

# Consultation on changes to Ofqual's regulatory framework for national assessments

NFER response, 20<sup>th</sup> December 2017

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

The specification of national assessments and responsible bodies is clear and in line with our understanding. As well as local authorities, should representative bodies for academies, such as FASNA, also be included?

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

## Section B

The paragraph at the beginning of p9, line 213, should move underneath the next two paragraphs as it breaks the theme of explaining how 'validity', in relation to assessment quality, is construed. The first sentence of the next paragraph 'Considering validity does not involve a simple yes or no judgement; it is a matter of degree.' is helpful in explaining the challenges of determining whether an assessment is valid. However, the second sentence 'An assessment must ...' is very general and not adding anything to this section. It might be helpful to delete this sentence and add the first sentence to the next paragraph starting at line 220 as it is more helpful in explaining how Ofqual will decide whether validity has been achieved or not overall.

## Section C

In the paragraph entitled 'Observing processes related to validity', you state that observation can inform Ofqual of potential threats to validity. You do not say whether Ofqual would follow up on any potential threats at the time of observation. You also say that your presence does not provide assurance or indicate sign off of the activity. Whilst it is understandable that Ofqual would not want any observations they conduct to be interpreted in this manner, it would be helpful to know if Ofqual would flag up any serious concerns about threats to validity as soon as they became known rather than waiting for potential problems to continue. NFER's view would be that Ofqual should intervene or flag up concerns which could have a material impact on the delivery and test outcomes at the time they become known and not wait for them to be realised. This matter also relates to the section on page 12 'Providing feedback and engaging with responsible bodies'.

In the final paragraph on page 9, it implies that changes can always be made to secure validity. This is not always the case. It might be helpful to amend the first sentence to read 'Monitoring and review are important to check .... so that changes can be made where necessary, and if possible, to secure greater validity.'

The first sentence at the beginning of p14 is difficult to follow. Would suggest the following re-wording 'A significant failing will occur if a national assessment fails substantially ... to achieve one or more of its specified purposes as result of its development or implementation'.

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

This approach seems sensible, we have no comments.

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

In the section entitled 'Providing feedback and engaging with responsible bodies' you explain the engagement and sharing of conclusions primarily with STA. You do not indicate whether Ofqual will take account of STA's responses and additional evidence as part of this process. As currently worded, it implies that Ofqual will share conclusions with STA and expect responses but it does not indicate that your final conclusions (and published) reports will take account of all the evidence available. It would be helpful if this were clearer in the regulatory framework.

Picking up on the point under Question 2 about Observing processes, whilst Ofqual does not want to provide assurances or sign off of processes observed during the test development cycle, it would be helpful to know that Ofqual's views about the validity of a particular assessment are not unduly influenced by stakeholder's reactions following the delivery of the assessment. We recognise that Ofqual's work should be informed by stakeholder views and public opinion but it is also important to recognise that it is possible for a valid assessment to draw a range of responses from stakeholders including negative ones. As mentioned above, it would be helpful to know that feedback and engagement with stakeholders will take account of all the evidence available including Ofqual's views of processes observed during the development and delivery phases.

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

This change seems sensible, we have no comments.

**Question 6:** Do you have any comments on any aspect of the changes described above?

In line with earlier comments it would be helpful if Ofqual can be clear that judgements about validity will take account of all aspects of the design, development and delivery process and all the evidence gathered during the lifecycle of each assessment.

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

No these are clear and logical.

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

Yes – as indicated in our response to Question 2 some of the language and structure could be clearer. Specific suggestions have been provided for your consideration.

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

We have no comments

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

We have no comments.

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

We have no comments.

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

We have no comments.

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

If the regulator takes a rigid or, possibly, narrow view about what constitutes validity, it is possible that items selected for the assessments are restricted to those that are familiar to key users such as schools and markers and, as a result, the assessments fail to measure the test construct over time. They will also not give a reliable indication of achievement if the content and question styles are too predictable.

**Question 14:** We have not identified any ways in our proposed changes to the framework would impact (positively or negatively) on people who share a protected characteristic<sup>1</sup>. Are there any potential impacts we have not identified?

Not that we are aware of.

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

We have no comments.

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

We have no comments.

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<sup>1</sup> 'Protected characteristic' is defined in the Equality Act 2010. Here, it means disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation and gender reassignment.