

## ASSOCIATION OF TEACHERS AND LECTURERS

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### ***Regulating for confidence in standards***

### ***Ofqual consultation on the regulation of qualifications, examinations and assessments***

### ***Response from the Association of Teachers and Lecturers***

***Date: 8 March 2010***

ATL, as a leading education union, recognises the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

We help our members, as their careers develop, through first-rate research, advice, information and legal support. Our 160,000 members – teachers, lecturers, headteachers and support staff – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

### **ATL policy**

ATL believes that teachers as professionals must be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating the role of education in increasing social justice. Within light national parameters, development of the education system should take place at a local level: the curriculum should be developed in partnership with local stakeholders; assessment should be carried out through local professional networks. Schools and colleges are increasingly encouraged to work collaboratively to offer excellent teaching and learning, and to support pupils' well-being, across a local area. Accountability mechanisms should be developed so that there is a proper balance of accountability to national government and the local community, which supports collaboration rather than competition.

### **ATL response**

In 2008, ATL General Secretary, Mary Bousted, said:

*"... setting up expensive new agencies, such as Ofqual, to regulate new exams is not the way to improve education standards. We already have far too many exams and this creates problems regulating their operation and delivery."*

When Ofqual was first established under interim arrangements, we were unconvinced that their role would be one of positive impact

upon education. The jury is still out. Though we wouldn't choose to start from here, we recognise that there is a need to do the best with a qualifications and assessment regulator as we can. ATL believes that there are certain positive developments to Ofqual's role that can ensure it has the greatest effect; here we attempt to set those out. Given the size of the consultation document, we will comment on a few key areas of significant importance to Ofqual's future effectiveness and most relevant to our members. ATL remains happy to enter into further dialogue with Ofqual on any other aspect of its regulatory role.

There are two major problems in the areas in which Ofqual will operate. The qualifications system as it stands at this moment in time, but also the direction one can reasonably predict it is heading, is not equitable. Whilst the range of qualifications and curricula is good, there is an imbalance in the perceptions of the different pathways learners may choose to navigate their way through 14-19 education. And the current assessment system suits neither learners and their parents nor teachers. British children are amongst the most-tested in the world, teachers professional abilities are being undermined by what amounts to a requirement to 'teach to the test', and parents are presented with crude, often unreliable, data from national curriculum tests as to their child's educational development.

It is ATL's view that unless Ofqual can get to grips with these huge issues in the qualifications offer and the assessment system, much of its work will have minimal impact. Countering these issues is only partially about the standards agenda which currently holds much weight across the political divide.

Ofqual, as a regulator independent of government, should be prepared to point out where policy is undermining the educational experience of young people and older learners too. It seems from the consultation document that there is a pick and choose approach, based upon political ease, to doing so. For example, conveying the impact of policy is very clearly set out as a part of economic regulation in the efficiency objective, yet there is no equivalent indication of a willingness for Ofqual to make recommendations about the assessment system and national curriculum tests.

A focus on learners must be central to Ofqual's work if it is to aid the provision of the high quality qualifications and assessments referred to in the consultation document.

### ***The big picture: Ofqual's objectives and the marketisation of education***

ATL believes the focus in Ofqual's role on the politically-loaded concept of standards is excessive. High quality and standards are not necessarily the same thing and ATL prefers a balance towards the former, which isn't recognised in this consultation. The focus on quality inevitably focuses on the learner as opposed to other stakeholders, such as political parties or even the media, who appear to be more concerned with 'results' than the educational and social development of young people.

### What about learners?

Public confidence is a significant facet of education in a multimedia age. The debates played out in the media – in particular over assessment results – dominate public dialogue on education. However, we strongly believe that it would be beneficial to shift from an approach of public confidence, to one of learner confidence. This would put appropriate pressure for developing a qualifications and assessment system which served the education of young people (and older learners) and not on meeting arbitrary public, or media, prejudices. The success measure models for Ofqual's objectives lack a certain *realpolitik* in not referring to the media in addressing public confidence. Much of the criticism of the current exam system is ill-informed and sensationalist – Ofqual's establishment was a response to this and so it seems reasonable for Ofqual to consider whether it has a role in taking on the unsophisticated media approach to arguing that exams are getting easier year after year. Furthermore, for both learner and public confidence, we believe that Ofqual should be prepared to recommend on the appropriateness of the assessment system and qualifications offer. Confidence can only be restored by fixing what is wrong – and the media coverage of exam results clouds the reality of over-testing. Unfortunately, the picture we see is of a regulator taking for granted government policy, compromising its genuine independence as it succumbs to the political pressures of any given time. We hope this does not prove to be the case.

Development of the awareness objective needs to be clear that it is far more than understanding the difference between regulated and unregulated qualifications but actually understanding the qualifications themselves. The Qualifications and Credit Framework (QCF) could also benefit from being included in this approach. The complexity of the 14-19 system that has emerged in recent years means there is a deficit in understanding of the whole picture amongst a large majority of key players – higher education institutions, employers, the public, and even many learners and teachers too. Ofqual should not underestimate the scale of its job under this objective. ATL believes that succeeding in this can play a huge role in helping ensure parity between 14-19 pathways, and the realisation of success – however they choose to measure it – for all young people.

Without going into too much detail here, it is fair to say that the proposed success measure models for the statutory objectives are logical. The success indicators seem reasonable – though we have doubts that Ofqual will easily meet them all. One of the primary problems with the indicators specifically, but the models as a whole, is the lack of consideration of what learners think. We would encourage revision that includes learner input and measures learner confidence throughout.

### The context of economic regulation

We are not under the illusion that Ofqual is driving the agenda of the marketisation of education as opposed to simply finding its place in this context. However, we are concerned with this direction of travel

and the negative or inappropriate impact it can have on young people. Stating that approved awarding organisations must be committed to providing a 'service to learners' couldn't be further from ATL's view of what education is about.

With specific reference to economic regulation and value for money, we see some pitfalls. In essence, developing further the qualifications market, can go one of two ways. Either prices are pegged at the same level, or a range of 'cheap' and 'expensive' equivalent qualifications emerges. So, potentially there is a variant on price-fixing, in which (leading) awarding organisations offer pretty much the same products at the same price – posing problems in the context of existing consumer and competition legislation. Or there is a true market, with genuine competition between providers. But then as hierarchies develop, we extend inequity and prejudices towards educational achievements at the 'bottom' or 'cheaper' end of the scale, defeating the societal spirit of education and undermining all efforts to ensure the provision of a high-quality education for anyone and everyone. Surely then, it is obvious that neither situation is good for schools, colleges and other educational establishments, nor for learners.

ATL members require definition of how teachers' views and experiences fit into the process of economic regulation whilst also offering a certain level of cynicism to the practicalities of policing awarding organisations. We believe that changes to the status quo appear at face value to be excessive.

### ***The regulation of qualifications: the importance of stability and parity between pathways***

ATL's members are clear that the biggest need is for overall stability in the set of 14-19 qualifications – for young people, naturally, but also to allow staff in schools and colleges to provide the best education possible. Whilst it is expected that Ofqual will begin to recognise increasing numbers of awarding organisations, particularly amongst employers, we believe the UK's education system needs to resist being overly complex and difficult to comprehend. Qualifications and their associated learning – the skills and knowledge developed – should, as far as is possible, be transferrable. Avoiding overhaul again of qualifications and the offer to pupils will benefit all, and Ofqual should consider this when determining the proportionality and impact of potential interventions.

#### **Valuable and equitable**

We are pleased to see Ofqual saying publically on the value of qualifications that learners can be "assured [your qualification] will be respected". The Chief Regulator's second report carried a message, with regard to Diplomas, not to judge qualifications too early in their development. We support such a view, but believe it is a difficult job to stop judgments forming – particularly in the political and media spheres. Ofqual needs to give significant thought as to exactly how it proposes to ensure the perception of parity between qualifications, where this is desirable, such as in statutory education.

At the forefront of ATL's vision for education is that it is equitable. We point out that design of the education system can lead to the emergence of two tiers, either stealthily or intentionally, and argue vehemently that this must be avoided. It is not acceptable for there to be implied or inferable value differences between the four 14-19 pathways. We believe this is the fault of political rhetoric and a consequence of the overhaul of the sector which has not involved effective 'selling' of new or changed qualifications to employers or higher education institutions. Ofqual has a role to play here. Frequent referral to established brands such as GCSEs and A Levels often undermine qualifications like the Diploma. ATL is clear that the four pathways are options, and not a hierarchy. Apprenticeships are not something simply for pupils who do not have a strong enough academic record to undertake A Levels. ATL is supportive of the QCF and suggests that extensive rollout and promotion could counter the variable esteem of qualifications.

### *Seeing beyond the obvious*

In addressing the standards of regulated qualifications, the consultation document specifies that Ofqual will seek the advice of sector skills councils when making judgements on the appropriateness of vocational qualifications. The needs of learners will not always be the same though. There are many benefits, to individual and society, of education aside from merely acquiring the skills for a job.

We encourage Ofqual to thoroughly think through the consequences of its interventions in qualifications and assessments. ATL questions intentional duplication of learning such as that which diploma students who are also taking GCSEs, or already have an A\*-C grade at GCSE, will undertake due to standalone functional skills qualifications being a compulsory part of their Diploma. This is despite GCSEs being considered to develop the required functionality. The discrepancy of compulsion between GCSEs and Diplomas is at best inconsistent and at worst could lead to three tiers of qualifications with functional skills at the bottom.

### ***The regulation of assessment***

Once again, a focus on standards poses a problem. Part of the regulatory role should be to ask if exams serve a purpose as a constructive part of the education and development of young people. We are pleased that Ofqual has recognised this but are not confident that this aspect will be given enough weight given the prioritisation of assessment standards as demanded by politicians and media.

### *Targeting the right problem*

In our 2008 response to the DCSF consultation on establishing a qualifications and assessment regulator independent from the QCA, we said:

*"The motivation behind [regulation of national curriculum assessment and tests] is to 'improve confidence in the testing and assessment system' and*

*again, it is evident that there has been little engagement with the causes of that loss of confidence felt by the public, including education researchers, parents, teachers and support staff. Confidence has fallen not due to the lack of regulation but due to the excessive number of national curriculum tests, their negative impact in terms of curriculum narrowing, the lack of sustainability of their outcomes and indeed in the sampling error which is part of the nature of such short written tests. We do not expect that the formalisation of the regulator's role will have a large impact on the tests."*

We await to see if Ofqual's regulation does address these problems with the examinations, which can disadvantage certain groups of learners, and hope that the regulator is prepared to challenge government preference for testing. There is potential for Ofqual to regulate the bank of tests from which teachers can use their professional judgment to choose what is most appropriate for their pupils though we are concerned too that within the proposals there is an implicit erosion of the argument for formative assessment in favour of summative assessment.

#### *Making teacher assessment work*

ATL maintains its position on national curriculum tests, noting, but not persuaded by, the changes to arrangements that the government has made in the last two years. Indeed, General Secretary, Mary Bousted, has said:

*"Research shows that assessments by teachers can be as reliable as tests, if they are properly trained to carry them out. ATL looks forward to working with Ofqual ... but expects it to study further the potential savings in both time and money which could result from fewer examinations and the development of teacher assessment systems."*

ATL believes teacher assessment will improve pupil achievement. Publishing teacher assessment and test results side-by-side leaves us with the worst of all possible worlds; inviting scrutiny of discrepancies, with the assumption likely that it is the teacher assessment that is inaccurate, placing pressure on teachers to make their assessments identical to flawed test results. We are naturally interested, then, in how Ofqual will regulate teacher assessment, and feel there is some work to be done – not least in reaching out to the profession – beyond the basic information conveyed in the consultation document.

We are in favour of the local design of assessment. However, we argue that in order for teachers to develop high quality assessment, the awarding bodies should be expected to initiate a system that exists beyond the provision of early-stage guidance and is able to provide peer-based feedback to ensure the high quality of the task-based, contextualised assessment that teachers and lecturers have produced.

We welcome Ofqual's intention to understand the impact of the use of assessment outcomes data by DCSF and Ofsted in particular, upon assessment practice, validity and reliability. ATL is pleased Ofqual seeks to improve the quality of training and guidance provided around teacher assessment but cautions strongly against mechanisms being put in place which cause a considerable increase in work. Teacher assessment should be a part of the job and not become a burden for educating one's pupils.

We accept the need for good internal and collaborative moderation of teacher assessment. Both the assessment and its moderation should be local processes, based in-school or being part of networks and partnerships in the area. ATL supports the appointment of a lead assessor in every school. We are particularly keen for Ofqual to expand on how it sees Chartered Assessors fitting into teacher assessment, its moderation and its regulation, which we feel is missing from the proposals which leave open the possibility of overlap and confusion in responsibilities.

The regulation of teacher assessment will need to be very light touch and should seek to promote the reliability and appropriateness of this form of assessment and not seek to diminish it in relation to national testing. Ofqual must seek to avoid becoming the heavy-handed regulator that Ofsted is and any future attempts to argue that the regulator should go in to schools and check upon teacher assessment and moderation will be argued against in the strongest terms.

#### Assessment and equalities

Assessment must be fair for all students. Taking the example of Functional Skills and its particular assessment requirements, we would like to highlight the importance of full consideration of equalities issues. ATL emphasises the importance of considering the development of contextualised assessment through an equalities lens. It is essential that guidance provided by awarding bodies takes into account that the qualifications will be taken by a diverse group of people, and offers advice to ensure that contextualised assessment does not inadvertently penalise those with specific needs or experience. A variety of different contexts will be needed – what one person may be able to relate to their day-to-day life, another may only experience infrequently or never at all. Recognition that people with disabilities, of different gender, sexuality, religion, race, and age live different lives must be central to the development of contextualised assessment, which must not favour or disadvantage any group of students.

#### **Conclusion**

Where we find ourselves in these politically uncertain times is not where ATL wants the qualifications offer, assessment system, and regulatory landscape to be – but we recognise that we must work with what we've got.

ATL believes that the interventions of the regulator must be targeted in the right places. The regulatory work and Ofqual's ambitions will be undermined unless Ofqual can address the lack of equity in 14-19

qualifications and the strains of a one-dimensional assessment system linked to league tables. Doing so is not the sole responsibility of Ofqual by any means. But ATL would like to see the regulator play a role, and recognising that its impact upon education can and should go beyond a focus on standards. Our members are driven by a focus on educating learners – we don't think it is naïve to expect such a focus from others working in education.

Recent moves to strengthen the role of parliament and the work of select committees we hope will strengthen Ofqual's accountability, but thus encourage it to operate in the public/learner interest, independent of government and remaining above the policy and politics of a given time.

There remains much more development work for Ofqual to do, across the whole of its remit, not just the issues we have highlighted. We would like to take this opportunity though to wish Ofqual luck, and to reiterate our willingness to play a part in helping Ofqual impact positively upon education.