

## Terms of Reference

### *The Qualification Regulators' Inquiry into Examination Errors*

#### Background

1. During the summer 2011 examination season a number of significant errors in a small number of GCSE, AS and A levels question papers made it difficult for candidates to answer some questions. The qualification regulators are overseeing the proposed actions of awarding organisations to make sure that candidates who have faced examination paper errors this summer are, as far as possible, not unfairly disadvantaged or advantaged.
2. GCSEs, AS and A levels are offered by six awarding organisations across England, Wales and Northern Ireland. Ofqual works with the regulators of these qualifications in Wales (DfES) and Northern Ireland (CCEA) to ensure that regulation of these national qualification suites is consistent in the three countries. When incidents arise, one of the regulators will lead on each incident, the principle being that the regulator with responsibility in the country where the majority of affected candidates are located will take the lead.
3. On 7th June, having been alerted to the first of these errors, Ofqual, on behalf of the three qualifications regulators in England, Northern Ireland and Wales, wrote to each awarding organisation offering GCSEs and A levels requiring additional quality checks on the examinations that had yet to be sat, to ensure no further avoidable errors occurred. Each awarding organisation provided the regulators with written assurances by 13th June that such additional quality checks had been or would be made before the papers were sat.
4. Since 7th June, two further errors in question papers have been identified. The regulators considered that the most serious original errors were unacceptable given their impact on candidates but that these latest incidents were even more serious because they called into question the assurances given to the regulators and therefore the robustness of awarding organisations' quality assurance arrangements. When notified of these latest incidents, the regulators took immediate steps to require each awarding organisation to confirm the

actions that had been taken in relation to the remaining examinations in the summer season.

5. Ofqual is also leading the investigation of two printing errors in papers, and a serious complaint about instructions to centres regarding the use of a particular coursework mark scheme.

## **The inquiry**

6. The regulators' priorities during this period have been to:
  - a. require the awarding organisations to do everything possible to prevent further errors
  - b. ensure that the marking of those papers that included errors neither unfairly advantages nor disadvantages the candidates concerned.
7. Now that the examination season is over, the regulators (Ofqual, DfES, CCEA) are launching an inquiry to:
  - a. establish the facts and ascertain the root causes of the errors
  - b. consider how effectively the awarding organisations have communicated with candidates, centres and other stakeholders
  - c. identify any improvements necessary in awarding organisations' procedures
  - d. consider the arrangements for risk management and redress that should be used in the future and any implications for the regulatory arrangements to hold awarding organisations most effectively to account.

The outcome of the inquiry will also inform decisions about any further regulatory action relating to the errors.

8. This inquiry is separate to the activities which the awarding organisations are undertaking and which the regulators are overseeing, to make sure that candidates who have faced exam paper errors this summer are, as far as possible, not unfairly disadvantaged or advantaged. We have written to each of the awarding organisations to ask for details of the redress actions they will be putting into place, including details of their communications with centres,

candidates and other stakeholders, and we are closely monitoring their responses.

9. This inquiry does not preclude the regulators in taking any necessary regulatory action in relation to the fair award of qualifications this summer or any other regulatory action it considers appropriate to take before the inquiry is complete.

### **Timing and input to the inquiry**

10. The regulators intend to complete the inquiry and publish the report by the end of the year.
11. The regulators' inquiry should not be seen as a substitute for each awarding organisation proceeding with its own inquiries, nor should an awarding organisation await the outcome of the regulators' inquiry before making any necessary improvements to its systems and processes.
12. To inform the inquiry, the regulators may require one or more awarding organisation to bring in external expertise to conduct an in-depth investigation into its processes and systems to establish the root causes of the problems and to identify necessary improvements. Where this is the case the awarding organisation(s) will commission the external party subject to the approval by the regulators of the appointment and the commissioning contract including the terms of reference for the in-depth investigation. The cost of any such in-depth investigation will be borne by the awarding organisation(s).
13. The regulators will consider the outcome of an initial fact finding phase of this inquiry before deciding on whether to require any awarding organisation to conduct such an in-depth investigation and the outcomes of this phase will also inform the terms of reference for the investigation.
14. The regulators recognise the importance of lessons being learnt in time for the next major series of examinations and the fact that awarding organisations have already set papers for the January 2012 examinations. The intention therefore is that an interim report on emerging findings will be published by the end of October 2011 with the intention of informing any shorter term further action necessary to secure the quality of examinations being taken in 2012.
15. The regulators will welcome evidence from candidates, centres, parents, awarding organisations, universities and other concerned parties that will help them in their investigation.

16. The planned timeline for the inquiry is as follows:

Announce inquiry and publish draft terms of reference	1st July 2011
Publish final terms of reference	8th July
Fact finding Phase	July to Sept
Detailed Investigatory Phase	Sept to Nov
Progress report – emerging findings	October
Final report	December 2011

17. We envisage that the awarding organisations will cooperate fully with the inquiry including reasonable access to information and systems, access to members of staff and to work collaboratively as appropriately with the qualifications regulators. We would expect this collaboration to facilitate as far as possible an alignment in the planned timeline set out for this inquiry and any investigations and action being undertaken by awarding organisations during the inquiry.

18. The progress and final reports will be published by Ofqual on behalf of the qualifications regulators. The reports will inform the decisions about any further regulatory action relating to the errors.

### **External engagement**

19. The inquiry will take account of the stakeholder views and issues already expressed during the summer exam series when the errors materialised.

20. In addition we have included in these Terms of Reference a list of stakeholders from whom we will be seeking views as the inquiry proceeds. If any stakeholder would like to be added to this list they should request this by emailing [emma.cochrane@ofqual.gov.uk](mailto:emma.cochrane@ofqual.gov.uk)

## Stakeholder List

OCR (Oxford Cambridge & RSA Examinations)

Assessment and Qualifications Alliance (AQA)

Pearson Education Ltd.

International Curriculum and Assessment Agency (ICAA)

Department for Education (DfE)

Department for Business, Innovation and Skills (BIS)

Joint Council for Qualifications (JCQ)

Federation of Awarding Bodies (FAB)

National Association of Head Teachers (NAHT)

National Association of Schoolmasters Union of Women Teachers (NASUWT)

National Union of Teachers (NUT)

Voice: The Union for education professionals

University and College Union (UCU)

National Union of Students (NUS)

Association of Colleges (AoC)

157 Group

The Russell Group

1994 Group

University Alliance

Million+

Independent Schools Council (ISC)

The Headmasters' and Headmistresses Conference (HMC)

Girls' Schools Association (GSA)

Independent Schools Association (ISA)

Society of Headmasters and Headmistresses of Independent Schools (SHMIS)

Association of School and College Leaders (ASCL)

Association of Teachers and Lecturers (ATL)

Universities and Colleges Admissions Service (UCAS)

Universities UK (UUK)

Standing Joint Committees for Public Examinations (SJC)

Exam Officers Association (EOA)

Examination Appeals Board (EAB)

Chartered Institute of Educational Assessors (CIEA)

Grammar School Heads Association (GSHA)

Girls' Day School Trust

The Manchester Grammar School

Halliford School

Sage Interim Management Solutions Ltd

### **Northern Ireland**

Council for the Curriculum, Examinations and Assessment (CCEA)

Department of Education Northern Ireland (DENI)

Department for Employment and Learning (DEL)

Association for Quality Education (AQE)

Comhairle na Gaelscolaíochta (CnaG)

Council for Catholic Maintained Schools (CCMS)

Colleges Northern Ireland (ANIC)

General Teaching Council for Northern Ireland (GTCNI)

Governing Bodies Association (GBA)

Northern Ireland Commission for Catholic Education (NICCE)

Northern Ireland Council for Integrated Education (NICIE)

Irish National Teachers Organisation (INTO)

Ulster Teachers' Union (UTU)

Youth Council NI (YCNI)

## **Wales**

Department for Education and Skills (DfES)

Welsh Joint Education Committee (WJEC)

Undeb Cenedlaethol Athrawon Cymru (UCAC)

General Teaching Council for Wales (GTCW)

Colegau Cymru/Colleges Wales