



Mrs Emma Lewell-Buck MP
House of Commons
London
SW1A 0AA

29 March 2019

Dear Mrs Lewell-Buck,

Parliamentary Question 229143: To ask the Secretary of State for Education, pursuant to the Answer of 7 February to Question 216193 on Special Educational Needs: Visual Impairment, what powers have been awarded to the Office of Qualifications and Examinations Regulation to follow up with awarding organisations when mistakes in adapted past papers and national tests for young people with a visual impairment are reported.

The Rt Hon Nick Gibb MP has asked Ofqual to respond to you directly regarding your recent parliamentary question. A copy of this response will be placed in the Libraries of both Houses.

Modified examination papers (general qualifications)

Ofqual regulates general qualifications so that they are valid, worthy of public confidence, and produce fair and reliable results. To this end, we closely monitor the exam boards' delivery of qualifications and require them to act if we identify issues or concerns – including around any potential disadvantage for a particular group of students.

Ofqual has powers to require exam boards to provide accurate assessments that are fit for purpose, in whatever format they are provided, and to take regulatory action if they do not. For example:

- Section 134 of the Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA 2009) requires us to set [General Conditions of Recognition](#). Our Conditions require awarding organisations to provide assessments that are fit for purpose that reduce the need to make reasonable adjustments for disabled students and to make reasonable adjustments where they are needed. We require each awarding organisation that offers GCSEs, AS and A levels to notify us if there has been an error in its assessment materials, including when the error has been made in a modified paper. When an error arises, we will intervene if an exam

board is not taking appropriate steps to mitigate the impact of the error on the students who were affected by it. We do not check any exam papers before they are taken.

- When an awarding organisation appears unlikely to, or does fail to, meet its Conditions, section 151 of ASCLA 2009 gives us the power to direct it to take (or refrain from taking) particular steps to make sure it complies with our expectations. Section 151A gives us the power to levy a monetary penalty for a breach of the Conditions and, in the most serious of cases, section 152 gives us the power to remove the awarding organisation's regulated status when it failed to meet the Conditions to which it was subject.

National Assessments

Ofqual also regulates statutory National Assessments (some of which are known as 'SATs'). National Assessments are not delivered by awarding organisations, but by the Standards and Testing Agency (STA) within the Department for Education.

Ofqual has significantly different legal powers for National Assessments than for qualifications. We have two statutory objectives for National Assessments: to promote the development and implementation of National Assessments which give a reliable indication of achievement and indicate a consistent level of attainment, including over time, between comparable assessments; and to promote public confidence in National Assessments. For National Assessments we do not have specific powers to set and enforce rules, handle complaints, to intervene or to compel responsible bodies to take corrective action. Instead, we monitor and report on National Assessment validity. We can take into account stakeholder concerns and feedback when determining the focus of our monitoring and reporting and where concerns may arise, we can raise these with the Standards and Testing Agency so that they can take appropriate action. Our annual reports and research on National Assessments can be found [here](#).

I do hope this information is useful.

Yours sincerely

A handwritten signature in black ink that reads "S Collier". The signature is written in a cursive style with a long horizontal stroke underneath.

Sally Collier
Chief Regulator