



Kathleen Tattersall OBE
Chair, Ofqual
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19 February 2010

Dear Ms Tattersall,

Ofqual consultation: Regulating for confidence in standards

The Advisory Committee on Mathematics Education (ACME) and the Joint Mathematical Council of the UK (JMC) welcome this opportunity to engage with Ofqual on how it should meet its objectives and use its powers. We would like to highlight the following three issues which have arisen through the mathematics community's dealings with Ofqual to inform further development of the role of the regulator and its relationship with QCDA.

Transparency

It is encouraging that Ofqual recognises the importance of public confidence in its work and has listed this in the consultation document as one of Ofqual's priorities. A necessary condition of public confidence is transparency in operation; the consultation document assures us that there will be further consultation on detailed processes, but ACME's experience of Ofqual to date does not suggest that a culture of openness exists at present. In particular, we were disappointed that the names of Ofqual's external advisors on the viability of the linked pair of mathematics GCSEs were not published, and that important decisions were being taken without divulging the thinking behind them. It is frustrating for stakeholders to be left in the dark in this way – without knowing why decisions were taken, on the basis of what evidence received from whom – and this undermines public confidence and does not engender trust in the regulator by the subject community.

In discussing this issue, members of ACME pointed to examples of good practice in peer review processes used by Research Councils and academic journals, and the use of a process that allows successive reviewers to see each other's comments during the process to ensure that all aspects are covered in sufficient detail and that review is an iterative process.

We would like to propose that Ofqual undertakes to publish all accreditation advice received, to make this public immediately, and to set up a peer group of experts in each subject whose names are in the public domain and who are well briefed on the issues to be considered.

Confidence from the subject communities is as important as public trust; Ofqual should develop mechanisms to ensure professional bodies and subject associations are fully

engaged in the process of creating and revising new qualifications. A set of published codified procedures for obtaining advice and approval should be developed, with a panel of advisors nominated via formal approaches to the main subject associations and learned societies working to represent a community consensus. If appropriate there should also be examinations question setting and marking experts too.

We are very concerned at the emergence of situations where decisions are confirmed on the basis of proposals having found favour with just one subject association alone, disregarding the concerns of a larger number of equivalent organisations. The result is that subject associations can be played off against each other, with a perverse incentive for awarding bodies to seek out the 'least difficult' organisation for an endorsement. We do not believe this is a mechanism which is designed as effectively as it ought to be as it does not currently incentivise the improvement of the quality of awarding body specifications. We would prefer Ofqual to create a system whereby awarding bodies are expected to consult with an 'approved list' of stakeholders on specifications, and to address the points raised by such stakeholders within the relevant paperwork for accreditation. This should lead to a more transparent process by which input from subject communities can play a role in contributing to improved quality. Again, this should be part of a public codified set of procedures.

Diversity amongst subjects and level of intervention

We welcome Ofqual's commitment to regulating in a way that is consistent, but are concerned that a need for consistency is being interpreted as a requirement for a one-size-fits-all approach to regulation – a conflation of maintaining standards with standardisation. Any regulatory system must have enough flexibility within it to recognise the individual needs and unique attributes of individual subjects in terms of teaching, assessment and curricula, with a framework that encourages equivalence rather than homogeneity. Ofqual rightly aims to ensure that 'valid and reliable assessment methods are used' but the validity of an assessment method will naturally differ between subjects. The rationale for any absolute rule applied across all subjects should be made available for reference to ensure that its applicability can be verified in each case and appropriate steps considered where it is found to be unhelpful.

ACME has been frustrated by blanket rules applied to the number and structure of A-level units which have driven the structure of the mathematics content and its associated teaching and assessment needs, rather than vice-versa. We feel that the level of intervention here is inappropriate. The consultation document recognises that intervention must be proportionate, and we appreciate the importance of regulating a national qualification such as this, but involvement in the fine detail of unit structure without access to suitable subject expertise is a misinterpretation of Ofqual's role in this area. Moreover, there has been a lack of clarity on what Ofqual considers to be 'red line issues' in regulation at this level, and ACME has been frustrated at receiving mixed messages from QCDA, Ofqual, DCSF and others as to what the boundaries are and why they exist. This has hindered revisions to Level 3 mathematics qualifications. To paraphrase our experiences to date, it is becoming part of the education vernacular to hear "because Ofqual says so" as a reason for something happening, without a clear idea of whether this really is the case, and for what reason.

ACME is concerned at the loss of valuable specifications that happen not to meet the regulations of the day. In the recent round of GCSE accreditations, one long-standing specification was lost (or altered beyond recognition) in just this way, despite the fact that many schools found that it suited them well. We are particularly concerned because this occurred under the present Ofqual regime.

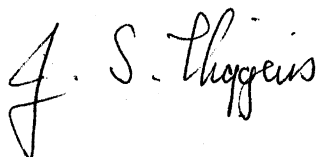
Efficiency of qualifications markets

We note that the consultation refers to Ofqual ensuring the efficiency of qualifications markets and invites suggestions on factors affecting the regulation of awarding bodies. ACME and JMC are not aware of any evidence of market forces contributing positively to qualifications standards; indeed we often receive complaints about the opposite effect, of a downward auction in standards. In our view this is an area which will require ceaseless vigilance by Ofqual and this should be the responsibility of mathematicians employed for that purpose.

ACME and JMC have many concerns relating to commercial interests and market forces between awarding bodies and in particular the sale of textbooks marketed as having been written by the chief examiner. We believe it would be better if no commercial relationship between awarding bodies and publishers is permitted. We recognize that this is a complicated situation and would be happy to meet with Ofqual to discuss this further.

In the past, there have been many innovative developments in the curriculum which have originated from organisations, stakeholders and charities outside of government and its agencies. It is imperative that Ofqual creates a regulatory process that does not lead to curriculum ossification.

We hope that Ofqual will find these reflections useful in the context of its current consultation and would be happy to meet with Ofqual to discuss these points further. We note that members of the ACME Secretariat and Isabel Nisbet have met already to articulate some of these issues and we look forward to an ongoing engagement.



Professor Dame Julia Higgins FRS
Chair, ACME



Professor Duncan Lawson
Chair, JMC

Cc: Isabel Nisbet (Acting Chief Executive, Ofqual)