

Analysis of responses to our consultation on regulating national assessments



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Contents

Executive summary	2
Introduction	3
Who responded?	4
Approach to analysis	5
Data presentation	5
Views expressed – consultation response outcomes	6
Other comments.....	13
Appendix A: List of organisational consultation respondents.....	14

Executive summary

Our consultation on *Regulating National Assessments* took place between 18 October and 20 December 2017. The consultation questions were available to complete online or download. A copy of the consultation is available at <https://www.gov.uk/government/consultations/regulating-national-assessments>.

We received 12 responses to the consultation. Two of these were from individuals, the others were from organisations, 7 were from representative groups (including teacher associations), one was from the Standards and Testing Agency (STA) and 2 others were from independent assessment research organisations.

Respondents to the consultation supported the majority of our proposals. Respondents welcomed the additional clarity in our proposed framework about the roles of the responsible bodies involved in developing and delivering national assessments. They also welcomed our focus on the validity of national assessments. Respondents felt that the proposed framework is clearer than the existing one.

Where respondents commented on our approach, they felt that we should be proactive in regulating national assessments, aiming to prevent problems occurring, not just responding to incidents as they arise. A small number felt that our proposed framework should be more prescriptive in some areas. Others commented that while setting out our plans for the areas we intend to focus on is helpful, it is important to ensure we retain the flexibility to respond to changing circumstances.

Introduction

This consultation was about Ofqual's *Regulatory framework for National Assessments*¹. Our framework sets out how we regulate both statutory national curriculum assessments and statutory early years foundation stage profile (EYFS) assessments, which together we refer to as 'national assessments'.

Our proposed framework was intended to help us meet our statutory objectives to promote standards and confidence in national assessments. Our proposed changes were intended to:

- bring the framework up-to-date and reflect changes to the bodies responsible for developing and delivering national assessments
- provide greater transparency and clarity about how we regulate, including by explaining in more detail our regulatory approach, our regulatory tools and our focus on the validity of national assessments;
- make sure our expectations of responsible bodies focus on outcomes such as validity, rather than prescribing certain administrative approaches
- make more explicit our expectations relating to assessment purpose and to strengthen our expectations about risks that should be escalated to us by responsible bodies

We proposed to implement our revised framework in Spring 2018.

Our consultation explained each of these changes. It also set out the full text of our proposed framework and invited comments.

¹ <https://www.gov.uk/government/publications/regulatory-framework-for-national-assessments>

Who responded?

We received 12 responses to our consultation. Two of these were personal responses. The other 10 were from organisations, including 7 from representative groups (teacher associations, a group of subject associations and a school governor association). One was from the STA, the body responsible for the majority of national assessment development and delivery. The remaining 2 were from organisations involved in assessment, one of which provides services to the STA in relation to national assessments and the other of which identified itself as a training provider.

Table 1: Consultation responses by self-identified respondent type

Personal/organisation response	Respondent type	Number
Organisation	Representative or interest group	8
Personal	Individual	2
Organisation	Private training provider	1
Organisation	Other (STA)	1

Table 2: Location of respondents

Personal/organisation response	Number
England	9
England/Wales	1
England/Wales/Northern Ireland/Scotland	1
Wales	1

Approach to analysis

Respondents could choose to respond using an online form, by email, or by post. We published the consultation on our website and included 16 questions.

This consultation was open to all to participate, including all stakeholders and any member of the public. Responses we received cannot be considered a representative sample of the general public or any specific group.

Data presentation

We present the responses to the consultation questions in the order in which they were asked. Respondents could choose to answer all or just some of the questions.

We asked respondents to provide comments on each of our proposals. We also gave them the opportunity to comment on the wording of our proposed Framework.

During the analysis we reviewed every response to each question.

Views expressed – consultation response outcomes

Here we report the views of those who responded to the consultation document in broad terms. We have structured this around the questions covered in the consultation document, and provide analysis of the data broken down by stakeholder type.

We do not detail each individual comment which was made, although we have read and carefully considered all views which were provided.

The consultation responses only reflect the views of those who chose to respond. Typically, these will be those with strong views and/or particular experience or interest in a topic. What follows is a reflection of the views expressed by respondents to the consultation.

Of those that responded, 2 submitted responses that did not respond to the individual questions asked, but instead provided general comments on the overall approach. One respondent, who responded to each question, submitted an identical statement for each question that did not relate specifically to the questions asked.

Appendix A lists the organisations that responded to the consultation.

Question 1: Do you have any comments on Part 1 of our proposed framework (National assessments and responsible bodies)?

Seven respondents (1 individual, 6 organisations) responded to this question.

Two (an individual and an organisation) commented on the use of the term ‘SATs’ in the proposed Framework, stating that the term National Curriculum Tests should be used instead.

One organisation commented that the proposed framework set out clearly what national assessments are and the roles of the responsible bodies. They welcomed the simplicity of this section of the proposed framework, which they felt could help introduce transparency into the system. Another organisation commented that this section was clear, and queried whether representative bodies for academies should also be included.

One organisation commented that the term ‘governing body’, which appears in the explanation of responsible bodies only refers to maintained schools and should be changed to ‘governing board’ to cover both maintained schools and academy trusts.

Question 2: Do you have any comments on our approach to regulating national assessments as set out in Part 2, Sections B and C of our proposed framework?

Nine respondents (1 individual, 8 organisations) responded to this question.

One individual commented that they did not believe that an outcomes-focused approach was appropriate and that Ofqual should be proactive in anticipating issues that might arise. Another organisation made similar comments, stating that it would be important to address issues as they arise and not wait until an outcome has been delivered.

One organisation commented on the importance of national standards in national assessments and that Ofqual should put in place arrangements for standards maintenance.

One organisation commented that the framework was set out in accessible language which would improve understanding of national assessments. It commented that it would be helpful for Ofqual to outline when communications with the Secretary of State would be made public.

Two organisations commented that they welcomed the proposed focus on validity. They commented that it would allow Ofqual to have an overview of important technical areas and that validity was important to the system as a whole. One respondent commented on concerns they had about validity relating to the key stage 2 reading test from 2016 and felt that this focus would be helpful in addressing any such issues in future.

One organisation provided specific comments on the wording of the sections relating to validity. They suggested changes which they felt would help explain the approach more clearly. They also commented that it is important that Ofqual does not just observe processes to identify threats to validity, but that it also takes action to address such threats where it identifies them.

One organisation commented that national assessments have a mixed record on achieving reliability, comparability, manageability and minimising bias. They commented that it is critical that Ofqual has overview of, and publishes its research into, these technical areas to maintain public confidence and fulfil its duties as set by Parliament.

One organisation commented that the role of Ofqual as an independent regulator in relation to national assessments is not always clearly understood and that additional communications to schools could help with this. This organisation commented that better communication of the five principles of good regulation to school-based staff

may increase public confidence. This respondent also commented on the importance of making the system as transparent as possible.

One organisation questioned how Ofqual will evaluate the impact of its advice to a responsible body.

Respondents also made some specific points relating to wording, intended to make these sections clearer, but without changing their meaning.

Question 3: Do you have any comments on our proposed approach to setting out in advance our key areas of focus each year?

Seven respondents (1 individual, 6 organisations) responded to this question.

Two respondents commented that the approach was sensible and provided no further comments.

Four respondents (1 individual, 3 organisations) commented that they were concerned that setting out Ofqual's key areas of focus in advance could restrict our ability to take action on issues that arise unexpectedly. They commented that it was important that Ofqual retained the flexibility to change its focus if required to respond to issues.

Question 4: Do you have any other comments on Part 2 of our proposed framework (Ofqual's role)?

Six respondents (1 individual, 5 organisations) responded to this question.

Two respondents (an individual and an organisation) commented that Ofqual needs to be proactive in responding to policy proposals and addressing concerns about national assessments.

One organisation commented that the information on Ofqual's role is presented more clearly in the proposed framework than in the existing version.

One organisation commented on the proposal in the framework to require information from responsible bodies to be provided in a timely manner, providing views on where they did not believe this had happened in previous years.

One organisation repeated views made in response to a previous question about Ofqual's role as an independent regulator not always being clearly understood.

One organisation commented that under the section on 'Providing feedback and engaging with responsible bodies', it was not clear whether Ofqual would take account of STA's feedback under this process. The respondent also commented that

where Ofqual observes processes, it would be helpful to know Ofqual's views about the validity of that process.

Question 5: Do you have any comments on our proposed approach to remove prescriptive requirements from our framework and instead focus more on outcomes?

Nine respondents (1 individual, 8 organisations) responded to this question.

Five organisations commented that they supported this approach. One of these also commented that they felt it is fundamental for a national assessment to have a specified purpose, which is clearly communicated to stakeholders.

Two respondents (an individual and an organisation) commented that they were concerned that moving to an outcomes focussed approach could mean that the design of national assessments is not subject to adequate scrutiny. They felt that scrutinising the processes would help secure valid outcomes.

One respondent commented that they felt this approach was a change for Ofqual, having previously perceived Ofqual's approach as being prescriptive. They commented that while this approach could free up a responsible body from operating under some of the constraints it had done previously, it was important that there is someone accountable in a responsible body who could be held culpable where needed.

One respondent (an organisation) commented under this question that it is fundamental that every national assessment has a clear purpose, and therefore we would support the move towards Ofqual making this expectation more explicit and that the purpose of each national assessment is communicated clearly to all stakeholders, including schools. This organisation commented that Ofqual must ensure that the purpose of national assessments is not changed retrospectively and used to fulfil a purpose that the assessment was not originally designed for.

One organisation commented that the proposed approach should be monitored and changed in future if necessary.

Question 6: Do you have any comments on any aspect of the changes described above [the detail of our proposed outcomes-focussed approach]?

Eight respondents (1 individual, 7 organisations) responded to this question.

One individual and one organisation repeated earlier comments that Ofqual needs to be proactive in assessing the likely impact of proposed policy changes on national standards, and be open about its advice to government.

One organisation commented that strengthening expectations about risks and clarifying when responsible bodies should escalate is a positive development.

One organisation commented that it welcomed the emphasis on providing an expert view on proposed assessment changes and on notifying significant failings.

One respondent commented that it was cautious over the proposal to no longer require each assessment to have a specification as this could mean schools missing out on useful information. It supported the removal of some of the prescriptive detail, such as that around procurement processes, but felt that Ofqual should still intervene if necessary. This respondent and one other also commented on the removal of the requirement to have an accountable officer. While it felt this was an overly burdensome requirement on some responsible bodies, it felt that having a named contact can be helpful in some instances.

One organisation commented that it welcomed the expectation for each national assessment to have a specified purpose or purposes, which they said can play a key part in ensuring the time spent on assessments and assessment focussed activity is proportionate. This respondent also commented that they welcomed the removal of the requirement for responsible bodies to have an accountable officer.

One organisation commented that by removing the prescriptive requirements relating to procurement processes, it was no longer clear which body would ensure that the government's procurement processes were adhered to.

One organisation commented that it would be helpful for Ofqual to be clear that its judgements about validity would take account of all aspects of the design, development and delivery process, alongside all evidence gathered during the lifecycle of each assessment.

Question 7: Do you have any other comments on Part 3 of our proposed framework (Expectations of responsible bodies)?

Five respondents (1 individual, 4 organisations) responded to this question.

Two respondents (an organisation and an individual) supported our changes and provided no further comments.

One organisation commented that the responsibilities were clearly set out and that Ofqual could consider including information about what action it might take if responsible bodies did not act in line with these expectations.

One organisation commented that it felt that responsible bodies should be required to publish technical data about assessments to enable the public to determine

whether responsible bodies were delivering valid assessments against their specifications.

One organisation commented on the need to ensure the expectations of responsible bodies are drawn to their attention.

One organisation commented that responsible bodies should publish technical data after every assessment session and that this should be sufficient for the public to determine the extent to which the responsible bodies are delivering on their specifications.

Question 8: Do you have any comments about the clarity, language or structure of the proposed new regulatory framework for national assessments?

Seven respondents (1 individual, 6 organisations) responded to this question.

Three organisations commented that the document was clear and that the language used was straightforward, despite being technical in nature.

Two respondents (an individual and an organisation) suggested that, as it is a body, Ofqual should not refer to itself as we/us in the proposed framework. One other organisation commented on the use of a particular acronym in the framework, which it felt could be confused with the name of an organisation.

One organisation commented that the language could be improved by making changes it had suggested in its responses to previous questions.

Question 9: Do you have any comments on our proposal that the new regulatory framework for national assessments should take effect from the date it is published, anticipated in Spring 2018?

Six respondents (1 individual, 5 organisations) commented on this question.

Three respondents (1 individual, 2 organisations) commented that they felt Spring 2018 was too soon to implement the framework. They commented that given the move to an outcomes-focussed approach, the framework should not apply to any assessments taken in 2018, and should only take effect from 2019.

One organisation commented that it had a minor concern that any significant changes are given a reasonable lead-in time, but did not suggest whether that meant the Framework should be implemented at a later date.

Two organisations commented that the new framework should be introduced as soon as possible, and ahead of assessments in summer 2018 given that it makes information more accessible. One of these respondents commented that it would be

important for any accompanying communications to emphasise the limited nature of the regulatory changes so as not to cause undue concern within the education profession.

Question 10: Do you have any other comments on any aspect of our proposed new regulatory framework for national assessments?

One organisation commented on this question to ask how the revised framework will be published and how Ofqual will ensure that it gets adequate press.

Question 11: We have not identified any ways in which the proposed framework will unduly increase the regulatory impact of our proposals. Do you have any comments on this assessment?

Four respondents (2 organisations, 2 individuals) commented on this question. Two (an organisation and an individual) commented that Ofqual should be more proactive in this area and that it would be good to see greater regulation of national assessments.

One organisation commented that any increase in impact would be outweighed by the benefits.

Question 12: Are there any additional steps we could take to reduce the regulatory impact of our proposals?

No respondents identified any additional steps we could take.

Question 13: Are there any costs or benefits associated with our proposals which we have not identified?

One organisation commented that if the regulator takes a rigid view about what constitutes validity, it is possible that items selected for the assessments are restricted to those that are familiar to schools and markers. They commented if this was the case, there is a risk that assessments fail to measure the test construct over time and will not give a reliable indication of achievement.

Question 14: We have not identified any ways in our proposed changes to the framework would impact (positively or negatively) on people who share a protected characteristic. Are there any potential impacts we have not identified?

Three respondents (1 individual, 2 organisations) provided comments on this question.

One individual and one organisation commented that students who do less well in national assessments (for example those from certain ethnic groups or poorer backgrounds) could be disadvantaged if Ofqual does not insist on maintenance of standards during significant curriculum changes.

One organisation commented that greater emphasis on an expert and independent view on proposed assessment changes, and on notification of significant failings, would help to highlight the impact of changes on students who share a protected characteristic.

Question 15: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on people who share a protected characteristic?

One individual and one organisation commented that Ofqual needs to be more proactive in assessing the likely impact of policy changes on national standards and public confidence in national assessments.

Question 16: Do you have any other comments on the impacts of the proposals on people who share a protected characteristic?

No respondents commented on this question.

Other comments

One representative group who did not respond to each individual question commented that it agreed that the existing framework needed updating for the reasons set out in the consultation. It commented that it believes it is important that Ofqual is seen to be more proactive in its regulation of national tests and that it was broadly content with the proposed changes to the regulatory framework.

The STA, the primary responsible body developing and delivering national assessments, commented: “we welcome this consultation. The work you are doing to update the framework, provide greater transparency and clarity about how you regulate, which in turn will clarify roles and responsibilities for how our two organisations work together, is welcomed.”

Appendix A: List of organisational consultation respondents

We asked respondents to indicate whether they were responding as an individual or on behalf of an organisation. Below we list those organisations that submitted a response to the consultation. We have not included a list of those responding as individuals; however, all responses have been reflected in our analysis.

Association for Achievement and Improvement through Assessment (AAIA)

Meeting of Mathematics Subject Associations (MMSA)

NAHT

NASUWT

National Education Union (NEU)

National Governance Association

National Foundation for Educational Research (NFER)

No More Marking Limited

Standards and Testing Agency (STA)

Voice

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