

10 April 2018

Rt Hon Robert Halfon MP, Chair
Education Committee
House of Commons
London
SW1A 0AA

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Dear Mr Halfon,

When we appeared before your Committee on 19 December 2017, we explored a wide range of issues relating to our regulation of qualifications and national assessments. In a number of cases we offered to write to you with further detail about particular issues, and we set out our position on each of them in this letter.

It is clear from the issues on which you have asked us for further information, that the Committee has a specific interest in the operation of the system for reviews of marking and appeals, how the risks related to teachers who are also examiners are managed, and communication about the new GCSE grade scale. These are significant priorities for us. We are currently reviewing the systems and processes exam boards have in place for reviews and appeals to make sure that they make improvements ahead of this summer, we have launched a consultation on the safeguards needed to protect confidentiality when teachers operate as examiners, and have renewed our communications campaign on the new GCSE grading scale.

When we appeared, you asked us a number of detailed questions on these and other issues. We have set out our position on each one under the headings below.

Teachers working as examiners

You asked us to consider whether we should take any action to limit the number of teachers from independent schools that work as examiners.

We believe that the quality of assessment and the system as a whole is best served by involvement as senior examiners from teachers from the widest range of schools and colleges. Exam boards currently undertake a range of targeted recruitment activity, including specific advertising at those schools where they have no examiners. We will continue to encourage them to do all they can in this area, and, in addition, we plan to ask them to specifically track the proportions of their examiners coming from different schools in order to support the targeting of their recruitment activity.

If the concern of the committee is that students taught by individuals who have developed papers may gain an unfair advantage over others, then we are confident that we are taking all necessary steps to ensure that this is not the case. Our review in this area, which Michelle Meadows, Deputy Chief Regulator, reported on to your Committee in November, will result in specific changes to our regulations and associated guidance on which we have just begun consulting. Our proposals apply to all qualifications we regulate, not just to GCSE, AS and A levels and the Pre-U. Our expectations were already demanding, but we are nonetheless taking this opportunity to strengthen them, mainly by making clear the range of steps that we expect the organisations we regulate to take in this area.

We set out in the consultation that we expect awarding organisations to use safeguards that are appropriate for each of their qualifications. We make clear in the consultation that, given the specific risks related to GCSE, AS and A levels and alternatives such as Pre-U, we expect the exam boards that offer them to put in place a significant package of safeguards which is stronger than those previously in place. This should in due course include steps to make sure that any teachers involved in the production of assessment materials for qualifications they teach do not know whether or when any questions they have written will be used. Exam boards have also published the changes that they will quickly make to their existing practices ahead of qualifications being taken this summer.

We do not plan to put in place further restrictions on those that can be examiners based on the type of school in which they teach. As the qualifications regulator, our primary concern is to make sure that the assessments students take are as good as they can be. If we placed restrictions on who can develop exam papers, their quality could suffer. Indeed the importance of the expertise that experienced teachers bring to the role was one of the key findings from our review. As it stands, exam boards sometimes struggle to find suitably qualified people to carry out these roles in certain subjects, particularly those that are taught in only a small number of schools. Imposing further restrictions on them would be likely to make this position even more difficult. Moreover, any restriction we decided to make would have to be justified in relation to our statutory objectives and duties. We do not believe any such restriction could be justified in relation to this test and so might be found to be unlawful.

Transparency on malpractice data

In addition, when Michelle Meadows appeared before the Committee in November, you also asked her about whether statistics for Pre-U qualifications might in future be reported as part of the official statistics we release for malpractice. We can see real benefits from increased transparency in this area and are exploring how we can significantly increase the scope of the data we publish.

Currently we report malpractice statistics only for GCSE, AS and A levels. We confirmed to you before Christmas we would consider whether the scope of the official statistics should be extended. I am pleased to report that we are looking at whether our reporting should be extended to the full range of qualifications we regulate, not just to those used as alternatives to GCSE and A levels, like the Pre-U.

This would be a very significant change to current arrangements and would present some data collection issues to resolve. Nonetheless, given the importance of this issue, it is a priority for us to explore how they can be addressed and to what timescale.

A 'red alert' system for marking errors

You asked us to look at a 'red alert' system to try to make sure that potentially erroneous GCSE and A level results are spotted and corrected before they are released to students.

Exam boards currently take a wide range of steps, prior to the release of results to students, to make sure that they are accurate. As you would expect, these are primarily centred on making sure that results are correct for all students, rather than reliant on spot checks for particular individuals. The exam boards' quality assurance systems for marking are focused on checking the consistency and accuracy of markers' judgements. This is done either through reviewing or remarking a proportion of the original markers' work or, in the online systems that exam boards increasingly use, checking markers' performance by including in their marking allocation responses to questions for which senior examiners have already determined an appropriate mark. Where exam boards identify issues with marker performance they will decide the action needed for any work that examiner has marked, for example whether it should be remarked by another examiner.

In addition, all exam boards check final results before they are issued to students. Though they vary, these checks tend to focus on making sure that errors have not been introduced into results data, that students are not, without good reason, missing results for specific papers and identifying any large changes in school or college performance relative to previous years. In the latter case, if variations are significant and if a marking approach in a subject sees a small number of examiners marking the work of a whole school or college, rather than with different questions being randomly allocated across the whole marking population as is the case when responses are marked online, exam boards sometimes decide to review the original marking before results are issued.

Exam boards no longer routinely collect predicted grade information for individual students. Research from Cambridge Assessment in 2015 showed that less than half of teachers' predicted grades are accurate; typically teachers overestimate student

performance. Even where a teacher has made a reasonable estimate a student can, on the day, perform less well than expected for a wide variety of reasons. Exam boards do not, therefore, use information on predicted grades to spot potential marking errors. It would not be efficient or effective for them to do so.

Given the steps that exam boards take already and the limitations in using predicted grade information, we do not plan to change our rules to make exam boards take further steps in this area. Of course, if a school believes a student's work has been wrongly marked, they can apply for the marking to be reviewed. We have recently strengthened our rules so that exam boards will have to provide schools and colleges with any of their students' GCSE, AS or A level exam scripts upon request. This should support schools in identifying when a student's result was disappointing because of a marking error or because the student did not perform on the day as well as expected. This will help schools target their requests for reviews on those cases where they believe there to be errors in the original marking.

Most exam boards will have to change their systems to provide quick access to all marked scripts in this way. We have therefore allowed them until 2020 to provide this facility. However, one exam board, Pearson, has implemented this change already and had such a service in place for all GCSE, AS and A levels it offered this summer. In fact it allowed all schools and colleges access to marked scripts free of charge. The early findings from this new provision are encouraging. Pearson found that schools that used this service tended to submit fewer requests for review, but that a higher proportion of those they did submit were successful. This suggests that, when fully implemented, this change should make a significant difference to the operation of the review and appeal system.

Deprivation-based pricing for reviews of marking

You also asked us to look at the introduction of a 'deprivation-based' approach to charging for reviews of marking. Ofqual does not have the power to require exam boards to set differentiated pricing for certain groups of students. Indeed our only power in relation to the fees charged by exam boards is to impose a general 'fee cap' on exam boards' prices. This is something which we can only do when we are satisfied it is needed to secure 'value for money', and not to secure any wider policy goals. We have asked exam boards if they plan to bring in any such arrangements; they have confirmed that they do not. However, the improved transparency described above that will come from access to scripts, will mean schools and colleges will be able to make better informed decisions about when to seek a review of marking. Of course, where a review finds a marking error and leads to a change of a student's grade there is no charge for a review.

New GCSE grading scale

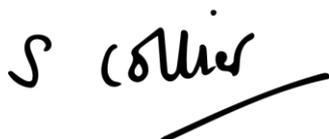
We also wanted to take this opportunity to address some questions about whether our expectations for the new GCSE grading scale and its alignment with the one used for legacy qualifications have changed, as this was raised when we appeared before the Committee. We can confirm that since September 2014, when we announced our position following consultation in April 2014, we have clearly and consistently stated there would be three fixed points of alignment between the new GCSE grading scale and the one in place for legacy qualifications. Namely that the bottom of grades 1 and G, 4 and C and 7 and A will be aligned. Although the government has changed its expectations for a 'good' pass in English language and mathematics in that time, moving instead to regarding a grade 5 in these subjects as a 'Strong' pass and a grade 4 as a 'Standard' pass, Ofqual's expectations and requirements have not changed at all.

Equalities impact assessments

Finally you asked for details of the equalities impact assessments that we have carried out in relation to reformed GCSE, AS and A levels. As part of the approach we took to reform, we consulted first on the key policy changes we planned to make to the qualifications and subsequently on our detailed rules and expectations, including separate consultations on the individual subjects to be reformed. On each occasion we carried out an equality impact assessment. We have attached details of where each can be found as an annex to this letter. As part of the evaluation we are currently undertaking on the reformed qualifications, we are reviewing whether these impact assessments accurately reflected the true equalities impacts of the reforms that have been seen in practice.

We trust this addresses all outstanding questions and that this information is useful. Thank you for the opportunity to set out our work to your Committee at the hearing, and please do let us know if you require any further information.

Yours sincerely,

A handwritten signature in black ink that reads "S Collier". The signature is written in a cursive style with a long horizontal flourish underneath the name.

Sally Collier
Chief Regulator

Annex 1: Equalities impact assessments carried out by Ofqual on GCSE, AS and A level reform

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All our consultations and equality impact assessments are available via our current website at: <https://www.gov.uk/government/collections/gcse-as-and-a-level-reforms> and our former website, which is now stored in the national archive: <http://webarchive.nationalarchives.gov.uk/20131202170119/http://www2.ofqual.gov.uk/news-and-announcements>.

Our current website provides documents on a wide range of our reform-related equality impact assessments, including those we have undertaken at subject level.

Examples of such include:

- Equality impact assessments for Completing GCSE, AS and A level Reform: <https://www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2015>
- Equality impact assessments for reforms to GCSE in England, that also includes links to our externally commissioned literature review that informed our analysis: <https://www.gov.uk/government/consultations/gcse-reform-consultation-june-2013>
- Equality impact assessments for Regulating Use of Calculators in New GCSEs, AS and A Levels Consultation on Conditions: <https://www.gov.uk/government/consultations/regulating-use-of-calculators-in-new-gcses-as-and-a-levels>
- Equality impact assessments for Final Entries to Legacy GCSEs, AS and A Levels: <https://www.gov.uk/government/consultations/resits-for-legacy-gcse-as-and-a-levels> and
- GCSEs, AS and A levels: reform of subjects for first teaching September 2016: <https://www.gov.uk/government/consultations/gcses-as-and-a-levels-reform-of-subjects-for-september-2016>

Our former website contains documents that go to the start of the GCSE, AS and A level reform process and includes our equality impact assessments for the reforms of these qualifications, including for example, A level reform: <http://webarchive.nationalarchives.gov.uk/20131202164853/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013/>.