

27 October 2008

## **Summary response from AQA to the draft proposals from the DCSF, *Additional monitoring and enforcement powers for Ofqual***

AQA has responded to the draft proposals from the DCSF on the additional monitoring and enforcement powers for Ofqual. The DCSF invited comment on these further proposals issued after consideration of the comments on the consultation document *Confidence in Standards* published in December 2007 and the follow-up report *Confidence in Standards: regulating and developing qualifications and assessment - next steps* published in June 2008.

AQA continues to give a broad welcome to the proposals and to the establishment of an independent regulator.

In particular, AQA very much welcomes the indications that Ofqual will adopt a more strategic approach than its predecessor. Detailed regulatory involvement in procedural matters tends to stifle innovation without, in itself, guaranteeing standards.

AQA has made a number of detailed comments on the proposals but believes that there is currently one major omission from them which is crucial: **to be able to discharge its primary purpose as the strategic regulator of the qualifications market, Ofqual must be empowered to intervene, if necessary, to ensure the setting and maintenance of appropriate examination standards.**

- We therefore believe that Ofqual needs to be given an explicit statutory power to enable it, if necessary, to direct an awarding body to set standards at a particular level. It needs to have this power so that it can give credible public assurance that standards are comparable between awarding bodies and maintained over time. It is particularly important that Ofqual has this power in place in order to support public confidence about the standards set in the new A-levels, GCSEs, Diplomas and Functional Skills assessments which are being introduced over the next few years.

AQA believes that the following issues also need to be addressed if Ofqual is to have real power to maintain standards and be an effective regulator commanding public confidence.

- The draft proposals suggest that Ofqual will have powers over awarding bodies to make 'non-binding recommendations' on awarding bodies when, for example, candidates or their families 'suffer loss as a result of maladministration' by awarding bodies. AQA believes that this power would fundamentally alter, for the worse, the relationship between the awarding body,

its centres and candidates. We believe that it would create an unnecessary and unacceptable level of bureaucracy, would create tension between awarding bodies and Ofqual in the interpretation and application of the recommendations, and would detract significantly from Ofqual's major role as the guardian of standards. AQA does, of course, recognise that it is right that Ofqual has the power to censure awarding bodies publicly and accepts that it is desirable for the regulator to have such powers.

- Similarly, AQA does not believe that it would be appropriate for Ofqual to have the power to fine awarding bodies. Again this would be a complex and cumbersome process. The benefit to the overall provision made by awarding bodies is difficult to see because, for an educational charity like AQA, income is largely derived from fees paid by schools and colleges and the impact of a fine might be that an awarding body had to remove from its provision a small entry subject which is expensive to administer but which serves a useful educational and social purpose (such as a minority modern foreign language). The introduction of fines would thus drive the qualifications system further towards a commercial model and away from the present socially desirable arrangement in which awarding bodies operate some examinations at a financial deficit because of their educational value. Again, AQA believes that serious concerns about the performance of an awarding body can be dealt with through public censure and the setting of clear and measureable targets for improvement.
- AQA believes that the relationship between Ofqual and the new QCDA must be made clear and that it is important that, as regulator, Ofqual must have the final power to approve and adopt qualification criteria, forms of assessment, assessment structures and the direction of the curriculum in so far as it affects the regulation of qualifications.
- AQA remains concerned that there appear to be as yet no clear plans to ensure that there is regulatory consistency across the three administrations. Learners in England take qualifications regulated in both Northern Ireland and Wales, just as learners in those two administrations take qualifications regulated in England. Learners use their qualifications across the United Kingdom. There has to be regulatory consistency to avoid distortion of the qualifications market and confusion for learners, higher education, employers and the wider public.

AQA urges the DCSF to take these points into consideration as it finalises the legislation which will go through Parliament in the next session.

*AQA, JDM-271008*