



House of Commons
Education Committee

**2012 GCSE English Results:
Responses from the
Government and Ofqual to
the Committee's First Report
of Session 2013–14**

Second Special Report of Session 2013–14

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The Education Committee

The Education Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Education and its associated public bodies.

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Second Special Report

On 11 June we published our First Report of Session 2012–13, 2012 GCSE English results.¹ The responses from the Government and Ofqual were received on 12 September 2013 and 10 September 2013 respectively, and are published as Appendices 1 and 2 to this Report

Appendix 1

Government Response

Government's response to 2012 GCSE English results — Education Select Committee

Introduction

We would like to thank the Committee for its thoughtful investigation into the events surrounding the awarding of GCSE English in summer 2012. Those events have been subject to great scrutiny, by pupils and parents, by schools and by the courts, as well as the investigations carried out by Ofqual and the exam boards. The Committee's report is a further helpful contribution on the factors that resulted in the events of last year, which caused distress to many pupils, parents and teachers.

We agree with the Committee that we must learn lessons from last summer's events. We have already taken action to end modular GCSEs: all pupils completing their GCSEs in summer 2014 will take all their assessments at the end of the course. We have made clear our wish to see internal assessment reduced to a minimum, and that is reflected in our consultation on subject content and assessment objectives for reformed GCSEs. These changes will mean that the reformed GCSEs will not be so easy to 'bend out of shape', and will be qualifications in which the public, teachers, further and higher education, and employers can once again have confidence.

We recognise the pressure that qualifications can come under from the way in which they are used for accountability, the consequences of which can be significant for schools. Our recent consultation on secondary accountability recognised this, and we will set out our conclusions shortly, before we and Ofqual finalise the requirements for reformed GCSEs.

We have recently conducted our own analysis of the extent of multiple entry (where pupils enter more than one GCSE in the same subject) and its impact on attainment, building on earlier analysis by the Department and Ofsted of early entry. This analysis, which has been published by the Committee, suggests that, for some schools, entry

¹ Education Committee, First Report of Session 2013-14, *2012 GCSE English results*, HC 204

strategies such as early and multiple entry are common, with the focus often being on how to maximise the school's 'pass rate' (and therefore its standing in performance tables) rather than on what is best for pupils' education and progression. We are very concerned about this and will continue to consider—with Ofqual and Ofsted—how to safeguard the integrity of the exams system.

Many of the Committee's recommendations are for Ofqual, the independent regulator. Like the Committee, we welcome the actions Ofqual has taken to ensure the standard and integrity of GCSE examinations—particularly in English—until our reforms to GCSE can be implemented. We also welcome the steps that are being taken both by Ofqual and by the exam boards to improve understanding of and confidence in the system. We agree with the Committee that the events of last summer—and what has happened subsequently—demonstrate the importance of having a strong regulator that is independent of Government and directly accountable to Parliament.

Conclusions and recommendations

We have confined our response to the recommendations addressed specifically to the Government.

Impact of change

1. Under the previous Government, GCSEs changed from mostly linear to modular, which, combined with other changes, brought turbulence to the system and contributed to the problems experienced with GCSE English in 2012. We recommend that, when considering their reforms of GCSEs and A levels, current Ministers think carefully about the cumulative impact and risks of change. (Paragraph 30)

Our reforms will lead to much less complexity in the system so that schools can focus on teaching rather than searching for an optimum route through the qualification or preparing students for examinations.

In our response to the Committee's report *From EBCs to GCSEs* we acknowledged concerns about the scale and pace of our proposed reforms. We believe the case for reform is compelling; young people should have access to qualifications that give the right recognition for their achievements. We have shown that we are willing to listen to the advice of others, particularly the regulator, regarding the impact of change. We have made clear our intention to phase reforms to both GCSEs and A levels, in order to balance the compelling case for change against the potential risks.

On 6 September, Ofqual published an exchange of letters with the Secretary of State about the next steps for A level and GCSE reform. The letters set out a revised timetable

for the reforms. Ofqual also published the report by Professor Mark Smith on the exam boards' subject-by-subject review of A level content requirements.

Professor Mark Smith's report gives a firm foundation on which to build our A Level reforms and we welcome Ofqual's commitment to produce new A Levels in September 2015.

Ofqual has advised that the introduction of Mathematics and Further Mathematics should be re-phased for delivery in 2016. We agree with their advice given the fundamental importance of these subjects and the need to learn from Professor Hyland's 16–18 project at Cambridge University.

We have also accepted Ofqual's advice that the development of reformed GCSEs should be re-phased, with English and Mathematics brought in for first teaching from 2015 and other subjects introduced in 2016. English and Mathematics provide the foundation for students' progression to further study and employment and it is right that we prioritise the availability of world class qualifications in these two important subjects.

The re-phasing will enable schools to focus on preparing for teaching of new English and Mathematics examinations and provide schools with more preparation time for GCSEs in other subjects. We will continue to keep schools' readiness to teach new qualifications under review.

Qualifications design

This section addresses the Committee's recommendations 12 and 25, as listed below.

12. It is clear that warning voices regarding potential problems were raised but not acted upon during the development and accreditation phases of the current English GCSEs. While innovation and change is healthy and essential in any examination system, one of the crucial lessons that must be learned from this episode is that Ofqual and Ministers should listen when concerns are raised, especially when they come from specialists in the field. Balancing innovation and change with sound, specialist advice is the hallmark of a robust and high quality examination system (Paragraph 79)

25. The Secretary of State has shown that he is prepared to act on the advice of the Chief Regulator regarding changes to the exam system and qualifications. We recommend that the Government continues to have serious regard to Ofqual's advice on qualifications design in the forthcoming GCSE and A level reforms. We also recommend that Ofqual ensures it has systems and procedures in place for qualifications design which are sufficiently resourced and appropriately robust to enable it to meet the significant challenges ahead and to secure high quality qualifications for young people. (Paragraph 147)

As the Committee notes, the Government has shown itself willing to heed—and act upon—the advice of the Chief Regulator regarding changes to qualifications and the exams system. In developing and implementing reforms to GCSEs and A levels we will continue to work closely with Ofqual, providing clear policy steers where it is appropriate to do so and respecting the statutory responsibilities of the regulator.

Prior to consulting on subject content and assessment objectives for reformed GCSEs the Government sought confirmation from Ofqual that its proposals could be regulated effectively. We will review this following consultation, to ensure that the qualifications are robust.

Following a process to seek the views of higher education and learned bodies, chaired independently by Professor Mark Smith, Ofqual has advised on the changes that can be made to A levels for first teaching in 2015 (and subsequently). We have agreed with Ofqual that Mathematics and Further Mathematics requires more work given the fundamental importance of these subjects.

Both Ofqual and the Government agree that existing GCSEs are inadequate and that reformed qualifications should be introduced at the earliest opportunity. However, we accept that much more rigorous regulatory demands should be put in place and that Ofqual needs more time to develop them. This has resulted in our agreed re-phasing of GCSE reforms.

Our programme of examination reform, alongside changes to the National Curriculum and accountability system, will ensure that all students are undertaking fulfilling and demanding courses of study. We recognise that these reforms are ambitious and the Secretary of State has agreed to make additional resources available to Ofqual to support the extra work we need to do to complete the reforms of GCSEs and A levels.

Roles and responsibilities

13. The Government is embarking upon the most significant and wide-ranging reforms to GCSEs and A levels since Ofqual was established as an independent regulator and has set a challenging timetable. We recommend that the DfE and Ofqual set out in detail their respective roles and responsibilities in qualifications development, particularly regarding how subject content will be developed, and publish this information before their respective consultations on the proposed GCSE reforms have ended. (Paragraph 87)

We agree with the Committee that it is important to be clear about the respective roles of the Department for Education and Ofqual in qualifications reform, bearing in mind the benefits of the current regulatory model. We set out in our respective consultation documentation the role of the Government in determining the subject content of GCSEs and that of the regulator in determining how that subject content is to be assessed. We will do the same in relation to future qualifications reform.

Three country regulation

20. Relations between Ministers in England and Wales are clearly under strain, as the era of three-country qualifications and regulation appears to be coming to an end. We believe that such an outcome would be regrettable and hope that even at this stage the joint ownership of GCSEs and A levels will continue. We urge Ministers to do everything possible to bring this about, (Paragraph 125)

We believe that divergence in qualifications policy between England, Wales and Northern Ireland is a natural consequence of devolution. It is for each government to decide on the qualifications it believes are right for its young people. The Welsh Government has set out its plans for changes to GCSEs in Wales, which will result in qualifications that are very different from those in England, with different subject content, structure and assessments. The Northern Irish Assembly is also considering the future of qualifications there.

As qualifications policy diverges, there will be consequences for regulation. Where the differences between the qualifications in each country are significant, they cannot be regulated on the same basis without the regulators being forced to compromise on the setting of standards, which would undermine confidence in the qualifications. We believe that it is right, in these circumstances, to be open and honest about the differences, while continuing to make sure that the qualifications available in each jurisdiction are recognised by employers and higher education institutions across the UK and further afield.

Ofqual has advised that it is timely to acknowledge that three-country regulation of GCSEs and A levels is no longer tenable. We take this advice seriously. Matters relating to the effective regulation of qualifications in England, Wales and Northern Ireland in these circumstances, including the consequences for ownership and titling of qualifications, are for the regulators to consider, and we look forward to receiving further advice from Ofqual.²

The investigatory process

24. Ofqual is accountable to Parliament, predominantly through this Committee. We scrutinise the actions of both the regulator and the regulated, taking the advice of independent experts where appropriate. We also make any necessary recommendations for reform. In the exceptional event that a more wide-ranging and in-depth inquiry is required, the Government and House of Commons must ensure that the Committee is adequately resourced to enable it to investigate the technical processes and procedures in question. The Government should also commit to a

² Ofqual: Corporate Plan 2013-16 (August 2013)

presumption that any subsequent recommendations made by the Committee will be implemented. (Paragraph 141)

We appreciate that the Committee may need in exceptional circumstances to seek expert advice to enable it to conduct an inquiry of a similarly technical nature in future. We agree that it is in the public interest that it should be adequately resourced by the House of Commons; these are matters entirely for the House and not for Government.

We agree that the recommendations of the Committee must always be given full and careful consideration. We accept the general principle that the Committee's recommendations should be implemented unless there are sound reasons not to do so.

Appendix 2

Ofqual Response

Introduction

We welcome the report of the Select Committee's investigation in to the awarding of GCSE English in 2012. This memorandum provides our responses to those recommendations that are relevant to Ofqual.

We welcome your report and concur with your findings. In our current GCSE consultation we are using an evidence-based approach to determine how tiering will be used in the reformed qualifications and the grading structure that will be introduced; we test our proposals with experts on our Standards Advisory Group and with exam board representatives; we are reflecting in our GCSE design proposals the pressures that will come on the reformed GCSEs from their continuing use in the school accountability system; we are proposing arrangements subject by subject, rather than applying a standardised approach across all subjects; we will continue to review progress with our reform plans and amend implementation timescales if necessary³ to ensure a safe transition from current GCSEs and we are also developing plans to communicate with schools and other stakeholders about what we are doing.

The Secretary of State has agreed to make additional resources available to Ofqual to support the extra work we need to do to complete the reforms of GCSEs and A levels.

We note the Committee's conclusion (paragraph 139) that, given the strength of feeling about last year's GCSE English results a judicial review was a likely outcome. We welcomed the decision of the court that, faced with a difficult situation, Ofqual did the right thing and the fairest thing for the right reasons. We have taken action to strengthen GCSE English awarding. We required exam boards to make changes in the

³ www.ofqual.gov.uk/files/2013-09-06-letter-to-SoS-GCSE-and-alevel-reform.pdf

awarding of GCSE English and English language this year including the use of tighter moderation tolerances for the written controlled assessments and grading units taken in January and June together. Exam boards have now completed the summer 2013 awards, with results generally accepted in schools and colleges, and standards maintained. Most recently we determined to make further changes: speaking and listening is to be taught and assessed as now, but student achievement will be recorded (endorsed) separately so as to protect its assessment from accountability pressures.

We would welcome the opportunity to discuss our responses with the Select Committee.

Responses to the Committee's conclusions and recommendations that are relevant to Ofqual

Balance of internal and external assessment

2. We welcome Ofqual's proposals to increase the weighting of external assessment in the current GCSE English and GCSE English Language qualifications from summer 2014, as we agree that this will help to make the qualifications more robust and more resistant to pressure from the school accountability system. We note the concerns expressed by school leaders about the timescales, but believe that benefits of the proposed action outweigh the downsides, particularly given the assurances from Ofqual that it will take steps to minimise any advantage or disadvantage to students caused by the change. (Paragraph 38)

Ofqual response: We are pleased to note the Committee's support for our proposal. On 29th August, we confirmed⁴ that we will go ahead with plans to stop Speaking and Listening assessments from counting towards final grades in GCSE English and English language, with immediate effect.

There is no way to ensure the skills are assessed consistently across all schools, and this change will make the qualification fairer for candidates. A score or result for speaking and listening skills will be reported separately on the GCSE certificate, giving a more detailed picture of the candidate's achievements than under the previous arrangements.

The balance between exams and controlled assessment will change. Written exams will count for 60% (previously 40%) and written controlled assessment for 40%.

3. It is clearly better to decide on a subject-by-subject basis what an appropriate proportion of internal assessment should be, rather than imposing central requirements or models to which all subjects must conform. We welcome Ofqual's indication that in future these decisions will also take into account the context in which the qualifications will operate. This is particularly important for GCSE

⁴ www.ofqual.gov.uk/news/changes-to-gcse-english-and-english-language

English, given the current proposals for GCSEs in English and mathematics to remain part of a headline threshold accountability measure as part of the new secondary school accountability measures. We look forward to examining Ofqual's proposals for internal assessment in revised GCSE qualifications in due course. (Paragraph 40)

Ofqual response: Our consultation on GCSE reform, published on 11th June⁵, sets out our proposals for non-exam assessment on a subject-by-subject basis for English language, English literature, maths, the sciences, history and geography. We have set out the principles that we will use to decide whether non-exam assessment should be included in each subject:

1. Non-exam assessment should be used when it is the only valid way to assess essential elements of the subject.
2. Non-exam assessment must strike a balance between valid assessment of essential knowledge and skills, sound assessment practice and manageability.
3. Any non-exam assessment arrangements should be designed to fit the requirements of the particular subject including the relative weighting of written exams and other components assigned to it.
4. Non-exam assessment should be designed so that the qualification is not easily distorted by external pressures from the wider system.

We are proposing some internal assessment in English language and the sciences. In English language, the draft content, on which the Department for Education consulted, includes a requirement that students must be able to demonstrate presentation skills in a formal setting and listen and respond appropriately to spoken language, including to questions and feedback. These important skills cannot be assessed by written exam. Alternative assessment arrangements must be used. We propose that spoken language skills are assessed and marked by students' teachers. The outcome of this assessment should not contribute to the grade; it should be reported separately on the certificate. This is the approach that we have now implemented for the current GCSEs in English and English language.

In the sciences, we propose that practical science skills should be assessed by teachers, in accordance with exam board requirements. We will require exam boards to provide assurances about the integrity and validity of the assessments and the standardisation of teacher marking. The assessment of practical skills should contribute ten per cent of the marks for each qualification.

We set out the reasons for our proposals in the consultation document, drawing amongst other things on our controlled assessment review that we published at the same

⁵ www.ofqual.gov.uk/news/ofqual-launches-consultation-on-gcse-reform

time⁶. When we come to consider the regulatory arrangements for other subjects, we will in a similar way consider the appropriate approach to assessment, including how much if any non-exam assessment there should be.

There is further work to be done on later subjects including some (such as music or art and design) where we would expect a significantly greater proportion of internal assessment.

Moderation procedures

4. We welcome the steps taken by exam boards to improve their moderator feedback to schools and to make clearer the distinction between administration and standards/markings issues. We recommend that it is made clear to schools and colleges in moderator feedback if they have been marking generously or severely but within tolerance, and that Ofqual monitors this aspect of exam board communication with schools and colleges more closely in future, to ensure that teacher assessments are fair and accurate. (Paragraph 44)

5. Exam boards retain only paper copies of moderation records of schools whose marks are found to be within tolerance. This means that it is labour-intensive for exam boards to enter data electronically, which would enable them to run wider analyses of trends in teacher and moderator marking. Ofqual has recently asked the exam boards how they will review evidence of marking trends within tolerance, ahead of the summer 2013 grade awarding. We welcome this. We recommend that Ofqual and the exam boards consider whether changes to moderation systems and processes are needed to ensure that it is easier to analyse and track patterns in schools' marking of internally assessed work. (Paragraph 47)

6. According to Ofqual, the standard marking tolerance was well established and teachers were aware of it. Ofqual observed that the marking tolerance “meant that schools could be over- or under-marking by up to six marks in some units and still have their marks accepted”. We are surprised that, given all the assessment expertise residing in exam boards and now in Ofqual, no-one questioned whether a standard tolerance of six per cent was appropriate for a high stakes qualification with such a high proportion of controlled assessment. One senior exam board official acknowledged that this was “a fair challenge” when we put this question to him. Andrew Hall of AQA suggested that it was because “we did not understand sufficiently [...] the impact of accountability measures.” We return to the accountability system later in this chapter. (Paragraph 48)

Ofqual response to Committee recommendations 4, 5 and 6: We have reviewed in detail each exam board's arrangements covering:

- the effectiveness of processes for raising centres' awareness;

⁶ www.ofqual.gov.uk/files/2013-06-11-review-of-controlled-assessment-in-GCSEs.pdf

- the appropriateness of feedback from moderators to centres;
- the level of understanding about centres' marking performance.

We concluded that, overall, exam boards had made good progress in all three areas although in some cases further improvement is needed.

We will receive reports from exam boards during September on the impact of the reduced moderation tolerances and we can provide a summary to the Committee if requested. However, from the discussions we have had with exam boards during the awarding process, the moderation process worked satisfactorily and we are not aware of any significant concerns.

7. We recommend that Ofqual and the exam boards consider on a subject by subject basis what an appropriate tolerance might be for new GCSEs and A levels when deciding upon the proportion of internal assessment for each qualification, and that these decisions be informed by the research commissioned by Ofqual. (Paragraph 50)

Ofqual response: See response to Committee recommendation 3.

8. Moderation, as AQA has stated, relies on the professionalism of the teacher community. Ofqual's position on over-marking is an uncomfortable one for teachers, as it calls into question the integrity of some of the profession. We accept Ofqual's findings about over-marking. However, we can see that its position is not helped by its reliance on a sample from one exam board, by contrasting views among exam board chief executives and by moderator feedback to schools and colleges which has not always been sufficiently clear about marking and standards. Furthermore, we recognise that Ofqual's action to address over-marking in some schools has led to the unavoidable but highly unsatisfactory situation that students in other schools, whose work was marked accurately by their teachers, may have been penalised. Exam boards and Ofqual must make every effort to ensure that this situation is not repeated in summer 2013. (Paragraph 55)

Ofqual response: See response to Committee recommendations 4, 5 and 6.

Speaking and listening

9. The problems experienced with GCSE English in 2012 highlighted serious weaknesses in the moderation of speaking and listening and the consequences for grade awarding. While we agree that speaking and listening are important skills, the current assessment arrangements are not robust enough to ensure that assessment is a reliable, fair and accurate reflection of students' performance. This risks devaluing the assessment of those skills and also generates further problems in securing standards across the qualification as a whole. On balance, we welcome the action

proposed by Ofqual to address the weaknesses in the assessment of speaking and listening. (Paragraph 60)

Ofqual response: see response to Committee recommendation 1.

Pressures from the school accountability system

10. We welcome Ofqual’s indication that it will take into account the context in which qualifications operate when regulating and planning qualifications reform. This is especially important for GCSE English, given that it looks likely to remain part of a headline threshold measure, as outlined in the Government’s proposals for secondary school accountability. We recommend that Ofqual indicates publicly and clearly when and how accountability measures are a factor in its decision about how a qualification is designed. (Paragraph 66)

Ofqual response: Our current consultation on the reform of GCSEs sets out how accountability measures have influenced our proposals. In GCSE English language we propose that, with the exception of speaking and listening, all assessment for the reformed qualification should be by written exams alone. Further, this assessment of speaking and listening should not contribute to the grade; it should be reported separately on the certificate.

We responded to the Department for Education’s consultation on secondary school accountability.⁷ We noted that *“the life chances of each student are most likely to be improved, and your aims met, if reformed GCSEs and robust secondary school accountability measures sit well together and are designed to be mutually reinforcing.”* We also proposed that, if the floor standard model continues to be used, that it could be based on progress in English and maths rather than on absolute performance, moving away from grade thresholds. We therefore await with interest the government’s announcement of its decision on the design of accountability measures that will be introduced.

Warning voices

12. It is clear that warning voices regarding potential problems were raised but not acted upon during the development and accreditation phases of the current English GCSEs. While innovation and change is healthy and essential in any examination system, one of the crucial lessons that must be learned from this episode is that Ofqual and Ministers should listen when concerns are raised, especially when they come from specialists in the field. Balancing innovation and change with sound, specialist advice is the hallmark of a robust and high quality examination system. (Paragraph 79)

⁷ www.ofqual.gov.uk/news/our-response-to-the-secondary-school-accountability-consultation

Ofqual response: We agree with the Committee that reform of qualifications poses risk. We draw on the expertise we have in Ofqual and in our Standards Advisory Group to inform how we can reduce these risks. To support the forthcoming GCSE and A level reforms, we have also established clear working arrangements with exam boards at both leadership and technical levels, to draw on all available expertise and perspectives to minimise the risks. Our international comparability work provides a further perspective to inform our work.

Forthcoming GCSE and A level reforms

13. The Government is embarking upon the most significant and wide-ranging reforms to GCSEs and A levels since Ofqual was established as an independent regulator and has set a challenging timetable. We recommend that the DfE and Ofqual set out in detail their respective roles and responsibilities in qualifications development, particularly regarding how subject content will be developed, and publish this information before their respective consultations on the proposed GCSE reforms have ended. (Paragraph 87)

Ofqual response: We set out the respective roles of Ofqual and the Department for Education in our consultation for reforming GCSEs:

Our role is to put in place, in line with our statutory objectives, the regulatory requirements for the reformed GCSEs. In particular, we will decide the specific design features that will apply to the reformed GCSEs, the requirements of exam boards recognised to offer them, and the approach to setting and maintaining the standard of the qualifications so that they are comparable. We will hold the boards to account for designing, delivering and awarding qualifications that are fit for purpose. We will consult later in the year on the detailed regulatory arrangements to implement the final decisions we make on the arrangements set out here.

The Department for Education has taken responsibility for determining the content of GCSEs in the 'English Baccalaureate' subjects (English, mathematics, the sciences, history, geography and languages). We will regulate to require that these curriculum requirements, once they have been consulted on, are met by the reformed GCSEs. We must make sure that the content is suitably challenging for students at this stage of their education and that the qualifications are designed so achievement against the content can be validly assessed.

15. Ofqual has taken steps to increase its assessment expertise, as recommended in our 2012 exams report. Ofqual must use this expertise to heed warning voices and take on board technical arguments in qualifications design for the forthcoming GCSE and A level reforms. It should be prepared to put a robust case to Government, should those arguments be contrary to Government policy steers. (Paragraph 89)

Ofqual response: We have been involving the experts on our Standards Advisory Group to draw on their assessment knowledge and views so that the new GCSE and A level

specifications and the rules that surround them are as good as possible. We are working with exam boards' technical staff and their subject leads to ensure that the new qualifications are of the right quality and standard. We have taken a robust view: quality standards must be sufficiently well described and agreed with exam boards so as to ensure good quality qualifications. This means that the development work will take longer than had first been anticipated and why we announced on 6th September⁸ that we will focus the GCSE reform on English language, English literature and maths for first teaching in 2015.

We are also recruiting to fill two vacancies on our Board. We have earmarked one of the vacancies to be filled by an expert in assessment and we have had a good response from well-respected experts.

16. Ofqual's role in qualification design is likely to come under significant pressure in coming months as the proposed timetable for GCSE reform coincides with significant changes to A levels. Ofqual should ensure that it has in place robust systems and adequate resourcing to undertake this role effectively, and that it gives explicit advice to Ministers about the risks involved in reforming GCSEs and A levels at the same time. It also needs to raise public awareness of the likelihood of increased variability in results during times of significant changes to qualifications. (Paragraph 90)

Ofqual response: We agree with this recommendation. We have secured additional resources from DfE to support our work on the Reform Programme. We have also recently made changes to Ofqual's management structure. We have created a dedicated Reform Directorate, supported with experienced programme management, to ensure we have effective control of the major developments that are in progress. This will help us to advise Ministers and others on progress with the reforms, including any emerging risks and how they should be managed. We made clear in Glenys Stacey's letter to the Secretary of State on 6th February that we would keep the timetable under review and if necessary delay the reforms. We are also putting in place a communications strategy for the Reform Programme, and allocating dedicated communications resources, so that all those who need to understand the new qualifications and their implications are able to do so.

The changes we have made to Ofqual's management structure enable other staff to focus on the important day job, to ensure our current regulatory activities are carried out diligently and that we maintain public confidence in our exams system.

Exam board communication with schools and colleges

17. Exam boards must take very seriously the need to communicate better with schools and colleges, in order to improve trust and confidence in the exam system. We welcome signs that this communication is improving, but, as exam boards have

⁸ www.ofqual.gov.uk/files/2013-09-06-letter-to-SoS-GCSE-and-alevel-reform.pdf

acknowledged, this is a significant and ongoing challenge, and there is more to be done. We also welcome Ofqual's greater scrutiny of this area and recommend that Ofqual continues to be more vigilant in its monitoring of communication between exam boards and schools, as this area is closely linked to public confidence. We also welcome Ofqual's plans for improving its own communication with schools and colleges about marking and grading in the summer 2013 exams, in order to help restore confidence in Ofqual's regulation of exams, particularly among teachers and head teachers. (Paragraph 97)

Ofqual response: See response to Committee recommendations 4, 5 and 6.

18. As we noted in our 2012 exams report, there are significant challenges for Ofqual and the exam boards in explaining the technical difficulties surrounding grade awarding. The problems experienced with GCSE English in 2012 have brought many of the issues to the foreground, with the judicial review scrutinising the grade boundary setting process in considerable detail. There are, however, lingering misconceptions and concerns about unfairness and, as Ofqual has acknowledged, the experience engendered a great deal of mistrust. Work is needed to improve understanding of and restore confidence in the system, particularly with regard to grade awarding and Ofqual's role in maintaining standards. (Paragraph 109)

Ofqual response: We agree that both Ofqual and exam boards have responsibility to explain how the system works and to rebuild confidence in awarding. We are pleased that this summer's awarding has progressed well. Exam boards completed their awards without the need for Ofqual to intervene formally in any decision. We provided extensive information on how marking and grading works⁹ and set out how results this summer might have looked different because of changes taking place¹⁰. In July, we issued an open letter to schools¹¹. Exam boards also provided support to their centres, both individually and through the JCQ.

We recognise that effective communication through the period of exam reform is going to be crucial to build the confidence of teachers, students and the general public in the qualifications.

19. Ofqual must continue to make greater efforts to explain the complexities of awarding and standards setting, and its role in this, to schools and colleges, in order to improve confidence in the comparable outcomes approach and in Ofqual's work as regulator. Ofqual should also keep the comparable outcomes approach under review and be prepared to adapt it in the light of experience and/or expert advice. (Paragraph 110)

⁹ www.ofqual.gov.uk/help-and-advice/about-marking-and-grading

¹⁰ www.ofqual.gov.uk/files/2013-08-01-summer-2013-why-gcses-may-look-different-this-year.pdf

¹¹ www.ofqual.gov.uk/news/open-letter-to-schools-on-changes-to-qualifications

Ofqual response: We look for opportunities to explain how standards are set and maintained. For example, we host an ‘Exam Stakeholder Engagement Group’ three times a year, which is attended by teachers’ representative bodies and other organisations that are involved in the exams system. In July we held a focus group of headteachers in the Coventry area and we are developing this approach and establishing other forums—of teachers and head teachers. We are providing more information on standard setting on our website and we will continue to develop a transparent, open and informative approach.

We agree with the Committee that we need to keep our comparable outcomes approach under review. We do this with our Standards Advisory Group and we have significant work planned in our Reform Programme to decide how standards will be set and maintained for the reformed GCSEs. The government has asked Ofqual to lead in developing a new National Reference Test at the end of Key Stage 4, which will be used as part of our approach to setting and maintaining standards in GCSEs.

See also our response to Committee recommendation 18.

The future of three-country qualifications and regulation

20. Relations between Ministers in England and Wales are clearly under strain, as the era of three-country qualifications and regulation appears to be coming to an end. We believe that such an outcome would be regrettable and hope that even at this stage the joint ownership of GCSEs and A levels will continue. We urge Ministers to do everything possible to bring this about. (Paragraph 125)

Ofqual response: We are discussing with the Welsh Government a proposed Memorandum of Understanding (MoU) between us which sets out how we will work together as regulators of qualifications that are taken in both England and Wales. Once agreed, we will publish the MoU and will supplement the principles our Board has already agreed and published about regulating qualifications which may be subject to more than one set of regulatory requirements¹².

21. The current jointly owned and regulated GCSEs will continue to run until summer 2016 in some subjects and until summer 2017 in others. We recommend that Ofqual does all it can to improve relations with the Welsh regulator and to agree a way forward on standards setting for the remaining lifetime of the current GCSEs. (Paragraph 129)

Ofqual response: See our response to Committee recommendation 20.

The investigation process

23: As exam board representatives noted, Ofqual now has the necessary expertise to investigate problems with the exam system and this forms a key part of its work as

¹² www.ofqual.gov.uk/files/2013-03-22-ofquals-principles-for-regulating-qualifications.pdf

regulator. The question remains about how best to investigate decisions and actions taken by Ofqual itself. In this case, Ofqual was investigating some decisions which were taken before it was established in its current form. It was also, however, investigating issues in which it was closely involved as regulator, and in future, it will be increasingly likely that it will find itself investigating decisions it has taken in its present form. Judicial review is, of course, one option, although, as this case demonstrates, this can be a rather long and expensive remedy. (Paragraph 140)

Ofqual response: In carrying out our investigation into the awarding of GCSE English in 2012, we were acting responsibly as the regulator. We identified to what extent awarding had happened as it should and then we investigated further to understand and set out what had actually happened. We thought it right to do that and to do so as quickly as possible, given the level of concern.

Conclusion

25. The Secretary of State has shown that he is prepared to act on the advice of the Chief Regulator regarding changes to the exam system and qualifications. We recommend that the Government continues to have serious regard to Ofqual’s advice on qualifications design in the forthcoming GCSE and A level reforms. We also recommend that Ofqual ensures it has systems and procedures in place for qualifications design which are sufficiently resourced and appropriately robust to enable it to meet the significant challenges ahead and to secure high quality qualifications for young people. (Paragraph 147)

Ofqual response: See our response to Committee recommendation 16.

26. Young people and their future life chances are at the heart of this matter. It is important not to underestimate or forget the impact on those who took the GCSE English exam in 2012 and those who are taking it this year. It is essential to stress that, despite the problems highlighted in this report, students, both in 2012 and 2013, will have gained a GCSE English qualification that is a meaningful and valid reflection of their achievements, and that should enable them to progress to further education and employment. (Paragraph 148)

Ofqual response: We agree with the Committee. Following the court’s decision on the judicial review, the Chief Regulator issued a statement¹³ which reflects the Committee’s own conclusions:

“We welcome the decision of the court that, faced with a difficult situation, Ofqual did the right thing and the fairest thing, for the right reasons.

“It’s clear from the judgement that if we had followed the course of action called for by the claimants, the value of GCSE English would have been ‘debased’, to use the judge’s own word, and many students would have received grades that they did not deserve.

¹³ www.ofqual.gov.uk/news/chief-regulators-statement-on-gcse-court-decision

“We know some students and schools will be disappointed with this. We understand that. But it’s our job to secure standards.

“The court agreed with our conclusion that the root of the problems was the poor design of the GCSE English qualification. We want much better qualifications than this, and it is time to look to the future. We have been trusted with a key role in reforming GCSEs. We will work now with all those with an interest in doing the best for our young people, to shape new qualifications that are worthwhile to study and stimulating to teach, and to ensure that they are not bent out of shape by the pressures of school accountability measures.”