11*: <http://services.parliament.uk/bills/2010-11/education.html>

objectives.

Over the last year we have laid the foundations for our role as the new statutory regulator, accountable to Parliament and the Northern Ireland Assembly. We have consulted on and shaped our regulatory philosophy and approach. We have made substantial progress in drawing up our new qualifications regulatory framework which will play a vital role in securing our objectives.

The new regulatory philosophy and approach will place the responsibility and accountability for quality and standards of qualifications firmly with the awarding organisations we regulate. We have set out our plans for a risk-based approach; we will retain a close interest in high-volume, high stakes qualifications but we will not scrutinise each and every qualification. We will assure ourselves through the recognition process that each awarding organisation is capable of awarding high-quality qualifications. Then we will hold them to account for those they offer through their compliance with the *General Conditions of Recognition*.¹⁹

To support our new approach, our qualifications Regulatory Information Technology System (RITS) was developed and launched in October 2010, on schedule and well under budget. It enables awarding organisations to provide information to us electronically and facilitates data sharing between teams in Ofqual, helping us to work more efficiently. Further enhancements to RITS in the coming year will support our new approach to regulation.

We regulate to secure that qualifications are valid, reliable and comparable and are provided efficiently. Different versions of the same qualification provided by different awarding organisations must be comparable, in particular so that there is no incentive for centres or learners to choose qualifications they believe are easier or provide higher grades. Schools, colleges, universities and employers need to be able to trust that qualifications provide a fair and accurate indication and record of a learner's knowledge,

skills, understanding and level of achievement at the point of assessment.

This year we completed a major research project on the reliability of qualifications.²⁰ Reliability, in education assessment terms, can also be thought of as consistency. A high level of reliability would mean that broadly the same outcomes would arise were an assessment to take place again – the candidate would get the same result if they took the examination on a different day, had different questions on the paper, or if it was marked by a different person. We also began a new phase in our international work, with research to understand better comparisons of qualification standards across borders.

Publication in February 2011 of our *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage* was our most significant development of the year for the 3–14 age group and followed extensive and very helpful consultation. This supports our second statutory objective, to promote the standards of regulated assessment arrangements.

Our Framework will provide a reference point for the delivery of statutory assessments and the development of new assessments, such as the new phonics screening checks for six-year-olds.²¹ In March 2011 the review of the Early Years Foundation Stage led by Dame Clare Tickell²² recommended a modified approach to assessment. The review of Key Stage 2 testing led by Lord Bew²³ has also just been published. We include more information on the National Assessment framework in Section 3.

As well as universities, employers, schools and colleges, a wide range of public organisations, such as Ofsted and the Skills Funding Agency, must be able to rely on the standards of regulated qualifications and assessments. And the public rightly expects that high-quality qualifications and assessments give a reliable picture of the

20. *The Reliability Programme: Final Report* (January 2011): www.ofqual.gov.uk/files/reliability/11-03-16-Ofqual-The-Final-Report.pdf

21. www.education.gov.uk/inthenews/inthenews/a0068426/michael-gove-announces-reading-progress-check-for-all-year-1-pupils

22. *The Tickell Review of the Early Years Foundation Stage*: www.education.gov.uk/tickellreview

23. *Review of Key Stage 2 testing, assessment and accountability*: www.education.gov.uk/ks2review

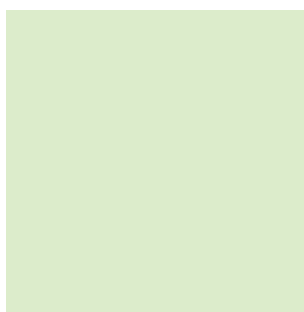
19. *General Conditions of Recognition* (May 2011): www.ofqual.gov.uk/files/2011-05-16-general-conditions-of-recognition.pdf

performance of individuals and of the wider education system. So our job is an essential one.

Qualification Standards

Summer results

We oversaw a successful summer awarding season in 2010, which in many ways was the first big test of Ofqual as a statutory regulator.



previous years.

Overall, just over eight per cent of candidates achieved an A* grade. This was in line with what we had expected, based on our modelling of the spread of marks in previous years and changes to the A-level specifications (ie syllabuses).

Feedback from teachers was positive.²⁴ The new grade appears to have distinguished successfully the exceptional from the excellent. The University of Cambridge said at the time that it believed the A* grade would enable the top state school candidates to show their potential.



On 19th August 2010, hundreds of thousands of A level students celebrated their achievements, with some getting the new A* grade. It was awarded for the first time, to reward exceptional achievement and allow for improved discrimination between the best performing candidates. It was the biggest reform of the high stakes A level since the Curriculum 2000 reforms split it into AS level, a stand-alone qualification taken after one year of study, and the full A level at the end of the second year of study.

Naturally with such a high stakes examination, there was considerable public concern about the reform and its potential effect on university applicants. In the run-up to the changes, we kept learners informed of developments and the thinking behind them through their schools and colleges. We also made sure that the public, MPs, Peers and the media were kept up to date with the preparations. We published a series of open letters and a special section of our website was created to explain the reform. The visits to the page explaining the changes to A levels were four times the number we had expected, based on

Dr Geoff Parks, the director of admissions for the Cambridge colleges, later said that the university's use of the A* grade had helped raise its percentage of UK students from state schools.²⁵

As part of our ongoing scrutiny programme, we looked in depth at the papers, scripts and grades awarded. We chose six A level subjects across the three unitary awarding organisations in England. Our report²⁶ concludes that the six qualifications monitored are appropriate in terms of the demand they place on students at this level and that they allow students to demonstrate their full ability. However, our subject experts found some questions that they judged insufficiently demanding and others that were more demanding than suggested by the sample material published in advance by the awarding organisations. They also identified several instances where the requirements of questions were not clear enough for candidates.

24. *Perceptions of A levels and GCSEs: Wave 9* (March 2011): www.ofqual.gov.uk/files/2011-03-perceptions-of-a-levels-and-gcse-wave-9.pdf

25. www.bbc.co.uk/news/education-13308238

26. *The New GCE A level Examinations: Findings from the Monitoring of the New Qualifications in 2010* (April 2011): www.ofqual.gov.uk/files/11-04-04-The-new-GCE-A-level-examinations.pdf

These issues were specific to the papers looked at. It is vital that we monitor qualifications to detect any issues and require awarding organisations to make improvements where necessary.

We have now instructed awarding organisations to take appropriate action to resolve the issues identified in the scrutiny programme.

Regulating the A level qualification was only part of the story in the summer 2010 examining season. Large numbers of qualifications are awarded annually and in England, Wales and Northern Ireland in 2009/10 there were:



- 5.8 million GCSEs
- 2 million AS and A levels
- 0.9 million Key Skills
- 6.8 million other qualifications.²⁷

Our report on the summer examinations, *Delivery of Summer 2010 Examinations of GCSE, A level, Principal Learning, Project and the Diploma*, published in November 2010,²⁸ concluded that overall, examinations were delivered (set, awarded and administered) effectively, professionally and fairly. Sixteen million scripts and seven million pieces of coursework were marked and the results were mostly delivered on time, with the exception of some specific problems detailed below.

VQ Day, a national celebration of vocational qualifications for students, teachers and employers, was held on 23rd June 2010 across England, Scotland, Wales and Northern Ireland.

Vocational qualifications are a key part of the education and training system and the economy. They underpin the skills agenda and can lead the way to better opportunities for individual learners. As well as participating in celebrations in England, our Chair travelled to Belfast to help congratulate the finalists for the Northern Ireland VQ Learner of the Year. VQ Day is a real testament to the importance that is placed on vocational qualifications by the learners and those who nominated them from further education, training providers, employers and SSCs.

The examination season was marred, however, by problems with the management of the online marking system of AQA, one of the three largest awarding organisations for general qualifications in England. When the problems were uncovered, the priority was for AQA to resolve the situation for affected students by swiftly completing the marking. We monitored AQA's actions and then launched an Inquiry²⁹ to establish what went wrong, the reasons for the failure and what should be done to avoid a recurrence in future years. The failings by AQA identified by our inquiry were very disappointing, especially as they led to a small number of candidates missing out on their first choice of university or course. The inquiry also made recommendations for the regulators to consider. Further detail is on page 34.

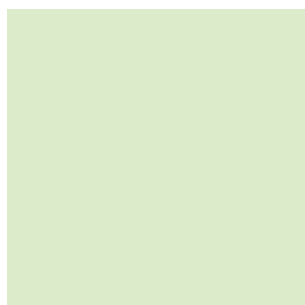
27. *Annual Qualifications Market Report (May 2011)*: www.ofqual.gov.uk/files/2011-05-25-annual-qualifications-market-report.pdf

28. *Delivery of Summer 2010 Examinations of GCSE, A level, Principal Learning, Project and the Diploma* (November 2010): www.ofqual.gov.uk/files/2010-11-01-10-4781-delivery-of-summer-2010-exams.pdf

29. *Inquiry into the Failure of Part of AQA's GCSE, AS and A level Script-marking Process in the Summer 2010 Examination Series: Final Inquiry Report (February 2011)*: www.ofqual.gov.uk/files/2011-02-21-aqa-inquiry-report.pdf

Upholding science standards

We played a crucial role in protecting the standard of GCSE Science, Additional Science and separate sciences (Biology, Chemistry and Physics). The criteria and, therefore, qualifications were revised in 2005 for first teaching in 2006 (The first qualification awards of GCSE Science was, therefore, in 2007 and for additional science and the separate sciences in 2008) and the results of the first awards demonstrated that there had been a decline in the standards of demand of the assessments. This raised concerns which were echoed by the science community.



This was first identified by us, as interim Ofqual, when we undertook a qualitative review of science examinations taken in 2007 and 2008. This review looked at assessment materials and the work done by candidates. In March 2009 we published³⁰ our review of the first assessments of these qualifications and raised a number of issues that gave serious cause for concern. We required awarding organisations to take a series of measures to improve stretch and challenge, while acknowledging that it would take time to make the improvements given that there were at least two year groups of students engaged in the existing qualifications.

We also set in hand development of revised criteria for GCSE Science qualifications which were published in December 2009.³¹ These criteria took account of concerns raised in the March report and incorporated feedback and advice from many professional organisations as well as that received

through the statutory 12-week public consultation process. Awarding organisations had to develop new qualifications to meet these more stringent standards for teaching from September 2011.

In July 2010 we (along with the regulator for Wales) published a *Review of Standards in Summer 2009 GCSE Science and GCSE Additional Science*.³² This report was undertaken in response to published data from the summer 2009 awards. Our report concluded that, disappointingly, the summer 2009 examination papers did not generally match the grade descriptions and did not give candidates of all abilities the opportunity to demonstrate their full knowledge, understanding and skills. The report also made six recommendations which applied to work being done on the current specifications and to the new specifications being developed for 2011.

We shared this report with awarding organisations so they could take account of its recommendations when developing their new GCSE Science specifications. At the end of April 2010 the awarding organisations submitted new specifications to us for accreditation. Again, these new submissions did not meet our criteria. We were therefore unable to accredit any of the 36 revised specifications. Detailed feedback was provided to the awarding organisations on outstanding issues that had to be addressed prior to their next submissions.

It took until March 2011 before we were able to accredit most of the specifications. We have now accredited all 36 specifications for first teaching from September 2011.

30. *Delivery of Summer 2010 Examinations of GCSE, A level, Principal Learning, Project and the Diploma* (November 2010): www.ofqual.gov.uk/files/2010-11-01-10-4781-delivery-of-summer-2010-exams.pdf

31. *Inquiry into the Failure of Part of AQA's GCSE, AS and A level Script-marking Process in the Summer 2010 Examination Series: Final Inquiry Report* (February 2011): www.ofqual.gov.uk/files/2011-02-21-aqa-inquiry-report.pdf

32. *Review of standards in summer 2009 GCSE Science and GCSE Additional Science* (July 2010): www.ofqual.gov.uk/files/2010-07-22-review-of-summer-2009-gcse-science.pdf

Maintaining Standards

During change

Summer 2010 saw some important changes. We had the first awards of the new A levels and the new A* grade, the first Diploma awards at level 3 (that is A level standard) as well as larger numbers for the first five Diplomas at level 1 and 2 (that is GCSE standard) and five new Diploma subjects. We also saw the first unit awards of new GCSEs in all subjects except English, mathematics, ICT and the sciences.

Maintaining comparable standards is most difficult at times of change. These changes have the potential to impact on the outcomes – the results candidates receive in August. The role of the regulators (we work closely with colleagues in Wales and Northern Ireland) is to make sure those outcomes are fair – to this year’s candidates, to last year’s candidates and to next year’s candidates.

Part of our role is to lead the discussion amongst the awarding organisations about the most appropriate ways to maintain standards, and to set general principles so all awarding organisations take comparable approaches. This is what we did ahead of the first awards of the new A levels and GCSEs and the new qualifications that form part of the Diploma. In the case of GCSE and A level, for example, we agreed a very important principle that a candidate who would have achieved, say, a grade B on the old syllabus should also achieve a grade B on the new syllabus.

As part of being an open and transparent regulator, we have had regular dialogue with secondary schools and colleges, Parliamentarians, teacher associations and higher education representatives, to explain the implications of the changes and how we were planning to maintain standards. We also published detailed information on our website on A level and GCSE results days

and saw an increase in use of 70% and 50% respectively above our average usage.

Summer 2011 will see the first full awards since GCSEs became almost entirely modular in 2009. To check whether standards are being maintained, we have been carrying out scrutiny monitoring of the new unitised specifications.

Assessment Standards

National Assessments

The publication of our *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage* in February 2011 met a key requirement in the *Apprenticeships, Skills, Children and Learning Act*, and was a critical step towards meeting our assessment standards objective.

Our framework sets out clear criteria for the development and implementation of National Assessment arrangements and provides the framework against which we now regulate standards in those assessments. The framework will be particularly significant in the near future as new National Assessments are developed and introduced, and existing approaches are modified. Its implementation will also need to be kept under active consideration as the review of the National Curriculum³³ itself begins to take shape.

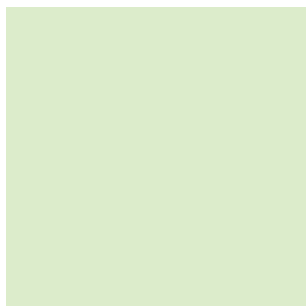
During the year we also published reports dealing with standards in the 2010 Key Stage 2 tests, reviewing the evidence produced from the pilot of Single Level Tests,³⁴ and on aspects of early years assessment.

33. www.education.gov.uk/inthenews/inthenews/a0073152/michael-gove-announces-major-review-of-national-curriculum

34. *A review of the Pilot of the Single Level Test Approach*: www.ofqual.gov.uk/files/2011-04-13-review-of-pilot-single-level-test-approach.pdf

Public Confidence and Awareness

We acknowledge public concern highlighted by the media over the extent to which the improved performance in public examinations over the last two decades genuinely reflects increases in educational attainment. Over the coming year we will initiate a structured and wide-ranging debate on this issue that will inform our plans and priorities for the future.



marks to reward accurate spelling and punctuation and good use of grammar. We will be working with awarding organisations to ensure that the implementation of this requirement is consistent across the subjects involved. Further details will be made available to schools and colleges later this year.



We are concerned that many employers complain that young people do not have the skills in spelling, punctuation and the accurate use of grammar they would expect when young people enter the workplace. The government has asked for our advice on how mark schemes in all qualifications can take account of candidates' performance in these skills. We have considered our role and the role of qualifications in addressing it, in the interests of young people, employers, further and higher education, and of course public confidence in qualifications.

We have advised government that this issue can be addressed in all GCSE qualifications at the next review which will also take into account changes arising from the revision of the National Curriculum. In addition more immediate action can be taken to address these concerns in subjects where there is currently a requirement for extended writing, excluding GCSE English and English Language qualifications which already take specific account of candidates' abilities in these skill areas. From September 2012, GCSE examinations in some subjects will have specific

The Government is considering its plans to reform vocational education for young people with the aim of providing better pathways to employment and progression to further and higher education. Prior to the publication in March 2011 of Professor Alison Wolf's review of vocational education, we had already clarified that vocational qualifications, provided they meet our requirements for all qualifications, do not need to be compliant with the Qualifications and Credit Framework (QCF). In our statutory consultation last autumn we stated that we planned to regulate at awarding organisation rather than individual qualification level.

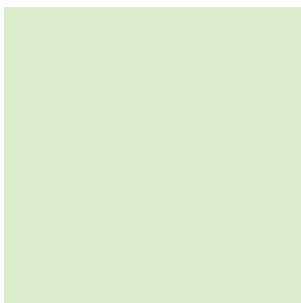
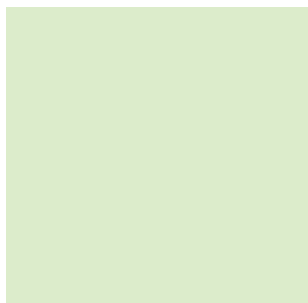
We regulate in particular to secure qualification standards. We do this in many ways including setting benchmarks for standards in specific qualifications and rejecting those qualifications not up to the mark. We undertake and publish thematic studies and specific evaluations to help inform the public understanding of qualifications standards. However, we recognise that there remains much public debate, and a prevailing

view, that qualifications standards are not what they used to be. There are a number of different and interlinked issues behind this issue including concerns about the range and worth of qualifications, the nature of examinations, the commercial behaviour of some awarding organisations and the pass rate or level of learner achievement. And people mean different things when they talk about 'standards'. Given these concerns we will initiate a structured and informed debate on standards this year to inform our future plans.

Single framework

The QCF is a way of recognising achievement through the award of credit for units and qualifications - across England, Wales and Northern Ireland. It provides flexible routes to gaining full qualifications and enables progression to be achieved in smaller steps through the accumulation of credit. During 2010/11 we undertook a significant volume of activity to recognise awarding organisations to operate in accordance with the QCF and to accredit their new qualifications.

When we, together with our fellow regulators in Wales and Northern Ireland, published the



Consultations

We have carried out consultations over the year, including on the ways in which we would regulate awarding organisations and secure standards of regulated qualifications. Twenty public meetings and events around the country have been organised where key members of our teams have explained our proposals and canvassed opinion. We have also seized opportunities to speak at 33 conferences.

Good progress is being made on raising the awareness of independent regulation. The 2010 annual survey of public perceptions³⁵ showed a considerable increase in the proportion of teachers who perceive Ofqual as an effective regulator. More than half (53 per cent) said they saw us as effective compared with less than a third (31 per cent) in 2009. But we recognise there is still some way to go.

regulatory arrangements for the QCF we made a commitment to evaluate the arrangements in practice. We undertook the evaluation over a two year period. We published an interim report in January 2010 and the final report in June 2011. We highlighted in the report the lessons that should inform future qualification reform programmes and on which we can draw when we develop a single framework to which all regulated qualifications can be referenced.

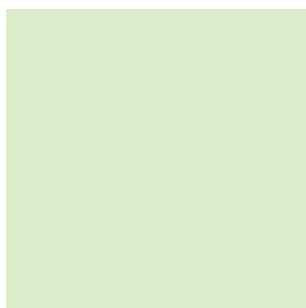
Examination disruption

During the winter examination series in January 2010, disruption was caused by heavy snow. We used this to test and improve the contingency management plan agreed jointly by the three regulators and the awarding organisations. We assured learners that measures were in place to cope with any disruption and that anyone who was unable to sit their examinations as a result of the bad weather would be treated fairly and consistently by the awarding organisations.

35. *Perceptions of A levels and GCSEs: Wave 9* (March 2011): www.ofqual.gov.uk/files/2011-03-perceptions-of-a-levels-and-gcse-wave-9.pdf

We used this recent experience again in the run-up to the summer examination season in 2010 when we took the lead in co-ordinating a consistent approach across the awarding organisations to problems candidates faced as a result of the suspension of civil aviation over the UK due to ash in the atmosphere from the erupting volcano in Iceland. A number of teachers were stranded abroad, which led to the closure of some schools at a critical point in the year for examination candidates, and some candidates were also stranded.

We used various publicity channels to get information to schools, colleges and candidates about the measures that had been put in place to assist those who thought they may be unable to attend examinations.



of the qualifications, we continue to receive a number of allegations of malpractice. Centres, that is colleges and training providers, that offer ESOL qualifications without any sound registration or assessment methods or both. This can have a major impact on people wishing to apply for citizenship or leave to remain, and also puts the integrity of the qualifications in doubt.

In response to these concerns we have already taken a number of actions to help secure the integrity of these qualifications and protect the interests of this group of sometimes vulnerable learners,³⁶ including the following:

- Where allegations of malpractice have been reported we have required the awarding organisation involved to investigate and, if necessary, to apply appropriate sanctions to



Malpractice

During 2010/11 we played a leading role in exposing some poor English language courses for non-English speakers. From 7th April 2010, the Home Office made changes to the requirements for those applying for indefinite leave to remain or for British citizenship. The Home Office changes require those providing courses to be either Home Office accredited or Ofsted approved; without this, English for Speakers of Other Languages (ESOL) qualifications are not accepted in support of citizenship applications presented to the UK Border Agency (UKBA). The Home Office wished to make the requirements more explicit and help ensure the validity and rigour of the system.

Although the vast majority of organisations delivering the ESOL qualifications meet the required standard in their delivery and assessment

the centres concerned. In some cases this has included invalidating certificates and moving candidates to another centre for reassessment.

- We hosted an ESOL best practice event in November 2010 for the nine awarding organisations offering ESOL qualifications, which was also attended by the UKBA.
- We wrote two open letters to the awarding organisations requiring each of them to be vigilant and rigorous in the management of these qualifications and when investigating cases of malpractice.
- We worked closely with the UKBA and the police over the year where cases of malpractice have been identified, acting as a

key liaison point between these agencies and the awarding organisations.

- We took part in the UKBA consultation on the proposed legislative changes which were implemented by UKBA last year, involving language requirements for both citizenship applications and students migrating to the UK on student visas.
- We launched a comparability study into assessment methods for ESOL qualifications being used by the different awarding organisations, to determine if the different assessment methods indicate a consistent level of attainment.



- We worked closely with the Home Office, the UKBA and awarding organisations to identify weak provision and we published information on our website to advise students on how to identify legitimate colleges and courses, in order to help them protect themselves.

The marketing of ESOL qualifications is also being addressed following cases of misleading advertising by some ESOL centres. Where we come across such advertising, we contact the awarding organisation which has approved the centre, and require them to instruct the centre to change the website.

When an application is rejected by the UKBA on the grounds that the ESOL qualification has not been taken at a suitably accredited centre, it causes hardship and distress to the candidate. So while it is not for awarding organisations to do the UKBA's work, they do have a responsibility to

check that centres delivering their qualifications have integrity, and in particular that they are not dishonestly claiming to have the UKBA accreditation.

Efficiency

Economic regulation

We have recognised more than 170 awarding organisations and achievements were awarded in a total of 7,750 qualifications. Whilst there were over 15,000 qualifications on The Register, relatively few qualifications are used in very high volumes.

The number of achievements in regulated qualifications has increased year on year for the last five years, from 13.2 million in 2005/6 to 15.5 million in 2009/10. Just 141 qualifications accounted for over half these achievements. The Preparation for Life and Work sector/subject area accounted for over one fifth of the qualification achievements in 2009/10.

For the last few years, the number of A level qualifications achieved has been fairly consistent. There has been a small decline in GCSE achievements, which may be linked to the broadening of the school curriculum and the increase in the number of non-GCSE qualifications and achievements in schools.

Spending by state secondary schools in England on examinations and assessments has risen from £154 million in 2002/3 to £303 million in 2009/10, according to the Department for Education.³⁷

The efficiency of provision and the price charged for examinations is clearly an area in which the regulator has an important role to protect the consumer. The total cost of examinations has been rising in recent years as a result of several factors including the impact of the opportunity for resits arising from modular examinations and the increase in the number of qualifications taken in particular vocational qualifications.

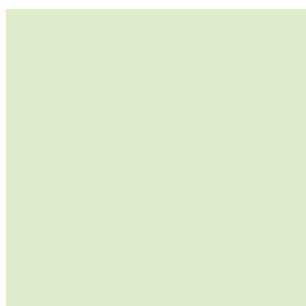
Data are not currently collected that would

37. Annual outturn summary, Department for Education: (i.e. figures including inflation) www.education.gov.uk/schools/adminandfinance/financialmanagement/schoolsrevenuefunding/section251/archive/b0068383/section-251-data-archive

enable us to provide a precise figure for the total value of the qualifications market. However, on the basis of published information, we estimate it is over £900 million.

The qualifications that Ofqual regulates are provided through a market. This is a common model for the provision of large-scale public services, but is unusual in this particular sector.

Healthy competitive markets drive innovation, efficiency and consumer choice. Healthy markets include incentives, if necessary backed up by regulation, to drive desirable behaviours and to discourage moves against the public interest. The



qualifications market(s) can only be described as healthy if standards and public confidence are maintained. As we seek to secure efficiency and value for money, we will make sure that we take into account the need for the market to secure standards and public confidence.

Regulation must protect against commercial behaviours driving down standards while promoting efficiency. Building on these principles and on three studies that we published on aspects of our role as an economic regulator,³⁸ we carried out a major consultation on our plans for economic regulation and fee-capping powers. A summary of the responses was published in March 2011.³⁹ Many of the responses focused on Ofqual's power to cap fees, although if there is evidence of inefficiency, there are alternative, and potentially more proportionate interventions to secure efficiency, including working with the Office of Fair Trading on competition issues and measures to promote more intelligent purchasing decisions by customers.

We can expect the educational policy landscape to change and develop significantly in England. In last year's strategies, *Skills for Sustainable Growth*⁴⁰ and *The Importance of Teaching: The Schools White Paper 2010*,⁴¹ Ministers set out their plans for whole-system reform of education in England, and outlined a direction of travel on the curriculum and qualifications to allow us to learn from, and outpace, the world's best.

More immediately, the Government has introduced the English Baccalaureate to encourage schools to offer a broad set of academic subjects to students up to the age of 16, whether or not students then go down an academic or a vocational route. The English Baccalaureate is not a qualification in itself, but it uses regulated qualifications, and may well impact on which qualifications are chosen. Alongside the introduction of the English Baccalaureate, the Government intends to reform vocational education for 14- to 19-year-olds so that it better supports progression to further and higher education and employment, following Professor Alison Wolf's review published in March 2011.

The ways that we are working with Government to advise and implement the regulatory aspects of this developing policy landscape are set out elsewhere in this report. As part of this we will also be seeking to understand the changes and the possible impact on the costs of examinations for schools, colleges and other training providers. We will also look to understand any risks including market risks to awarding organisations.

As part of our overall approach to securing efficiency, we imposed requirements on awarding organisations to provide information that will encourage schools and colleges and other purchasers of qualifications to make more effective purchasing decisions. These were part of the recognition conditions we published on 16 May 2011. They also include new measures to increase price transparency and the clarity of information provided to learners, purchasers and

38. *Developing a framework for economic regulation*: www.ofqual.gov.uk/how-we-regulate/138-economic-regulation/325-developing-a-framework-for-economic-regulation

39. *Analysis of consultation responses* (February 2011): www.ofqual.gov.uk/files/11-04-08-Analysis-of-consultation-responses-for-Ofqual.pdf

40. *Skills for Sustainable Growth*: www.bis.gov.uk/skillsforgrowth

41. *The Importance of Teaching: The Schools White Paper 2010*: www.education.gov.uk/b0068570/the-importance-of-teaching

other users of qualifications about the qualifications and associated products and services offered by awarding organisations. The conditions also require awarding organisations to manage any conflict of interest arising from their wider business activities or as a result of other work undertaken by their employees. Awarding organisations must have a clear rationale for where qualifications are sold together with other products and services.

We are in the process of scoping a research project working closely with other stakeholders, as required, to allow us to understand better the drivers of a healthy market for qualifications to see if any additional regulatory measures are required.

In 2010/11, we set in hand work to build our understanding of the economics of the qualifications market. We intend to consult on whether it is appropriate to develop pricing principles including on cost reflectivity to set parameters for the market.

The Ofqual Team

Leadership role

Our first year as a statutory body has seen significant leadership changes and the recruitment of fresh talent. A new Board was appointed at the start of the year through the public appointments process, including a member for Northern Ireland.

One of the first actions the Board took was to establish three committees: a Regulation of Vocational Qualifications in Northern Ireland Committee, an Audit and Risk Committee and a Human Resources and Remuneration Committee.

Kathleen Tattersall, the first Chair and Chief Regulator, stepped down in July 2010. At the end of February 2011 Isabel Nisbet, Ofqual's first Chief Executive, left for a new position.

On 1st March 2011 Glenys Stacey, previously the Chief Executive of Standards for England, joined as our new Chief Executive. Dame Sandra Burslem, the Deputy Chair, stepped in to provide continuity whilst the new Chair was appointed.

The Government announced its intention to combine the roles of Chief Executive and Chief Regulator, and provisions to achieve this are included in the current Education Bill.

Capability and capacity

During our first year we have invested significantly in establishing and building our regulatory skills and competence, whilst delivering our role of regulating qualifications, examinations and assessments. Those members of staff working directly on regulation received intensive training and support, and all staff had the opportunity and were encouraged to learn more about regulation, and to learn from other regulators and from our own growing experience of regulation in practice. We will continue to invest in training and development. We are also building contacts and networks with regulators in other sectors. Appendix 7 details our staff profile.

It will be a challenge for us to meet our objectives and the expectations of Ofqual within the resources we have available, which – as with all public sector organisations – will be reducing substantially over the coming years as a result of the Comprehensive Spending Review. As noted above, Ministers are seeking to use the Education Bill to broaden our standards objective to incorporate an international dimension.

We strengthened our own capacity in relevant areas (for example research) by taking on some staff from the closing Qualifications and Curriculum Development Agency (QCDA) whose valuable experience matched our needs as we expanded our existing areas of work.

Section 3



Regulation in action

Qualifications in England, Wales and Northern Ireland are awarded by awarding organisations a mixture of limited companies, charities, learned bodies, craft and industry associations and employers.

This system offers variety, choice and room for innovation. However, with qualifications, learners do not have the same protection as they do when purchasing most consumer goods; they cannot send their qualifications back if they do not do what the provider promised.

The market alone does not provide the incentives to maintain standards and secure value for money.

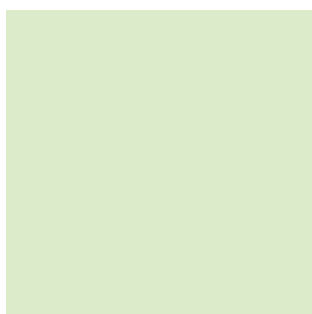
HIGHLIGHTS

- More than 15 million regulated qualifications awarded
- First awards of A* grade at A level
- First awards of units for new GCSE specifications
- 4,000 Diplomas awarded
- Inquiry into A level and GCSE marking errors
- Intervention and advice on ESOL
- Investigation into Chemistry A level in Northern Ireland
- Maintaining the standard of science GCSEs.

Regulation is therefore necessary to protect learners, provide the public with assurance that regulated qualifications are valuable and keep their value over time and check that the awarding organisations are maintaining standards. So regulation is important in principle. In this section we set out some of the things we have done in practice, to help meet these important objectives.

Summer 2010 examinations

Delivery of examinations is a complex and lengthy process, from the development of specifications by awarding organisations and the preparation of individual question papers to the marking and



grading of assessments, the delivery of results and the queries and appeals processes. Our role is to oversee delivery and grading and where necessary intervene, to make sure that all candidates get the results their work merits and that standards are maintained. To do this we need:

- consistent standards between years
- consistent standards across awarding organisations offering the same qualification
- learners who are not advantaged or disadvantaged by sitting new syllabuses
- to intervene if necessary before results are issued.

Maintaining standards is most difficult when specifications change. Assessment structures change and question papers may look very different. Teachers and students may have fewer resources to help them prepare for the new assessments and in the first instance they will

have to rely on a single set of specimen papers rather than having access to tried and tested past papers. It is also more difficult for senior examiners to make judgements about the quality of work that candidates have produced. Senior examiners compare candidates' examination scripts for one year with archive scripts from previous years. If the style of assessment changes, that comparison is made more difficult.

Summer 2010 saw the first award of the new four-unit A levels in most subjects, the introduction of greater stretch and challenge at A2, and the first award of the new A* grade at A level in all subjects. It also saw the first award of units for the new GCSE specifications introduced for teaching from 2009 (in all subjects except English, mathematics, ICT and the sciences).

Following discussion with the awarding organisations, we decided to prioritise 'comparable outcomes', by which we mean that, all other things being equal, the achievements of candidates at subject level on the new specifications should be similar to those of candidates on the previous specifications. This is so that learners are not unfairly advantaged or disadvantaged by being the first to sit new specifications.

The awarding organisations have given this aspect of grading a considerable amount of attention and we are closely monitoring their awarding in summer 2010. The table below shows the proportions of students achieving grades A and E in 2008, 2009 and 2010. The differences between 2009 and 2010 are much smaller than the differences between 2008 and 2009. We will continue to prioritise comparable outcomes in summer 2011 awarding, for A level and GCSE.

A level grade	2008	2009	2010
Grade A (cumulative %)	25.9	26.7	27.0*
Grade E (cumulative %)	97.2	97.5	97.6

* includes A* grade

(Source: Joint Council for Qualifications provisional data for all subjects)

The new A* grade accounted for just over eight per cent of A level awards to candidates in England, Wales and Northern Ireland according to provisional figures from the Joint Council for Qualifications,⁴² which collates results on behalf of the GCSE and A level awarding organisations. Further details can be found in Appendix 3.

In November 2010 we reported publicly on aspects of the summer examination series, including the first awards of the revised A levels and units of the new unitised GCSEs, and increased numbers of awards of Diploma qualifications.



In summer 2010 there were:

- 103,632 enquiries questioning the grades awarded for GCSE units
- 22,220 GCSE grade changes made
- 68,088 enquiries questioning the grades awarded for GCE A and AS level units
- 10,541 AS and A level subject entry grade changes made.

The GCSE grade changes represent 0.40 per cent of the subject entries, up from 0.32 per cent in



Our report concluded that the summer 2010⁴³ examinations season series for GCSE, A level, Principal Learning and Project qualifications was, in the main, delivered successfully.

The Diploma is made up of Principal Learning, the Project and other constituent qualifications such as Functional Skills. In summer 2010 the Level 3 Advanced Diploma that equates to 3.5 A levels was awarded to just over 600 learners. A further 4,000 learners achieved Higher and Foundation Diplomas, equating to five A*–C grades and five D–G GCSE grades respectively.

After the results are published each summer, schools and colleges are able to challenge the grades awarded with the awarding organisations.

2009. The A and AS level grade changes represent 0.47 per cent of total subject entries, up from 0.41 per cent in 2009.

This is a very small proportion of the overall number of qualifications awarded. However, our Ipsos MORI survey of perceptions of public examinations conducted in 2010⁴⁴ showed that more than a third of A level and GCSE teachers (36 per cent) said they had to rely on enquiries about results services to get accurate results for their students.

Appeals

In April 2010 we took over responsibility for the Examinations Appeals Board (EAB), the independent body that is the final stage of the enquiries and appeals process for GCSEs, A levels

42. JCQ results data 2010 - www.jcq.org.uk/attachments/published/1297/JCQ%20GCE%20Results%202010.pdf and

www.jcq.org.uk/attachments/published/1317/JCQ%20Results%2024%2D08%2D10.pdf

43. *Delivery of Summer 2010 Examinations of GCSE, A level, Principal Learning, Project and the Diploma* (November 2010): www.ofqual.gov.uk/files/2010-11-01-10-4781-delivery-of-summer-2010-exams.pdf

44. *Perceptions of A levels and GCSEs: Wave 9* (March 2011): www.ofqual.gov.uk/files/2011-03-perceptions-of-a-levels-and-gcse-wave-9.pdf

and Diploma Principal Learning. The EAB hears a small number of appeals each year from schools, colleges and candidates about final decisions made by the awarding organisations as part of their appeal processes. The detail of their work this year is given in Appendix 4 and in the EAB's *Annual Report*.⁴⁵

Our consultation on the future of complaints and appeals⁴⁶ supported an independent appeals mechanism⁴⁷ for all qualifications. Most of those who responded thought Ofqual should continue to oversee the independent appeals mechanism. However the detail of the implementation requires further work.



Modularisation

The overwhelming majority of revised GCSE qualifications introduced for first teaching in 2009 are unitised as opposed to the linear structure used previously, where all the examinations are taken at the end of the two-year course. The decision to introduce modular GCSEs was taken by the awarding organisations in preparing their specifications. The modular approach is popular with many schools and teachers, but there is also widespread concern about the change, in particular the impact of resits and the division of learning into small chunks. Ministers have said (section 4.49 in *The Importance of Teaching – The Schools White Paper 2010*) that they believe that it was a mistake to allow GCSEs to be fully

modularised, so we have given advice on how we might achieve a return to linear assessment. That advice has now been accepted.⁴⁸ The planned changes will not be achievable immediately, so in the meantime it is our responsibility to make sure that consistent standards are maintained, so that learners are not advantaged or disadvantaged by any changes.

There is conflicting evidence about how unitisation affects achievement, other things being equal. Though learners can improve their marks by resitting, in subjects where knowledge and expertise is built up over time, such as modern languages or music, there is evidence

that learners do better if assessment takes place at the end of a course. Notwithstanding this evidence, we have made it clear over the last year to awarding organisations preparing for the first awards of modular GCSEs in summer 2011 that we expect to see results consistent with previous years. All other things being equal, we would expect a learner who would have achieved a grade B last year to achieve a grade B in the new unitised syllabuses.

Scrutiny programme

Throughout 2010/11 we carried out in-depth studies of the examination process across a sample of qualifications being offered by the different awarding organisations. The scrutiny programme is an important part of our standards work, allowing us to monitor whether standards are being upheld and providing an evidence base for regulatory action where necessary.

45. *EAB Annual Report (2010)*: www.theeab.org.uk/index.php?option=com_content&view=article&id=60&Itemid=55

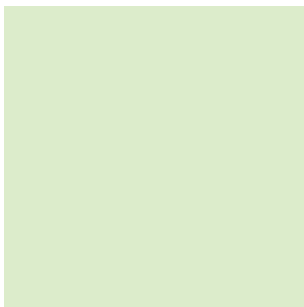
46. *Consultation on Complaints and Appeals for Regulated Qualifications* comment.ofqual.gov.uk/complaints-and-appeals/

47. *Analysis of consultation responses* (February 2011): www.ofqual.gov.uk/files/11-04-08-Analysis-of-consultation-responses-for-Ofqual.pdf

48. GCSE reforms www.ofqual.gov.uk/news-and-announcements/83/660

Each scrutiny involved a team of subject experts who:

- observed meetings held by the awarding organisations at the various stages of the examinations process
- analysed question papers, coursework tasks and mark schemes
- reviewed a sample of candidates' work
- considered a range of additional information
- reported to the awarding organisation indicating the issues to be addressed, if any
- monitored compliance with regulatory requirements.



Our scrutinies in 2010-11 included the monitoring of a sample of the new A2 assessments offered by AQA, Edexcel and OCR, the three A level awarding organisations in England. We chose six subjects to look at: English Literature, Geography, Physics, Spanish, History and Design and Technology. Although we identified a number of general issues these tended not to be evident for all of the qualifications monitored. Issues for the written papers related to level of demand, coverage of assessment objectives, clarity of question requirements and quality of the mark schemes. For other forms of assessment they related primarily to the quality of the criteria of marking and comparability of options.

In general we concluded that the new specifications and assessments for the revised A level were appropriately demanding at A2, with suitable progression from AS and a suitable degree of stretch and challenge.

The samples of candidates' work reviewed were generally in line with what would be expected for the grades they were awarded, based on the published performance descriptions and the professional judgements of subject experts. Instances where questions were considered to be more or less demanding than appropriate were reported to the awarding organisations and their responses were monitored.

We also scrutinised standards in the Diploma. We scrutinised a sample of principal learning qualifications across six lines of learning and also conducted a scrutiny of the level 3 extended project qualification.

In general, we found these qualifications addressed the content and learning outcomes appropriately, and assessments were varied and challenging for the full range of candidates.

However, we found a number of weaknesses and in a number of cases we have required awarding organisations to improve the design of question papers and mark schemes; the guidance to centres and consortia; and their own procedures for training examiners and moderators, and for setting grades.

We also initiated a standards comparability review of functional skills mathematics across five levels and thirteen awarding organisations and we intend to publish our findings in the autumn.

In the year 2010/11 we monitored 23 awarding organisations; we carried out full systems audits looking at systems, controls and processes with a focus on vocational qualifications. We reported the findings of a scrutiny of Edexcel BTEC National Certificate in Manufacturing Engineering⁴⁹ and the related action taken by the awarding organisation to ensure assessment methods are appropriate and assessment consistent across centres.

We also reported the findings of a scrutiny of OCR Level 2 Nationals in ICT⁵⁰ and the subsequent actions taken by the awarding organisation to reduce the number of guided learning hours allocated to each of the units, and to remove inconsistencies in assessment criteria and the comparability of demand across units.

Our work in 2010/11 also included, but was not limited to, monitoring the following awarding organisations:

- Oxford, Cambridge and RSA Examinations (OCR)
- National Open College Network
- Central YMCA Qualifications
- 1st4sport
- Chartered Management Institute
- Ascentis
- Awarding Body for the Built Environment
- Food and Drinks Qualifications
- IMI Awards
- Royal Horticultural Society
- Edexcel
- Mineral Products Qualifications Council
- Institute of Leadership and Management
- Future Awards
- Lifetime Awards
- Signature
- City and Guilds
- British Institute of Inn-keeping Awarding Body (BIAB)
- Counselling and Psychotherapy Central Awarding Body
- British Computer Society.

The results of this monitoring activity have been published on our website. As part of the work we looked at the development of qualifications that is the stages a qualification goes through before it is made available to centres. The qualifications varied across the awarding organisations but included:

- Level 1, 2 and 3 in English for speakers of other languages
- Level 2 Award in security guarding
- Level 2 Certificate/Diploma in Children and Young People's Workforce
- Level 2 Award in Retail Skills
- Level 2 Certificate in Practical Horticulture
- Level 2 Award in Health and Safety in the Workplace
- Level 2 Award in Paediatric First Aid
- Level 6 Award/Certificate/Diploma in Public Service Leadership.

49. *Edexcel Level 3 BTEC National Certificate in Manufacturing Engineering – findings and actions from the monitoring of the qualification* www.ofqual.gov.uk/files/2010-07-05-ofqual-4758-btec-manufacturing-report.pdf?Itemid=145

50. *OCR Level 2 Nationals in ICT – findings and actions from the monitoring of the qualification* www.ofqual.gov.uk/files/10-12-01-OCR-Nationals-ICT-public-report.pdf

Over an eighteen month period 170 awarding organisations and 8500 qualifications have been admitted to the QCF. Such an intensive development timeframe against a new set of regulatory arrangements presented many challenges for awarding organisations, primarily around resource and knowledge/expertise requirements for writing credit-based units of assessment.

This was particularly evident in the development of units and Rules of Combination (RoC) for qualifications where lack of procedures for reviewing and signing off units and RoC were observed.

In 2010/11, we audited 20 organisations against the QCF arrangements. Initial findings indicated that some had difficulty meeting the design requirements of the QCF, particularly where large numbers of National Qualification Framework qualifications were being re-designed for use on the QCF.

More recent activity has shown an encouraging trend, as the steep learning curve experienced by awarding organisations in the early months of the QCF has provided an improved ability to write credit-based units and qualifications.

National Curriculum end of Key Stage assessments

Over the year we kept under review the development of the National Curriculum assessments for 2011 and the delivery of the Key Stage 2 tests in English and mathematics taken by more than half a million children in 2010, as well as the sample science tests taken by just over 27,000 children in 747 primary schools.

Our review of the 2010 tests, published in April 2011, concluded that compliance with the requirements of the 2010 Code of Practice was high. We based this judgement on observation of the level setting meetings, through which standards are maintained from one year to the next, and of the marking process, through

which the standards are applied to each pupil's test scripts. Overall, our review activity helped to ensure that standards were appropriate, the development and administration of the tests was consistent across subject and over time and that all pupils' responses were appropriately assessed.

Helpline

We have a responsibility to provide information and guidance to those we regulate, teachers, learners and the wider public, including a statutory awareness objective. We provide a helpline service that is well regarded, and over the next year we intend to extend the provision of accessible information on our website.

Over the last year we handled 8,539 queries from teachers, learners and the general public and took 4,311 calls via the helpdesk. The helpline answered calls on average within 13.5 seconds and we failed to answer a total of 292 calls. We responded to 90 per cent of emails within two working days.

The types of enquiries are varied in nature with the top two being about equivalence of qualifications (1,352) and approval to become an awarding organisation (1,347).

Investigations

During the financial year 2010/11 the investigations team handled 413 cases (complaints and Chief executive correspondence into malpractice and referral correspondence from other government departments and public bodies). In 97.9 per cent of cases the team met all of its response time targets. Performance against our stated levels of service is at Appendix 4.

This pattern has been fairly predictable over the last few years with the peaks occurring around general qualification examination and results periods. Although results are issued in August it is not until September or October that Ofqual becomes involved in any disputes because of the need for complaints to exhaust awarding organisations' Enquiries About Results (EAR)

service first. These tend to close around mid-September.

We work steadily on cases at an average of about 35 cases a month. The malpractice cases, although relatively small in number each month (never more than four) are usually complex in nature. Of particular significance this year was a steady stream of complaints relating to English Speakers of Other Languages (ESOL) Skills for Life qualification malpractice; there is more information about our ESOL work in section 1. Also of significance is the growing number of queries surrounding new initiatives such as the A* grade, modularisation, controlled assessment and new specifications: all new initiatives will naturally cause an influx of queries and sometimes complaints when they are introduced.

In all cases a thorough and full explanation is given to complainants. If a complainant is not satisfied with our response, they can request an internal review of our investigation. In 2010/11, there were five internal reviews out of the 413 cases handled. The final stage available to a complainant is the Parliamentary Ombudsman. In 2010/11 the Parliamentary Ombudsman did not take any Ofqual cases forward to investigation.



Regulatory intervention

We made several regulatory interventions in 2010/11 in pursuit of our standards objective and to promote public confidence.

Incomplete marking

Six weeks after the results had been sent out to candidates, AQA, one of the three awarding organisations based in England offering GCSEs and A levels, alerted us to serious errors in the marking of examination scripts.

In total, 3,353 students were given the wrong marks, of whom 622 had received lower grades as a consequence. Of these, 187 were at GCSE, 289 at AS level and 146 at A level. UCAS confirmed that university places were unaffected for most of the A level students, but that 11 students had been forced either to take their second choice university place or find places through the clearing system. Two were not placed at all. This failure by AQA therefore had a significant impact on the lives of these students, but it also affected confidence in the qualifications system more generally.

Ofqual, working with DfES in Wales and CCEA in Northern Ireland, launched an inquiry. It emerged that there had been a systemic problem with the management of the on-screen marking⁵¹ of questions in separate answer booklets, leading to some components not being marked. The Inquiry, which was published⁵² in February 2011, found that there had been insufficient piloting of the on-screen marking system, inadequate training for markers and poor risk assessment.

We required AQA to produce an action plan to address the inquiry's 22 recommendations for improvements. This action plan was submitted to us at the end of March 2011. Six weeks later we

met AQA to review its progress and we sought additional information about the outcomes of the actions undertaken. In addition, the awarding organisation commissioned an external review of its quality assurance processes from the receipt of scripts to the issuing of the final grades, the results of which were shared with us.

We have agreed a series of dates over the summer of 2011 on which AQA will provide updates on the progress of its on-screen marking. It will also be providing an updated action plan that we will keep under review.

GCSE Science – maintaining the standard

As detailed on page 18, in March 2009 interim Ofqual published a review⁵³ of the new GCSE Science and Additional Science specifications and examinations for 2007 and 2008. The review showed that the standard was not being maintained. The level of skills and understanding that candidates were expected to show for each grade was too low in many cases.

We carried out a further review of the 2009 examinations and published our final report⁵⁴ in July 2010. We concluded that there was still a problem, because the examination papers did not generally match the grade descriptions and did not give candidates of all abilities the opportunity to demonstrate their mastery of the subject. This was a serious and worrying failure. In putting in place our new regulatory conditions, which reflect the strengthened powers we have in the 2009 Act, we have focused particularly on how we can use the new arrangements to minimise the risk of such failures being repeated.

51. On screen marking is the process by which paper scripts are scanned and the images distributed electronically and marked on screen by examiners.

52. *Inquiry into the Failure of Part of AQA's GCSE, AS and A level Script-marking Process in the Summer 2010 Examination Series* (February 2011): www.ofqual.gov.uk/files/2011-02-21-aqa-inquiry-report.pdf

53. *The new GCSE science examinations: Findings from the monitoring of the new GCSE science specifications: 2007 to 2008* (March 2009): www.ofqual.gov.uk/files/ofqual-09-4148_GCSE_science_2007_2008_report.pdf

54. *Review of standards in summer 2009 GCSE Science and GCSE Additional Science* (July 2010): www.ofqual.gov.uk/files/2010-07-22-review-of-summer-2009-gcse-science.pdf

Our refusal⁵⁵ to accredit sub-standard qualifications sends an important message to awarding organisations and to the wider public about our intolerance of poor quality: we hope that one result will be that the awarding organisations will improve significantly the quality of their draft specifications in future.

Childcare Diploma letting down young learners

We investigated⁵⁶ a new childcare qualification proposed by the Children's Workforce Development Council (CWDC), the responsible SSC, to replace a range of qualifications currently available for all learners at that level in the sector. Concerns were raised about the new qualification, which differed from the previous ones available. We decided to carry out an investigation to determine whether it was fit for purpose and met the needs of the sector.

The work involved:

- comparison of unit and qualification requirements by sector specialists
- use of a questionnaire for centres offering the qualification
- a review of additional evidence supplied by the awarding organisations
- employer engagement.

We found that the Level 3 Diploma for the Children and Young People's Workforce is a valid qualification to confer occupational competence. However, we also concluded that the qualification was better suited to mature learners with experience in the sector than to younger and less experienced learners. The qualification provided young learners with insufficient work experience and little opportunity for progression to further or higher education.

We recommended that, to provide appropriate opportunities for progression and work experience, awarding organisations should develop a larger two-year qualification, based on the new Level 3 Diploma for the Children and Young People's Workforce. Also, the current qualifications would need to be extended until a more suitable qualification for young learners could be developed. The recommendations have all been put into effect.



Chemistry A-levels in Northern Ireland

In August 2010 the regulatory part of CCEA (which is responsible for the regulation of qualifications other than vocational qualifications in Northern Ireland) identified a problem with the marking of Chemistry A2 level papers by the awarding part of CCEA, which is the main A level awarding organisation in Northern Ireland. We were asked by the then Minister of Education in Northern Ireland to investigate.

The mistake resulted in 151 students in Northern Ireland receiving lower grades than they deserved. Our stage one report⁵⁷ concluded that the error was a result of a combination of deficiencies in CCEA's processing system and quality control arrangements. Our later report⁵⁸ found CCEA's systems and procedures were generally fit for purpose but we made nine recommendations for improvements to minimise the possibility of future failure.

55. www.ofqual.gov.uk/news-and-announcements/130-news-and-announcements-press-releases/311-ofqual-rejects-new-science-gcses

56. *Monitoring report on the Level 3 Diploma for the Children and Young People's Workforce* (November 2010): www.ofqual.gov.uk/files/2010-11-29-monitoring-report-l3-diploma-children-and-young-peoples-workforce.pdf

57. *Investigation into the marking of CCEA A level Chemistry Summer 2010 (Stage 1 Report)* www.deni.gov.uk/ccea_chemistry_a_level_marking_investigation_ofqual_stage_one_report.pdf

58. *Investigation into the marking of CCEA A level Chemistry Summer 2010 (Stage 2 Report)*: www.deni.gov.uk/ccea_chemistry_a_level_marking_investigation_ofqual_stage_two_report.pdf



New approaches to regulation

The establishment of Ofqual in statutory form both facilitates and requires a new approach to regulation. In some areas we have already transformed the way we regulate and in other areas we are well on the way to transformation.

National Curriculum and Early Years assessment

In February 2011 we published the new *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage*.⁵⁹ This followed extensive consultation with key stakeholders during 2010.

HIGHLIGHTS

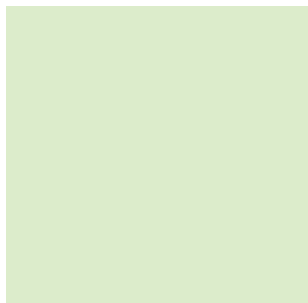
- Published the *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage*
- Published the *General Conditions of Recognition*
- Published *Taking Regulatory Action*
- Consulted on *Our Single Equality Scheme*.

59. *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage* (February 2011): www.ofqual.gov.uk/files/2011-regulatory-framework-for-national-assessments.pdf

This was a significant development as it marks a change in the way we regulate National Assessment arrangements. It signals the new style of regulation that is being developed across Ofqual.

In October 2010 we issued three consultations

- From Transition to Transformation
- Economic Regulation and The Fee-capping Process



This framework will be a reference point for statutory assessments for children aged 3–14, an area likely to see considerable reform over the next few years. The Government is planning to introduce a phonics screening check for all 6-year-olds, and the Tickell Review of the Early Years Foundation Stage has recommended the maintenance of statutory assessment at age 5 but slimming down of the early learning goals. The Bew Panel's recommendations are likely to lead to some changes in the way pupils are assessed at the end of Key Stage 2.

- Complaints and Appeals for Regulated Qualifications.

We received 138 responses and published an *Analysis of consultation responses*⁶¹ prepared by YouGov in February 2011 which covered all three consultations.

The National Curriculum as a whole is also under review and any changes to what pupils must study between the ages of 5 and 16 and how attainment is described will inevitably have consequences for any related statutory assessment arrangements, as well as for GCSEs.

In *From Transition to Transformation*, we set out how, in line with the ASCL Act, we will regulate awarding organisations rather than each qualification. We will maintain a close interest in high-volume, high-stakes qualifications such as GCSEs, A levels and those providing a licence to practice, but we will not scrutinise each and every regulated qualification. We will strike a new balance between the review of individual qualifications, regulating awarding organisations, and maintaining and driving qualifications standards. Having consulted extensively last year we are now implementing this approach.

Qualifications and examinations

In June 2010 we published the results of our first major consultation, *Regulating for Confidence in Standards*.⁶⁰ Overall, the organisations and individuals who took part welcomed the establishment of an independent regulator and our proposed strategic approach to regulation. There were requests for greater detail and clarification, points that were addressed in our subsequent major consultation exercise.

Our approach places the responsibility and accountability for quality and standards of qualifications firmly with the recognised awarding organisations which award them. We will monitor qualifications and bring together evidence from a variety of sources about risks and concerns relating to regulated qualifications, putting ourselves in a strong position to take evidence-based, proportionate and targeted regulatory action.

60. *Regulating for Confidence in Standards: Consultation on the regulation of qualifications, examinations and assessments* (December 2009): www.ofqual.gov.uk/files/2009-12-11-consultation-regulating-for-confidence-in-standards.pdf

61. *Analysis of consultation responses for Ofqual (February 2011)*: www.ofqual.gov.uk/files/11-04-08-Analysis-of-consultation-responses-for-Ofqual.pdf

At the centre of our qualifications regulatory arrangements are our *General Conditions of Recognition*⁶² which will come into force in July 2011. These conditions set out the requirements that all awarding organisations must meet if they are recognised to offer regulated qualifications.

They sit alongside other regulatory arrangements which together are designed to implement a risk-based approach to regulatory investigation and action. Once an awarding organisation is recognised against our published criteria, it is required to meet our general conditions, and we can only take regulatory action where it has not done so. We have consulted on and published our policy on *Taking Regulatory Action*.⁶³ We will publish our fee-capping policy separately.



The Equality Act requires us to have regard, when we exercise this power to:

- the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities
- the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it has been conferred
- the need to maintain public confidence in qualifications.



Diversity and inclusion

The Equality Act 2010 gives us duties as a public body and as an employer. These duties are in addition to our duty under the ASCL Act (section 129(2)) to have regard to the reasonable requirements of learners, including people who have learning difficulties, when we perform our functions. The Equality Act also gives us, as the statutorily designated regulator for England, the power to determine whether aspects of certain general qualifications should not be subject to the duty of an awarding organisation to make reasonable adjustments for disabled learners. We have taken a range of views into account as we have considered whether and, if so how, we should use this power.

We are consulting⁶⁴ on our proposals and seeking responses by 15th August 2011.

As the number of qualifications expands and methods of delivery and assessment become more innovative, so decisions about reasonable adjustments become more complex. At the same time the range of reasonable adjustments that can be made - for example to permit the use by learners of electronic readers - becomes wider. We aim to publish in autumn 2011 our specification on the reasonable adjustments that cannot be used.

In the autumn we set up an External Advisory Group on promoting equality and inclusion in qualifications and assessments through regulation. The group has met twice and has considered a range of issues including a draft of *Our Single Equality Scheme*⁶⁵ and how we should use our power relating to general qualifications under section 96 of the Equality Act 2010.

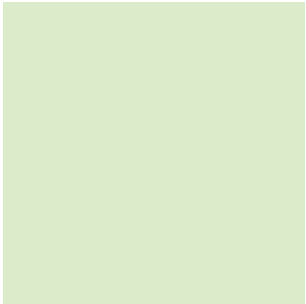
62. *General Conditions of Recognition* (May 2011); www.ofqual.gov.uk/files/2011-05-16-general-conditions-of-recognition.pdf

63. *Taking Regulatory Action*; www.ofqual.gov.uk/files/2011-taking-regulatory-action.pdf

64. *Consultation on Specifications in Relation to the Reasonable Adjustment of General Qualifications*; <http://comment.ofqual.gov.uk/section96/>

65. *Our Single Equality Scheme* (draft; February 2011); www.ofqual.gov.uk/files/2011-single-equality-scheme-consultation.pdf

We have recently closed a consultation on a draft of *Our Single Equality Scheme*. We have set up a programme of work to manage the range of activities we are undertaking to meet our equalities duties and to support our ambition to be an organisation that demonstrates best practice in this area.



Section 4



Section 5



Research and development

There are some important and challenging issues relating to qualifications and assessment, about which we as regulator need to develop our understanding, both to inform the development of our regulatory arrangements and to enable us to lead and inform public debate. We therefore have a substantial programme of research and development, drawing on internal expertise and engaging with academics, awarding organisation experts and others.

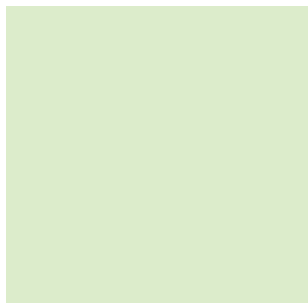
In 2010-11 we completed a major research programme on factors that affect the reliability of the results of a qualification: how likely it is that a

HIGHLIGHTS

- Completed a study on the reliability of qualifications.
- Launched work on international comparability of public examinations
- Engagement with Higher Education
- Evaluation of controlled assessments.

candidate taking an examination on a different day and with a different paper would be awarded the same grade. The inquiry opened up an area that has had little scrutiny in the past. It brought together a range of awarding organisation experts and academics and led to a series of

In our first study we are comparing the demands of pre-university qualifications available to candidates in England, Wales and Northern Ireland against a range of qualifications available to similar learners in other parts of the world. As part of the study, reviewers from a range of



recommendations which we will consider when developing regulatory policy on assessment reliability.

Our consultation⁶⁶ found that the public has a more sophisticated view of reliability than we might have expected. There is an understanding of the notion that if someone sits a paper one year as opposed to the previous year, the questions will be different and possibly they would respond differently. The public is, however, very intolerant of human errors on examination papers, such as missing diagrams or typing errors or confusing instructions. This is an area about which we and awarding organisations must not be complacent, though problems experienced with the summer examinations of 2011 show there is much room for improvement.

Standards at home and internationally

In summer 2010, at the request of the Secretary of State, we started a new comparability study to look at how our public examinations compare with those abroad, especially those of our international competitors and countries regularly sending higher education students to the UK. Ministers were concerned that the standards reached by students in England were below those reached by students in our key economic competitors. They looked to qualifications to be a key driver of an improvement in standards in our schools.

backgrounds were asked to analyse a cross-section of all the qualifications in the study over the following few months.

In February 2011 we published a progress report,⁶⁷ *International Comparisons in Senior Secondary Assessment* describing the context and parameters of the study, listing the comparator jurisdictions taking part and outlining the progress made to date. We approached countries with internationally recognised universities and schools that perform well on international comparison studies of mathematics, science and literacy. Four A level subjects were selected for comparison – English where it is the home or teaching language, history, mathematics and chemistry. The final report will be published in autumn 2011.

The Education Bill going through Parliament proposes to expand our existing qualifications standards objective to include securing that qualifications are comparable with those used internationally. We will be able to learn from the current study in planning for how we will meet this objective, assuming that it is passed in its current form.

66. *A Quantitative Investigation into Public Perceptions of Reliability in Examinations Results in England* www.ofqual.gov.uk/files/2010-10-20-public-perceptions-of-reliability.pdf?Itemid=142

67. *International Comparisons in Senior Secondary Assessment* (February 2011) www.ofqual.gov.uk/files/2011-02-24-international-comparisons-in-senior-secondary-assessment-progress-report.pdf

University challenge – extending the role of higher education

The White Paper⁶⁸ proposes a greater role for higher education in determining what is taught and examined for A level.

We have held workshops with university umbrella organisations and learned bodies in order to identify the areas of most concern to higher education. Working with the Department for Education we are exploring ways of ensuring that any recommendations are representative of the whole sector.

Feedback from the initial workshops suggests that universities have concerns that go beyond the level of a course of study. There is concern about



Controlled assessment regulations were then drawn up for the revised GCSE specifications for first teaching from September 2009 or 2010 for all GCSE subjects other than maths and science.

We have been collating information and evidence from a variety of sources on emerging issues resulting from implementing controlled assessments. Teachers have expressed concern about the manageability of controlled assessment and the amount of teaching time being taken up by the assessments.

Any new assessment arrangements will necessarily have a bedding-in period, but potentially have an impact on all centres offering GCSEs, and so warrant thorough investigation. We have therefore initiated an evaluation to



the teaching that takes place for A levels, such as the reduction in practical science experiments. Also high on the agenda has been the view that students should master study skills, such as essay-writing, research and thinking for themselves.

We are also considering what can be done to strengthen and make more systematic university input into A level design.

Controlled assessments in GCSE courses

A report by the then qualifications regulators in England, Wales and Northern Ireland published in June 2007⁶⁹ recommended that coursework be replaced in the majority of GCSE subjects with controlled assessment – independent work carried out at school or college under supervision, with three levels of control (limited, medium or high).

determine the exact nature of the concerns and how widespread these concerns are.

The review is being carried out by researchers Ipsos MORI, and we are managing the review in partnership with our regulatory partners in Wales and Northern Ireland. We expect to report in autumn this year.

68. *The Importance of Teaching - The Schools White Paper 2010* www.education.gov.uk/b0068570/the-importance-of-teaching/

69. *Controlled assessments: www.ofqual.gov.uk/files/qca-07-3208_controlledassessmentfinal3.pdf*

The year ahead

As this report demonstrates we have had an eventful and encouraging first year.

The Apprenticeships, Skills, Children and Learning Act 2009 provides a detailed statutory framework within which we must regulate. To meet our objectives and duties under the Act, we focused during our first year on developing our new regulatory approach. Over the coming year we will be implementing this approach: our regulatory efforts will focus on awarding organisations rather than individual qualifications (though we will regulate at qualification level where we need to), and we will look to each awarding organisation to take responsibility for the quality and standards of its qualifications.

We regulate in particular in order to secure qualification standards. However, there is much public debate about qualification standards, and when we look at this more closely, we find that people mean different things by 'standards'. In response to public concerns over standards, and with changes to our statutory objectives in prospect, we will initiate a structured and informed debate on standards this year. Our aim will be to share understanding of the key drivers in qualification standards and to confirm those matters which deserve regulatory attention and action.

As well as our ongoing work in the areas of economic regulation, international comparability and further engagement with the higher education sector, there is the very important work overseeing the delivery and awarding of qualifications and assessments. In summer 2011, there was a series of unacceptable errors in GCSE and A level (GCE, AS and A2) examinations. Each awarding organisation is responsible for the quality of its examination papers, and Ofqual is holding each of them to account for any errors. Candidates who have been affected by these errors can be assured that we are checking the

actions awarding organisations are taking to make sure that as far as possible no candidates are unfairly advantaged or disadvantaged. We are establishing an inquiry to establish the root causes of the errors, and consider how we and the awarding organisations can reduce the chances of such problems recurring in future years.

A new Government brings with it new policies and priorities, and we have welcomed the opportunity to provide wise advice to the new Government on its ambitions. We expect there to be a further need for that advice in future, in particular as the details of the Government's ambitions for GCSEs, A levels, vocational qualifications and international comparability are developed. Our ambition is to provide regulatory discipline to the qualifications reform programme: to enable Ministers to meet their policy objectives, whilst remaining an independent and trusted regulator.

We recognise we still have challenges to meet in the coming year and beyond, not least because of the budgetary constraints that we, like every public sector organisation, will face. All of our work, including developing and putting into practice our regulatory arrangements, will be aligned with the Government's better regulation principles. We do not claim that in 12 months we have become everything that we want to become. We can report, however, that we have successfully established Ofqual as a fully functioning, independent statutory body with the systems in place and the regulatory framework being developed to fulfil our statutory objectives. In all that we do, our focus will remain on meeting our statutory objectives - securing standards and efficiency and promoting confidence and awareness - and on making sure that the qualifications and assessments we regulate meet the needs of learners, employers, universities and the wider public.

Statutory objectives in the Apprenticeships, Skills, Children and Learning Act 2009

- 1 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.

(The current Education Bill proposes an amendment to the qualifications standards objective, commencement expected soon after Royal Assent).

- 2 The assessments 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 (including over time) between comparable assessments.
- 3 The public confidence objective is to promote public confidence in regulated qualifications and regulated assessment arrangements.
- 4 The awareness objective is to promote awareness and understanding of:
 - a. the range of regulated qualifications available,
 - b. the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and
 - c. the benefits to awarding organisations of being recognised.
- 5 The efficiency objective is to secure that regulated qualifications are provided efficiently and, in particular, that any relevant sums payable to a body in respect of a regulated qualification represent value for money.

Achievements against statutory objectives

We have a statutory duty to provide in this report an assessment of the extent to which we have met our statutory objectives. This is provided in the following tables.

Statutory objective

The qualifications standards objective – to secure that regulated qualifications give a reliable indication of knowledge, skills and understanding, and indicate a consistent level of attainment (including over time) between comparable regulated qualifications.

Assessment

A key focus of our regulatory arrangements is to secure the standards and validity of qualifications and we have been tightening our regulatory arrangements this year with the consultations on new criteria and conditions. This will put us in a stronger position to take action on standards where we need to in future.

There are 15,000 regulated qualifications so we have to target our resources. A major focus this year was the award of the new A levels, including the award of the first A* grades. The difference in the percentage of students achieving grade A or A* last year compared with those receiving grade A in 2009 was very small. The new A* grade was awarded to just over eight per cent of students. Our scrutiny monitoring programme looked in detail at six particular A level qualifications and found in general that standards were maintained as the new grade was introduced.

We also worked proactively on the introduction of the new unitised GCSEs. We accredited new, tougher GCSEs in the sciences to replace qualifications where we had criticised the standards. *Our vocational qualifications monitoring programme looked in detail at 12 qualifications plus functional skills qualifications at five levels.* We started a major programme of work comparing A levels with similar qualifications used in different jurisdictions around the world.

Our assessment is that this was a successful year for our qualifications standards work. The new regulatory approach we are putting in place, and the proposal to strengthen our standards objective, will require us to reconsider how we approach our standards work in future. We do not underestimate the challenges ahead.

Statutory objective

The assessment standards objective – to promote the development and implementation of regulated assessment arrangements which give a reliable indication of achievement, and indicate a consistent level of attainment (including over time) between comparable assessments.

Assessment

The publication of our *Regulatory Framework for National Assessments: National Curriculum and Early Years Foundation Stage* in February 2011 met a key requirement in the Apprenticeships, Skills, Children and Learning Act. It was a critical step towards meeting the statutory objective. The framework sets out clear criteria for the development and implementation of National Assessment arrangements and provides the framework against which we will now regulate standards in those assessments. The framework will be particularly significant in the near future as new National Assessments are developed and introduced, and existing approaches are modified. Its implementation will also need to be kept under active consideration as the review of the National Curriculum itself begins to take shape.

During the year we also published reports dealing with standards in the 2010 Key Stage 2 tests, reviewing the evidence produced from the pilot of Single Level Tests⁷⁰ and on aspects of early years assessments. The evidence from these reports and the publication of the Framework lead us to conclude that we met this objective in 2010-11.

70. A review of the Pilot of the Single Level Test Approach: www.ofqual.gov.uk/files/2011-04-13-review-of-pilot-single-level-test-approach.pdf

Statutory objective

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

Assessment

The public confidence objective is delivered through a communications strategy and business plan. Our annual survey of public perceptions tells us that overall confidence in GCSEs and A levels remain high, but that a significant minority of teachers and of the general public do not have confidence particularly in GCSEs. So we are not complacent and we know that there is still work to do to build full confidence in the examinations system.

Main outputs and key findings include:

- we conducted specific monitoring of 27 recognised awarding organisations
- we published 14 monitoring reports on our website and there are 13 reports awaiting publication
- awarding organisations have produced action plans to address identified compliance issues and these are currently being monitored
- we published reports on 8 vocational qualifications and carried out some preliminary explorations to ascertain whether vocational qualifications monitoring was required
- perceptions of the A level system are largely positive among teachers, parents, students and the general public
- a high level of confidence in A levels has been maintained in 2010, with teachers and students continuing to believe they are important qualifications to obtain (96 per cent and 78 per cent respectively)
- the majority of teachers (80 per cent) believe that most A level students get the grades they deserve
- teachers' confidence in the GCSE system overall remains high (69 per cent) and is unchanged from the previous year
- prompted awareness of Ofqual has risen significantly among teachers (73 per cent in 2010 compared with 64 per cent in 2009), but remains low among the general public (14 per cent)
- there has been a considerable increase in teachers' perceptions of the effectiveness of Ofqual (53 per cent in 2010 compared with 31 per cent in 2009).

During the year we advised and made public comment on a number of incidents that had the potential to disrupt examinations, notably travel disruption caused by volcanic ash. We were able to provide assurances that learners would be treated fairly and standards secured in the event of disruption that prevented centres from opening or individual learners from attending for a particular examination.

We took the lead in publishing information about the first awarding of A* grade at A level, enabling people to understand and have confidence in how the grade would be awarded. During the year the Ofqual Helpdesk responded to 8,539 requests for information. The investigations team handled 413 complaints and investigations, including major investigations into marking failures at AQA and CCEA – the latter at an invitation from the Minister of Education in Northern Ireland. Both investigations were published as part of our commitment to transparency to build confidence in the system. Work is ongoing to eliminate malpractice in high stakes vocational qualifications including ESOL.

We took action in response to concerns raised by schools and colleges in particular that newly developed qualifications in childcare were not suitable for younger and/or full-time learners. As a result, qualifications for these learners remained available.

Overall, our assessment is that we have done much to promote confidence this year but that public confidence is below the levels we would want. We have started developing plans for a debate on standards, to understand and throw light onto public concerns about qualification standards.

Statutory objective

The awareness objective – to promote awareness and understanding of the range of regulated qualifications available, the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and the benefits of recognition to bodies awarding or authenticating qualifications. .

Assessment

The awareness objective is also delivered through the communications strategy and the business plan.

Much of the supporting evidence for progress against this objective can be found in the summary of the findings of the annual perceptions survey above.

Like all public sector organisations, we have been subject to severe restrictions on marketing expenditure since May 2010, which have had a direct impact on activity to support our awareness objective. This is particularly true as a new organisation which would typically see a 'front loading' of activity which is then sustained with lower levels of investment in subsequent years.

Ofqual has therefore had to take a targeted approach. It is not surprising therefore that awareness of Ofqual among the general public is low, just 14 per cent, which impacts on our ability to build confidence. However where activity has been targeted, among teachers, some scores (effectiveness) have increased by as much as two-thirds in the last year.

Main activities during the year to support the objective have included, but not exhaustively:

- six consultation exercises
- hosting 20 public meetings and events
- contributing speakers to 33 conferences and events
- hosting public debates on reliability and publishing the annual Chief Regulator's Report
- hosting an annual briefing for Parliamentarians
- meeting with teacher associations, employers and employer organisations
- undertaking a major research project on reliability
- taking the lead on qualifications issues during volcanic ash flight suspension.

In October 2010 we launched our new Register of Regulated Qualifications. The Register is accessible through our website and enables people to view the full range of regulated qualifications and to use a variety of search functions.

Our assessment therefore is that we were unable to do as much to promote awareness as we had intended, and that levels of awareness are therefore below what we would want.

Statutory objective

The efficiency objective – to secure that regulated qualifications are provided efficiently, and in particular, that any relevant sums payable to a body in respect of a regulated qualification represent value for money.

Assessment

Healthy competitive markets drive innovation, efficiency and consumer choice. Healthy markets include incentives, if necessary backed up by regulation, to drive desirable behaviours and to discourage moves against the public interest. The qualifications market(s) can only be described as healthy if standards and public confidence are maintained. As we seek to secure efficiency and value for money, we will make sure that we take into account the need for the market to secure standards and public confidence.

Regulation must protect against commercial behaviours driving down standards whilst promoting efficiency.

- Building on these principles and three studies we published into aspects of our role as an economic regulator, we carried out a major consultation on our plans for economic regulation and fee-capping powers. We will be publishing our responses to this feedback this summer.
- The recognition conditions published in May 2010 included new requirements on awarding organisations designed to encourage more effective purchasing by centres including measures to increase price transparency and the clarity of information provided to learners, purchasers and other users of qualifications about the qualifications and associated products and services offered into the market. The conditions also require awarding organisations to manage any conflict of interest arising from their wider business activities or as a result of other actions by their employees. Awarding organisations must also have a clear rationale for where qualifications are sold together with other products and services.
- We have worked collaboratively with other stakeholders to address efficiency and value for money issues in the market. We have worked with the Skills Funding Agency with whom we share a common objective of encouraging more intelligent purchasing of qualifications by colleges. We have worked with the OFT to understand how we can work together where a potential competition issue arises given our complementary regulatory and competition powers.
- We have been building a better understanding amongst our stakeholders of our approach to securing efficiency through in particular our Economic Regulation Advisory Group which meets quarterly but also through individual engagement with awarding organisations and other stakeholders. We have set up a group to advise on a significant study that we will be launching in July to understand the drivers and barriers to innovation in the qualification market.

- We have increased the transparency of information available on the qualifications market through the publication of quarterly statistics on qualification achievements and the publication of Ofqual's Annual Market Report.
- We have set up a group to advise on a significant study that will be launching in July 2011 to understand the drivers and barriers to innovation in the qualification market. This study will include Northern Ireland.
- In our statutory consultation last autumn we stated that we planned to regulate at the level of awarding organisation rather than individual qualification. This approach matches exactly the one advocated by the Wolf report.

Overall, therefore, we do not yet have the evidence to be able to determine whether or not this objective is being met, but we are making good progress towards the point where we are able to do so.

Levels of Attainment, 2010

GCSE (Full course, all UK)

Total no. of entries	5,374,490
% A*	7.5
% A	15.1
% C	25.9
Cumulative % A*	7.5
Cumulative % A	22.6
Cumulative % C	69.1

A level and AS (all UK)

	AS	A
Total no. of entries	1,197,490	853,933
% A*	N/A	8.1
% A	19.4	18.9
% E	11.9	7.0
	AS	A
Cumulative % A*	N/A	8.1
Cumulative % A	19.4	27.0
Cumulative % E	88.2	97.6

Sources:

Joint Council for Qualifications, Provisional GCSE (Full Course) Results - June 2010 (All UK candidates) available at www.jcq.org.uk/attachments/published/1317/JCQ%20Results%2024-08-10.pdf

Joint Council for Qualifications, Provisional GCE A Level Results - June 2010 (All UK candidates) available at www.jcq.org.uk/attachments/published/1297/JCQ%20GCE%20Results%202010.pdf

Performance against our stated levels of service

Enquiries

Ofqual operates a helpdesk (enquiry handling) service which is available from Monday to Friday, 9am–5pm. More complex enquiries and complaints are handled by the Investigations Team. Both teams work to specific service level targets and in general terms seek to achieve a responsive, professional, consistent and accessible service.

General enquiries

Ofqual received 8,539 enquiries during 2010/11.

Enquiries received via helpdesk telephone service	65%
Enquiries received via email service	35%

Performance standard for general enquiries

Standard/Target	Achieved
Less than 10% lost calls where caller abandons the call	4.7%

Complaints

Our remit in this area is to handle complaints regarding the awarding organisations that we recognise to offer regulated qualifications. We received 170 complaints in 2010/11. These complaints were about the following areas:

- awarding organisation alleged malpractice, including malpractice by awarding organisation staff (23 cases in 2010/11)
- awarding organisation customer service procedures, including interactions with centres and candidates
- awarding organisation complaints procedures, including the handling of complaints by awarding organisations

- awarding organisation quality assurance procedures, including failure by an awarding organisation to regulate centres effectively
- awarding organisation procedures for inclusion, diversity and equal opportunities, including fair access to assessments for candidates with particular requirements
- awarding organisation investigation procedures, including awarding organisation investigations into suspected centre or candidate malpractice
- awarding organisation registration procedures for candidates and centres
- awarding organisation certification procedures.

We acknowledge correspondence within two working days and aim to close with a final response within ten working days. If a case is complex and this is not possible we send a holding response at the ten-day stage and keep the complainant updated as the case progresses.

Performance standard for complaints

Standard/Target	Achieved
100% acknowledged within 2 working days	100%
90% closed within 10 working days	97.9%

Disputes – The Examinations Appeals Board

The Examinations Appeals Board (the EAB) exists so that in the very few cases where disputes cannot be resolved between centres or private candidates and the awarding organisations, there is a fully independent avenue of appeal. This appeal is to review the correct application of procedures governing the setting, marking and grading of qualifications. It helps to give confidence to candidates, parents, schools and colleges who make use of the examinations system that the grades awarded are fair and accurate.

The EAB receives administrative and financial support from us. The EAB website (www.theeab.org.uk) contains copies of all the information and guidance that the EAB issues.

2010 saw a significant increase in the number of appeals heard in comparison with recent years. In 2010, the EAB heard 16 appeals on 2009 examinations which was an increase from six appeals heard in 2009, although it is not out of line with the average over the last few years. However, there was no significant increase in the number of Stage Two appeals made to awarding organisations in the same period (41 compared with 39 for 2008 examinations).

Five further applications to appeal were received. In one case, the chairperson did not accept the application as there had been no prior appeal to the awarding organisation. In two of the cases, the centre withdrew from the appeal after it had been accepted by the EAB. In the remaining two cases the chairperson ruled that the applications were outside the EAB's remit.

Despite the extension to the EAB's remit from 2009, allowing it to hear appeals about Principal Learning and Project components of the Diploma qualification, no appeals of this nature were received.

The findings of the EAB are sent to the parties concerned in each case, in a decision letter. The EAB also publishes its conclusions and underlying reasoning within 15 working days of the hearing and issues a press notice on each case when it is closed. The EAB's detailed decision letters are copied to the Joint Council for Qualifications (JCQ), the regulators and the relevant government departments, so all can become aware of its decisions and recommendations.

The EAB publishes a report annually that summaries the work it has done and the issues raised in decisions. Although these issues arise mostly from individual appeals where they could have wider implications the EAB raises these issues directly with the JCQ, the regulators and the Department for Education.

Outcomes of appeals

Appeals	A-level	GCSE
Allowed	2	0
Not allowed	6	8

Appendix 5

Consultancy and professional services expenditure summary 2010/11

Contract title	Supplier
Internal Audit	PWC
Annual Survey of Perceptions of A levels, GCSE and Diplomas	Ipsos MORI
Review and analyse a sample of individual Qualifications & Credit Framework (QCF) units.	Alpha Plus and Stratagia

Appendix 6

Expenditure 2010/11

	£000
Permanent staff	8,457
Personnel overheads	566
Other staff costs	1,769
Accommodation	988
Non-cash items, for example depreciation	441
IT costs	1,396
Operational spend	2,783
Capital spend	2,876
Total expenditure	19,276

Whilst this table is unaudited, these figures are taken from Ofqual's audited *Annual Report and Accounts 2010-11*.⁷¹

Resource management 2010/11

Staff recruitment during 2010/11 (by gender and ethnic group)

Level	Number appointed	Proportion of women (%)	Proportion from ethnic minorities (%)
Senior management (Band G and CE)	2	50	0
Middle management (Band D to F)	14	64	14
Administrative (Band B and C)	11	82	27
Total	27	70	18

Employed staff information (as at 31st March 2011)

Full-time equivalent staff (as at 31st March 2011)	157.63
Proportion of women (%)	62.6
Proportion from ethnic minorities (%)	28.3
Proportion disabled (%)	6.9
Members of the Senior Civil Service ⁷²	5
Number of fixed-term and casual contracts	24
Number of staff working part-time	4
Staff turnover (%)	13.2

Employed staff information (as at 31st March 2011)

£100,000–£145,000	3
£90,000–£99,999	1
£75,000–£89,999	1

72. Members of the Senior Civil Service are the Chief Executive and the four Directors: the Director of Internal and External Affairs, the Director of Regulation, the Director of Standards and the Director of Strategic Management.



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