

## Regulatory Framework for National Assessments:

National Curriculum and  
Early Years Foundation Stage

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**Ofqual**

Spring Place  
Coventry Business Park  
Herald Avenue  
Coventry  
CV5 6UB

2nd Floor  
Glendinning House  
6 Murray Street  
Belfast  
BT1 6DN

[www.ofqual.gov.uk](http://www.ofqual.gov.uk)

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## Our vision statement

As the independent regulator, the Office of Qualifications and Examinations Regulation (Ofqual) strives to secure qualifications, examinations and assessments that are valued and trusted by learners, users and the wider public.

We have two objectives in relation to Early Years Foundation Stage and National Curriculum assessments:

- The assessment standards objective: to promote the development and implementation of National Assessment arrangements<sup>1</sup> which:
  - give a reliable indication of achievement, and
  - indicate a consistent level of attainment (including over time) between comparable assessments.
- The public confidence objective: to promote public confidence in National Assessment arrangements.

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<sup>1</sup> The Apprenticeships, Skills, Children and Learning (ASCL) Act 2009 uses the term ‘regulated assessment arrangements’ to mean both National Curriculum assessment arrangements and Early Years Foundation Stage assessment arrangements. For the purposes of the regulatory framework we use the term ‘National Assessments’ instead of ‘regulated assessment arrangements’.

## About this framework

1. This regulatory framework meets the requirements set out in Sections 164 and 165 of the Apprenticeships, Skills, Children and Learning Act 2009 (the ASCL Act 2009). It relates to National Curriculum assessments and Early Years Foundation Stage assessments (referred to as National Assessments in this document) in England.
2. The framework replaces the 2010 *National Curriculum Assessments Regulatory Framework* and 2010 *National Curriculum Assessments Code of Practice*.
3. The purpose of the framework is to:
  - set out Ofqual's role and responsibilities and how we will meet them
  - provide guidance to responsible bodies<sup>2</sup> about the performance of their functions in relation to National Assessment arrangements.
4. There are a number of responsible bodies each with specific roles and responsibilities in relation to the development, implementation or monitoring of National Assessment arrangements.
5. National Curriculum assessment responsible bodies include:
  - the Qualifications and Curriculum Development Agency (QCDA)<sup>3</sup>
  - headteachers of maintained schools
  - local authorities.
6. Early Years Foundation Stage responsible bodies include:
  - the Qualifications and Curriculum Development Agency (QCDA)
  - early years providers on the Early Years Register maintained by Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted)<sup>4</sup>
  - local authorities
  - Ofsted.

<sup>2</sup> Organisations and individuals who under or by virtue of an order made under section 39(1)(a) of the Childcare Act 2006 or section 87(3)(c) of the Education Act 2002 have functions in relation to the development, implementation or monitoring of assessment arrangements.

<sup>3</sup> The Secretary of State for Education has remitted QCDA to carry out its functions until its closure. The new executive agency for assessment is expected to replace QCDA, subject to Parliamentary process.

<sup>4</sup> Includes leaders of maintained schools, non-maintained schools, independent schools and childcare.

## What the framework aims to do

7. Our overarching aim is to safeguard the interests of the learner. We expect all children to have access to assessments which are:
  - appropriate to their age
  - an effective measure of their abilities, skills and concept development
  - fair to all irrespective of gender, language, religion, ethnic or social origin or disability.
8. In relation to National Assessment arrangements, we have two statutory objectives:
  - the assessment standards objective: to promote the development and implementation of National Assessment arrangements which:
    - give a reliable indication of achievement
    - indicate a consistent level of attainment (including over time) between comparable assessments
  - the public confidence objective: to promote public confidence in National Assessment arrangements.
9. The regulatory framework enables Ofqual to deliver the objectives set out for us in the ASCL Act 2009.
10. The regulatory framework is specific to National Assessments and is not applicable to our other regulatory activities. For further information about our overarching role and responsibilities go to [www.ofqual.gov.uk](http://www.ofqual.gov.uk).

## Who is the framework for?

11. The framework is aimed specifically at the responsible body or bodies that develop, implement and monitor National Curriculum assessments and the Early Years Foundation Stage Profile. Responsible bodies must have regard to the regulatory framework when performing their functions in relation to National Assessment arrangements.<sup>5</sup>
12. The regulatory framework is also relevant for:
  - Parliament and the appropriate Select Committee, both of which have a role to play in ensuring that the standards of National Assessments are maintained
  - anyone with an interest in National Curriculum assessments and Early Years Foundation Stage assessments.

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<sup>5</sup> Sections 164(4) and 165(4) ASCL Act 2009.

13. We have the power to require a responsible body or bodies to provide Ofqual with any information we consider necessary or expedient to have for the purposes of, or in connection with, our function to keep under review all aspects of National Assessment arrangements.
14. While we can use this power with respect to all responsible bodies, we recognise that it is more effective and efficient to focus on those responsible bodies that have significant roles in developing, implementing and monitoring National Assessments. We will therefore ensure that we are proportionate, targeted and consistent in our approach, and where possible will avoid imposing unnecessary burdens on every responsible body.
15. In fulfilling our functions, we will seek to work with the Secretary of State, the Department for Education (DfE) and Ofsted. Our requirements and expectations are set out below:
  - The Secretary of State may request our advice on National Assessment arrangements.
  - Under the ASCL Act 2009, the Secretary of State:
    - Is required to consult Ofqual before specifying National Assessment arrangements.
    - May confer or impose functions on a responsible body or bodies in relation to National Assessment arrangements. If the Secretary of State confers or imposes such a function on a responsible body or bodies, the Secretary of State must provide that the responsible body or bodies shall consult Ofqual before making or revising assessment arrangements.
    - May authorise the responsible body or bodies on whom he or she has conferred or imposed a function in relation to National Assessment arrangements to make certain delegated supplementary provisions. The specified responsible body or bodies must consult with Ofqual before making, revising or revoking these supplementary provisions.
  - We expect the DfE to consider our recommendations for any changes to current National Assessment arrangements and, in particular, innovative approaches to developing and implementing National Assessment arrangements.
  - We expect Ofsted to inform Ofqual of any issues arising as part of its inspection process that may affect the validity, reliability and implementation of National Assessment arrangements.

## How the framework is organised

16. We present the framework in two parts:

- Part A sets out our role in keeping under review all aspects of National Assessment arrangements, and how we will perform that function according to the ASCL Act 2009.
- Part B provides guidance to responsible bodies about the performance of their functions in relation to National Assessment arrangements.

## Reviewing the framework

17. We will continue to keep this regulatory framework under review.<sup>6</sup>

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<sup>6</sup> The first review will take place in autumn 2011.



### Section 1

## Our statutory duties, objectives and powers

18. The ASCL Act 2009 established Ofqual as the independent regulator of qualifications, examinations and assessments in England. The Act defines our duties, objectives and powers in relation to National Assessment arrangements.

### Duties

19. We have specific duties:
- We must keep under review all aspects of National Assessment arrangements.
  - If it appears to Ofqual that there is, or is likely to be, a significant failing in National Assessment arrangements, we must notify the Secretary of State and any National Curriculum and Early Years Foundation Stage responsible bodies whose act or omission appears to Ofqual to have contributed to the significant failing.
20. In performing our functions, we must have regard to a number of factors, including:
- the reasonable requirements of pupils and children, including persons with learning difficulties<sup>7</sup> in relation to National Assessment arrangements
  - the specified purposes of National Assessment arrangements
  - aspects of government policy as the Secretary of State may direct
  - information provided to Ofqual by a person falling within the ASCL Act 2009.<sup>8</sup>
21. We must perform our functions efficiently and effectively.

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<sup>7</sup> Persons with learning difficulties means (a) children with special educational needs (as defined in section 312 of the Education Act 1996 (c. 56)), and (b) other persons who (i) have a significantly greater difficulty in learning than the majority of persons of their age, or (ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.

But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home (ASCL Act 2009, s.129).

<sup>8</sup> These are the QCDA, Ofsted and any such other relevant persons, or relevant persons of such a description, as the Secretary of State may direct.

22. We must secure that in performing any of our regulatory functions we do not:
- impose burdens which we consider to be unnecessary
  - maintain burdens which we consider to have become unnecessary.
23. We may lay a copy of any report before Parliament.
24. In performing our functions, we will ensure that we fulfil the duties placed upon Ofqual as a public body.<sup>9</sup> These duties<sup>10</sup> include having due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation
  - advance equality of opportunity between different groups
  - foster good relations between different groups.

These duties cover age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships. We will keep these duties under review.

## Objectives

25. In relation to our duties and powers in respect of National Assessment arrangements, we have two objectives:
- the assessment standards objective: to promote the development and implementation of National Assessment arrangements which:
    - give a reliable indication of achievement
    - indicate a consistent level of attainment (including over time) between comparable assessments
  - the public confidence objective: to promote public confidence in National Assessment arrangements.

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<sup>9</sup> Public body means a body exercising public functions.

<sup>10</sup> These duties apply to any responsible body that is also a public body.

## Powers

26. We have the power to require information which we consider necessary or expedient to have in order to perform our functions to review National Assessment arrangements from:
- the Secretary of State
  - any National Curriculum or Early Years Foundation Stage responsible body
  - Ofsted
  - any other person specified by the Secretary of State in regulations.
27. We expect any current or future responsible body that develops, implements or monitors any aspect of National Assessment arrangements to provide information promptly and directly to Ofqual, where necessary. This includes obtaining information from their suppliers.<sup>11</sup>

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<sup>11</sup> Throughout the framework the term 'suppliers' also means contractors appointed by a responsible body.

### Section 2

#### What we keep under review

28. We will consider when undertaking our review function:
- the development of tests, tasks and assessment models
  - the validity and reliability of all assessment outcomes
  - the responsible body or bodies' implementation and monitoring activities.
29. If, in the course of fulfilling our review function, we identify nationally provided non-statutory assessment materials, such as optional tests or teacher assessment materials, that appear to have an adverse impact on National Assessments achieving their specified purpose, then we may bring these concerns to the attention of the relevant responsible body or bodies and, where appropriate, the Secretary of State.

### Section 3

#### What we do not do

30. We do not set the statutory arrangements for National Assessments. It is the responsibility of the Secretary of State to set these arrangements.
31. We do not keep under review the quality of teaching and learning.
32. We do not directly keep under review the activities of suppliers appointed by the responsible body or bodies unless they have been nominated by the Secretary of State as a responsible body.

### Section 4

## The guiding principles for our approach to our review function

33. In keeping National Assessments under review, we apply the following five principles:
- **Transparent:** Our work is open and our framework aims to be simple and user-friendly. Each year we publish our programme for reviewing National Assessment arrangements. We will provide feedback on our review activities to the responsible body or bodies.
  - **Accountable:** We can justify decisions and are subject to public scrutiny. We ensure that our decisions are evidence based. We are accountable to Parliament.
  - **Proportionate:** We will ensure that the nature of our reviews is appropriate to the risk posed. Our review programme is based on the likelihood and impact of the risk posed to the outcome of National Assessments and aims not to impose unnecessary burdens.
  - **Consistent:** We will carry out our review activities in line with the framework.
  - **Targeted:** Our review activities focus on activities that pose a risk.

### Section 5

## Criteria for reviewing assessment arrangements

34. We will apply two sets of criteria for keeping National Assessment arrangements under review. These are:
- the **common criteria** – these apply to all aspects of development and implementation of National Assessments
  - the **specification** – these supplement the common criteria and describe the form of assessment and coverage of each National Assessment.
35. We expect the responsible body or bodies and their suppliers to meet the common criteria and, where appropriate, the specification.

### Common criteria

36. We set the common criteria, which we use to judge the extent to which the National Assessment arrangements meet, or are likely to meet, their specified purpose(s).
37. The focus of the common criteria is to establish whether assessment arrangements are sufficiently robust to meet the specified purpose(s). We expect each specified purpose of an assessment to have regard to the common criteria.
38. We will consult with relevant stakeholders on any proposed changes to the common criteria.
39. The common criteria are:
- **Validity:** The assessment should generate outcomes that provide a valid measure of the knowledge, skills and understanding that the learner is required to demonstrate as specified by the assessment objectives. Validity is the central concept in the evaluation of the quality of assessments. Therefore, the focus of the responsible body or bodies' processes and procedures is expected to be on ensuring and generating evidence to support the way in which the assessment outcomes are interpreted and used. Validity is the first review criterion and the other review criteria are subsumed within it. For that reason, validity will be the focus for review activities.

- **Reliability:** The assessment should generate outcomes that provide a reliable measure of a learner's performance.
  - **Comparability:** The assessment should generate outcomes that are comparable in standards over time.
  - **Minimising bias:** The assessment should minimise bias, differentiating only on the basis of each learner's ability to meet National Curriculum requirements and early learning goals.
  - **Manageability:** The assessment should be manageable so that the scale of the assessment process is balanced by the usefulness of the outcome.
40. These criteria are inextricably linked. Consequently responsible bodies may choose to implement and report them in an integrated way.
41. We expect the responsible body or bodies are expected to have documented procedures in order to be able to demonstrate achievement of our common criteria as appropriate.

For further information, see Annex 1.

### The specification

42. Prior to the development of a National Assessment arrangement, we expect the responsible body or bodies to produce a specification for each assessment.
43. The specification could include the following:
- how the assessment is expected to meet its purposes
  - how the responsible body or bodies will fulfil their roles
  - how the assessment will meet the common criteria
  - the form of the assessment
  - the coverage of the relevant programmes of study.
44. The responsible body or bodies may choose how to demonstrate that they have met the common criteria and the specification. However, we expect a rationale for the choice.



### Section 6

#### Our review programme

45. We have a duty to keep under review all aspects of National Assessment arrangements. In reviewing these arrangements, if it appears to Ofqual that there is, or is likely to be, a significant failing, we must notify the Secretary of State and any National Curriculum and Early Years Foundation Stage responsible body or bodies whose act or omission appears to Ofqual to have contributed to the significant failing.
46. To reach this judgement, we use a risk-based approach based on meeting the common criteria. The approach is founded on evidence gathered through our review activities.
47. The evidence gathered enables Ofqual to reach decisions about the level of risk and review required.

#### Our review activity

48. We intend to be proportionate, targeted and consistent in carrying out our review activities. Consequently we will determine the nature of the review according to:
  - the possible impact of the responsible body or bodies failing to deliver all or part of their role in the context of National Assessment arrangements
  - our judgement of the level of confidence we have in the responsible body's or bodies' ability to meet Section 5, *Criteria for reviewing assessment arrangements*
  - our judgement of the level of risk
  - evidence gathered from reviewing activities.
49. The range of evidence we use to determine the nature of the review may be supplemented by:
  - feedback to Ofqual from schools and local authorities
  - information from other bodies, such as Ofsted.

#### Assessment of risk

50. Prior to implementation of a particular cycle of National Assessment arrangements, we will categorise our judgement of the level of risk in an area of work. We will share this judgement with the responsible body or bodies.

51. The categories of risk are as follows:
- If the likelihood of a significant failure is low, we will assess it as a low-level risk.
  - If the likelihood of a significant failure is moderate, we will assess it as a medium-level risk. Where an area of work falls within this category we may request additional information from the responsible body or bodies.
  - If the likelihood of a significant failure is high, we will assess it as a high-level risk. Where an area of work falls within this category we will notify the Secretary of State and any National Curriculum and Early Years Foundation Stage responsible body or bodies whose act or omission appears to Ofqual to have contributed to the significant failing.
52. In the event of additional review activity, we will provide a rationale to the relevant responsible body or bodies prior to commencement.

### **About the review programme**

53. We will publish our review programme for National Assessment arrangements annually.
54. The review programme sets out for each area of work:
- the relevant requirements and expectations for an area of work, as laid out within the regulatory framework
  - the type of evidence we expect the responsible body or bodies to make available in order to confirm their own risk assessments and evaluation for an area of work
  - post review, our feedback and judgement.
55. We will share the relevant detail of our review programme with the responsible body or bodies by an agreed date.
56. We will provide the responsible body or bodies with a rationale for our scheduled review activities.

## Evidence gathering

57. In order to be proportionate in our approach, we will focus on gathering evidence in the following ways:

- **Quality assurance and self-assessment:** We will evaluate the responsible body's or bodies' own self-assessment of their areas of work at all stages of development or implementation. Additionally we will review the strategies the responsible body or bodies put in place to manage risks effectively. The responsible body or bodies must inform Ofqual in a timely manner of material changes in circumstances that influence their risk assessment.
- **Checks prior to implementation:** Before implementation of a National Assessment arrangement takes place, we expect the responsible body or bodies to confirm, with evidence, that processes and systems are fit for purpose, can deliver to schedule and meet the required quality.
- **Reviewing all areas of work over time:** Over time we will review all areas of work involved in the development, implementation and monitoring of National Assessment arrangements.

58. The above approaches may be supplemented by:

- feedback to Ofqual from schools and local authorities
- information from other bodies, such as Ofsted.

## Refocusing our review programme

59. We may refocus our published review programme if we, responsible bodies, their suppliers or stakeholders identify risks that could threaten the development, implementation or monitoring of National Assessment arrangements. We will inform the responsible body or bodies of any revisions to the published programme.

## Feedback on review activities

60. Following review activities we will share our findings with the responsible body or bodies. These findings will include recognition of good practice when we have observed it.
61. We will, if requested, advise the Secretary of State on the progress made by the responsible body or bodies towards the delivery of the National Assessment arrangements.

62. We will publish an annual report on the outcomes of the review programme.

### **Accountability**

63. We expect appropriate representatives from the responsible body or bodies to advise and discuss with Ofqual progress in the development, implementation and monitoring of current and future assessments.

### **Escalation procedures**

64. We will have clear internal and external guidelines for escalating risks.

### Section 7

## Our approach to reviewing the management of change

### Changes to National Assessment arrangements

65. In keeping under review all aspects of National Assessment arrangements, we will look at policy changes introduced by the Secretary of State and operational changes introduced by the responsible body or bodies.

### Policy changes

66. From time to time the Secretary of State may review or amend the National Assessment arrangements. The Secretary of State is required to consult Ofqual before making changes to National Assessment arrangements. We will, if requested, provide advice to the Secretary of State on assessment standards, assessment arrangements and impact on public confidence.

### Operational changes

67. We expect to be assured by the responsible body or bodies that when there is a proposal to make changes to the development, implementation or monitoring of National Assessments:

- They have discussed with Ofqual the rationale, purpose and nature of the changes.
- Any changes to systems are sufficiently robust to cope with a national roll-out.
- They have identified and minimised the risks associated with implementing the change.
- The common criteria can be met.
- The assessment gives a reliable indication of achievement and indicates a consistent level of attainment (including over time) between comparable assessments.
- They have conducted impact assessments on the proposed changes.
- They have taken into account the views of stakeholders.
- Adequate notice can be given to relevant stakeholders before implementing the change.

68. Where there is a proposal to make changes to National Assessment arrangements, we may recommend those changes are piloted before implementation.

69. We will notify the Secretary of State and/or the relevant responsible body or bodies, as appropriate, where the changes being piloted are likely to fail or fail to achieve the specified purpose(s).

### **Implementing change**

70. We expect either the Secretary of State or the responsible body or bodies to provide an appropriate timescale for the implementation of any changes to the National Assessment arrangements that will ensure that the integrity of the assessments is maintained and the interests of learners are protected.

### **Procurement**

71. We expect to be informed by the responsible body or bodies, in advance, of any procurement activities relating to the development or implementation of assessments. We also expect to receive relevant progress reports throughout the procurement process.

### Background

72. The responsible body or bodies are appointed by the Secretary of State to develop, implement and monitor statutory National Assessments arrangements.
73. The following gives guidance to the responsible body or bodies<sup>12</sup> about the performance of their functions relating to National Assessment arrangements.

### Corporate governance

74. We expect the responsible body or bodies to ensure that:
  - We are informed of any agreement between the responsible body or bodies or their suppliers to share the development, implementation or monitoring of National Assessment arrangements.
  - A named point of accountability (accountable officer)<sup>13</sup> is identified.
75. We expect the accountable officer to ensure that:
  - All necessary action will be taken to maintain standards in each National Assessment from year to year.
  - The responsible body or bodies meet their expectations as set out within the regulatory framework.
76. So that the public can be confident about National Assessment arrangements, we expect the responsible body or bodies to demonstrate achievement of our common criteria, as appropriate.
77. Where the responsible body or bodies sub-contract any part of the development, implementation or monitoring, the responsible body or bodies remain ultimately responsible for the quality and timely delivery of National Assessment arrangements.

### Providing information

78. We expect the responsible body or bodies to provide, by a specified date, all the information and documents we request to carry out our review function.
79. If the requested information is not provided to Ofqual by the deadline, we may, where appropriate, require the information to be provided by the responsible body or bodies.

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<sup>12</sup> This includes their suppliers.

<sup>13</sup> The accountable officer is responsible for ensuring that the quality and standard of National Assessment arrangements are met and delivered to time. The responsible body is expected to appoint a named person as the accountable officer. However, the responsible body may have more than one accountable officer, although each will have a clearly defined role.

## Resources and expertise

80. We expect the responsible body or bodies to provide information, guidance and support to enable staff and those contracted to carry out functions related to the development, implementation or monitoring of National Assessment arrangements to meet their responsibilities.
81. We expect the responsible body or bodies to ensure that resources are appropriate and sufficient to carry out their functions.

## Exemplification of standards

82. We expect the responsible body or bodies to provide exemplification of standards for each National Assessment they develop and to ensure that these standards are maintained.

## Risks and issues

83. We expect the responsible body or bodies and their suppliers to keep risk and issue registers that are regularly updated and reviewed. The risk and issue registers are expected to address:
  - threats to the validity of National Assessments
  - threats to the development, implementation and monitoring of National Assessments.
84. We expect the responsible body or bodies and their suppliers to have clear procedures for:
  - managing risks and issues
  - communicating risks and issues between themselves, and Ofqual, in a timely manner
  - informing Ofqual if it appears that there is, or is likely to be, a significant failing in National Assessment arrangements within 24 hours.
85. We expect the responsible body or bodies to confirm to Ofqual that risks or issues identified by themselves, their suppliers, stakeholders or Ofqual are being managed.



## Change

86. When changes to the development, implementation or monitoring of National Assessments are proposed, we expect the responsible body or bodies to have regard to Section 7 of the regulatory framework (*Our approach to reviewing the management of change*).

## Procurement

87. We expect the responsible body or bodies to:
- set procurement criteria that are rigorous, robust and appropriate
  - follow their published procurement procedures
  - ensure that these procedures are transparent and carried out within the published timeframe and meet legal requirements
  - manage any risks associated with the procurement activity
  - carry out appropriate impact assessments, including equality impact assessments.
88. We expect the responsible body or bodies to confirm to Ofqual that any preferred and potential suppliers:
- have the necessary capability and capacity to deliver the identified function
  - can meet the regulatory framework.

## Meeting equalities legislation

89. We expect the responsible body or bodies and their suppliers to comply with relevant equalities legislation. It is not our role to ensure compliance, but if we identify an issue that may have an adverse impact on National Assessment arrangements we may notify the Secretary of State and/or the relevant responsible body or bodies.

## Implementation of each area of work

90. We expect the responsible body or bodies to:
- apply the common criteria and specification, where appropriate, to each area of work and ensure that they are considered during any self-assessment
  - define and plan each area of work before commencement
  - quality assure each area of work
  - self-assess each area of work on completion
  - ensure that the outcomes from the previous cycle of self-assessment are taken into

- account and, where appropriate, actioned
- at each stage of National Assessment development and implementation, provide programme and project management documentation.

91. We expect the responsible body or bodies and their supplier's staff to ensure that they:

- carry out activities in accordance with the regulatory framework
- meet the common criteria and specification.

### **Minimising burden**

92. We expect the responsible body or bodies to keep the burden of administering National Assessment arrangements to a manageable level without risking the validity of the assessment.

93. We expect the responsible body or bodies to ensure that deadlines by which local authorities, schools and settings are expected to have completed an activity are clear, achievable and published in a timely manner.

### **Confidentiality and security**

94. We expect the responsible body or bodies to put in place procedures for ensuring the confidentiality and security of assessment materials and any other information, where appropriate. These procedures will also cover the reporting and investigation of possible breaches.

### **Communication**

95. We expect the responsible body or bodies to:

- communicate information about National Assessment arrangements clearly, consistently and in a timely manner
- respond promptly and effectively to any communication from stakeholders
- consult with stakeholders on the communication of relevant information, guidance and support
- evaluate the strengths and weaknesses of their communication activities, and implement improvements they have identified
- consider the views of a range of interest groups including those from different social backgrounds, religions and beliefs, sexual orientations, ages, races, genders or disabilities in any evaluation
- use evaluation findings, along with self-assessment, to inform the implementation of the National Assessment programme in subsequent years.

## **Investigation of cases of maladministration**

96. We expect the responsible body or bodies to have appropriate arrangements in place to investigate and address any case of maladministration brought to their attention.

# Annex 1 – Validity, reliability, comparability, minimising bias and manageability

## Validity

The validity of an assessment refers to the extent to which evidence and theory support the interpretation that the assessment outcomes meet their intended uses.

The evaluation of validity involves the development of a clear argument to support the proposed interpretation of the outcomes and as a consequence the intended uses of the assessment. The validity argument should be built on statements of the proposed interpretation and supporting evidence collected from all stages of the assessment process.

Validity is the first review criterion and the other review criteria are subsumed within it. For that reason, validity will be the focus for review activities.

The responsible body or bodies are expected to demonstrate that there are appropriate documented procedures in place to meet the criteria.

## Reliability

Reliability is about consistency and so concerns the extent to which the various stages in the assessment process generate outcomes which would be replicated were the assessment repeated. Reliability is a necessary condition of validity, as it is not possible to demonstrate the validity of an assessment process which is not reliable. The reliability of an assessment is affected by a range of factors such as the sampling of assessment tasks and inconsistency in marking by human markers.

The responsible body or bodies are expected to have appropriate documented procedures in place to meet the criteria.

## Comparability

Comparability is about generating assessment outcomes that are comparable in standards over time and between assessment cycles. Where a test has equivalent forms – as is the case with National Curriculum assessments, where, for example, the key stage 2 mathematics test in each year comprises different items, but is still treated as the same test over time – then it is important to ensure comparability of outcomes. There are two reasons for this.

- To reach fair comparisons about the attainment of learners: It is impossible to produce different forms with exactly the same content and statistical specifications (such as the level of difficulty or demand on the learner). Therefore a requirement to ensure comparability of outcomes makes sure the level of difficulty or demand of the test forms is taken into account when setting

standards so that pupils taking the different forms can be compared fairly.

- To ensure the outcomes can be used as a measure of standards: Outcomes from different forms of the same test must be comparable if they are to be used to measure standards over time. Both expert judgements and statistical procedures such as test equating can be used to ensure comparability of outcomes from different forms of the same test. It is, however, important to ensure that tests are not so similar that they become predictable, as this would be a threat to validity.

The responsible body or bodies are expected to demonstrate that there are appropriate documented procedures in place to meet the criteria.

### **Minimising bias**

Minimising bias is about ensuring that an assessment does not produce unreasonably adverse outcomes for particular groups of learners. The minimisation of bias is related to fairness to all pupils and is also closely related to statutory equality duties. Our approach to the discharge of those duties can be found in our Single Equality Scheme.

The responsible body or bodies are expected to demonstrate that there are appropriate documented procedures in place to meet the criteria.

### **Manageability**

Manageability relates to the feasibility of carrying out particular assessment processes. A manageable assessment process is one which places reasonable demands on schools and pupils. The evaluation of the reasonableness of the demands will be based on the scale of the assessment process on the participants, balanced by the usefulness of the outcomes. As with the other common criteria (validity, reliability, comparability and minimising bias), judgements about manageability must be balanced with considerations around the other common criteria.

The responsible body or bodies are expected to demonstrate that there are appropriate documented procedures in place to meet the criteria.

## **Achievement**

A pupil or child's recognised success and progress in relation to prior attainment.

## **Assessment cycle**

The period of development and implementation of an assessment, for example, end of key stage 2 National Curriculum tests.

## **Assessment materials**

Any materials used during an assessment, such as test papers, answer sheets, mark schemes or material which exemplifies national standards.

## **Assessment outcomes**

For example, end of key stage test results or teacher assessment judgements.

## **Attainment**

The level the child or pupil has reached in an assessment in relation to defined standards, for example, level 4 in end of key stage 2 National Curriculum Assessments.

## **Early learning goals**

The knowledge, skills and understanding which young children of different abilities and maturities are expected to have at the end of the Early Years Foundation Stage (EYFS) around the age of five.

There are early learning goals for six areas: (i) personal, social and emotional development, (ii) communication, language and literacy, (iii) problem solving, reasoning and numeracy, (iv) knowledge and understanding of the world, (v) physical development and (vi) creative development.

## **Early Years Foundation Stage profile**

A child's statutory record of attainment in relation to the early learning goals at the end of the Early Years Foundation Stage.

Based on practitioners' ongoing observation and assessments, each child's level of development must be recorded against the 13 assessment scales derived from the early learning goals.

### **Equating**

The statistical process of establishing a relationship between scores on different forms of the same test so that they can be used interchangeably regardless of which form has been taken. For example, a score of 19 on a test one year may be equivalent to a score of 20 in the previous year. Equating takes into account the difference in difficulty between test forms and is frequently used for maintaining the comparability of standards.

### **Exemplification of standards**

Activities and resources that aim to demonstrate standards. For example, a sample of pupils' work where the level is identified and justified, or pupils' answers from an assessment where the marks have been agreed and explained.

### **Forms**

Different versions of the same test. For example, different versions of the key stage 2 tests are created every year.

### **Impact assessment**

An assessment of the impact, or potential impact, of a policy, process, procedure or activity on an organisation, group or individuals.

### **Issue register**

A register or log of issues. A term used in programme and project management.

### **Key stage**

The National Curriculum is organised into blocks of years called key stages. As well as the Early Years Foundation Stage there are three key stages reviewed by Ofqual under this framework:

- key stage 1 for children aged 5 to 7
- key stage 2 for children aged 7 to 11
- key stage 3 for children aged 11 to 14.

### **Maladministration**

Maladministration, in this document, refers to any act that threatens the integrity of the assessments or the validity of the results of individuals or groups of pupils. It may or may not have arisen from a deliberate intent to intervene in the statutory assessment process.

### **National Assessment arrangements**

Refers to National Curriculum and Early Years Foundation Stage assessment arrangements which are statutory.

EYFS assessment arrangements means arrangements made under or by virtue of an order made under section 39(1)(a) of the Childcare Act 2006 (c 21) for assessing children in England for the specified purposes.

National Curriculum assessment arrangements means arrangements made under or by virtue of an order made under section 87(3)(c) of the Education Act 2002 (c 32) for assessing pupils in England in respect of each key stage for the specified purposes.

### **Risk register**

A register of risks maintained in order to manage risks. A term used in programme and project management.

### **Responsible body or bodies**

Organisations and individuals who under or by virtue of an order made under section 39(1)(a) of the Childcare Act 2006 or section 87(3)(c) of the Education Act 2002 have functions in relation to the development, implementation or monitoring of National Assessment arrangements.

### **Select Committee**

A cross-party group of Members of Parliament which keeps under review national provision in a particular area (in this case education).

### **Settings**

Any out-of-home provider of education and care for children from birth to five, such as childminders, local authority nurseries, nursery or early years centres, playgroups, pre-schools or schools in the independent, private or voluntary sector and maintained schools.

### **Significant failing**

There is a significant failing if as a result of the way in which the assessments arrangements are being developed or implemented, they fail in a significant way to achieve one or more of the specified purpose(s) of the assessment arrangements. Examples of circumstances in which Ofqual should notify the Secretary of State or any body or responsible body whose act or omission appears to have contributed to the significant failing might include the following:



- if it became evident to Ofqual that there was a risk that significant numbers of test results would be delayed, and that the results would not provide pupils, schools or the Government with timely information about the attainment and progress of pupils, assuming that the provision of this information was one of the specified purposes of the assessment; or
- if a new type of National Curriculum test was being developed which Ofqual judged would not provide a reliable assessment of pupils' level of attainment.

*Adapted from the explanatory notes from the ASCL Act 2009.*

### **Specified purposes**

The specified purpose(s) of the National Assessment arrangements states the rationale for the assessment and the pupils/children for whom it is intended. The specified purpose(s) is set by the Secretary of State. These are defined in the statute as follows:

*In respect of National Curriculum assessment arrangements – section 76(1) Education Act 2002:*

- (2) *In subsection (1) “the specified purposes”, in relation to assessment arrangements for a key stage, means—*
  - (a) *the purpose of ascertaining what pupils have achieved in relation to the attainment targets for that stage, and*
  - (b) *such other purposes as the Secretary of State may by order specify.*

*In respect of EYFS assessment arrangements – section 41(2)(c) Childcare Act 2006:*

- (4A) *In subsection (2)(c) “the specified purposes” means—*
  - (a) *the purpose of ascertaining what children have achieved in relation to the early learning goals, and*
  - (b) *such other purposes as the Secretary of State may by order specify.*

No such additional order has been issued by the Secretary of State at the time of writing.

### **Statutory reporting**

A requirement by law to provide data or information to another party.

### **Teacher assessment**

Judgements made by teachers based on a range of evidence over time about the attainment by a pupil in relation to national standards (and a record of the results to be made by that teacher).





## About this publication

### What's it about?

This document sets out Ofqual's role and responsibilities in relation to National Assessment arrangements in England and how we will meet them. It also provides guidance to responsible bodies about the performance of their functions in relation to these arrangements.

### What's it for?

This document aims to safeguard the interests of the learner by enabling us to deliver our assessment standards and the public confidence objectives. It is aimed specifically at responsible bodies that develop, implement and monitor National Assessments.

### What's next?

Ofqual will keep this framework under review to ensure that it meets its purpose.

### Ofqual

Spring Place  
Coventry Business Park  
Herald Avenue  
Coventry CV5 6UB

2nd Floor  
Glendinning House  
6 Murray Street  
Belfast BT1 6DN

**Telephone** 0300 303 3344

**Textphone** 0300 303 3345

**Email** [info@ofqual.gov.uk](mailto:info@ofqual.gov.uk)

[www.ofqual.gov.uk](http://www.ofqual.gov.uk)

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