

Speech: Securing the Qualifications

Landscape: The 3 'R's

Good morning everyone. Thank you all very much for coming from far and wide to be with us today. It's my second conference and the one time of the year where the regulated qualifications community can get together. It's an opportunity for you to share your latest thinking and give us some feedback and for us to do the same. I am absolutely delighted we have a fantastic selection of speakers and panellists today from the Department for Education, from the Institute for Apprenticeships, from fellow regulators in Northern Ireland and Wales, and from a wide selection of providers in the FE sector and the HE sector, and also some world-leading assessment experts. In preparation for today, I've been practicing my own three 'R's. In this case it isn't reading, writing, and arithmetic, but rather reform, risk, and regulation, and the next 15 or 20 minutes or so is going to be centred around those three themes. I am going to start off with a little bit of a reminder of the size and scale and type of system that we are all involved in.

This is a slide that shows the number of certifications in England from 2016 to 2017 and you will see that there are two large blue boxes, 5.1 million GCSEs and 1.5 million AS and A levels, but also 3.8 million other vocational and technical qualifications. You're also seeing towards the right there 780,000 functional skills qualifications.

If we cut it slightly differently and we look at the number of qualifications. There are 13,700 other vocational and technical qualifications with the general qualifications off there to the right. That just shows you something of the size and scale of the system. We recognise that some of you in here represent huge chunks of that market, while others are just a tiny part, and here are some facts for you: 20 awarding organisations accounted for 90% of all certificates awarded during the academic year 2016 to 2017, and the biggest player accounted for 3.5 million certificates. But at the same time there were 3,000 qualifications for which just between one and nine certificates were achieved. Now, it's a system of those types of extremes and as a regulator that means we need to be flexible and we, of course, need to have a risk-based approach and from our perspective, size definitely isn't everything. For a learner that takes one of those 3,000 qualifications, with just nine certificates, if he or she doesn't get the value from their qualification and stakeholders can't rely on that qualification, that's every bit as important as some of those larger chunks of qualifications.

So, let's turn to the first of my 3 'R's and that's reform. It's Ofqual's job, secured in statute, to secure qualification standards, to promote public confidence in regulated qualifications, to promote awareness of regulated qualifications, and to secure that they are provided efficiently. When new qualifications are introduced or when existing ones are reformed, there is a window of opportunity to build in quality and to ensure that the groundwork is laid well and that we can do our job. If we miss that opportunity, it's

very, very difficult to get it back to build in that quality. And so we've been very keen over the last year to make progress and bring our expertise to bear to focus on the safe delivery of all of those reforms.

Some of the sessions today will get under the skin of those reforms and so I am just going to focus on the headline messages of the main programmes and I will start with apprenticeships. It's been a big focus for us over the last year. I am absolutely delighted that Sir Gerry is here with us today to share the work of the Institute for Apprenticeships over its first year and its plans in the next one, and indeed subsequent years. Since I stood here last year there has been a lot of progress on apprenticeships. We have recognised end point assessments [EPAs] as a qualification type. We have worked with over 100 trailblazers. We have agreed to be the EQA [External Quality Assurer] for 44 of them and we have technically evaluated a number of EPAs before they land. The first EPAs are appearing on our register, for example credit controllers and customs service operators. Many more will be appearing over the next weeks, months and years. Some of those end point assessments, as we move forward, will be provided by new EPAOs [End Point Assessment Organisations], who will join you as regulated awarding organisations. We see the growth of this community as good, provided that those organisations can meet the necessary quality standards. That means that a greater proportion of the market will be playing by the same rules and be enabled to deliver higher quality end point assessments. New entrants will have to meet all of our rules in the same way that you do, no double standards, it is a level playing field. However, we are looking at how we can expedite the process if you or anybody else wants to offer EPAs. Yesterday we launched our consultation on the conditions and guidance that would apply to end point assessments. In general, we think our rules are pretty flexible but we do think that some changes are needed to make them appropriate for the apprenticeship market. We are taking out references that don't make sense, such as total qualification time. We are putting in EPA-specific provisions around compliance of assessment plans, and we are tweaking provisions and making the terminology make more sense for this market. For example, around the use of the word "centre" which applies in other types of qualifications markets, but not necessarily here. We're also trying to make the process easier, trying to reduce the regulatory burden, and to make organisations aware of what the quality bar is, where they will need to get to before they enter the market; some of them may decide as a result of that they don't want to enter the market and those that do, we hope to give them the best chance of meeting the standard. Our consultation runs until 4 May. I very much welcome all of your views on that consultation.

Moving onto functional skills, we are midway through, from our perspective, the reform on English and maths functional skills rolling out in 2019. Again, we are working with you to ensure that the rules are right before they land. We have a forum for all organisations who want to offer qualifications in this space. We are going to consult on our regulatory approach. The timeline is tight. That's exactly why we want to work with as many of you as possible before that consultation and we will review all functional skills qualifications before they come to market to ensure that there are high standards and consistency in these very important qualifications.

Moving on to T levels and more specifically our focus, which is the technical qualification within the overall T level programme. DfE's consultation recently closed and you may well have seen Ofqual's response to it. We have been talking to and working with the Institute for Apprenticeships and the Department for some months about the role that Ofqual can play as part of the Institute's overarching responsibility for approval of the T level programme and the qualifications within it. I am really pleased that that work is now coming to a conclusion and we are making extremely good progress on how our respective processes can work together as efficiently as possible for those organisations who will want to offer T levels. It's really important that we can streamline this process and that for an awarding organisation that they can move through it efficiently. I am really pleased about that. We all want T levels to succeed in a way that perhaps previous programmes haven't and our response highlights what we believe are a number of critical success factors for that programme, not least the clarity of purpose for those qualifications; what is their primary purpose, how are they going to be used, that needs to be designed in at the start.

It's absolutely essential that the majority of the content is set before we turn to assessment strategies and qualifications of design. That is what we have learnt over many years of developing qualifications. We must get that content well thought out before those other matters are taken into consideration.

Accountability measures will be important. How are these qualifications going to be used, how are they going to be reported on, because they will have implications for how the qualifications function as they do in many other qualifications. Of course, as part of our efficiency objective, we want to make sure that there is a well-functioning and sustainable market for these qualifications.

Government, quite rightly is wanting to get on with it, to deliver on its commitments and see these qualifications as fundamental for improving our skill base. That means the timelines are very ambitious, and we all need to be cognisant of those risks I am sure Gerry will be talking more about that later. So that is T levels, and there are other reforms.

This year we have the first awarding of the reformed applied general and tech level qualifications, which changed substantially in 2016 to meet performance table requirements containing new mandatory assessment elements. We're working with the Department and the awarding organisations that offer those qualifications to manage the maintenance of standards and also looking at the parallel running of the legacy and the reformed qualifications. DfE has also signalled its intention to look at qualifications that will sit alongside T levels, looking at qualifications at Level 2, at Level 4 and 5 and looking at digital qualifications. We will play our part in these reviews and reforms as they evolve. We said in our response to the consultation that the totality of this reform is likely to bring additional resource challenges to the sector, and the sequencing and loading of those programmes need to be very carefully planned.

So let's turn to my second 'R', risk. We're a risk-based regulator. I have

picked three to talk to you about today, three very important ones. The first one is centre controls. You will be aware, we launched a programme of work this year looking at centre controls, where awarding organisations delegate aspects of delivery to their centres under arrangements often referred to as "direct claim status." We're extremely grateful to the Federation of Awarding Bodies for helping us understand how these controls work in practice. This is a complex area and one where we need to work collaboratively. We recently wrote to you setting out what we have found from our research, what action we plan to take this year. We do have evidence that some of the arrangements with your centres are not as robust as they need to be. You will recognise the potential risk that this poses to learners and all of those stakeholders that rely on those qualifications. So we have asked you to look at your arrangements with your centres as a matter of priority.

And on the additional subject of moderation of assessments, which are marked on your behalf by centres, which is a subset of our wider controls work, the issue is the extent to which custom and practice that you are all undertaking complies with our rules, but also about whether the bar is set appropriately. For us, this is about a balance between our two statutory objectives, the standards objective, and the efficiency objective. And that is why on this matter of moderation, we want to work with you and the wider sector to ensure that our rules are right. Your views today will shape a call for evidence in the coming weeks on this matter.

My second risk is malpractice. Always a risk, but particularly one at the moment that we are focused on is the malpractice relating to teaching staff writing and reviewing exam papers and other confidential materials. You may recall at the end of last summer, there were a very small number of very high-profile events relating to malpractice in the writing of exam papers. There has been more recent press interest and the Education Select Committee is focussed on this, as are we. It is a concern, because even a small number of incidents can have a big impact on public confidence in our examination system. And it doesn't just apply to general qualifications. Even if your organisation is a small organisation, if there is a need to keep material confidential, then this also applies to you, but not necessarily all of you. There are some assessments where the content of that assessment and how high the bar is for a competence-based assessment – where that material is freely available and there is no problem with the predictability – is fine, but in other cases, it may not be. We will shortly be consulting on the changes we're proposing to make to better protect the confidentiality of assessments, when practitioners have been involved with their development.

Last but not least, the risk of cyber security and information loss. This, in my view, is an increasing threat; it is something that we are taking very seriously. We bring together and hold lots of data, so do you and right along the chain, from the security of confidential assessment materials to results that need to be kept confidential until they are released. The consequences of a serious breach here would be very significant in terms of harm to learners, reputational risk, financial risk, and of course we have the new General Data Protection Regulations coming into force in May.

Some of those risks relate to potential serious threats and serious hacking

threats and, of course, it is important to have systems and processes in place to be able to detect those and have contingency plans if such a thing happens. But actually many of the risks in this space are actually a much lower level. The Information Commissioner said recently they have seen a 46% rise in reported cases of emails being sent to the incorrect recipients. That is something we can all take action on today.

I am sure you are already thinking of this, but I would encourage you to raise the profile of this work and your planning in detection and contingency plans. And also there are many resources, particular for the smaller organisations, available to help you do this, particularly from the National Cybersecurity Centre.

The last of my 'R's is business as usual regulation, if you like. What does all this mean for Ofqual's work in its day-to-day work? I am really delighted of the relationships that we have developed over last year, particularly with the Federation of Awarding Bodies, but with many others of you. That work is positive, it is action-orientated, it is collaborative, and I think it has helped us be a better regulator over the last year, and we will continue to do so. And we are aiming to be explicitly more preventative and more proactive in supporting you to comply with our rules. Prevention is always better than cure. We're not here to catch you out, we want you to be clear about what our rules require, and we don't want to be too prescriptive about how you do it. We want to allow that space for innovation and that space for continuous improvement. That is why all of the work that I talked about earlier is about making sure that our rules are right and that you can understand them and that you are able to comply with it, whether it is EPAs, whether it is moderation, confidential assessment or T levels. And we're always mindful of the burden that we can place on you, and the burden particularly on many of you in the room that are the smaller organisations. So we have taken steps to minimise that burden over the last year. We have reviewed our process for requesting information. We now, I hope, are much clearer about why we need it, when we need it and that we target those information requests. We published our online handbook which brings together all of our rules into one single online navigable resource. And we also want you as a community to learn from what we're finding. We need to be sharing the results of what we're finding. So last month we published a report on lessons from recent audits, and we also shared our research from 27 performance table qualifications in order that you can all learn from that.

We also want to make communicating with you easier. We have our portal, and we're developing that. We want our routine dealings with you to be through that portal and we're soon to launch increasing functionality in that portal, so that more things can be shared through the portal, such as information notices and letters. Of course, that doesn't stop the one to one relationships that we have with all of you. We are just trying all of the time to make it easier. And we're launching a survey today on communicating with us. It is on the portal. I would be absolutely delighted if you could tell us how you want to be communicated with, where are we getting it right, but perhaps more importantly, do we need to change it.

We're almost coming to the end. Sometimes bad things will happen, sometimes

the prevention doesn't work, and where that does happen, we will take decisive action, and we will work with you to put it right. Our mission at all times is to protect any damage that can be done to those learners and those stakeholders that rely on the qualification that those learners have. But when we take that enforcement action, we will always take into account what preventative actions you have taken, what are the steps you put in place to mitigate it, and carefully look at what you have done about it.

That is my slightly unconventional 3 'R's.

Thank you.

Press release: £3.4m fine for household coal and BBQ supplier cartel

CPL and Fuel Express are 2 of the main suppliers of bagged household fuels, including coal and firelogs, and charcoal for barbecues, to large national supermarkets and petrol stations.

They have agreed to pay the fines for breaking competition law after a CMA investigation led them to admit rigging competitive tenders to supply Tesco and Sainsbury's. For each of the tenders concerned, they agreed that one of them would submit a higher bid that was designed to lose – so that the existing supplier could retain 'its' customer. This is a form of bid-rigging under which competitors share out the market between them. They also exchanged competitively-sensitive confidential pricing information.

The CMA's investigation started after intelligence work following a tip off to the CMA's cartels hotline led the authority to carry out surprise inspections at the premises of the 2 suppliers.

The investigation revealed that the companies had engaged in this illegal market sharing arrangement from June 2010 to February 2011.

Stephen Blake, CMA Senior Director for Cartels, said:

Millions of people buy these products to help keep their homes warm in winter and to fire up their barbecues in summer, so it's important that shoppers are offered the best price. This will only happen when companies compete fairly.

Market sharing and bid rigging are illegal. They skew the market so businesses don't have to compete for customers, who in turn are cheated out of a fair deal and can end up paying higher prices or having to make do with poorer quality products or services.

Today's announcement shows how seriously we take this type of activity. It's important that all businesses play by the rules and the CMA will pursue those who break the law.

The CMA has a dedicated reporting hotline for cartels (0203 738 6888) and recently launched a [new campaign](#) to encourage more people to come forward with information that will help it stamp out illegal cartel activity.

1. The CMA is the UK's primary competition and consumer authority. It is an independent non-ministerial government department with responsibility for carrying out investigations into mergers, markets and the regulated industries and enforcing competition and consumer law.
2. CPL (CPL Distribution Limited and CPL Industries Holdings Limited together 'CPL') has agreed to pay a penalty of £2,816,514.
3. Fuel Express Limited, Fuel Express (Bagnalls) Limited (previously known as Bagnalls Haulage Limited), Carbo (UK) Limited and G.N. Grosvenor Limited (together 'Fuel Express') will pay a penalty of £627,867.
4. These penalty figures are after a 20% reduction for settlement to reflect the fact that the companies have admitted breaking competition law and have agreed to follow a streamlined procedure for the remainder of the case.
5. The penalties will not become payable until after the CMA has issued a formal infringement decision imposing the penalties and setting out the CMA's findings in full, together with the basis for the calculation of the penalties. The CMA is today issuing a formal statement of objections with a view to issuing a final decision shortly afterwards.
6. Enquiries should be directed to the CMA press team at press@cma.gsi.gov.uk or 020 3738 6191.

Notice: ME16 9NT, Gallagher Aggregates Limited: environmental permit issued

The Environment Agency publish permits that they issue under the Industrial Emissions Directive (IED).

This decision includes the permit and decision document for:

- Operator name: Gallagher Aggregates Limited
 - Installation name: Hermitage Quarry Waste Treatment Facility
 - Permit number: EPR/LP3134YU/A001
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Notice: M22 4SZ, Vita Liquid Polymers Limited: environmental permit application advertisement

The Environment Agency consults the public on certain applications for waste operations, mining waste operations, installations, water discharge and groundwater activities. The arrangements are explained in its [Public Participation Statement](#)

These notices explain:

- what the application is about
- how you can view the application documents
- when you need to comment by

The Environment Agency will decide:

- whether to grant or refuse the application
- what conditions to include in the permit (if granted)

Research and analysis: Assessment of sediment phosphorus capping to control nutrient concentrations in English lakes

This project investigated the effectiveness of a technique for stopping the release of phosphorus from lake sediments. If successful, this could accelerate the ecological recovery of lakes with excessive nutrients (eutrophication) and help to restore fish and wildlife populations.

The project has delivered detailed evidence on a method to control internal lake phosphorus loading to reverse eutrophication and has furthered our understanding of the factors likely to affect the success of sediment capping techniques.

The results of the study will be useful to staff in the Environment Agency and other bodies concerned with lake restoration projects across the UK.