

Consultation on the Regulatory Framework for National Assessments



About the consultation

Thank you for taking the time to consider responding to Ofqual's consultation on the Regulatory Framework for National Assessments. You can respond using Ofqual's online consultation platform at <http://comment.ofqual.gov.uk/>, by completing this form by hand or downloading a version that can be completed using a word processing program.

Please feel free to respond to as few or as many questions as you wish.

The deadline for receipt of responses is 5pm on 1 September 2010. Responses not submitted through the online platform can be returned by email to nc.consultations@ofqual.gov.uk or by post to National assessments consultation, Ofqual, Spring Place, Herald Avenue, Coventry CV5 6UB.

The responses will be analysed by an independent external organisation. The report on the responses and the final version of the regulatory framework will be published in late autumn 2010 after they have been considered and agreed by Ofqual's Board.

If you do not wish your response to be included in the published report indicate clearly that you are submitting your response on a confidential basis by ticking this box . All responses will, however, be made available to the external organisation appointed to analyse the responses.

About your response

Please provide the information requested below.

Title	Mrs
First name	Pauline
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Organisation	Association for Achievement and Improvement through Assessment (AAIA)
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Part A, The principles of regulation

1. How clearly do you think that Part A, Section 1 (paragraphs 24-31) sets out the overall approach to regulation of national assessments?

Please tick (✓)

Very clear	Mostly clear	Somewhat clear	Not at all clear
4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please add any comments on Section 1 here:

Some of the statements are imprecise, e.g. section 28 esp. 3rd bullet point needs to specify exactly whose confidence – we suggest adding ‘among all stakeholders and the general public’)

2a. To what extent do the criteria for regulations set out in Section 2 (common criteria and assessment criteria, paragraphs 32-41) provide an appropriate basis for the regulation of national assessments?

Please tick (✓)

Wholly appropriate	Mostly appropriate	Somewhat appropriate	Not at all appropriate
4	3	2	1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2b. Are the definitions and examples provided for the common criteria helpful?

Please tick (✓)

Very helpful	Mostly helpful	Somewhat helpful	Not at all helpful
4	3	2	1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any comments on Section 2 here:

It is important to be clear about the audience for this document.

For sections 39-41 a flowchart would be clearer to follow.

Section 36 – reliability, like validity, is relative. The relationship between validity and reliability is more complex than represented here – for example, assessment can be reliable but not valid if it has a persistent gender or social bias. At the moment it is not detailed enough to do justice to these concepts, but probably too detailed to be useful to the general reader. This section should perhaps be an appendix.)

3. To what extent is the regulatory process explained clearly in Section 3 (paragraphs 42-67)?

Please tick (✓)

Very clear	Mostly clear	Somewhat clear	Not at all clear
4	3	2	1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any comments on Section 3 here:

This section needs a clearer definition of responsible bodies - Most particularly, who is responsible for moderation?

4. To what extent do you think that the process for managing change set out in Section 4 (paragraphs 68-84) will be effective in delivering change?

Please tick (✓)

Very effective	Mostly effective	Somewhat effective	Not at all effective
4	3	2	1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any comments on Section 4 here:

It will be important that those requiring change, especially the DfE, should follow this process. Will this be a requirement and how would it be enforced?

s75 – there should be a requirement to provide an impact analysis.

S79 – suggest the word ‘should’ in the second sentence (The responsible body should...) is changed to ‘must’.

Part B, Assessment arrangements: roles of responsible bodies in implementing the framework

5. How clearly are the roles and responsibilities of each of the responsible bodies set out in Part B?

Please tick (✓)

Very clear	Mostly clear	Somewhat clear	Not at all clear
4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please add any comments on Section 7- 16 here:

Part B is very long and needs a summary. It is confusing, with too many headings and sub-headings. At times it is not clear whether specific paragraphs are referring to statutory assessments in general or to assessments for particular age groups. Since schools have to carry out both tests and TA at KS2 (and, to a lesser extent, at KS1, since tasks and tests contribute to TA), it would be better not to separate these out.

The responsibilities, evidence and outcomes in Part B are in some cases significantly different from the current statutory requirements outlined in the Assessment and Reporting Arrangements (ARA) booklets. This is confusing.

It would help if the response form followed the same order as the consultation document, which Part B does not.

The section also needs to reflect more overtly the duties in section 12 which Ofqual must promote.

Specific points:

QCDA

It is useful to have the responsibilities of QCDA listed, but it is difficult to comment on these at the moment. These responsibilities should be built into any future system.

Local Authorities

The framework does not mention the provision of training, support and advice by LAs which are essential if assessment arrangements are to be applied consistently and with integrity. These should be added to the need to share information about assessment arrangements. The ARA for KS2 (p.7) states that “Local authorities should make sure schools understand and follow the statutory requirements. To do this, local authorities will:

... offer schools training and advice on all aspects of assessment at key stage 2.”

Page 6 of the EYFS and KS1 ARA and page 4 of the KS3 Teacher Assessment and Reporting Arrangements (TARA) include similar statements for other Key Stages.

s123 – LAs need to be provided with necessary funding as well as information, guidance and training.

Ofsted

s129 – Ofsted could not expect to see fully completed Early Years Foundation Stage Profiles (EYFSP) for any pupils except those who have come to the end of their time in the Early Years Foundation Stage (EYFS) and, imminently, will be moving into Y1 at the start of the next academic year. There is no legal requirement to complete the EYFSP until the end of a pupil’s time in the EYFS. The Profile was designed to be completed gradually over time to document pupils’ learning development and Ofsted’s current guidance for inspectors recognises this as good assessment practice.

Ofsted should have a responsibility to ensure that inspectors use assessment data in ways appropriate to its purpose (in line with Ofqual’s duties on p.4)

Schools and settings

s131 – suggest this should read ‘.... report the outcomes to **learners**, parents, guardians.....’etc

s133 - suggest this should read ‘.... to be completed and submitted for each child during the final year....’etc

Headteachers etc.

s135 - (as above) suggest this should read '.... report the outcomes to **learners**, parents, guardians.....'etc

S138 states that head teachers must provide local authorities with EYFS and KS1 achievement data but does not mention providing the appropriate body with KS2 and KS3 TA data.

Teachers etc.

s142 - suggest the phrase 'show their ability' is replaced with 'demonstrate progress'

Overall

The **references to moderation** are internally inconsistent and appear to go further than current legal requirements. Local authorities play a critical role in current moderation procedures which is not reflected in this section.

S137 states that '*Head teachers and managers and leaders of foundation stage settings must ensure that arrangements are in place to ensure that reliable and consistent teacher and practitioner assessment judgements are made. These arrangements must include internal moderation and moderation across adjacent key stages.*' While it is true that head teachers must take responsibility for 'quality assurance processes and ensure that data accurately reflects the attainment...of the children' and that 'practitioners should have adequate opportunities to become familiar with best practice' (EYFS section of KS1 ARA), it is not the case that arrangements **must** include internal moderation. The ARA says it 'may involve' this. The ARA for KS1 also says that it is 'likely to involve...meetings of teachers within schools'. There is currently no stated requirement in the ARA that moderation should take place across adjacent key stages. Is this intended to signify a change?

There is no reference to moderation in the KS3 TARA, and it is not clear which adjacent Key Stage would be relevant for cross – key stage moderation but the Ofqual responsibilities, evidence and outcomes appear to apply to KS3 as well as to earlier key stages.

The relevant section for Local Authorities, which is, confusingly, under evidence with no reference at all under roles and responsibilities, is the third bullet point under s127, which states that LAs should demonstrate that "*they support and implement, where possible, cross key stage moderation arrangements.*" This is much less prescriptive than the duty laid on teachers and head teachers.

6. Part B includes details of the evidence and outcomes required from responsible bodies. To what extent will the evidence and outcomes be effective in confirming to Ofqual that each responsible body is fulfilling its remit in relation to:

a. Externally developed and implemented national assessments?

Very effective	Mostly effective	Somewhat effective	Not at all effective
4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please add any comments here:

Part B appears to be incomplete - evidence and outcomes are not identified for all bodies.

For LAs, the only statement for externally developed and implemented assessment is related to access arrangements. Monitoring the security of assessment materials is listed in roles and responsibilities (s121 and, to some extent, s120) but there is evidence of this which should be included under "Evidence and Outcomes".

b. Teacher and practitioner assessments?

Very effective	Mostly effective	Somewhat effective	Not at all effective
4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please add any comment here:

S127, second bullet point. – **LAs** are not in a position to be able to demonstrate that "assessment judgements are a true reflection of children's and pupils' attainment" – only schools can do this. However, they should be able to demonstrate that **procedures are in place** (as in other bullet points) to ensure that assessment judgements are a true reflection of attainment.

S145 - It is not appropriate to say that teachers **must** demonstrate the consistency and accuracy of assessment judgements through participation in external moderation between schools and settings and across key stages (second bullet point). For KS1, the ARA says 'teachersshould have adequate opportunities to become familiar with national assessment standards'. It does not state that arrangements must include participation in meetings between schools but that it is 'likely to involve...meetings with teachers from other schools.' It does state that there is a duty for LAs to provide formal moderation arrangements and, of course, these are likely to involve cross-school moderation processes. However, external moderation could just involve moderation visits to schools by external moderators. For the Profile, there is a requirement on head teachers to arrange for practitioners to take part in LA moderation activities which in the

majority of cases would involve moderation activities with practitioners from other schools/settings.

If participation in cross-school moderation meetings is to be a statutory duty, it should be explicitly stated as such for head teachers to ensure, as well as for LAs to provide appropriate opportunities. As already pointed out in relation to S137, currently there is no stated requirement that moderation should take place across key stages although it is supported and encouraged by many LAs.

Glossary

7. How useful is the glossary in explaining the national assessment terms used in the regulatory framework?

Please tick (✓)

Very clear	Useful	Mostly useful	Not at all
4	3	2	1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any comments here (identifying any terms that are not clear or have been missed):

The glossary should include references to P scales and single level tests (if these are to be retained).

The regulatory framework as a whole

8. How clearly does the regulatory framework address inclusion and equalities requirements for national assessments?

Please tick (✓)

Very effective	Mostly effective	Somewhat effective	Not at all effective
4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please add any comment here:

The document acknowledges the importance of inclusion and equalities issues, but there are few specific references to activities/actions that Qfqual will undertake to ensure that these are addressed. For example, will it look specifically at making statutory assessments more appropriate for children where it has not been possible to assess them under current statutory arrangements? Why is there no reference to the P scales that schools are required to use to assess pupils not achieving in relation to National Curriculum levels and submit the outcomes to the DfE?

9. Paragraph 28 sets out the expected outcomes of Ofqual’s approach to regulation. How confident are you that this regulatory framework will support Ofqual in achieving these outcomes?

Please tick (✓)

Very confident	Mostly confident	Somewhat confident	Not confident at all
4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please add any comments here:

In order to achieve the outcomes, there will need to be more clarity to Part B of the framework – see responses above to question 6.

10. To what extent do you consider that the regulatory framework will remain effective if changes are made to the requirements for national assessments?

Please tick (✓)

Very effective	Mostly effective	Somewhat effective	Not at all effective
4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please provide add any comment here:

The effectiveness will depend on how extensive and/or radical any changes are.

Please use this space to make any additional comments on the regulatory framework.

While it is clearly necessary for Ofqual to have a regulatory framework, this document will not be an effective vehicle for communicating Ofqual’s role to stakeholders without significant revision. Whilst many necessary aspects are not included at present, it must be remembered that teachers, parents and the wider public are unlikely to have time to read and digest a lengthy and detailed document.

We suggest a more accessible, complementary synopsis is produced to explain the core elements of Ofqual’s role.