

Checked

From: Glenys Stacey
Sent: 09 January 2014 17:07
To: *Checked*
Subject: FW: Welsh lines

r, Ofqual

- **Direct:** () Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?


This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 10 September 2012 19:02
To: Glenys Stacey; Jeremy Benson; Julie Swan *Checked* ; Adrian Long; *Checked*
Cc: *Checked*
Subject: Re: Welsh lines

Please can I urge a little caution WJEC are not in breach until they accept the 'recommendation'. I don't see how they can ignore it but we must talk to WJEC and Welsh Government with our best view of the implications in front of us.

We have put WJEC on notice that they must talk before acting. I wrote to Gareth this afternoon. WJEC's public line is that the regulators must talk.

I suggest Julie works up a plan for engagement tomorrow and our bottom lines.

Fiona
Fiona Pethick
Director of Regulation
Ofqual


From: Glenys Stacey
Sent: Monday, September 10, 2012 06:52 PM
To: Jeremy Benson; Julie Swan; Fiona Pethick; *Checked* ; Adrian Long; *Checked*
Cc: *Checked*
Subject: Re: Welsh lines

This all sounds sensible to me Jeremy, but I would appreciate others' views.

Glenys

From: Jeremy Benson
Sent: Monday, September 10, 2012 06:37 PM
To: Julie Swan; Fiona Pethick; *Okwud* Adrian Long; Glenys Stacey; *Okwud*
Cc: *Okwud*
Subject: RE: Welsh lines

All

Just some quick thoughts about what we might do over the next few days.

In terms of WJEC, we perhaps need to write a letter (and perhaps in future a direction) that (i) sets out our expectation that they will not regrade in respect of any students in England, (ii) as Julie says any certificates issued will be clear about which standard was applied and the Ofqual logo will only be on certificates which relate to the 'English' standard, and (iii) makes clear that they understand that even if they only regrade Welsh candidates they are still in breach of Ofqual regulatory requirements because (in law as well as in practice) the GCSEs offered in Wales are the same qualification as that offered in England, so we will need to consider what regulatory action we will take, but we cannot have a position in future years where the same GCSE has different standards in different parts of the UK. Personally I don't see how we can avoid derecognising them.

In terms of the Welsh Gvt, we need to say that this unilateral action is a serious breach of the principles of three-country regulation, and that we need to know whether they consider it a one-off or whether they will as a matter of course start setting standards in Wales that are lower than those set for England. Unless we receive a strong assurance that it's a one-off, I think we need to start looking at how we would untangle the three-country framework, which will mean looking at everything from trademark issues to Welsh involvement in RITS to all the work we do in practice on their behalf around monitoring and accreditation.

We also need to make sure the other exam boards are clear about the position – if they want to offer GCSEs in Wales that's fine, but they must be at the same standard as in England or they are in breach.

Jeremy

Jeremy Benson
Deputy Director - Policy, Ofqual

- Direct: [redacted] Office: 0300 303 3344 • Mobile [redacted]
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 10 September 2012 15:47
To: Fiona Pethick; *Okwud* Adrian Long; Glenys Stacey; Jeremy Benson; *Okwud*
Subject: RE: Welsh lines

Yes, re action we'll have to make sure we act as a reasonable regulator would – in the context of a regulated body being put in an impossible position of not being able to meet the requirements of two different regulators

Julie

Julie Swan
Head of Regulatory Development, Ofqual

- Direct ~~0300 303 3344~~ Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 10 September 2012 15:45
To: Julie Swan, *Cheryl*, Adrian Long; Glenys Stacey; Jeremy Benson
Subject: Re: Welsh lines

All sounds good to me

Suggest we need to dig out the legal advice and write a formal letter to Gareth asking that we discuss these issues ahead of any action.

Fiona
Fiona Pethick
Director of Regulation
Ofqual



From: Julie Swan
Sent: Monday, September 10, 2012 03:41 PM
To: Fiona Pethick; *Cheryl*, Adrian Long; Glenys Stacey; Jeremy Benson
Subject: Welsh lines

Some possible lines - both for today and for the next few days.

We will be considering the contents of this report carefully as we reach our conclusions in our final report. We need to understand the consequences for the standards of GCSE English Language and for public confidence in the qualification. We also need to understand the consequences for students in England who took WJEC GCSE English Language this year and who took the qualification with other exam boards.

Could add:

For the longer term, decisions will need to be taken on the future of qualifications designed to be taken in both England and Wales

Fuller lines, for later days might include:

Agree regulating a common qualification across different countries is challenging. Particularly with the greater divergence of education policy, notably for this example:

- The withdrawal in Wales of externally marked national curriculum tests and
- The requirement on all Welsh candidates to take English Language and English Literature, without the option to take English

PISA results (international tests run by the OECD) have highlighted the different levels of performance of pupils across the UK, with pupils in Wales achieving at lower levels than those elsewhere in the UK. The overall results which showed lower levels of achievement in Wales in comparison to England and Northern Ireland have been reflected in previous years GCSE results too. We know the WG was uncomfortable with the results in Wales as the first indications of the results became available, and showed the gap in performance this year for Wales compared with England and Northern Ireland had widened.

GCSEs are taken across England, Wales and Northern Ireland. Employers, universities, colleges and the professions that require GCSE English assume the qualification indicates the same level of performance wherever it is taken.

If the WG's recommendation is adopted, the qualification will not indicate this, as candidates in Wales will be awarded a grade for lower marks than would be required for English candidates. (NB We will have to insist that the Ofqual logo does not appear on Welsh candidates certificates - to date all 3 regulators logos have been used on GCSE and A level certificates as an indication that standards are the same wherever the candidate took his or her exams.)

We share the WG's concerns about controlled assessment and have come to the same conclusion that candidates who took the qualification in a modular way generally did better than those who did all of their assessment at the end.

We are continuing our investigations and we will publish a final report in about 6 weeks' time. In the meantime we have agreed with the exam boards that candidates who wish to improve their results will have an opportunity to re-sit some or all of their units in November.

Ofqual is an independent regulator. The decision to establish an independent regulator in England was taken in part to secure the regulator's independence from Ministers and to address perceptions that Ministers' interest in demonstrating the success of their education policy might have an impact on regulatory decisions. In Wales, the Education Minister is also the regulator.

We will urgently be considering the consequences of the Welsh Government's decision and its impact on qualification standards and for public confidence. More candidates took WJEC's GCSE English qualifications in England than they did in Wales. We will be considering how the qualifications will now be viewed and understood across the UK and elsewhere.

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Okaved

From: Julie Swan
Sent: 10 December 2013 15:25
To: Ofqual FOI
Subject: FW: letter to WJEC

Julie Swan
Head of Regulatory Development, Ofqual

• **Direct:** ~~_____~~ • **Office:** 0300 303 3344
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 10 September 2012 17:44
To: Fiona Pethick, *Okaved*
Subject: RE: letter to WJEC

Looks good. There are a number of recommendations in the report. One other explicitly mentions WJEC and that's about how WJEC and others help schools in Wales secure better outcomes, especially in controlled assessment – potentially getting into seminars territory. One is about AQA. Another is about the future on controlled assessment in English language.

So recommendations plural works

Do you want me to send this as an email to him tonight?

I understand there are some modifications to the OCR report that Clare will be making tonight in light of meeting with DL. But I don't have any details. It's still being published tomorrow.

Julie

Julie Swan
Head of Regulatory Development, Ofqual

• **Direct:** ~~_____~~ • **Office:** 0300 303 3344
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 10 September 2012 17:37
To: Julie Swan, *Okwel*
Subject: Re: letter to WJEC

Julie

I suggest rather than get into detail you ask that Gareth discusses these issues with us as regulator before taking decisions to be sure the consequences have been worked through see re draft below.
Does this work. If necessary we could direct him not to change the boundaries but that would inflame the issue.

Dear Gareth

We spoke earlier. As I explained we will be considering the consequences of the statement by the Welsh Government Minister on your GCSE English Language awards. We note that WJEC has been recommended to take a course of action that would result in different grades being awarded to different candidates who have been given the same marks. Having potentially two standards for a single qualification has serious implications.

We will need to consider the Welsh Government's position in detail and the regulatory implications for WJEC. There are a number of issues to consider, including, for example, the use of Ofqual's logo on certificates awarded to candidates in Wales.

We would like to be able to discuss these matters with you and with our fellow regulators before decisions about these recommendations (julie is there more than one???) are taken. Please can you confirm that you will not take action ahead of this discussion.

Fiona

Fiona Pethick
Director of Regulation
Ofqual

From: Julie Swan
Sent: Monday, September 10, 2012 05:25 PM
To: *Okwel* Fiona Pethick
Subject: letter to WJEC

Okwel would you be able to put the following text into letter for form me please, to go in Fiona's name.

Dear Gareth

We will be considering the consequences of the statement by the Welsh Government Minister on GCSE English Language. We note that WJEC has been recommended to take a course of action that would result in different grades being awarded to different candidates who have been given the same marks. This clearly has serious implications.

We will need to consider the Welsh Government's position in detail and the regulatory implications for WJEC. There are a number of issues to consider, including, for example, the use of Ofqual's logo on certificates awarded to candidates in Wales.

It would help to know how and when you will be taking decisions in response to the Welsh Government's recommendations.

Julie Swan
Head of Regulatory Development, Ofqual

• Direct  • Office: 0300 303 3344
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 10 September 2012 15:53
To: Julie Swan
Subject: Re: Welsh lines

I suggest a letter from me to Gareth today putting him on notice that we think that we need a little time to try to resolve these issues but if the consequence is different standards in each country this would require changes to certificates etc.

Fiona
Fiona Pethick
Director of Regulation
Ofqual



From: Julie Swan
Sent: Monday, September 10, 2012 03:47 PM
To: Fiona Pethick; *Adrian* Adrian Long; Glenys Stacey; Jeremy Benson; *Julie*
Subject: RE: Welsh lines

Yes, re action we'll have to make sure we act as a reasonable regulator would – in the context of a regulated body being put in an impossible position of not being able to meet the requirements of two different regulators

Julie

Julie Swan
Head of Regulatory Development, Ofqual

• Direct  Office: 0300 303 3344
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 10 September 2012 15:45
To: Julie Swan; *Orwell* Adrian Long; Glenys Stacey; Jeremy Benson
Subject: Re: Welsh lines

All sounds good to me

Suggest we need to dig out the legal advice and write a formal letter to Gareth asking that we discuss these issues ahead of any action.

Fiona
Fiona Pethick
Director of Regulation
Ofqual

From: Julie Swan
Sent: Monday, September 10, 2012 03:41 PM
To: Fiona Pethick; *Orwell* Adrian Long; Glenys Stacey; Jeremy Benson
Subject: Welsh lines

Some possible lines - both for today and for the next few days.

We will be considering the contents of this report carefully as we reach our conclusions in our final report. We need to understand the consequences for the standards of GCSE English Language and for public confidence in the qualification. We also need to understand the consequences for students in England who took WJEC GCSE English Language this year and who took the qualification with other exam boards.

Could add:

For the longer term, decisions will need to be taken on the future of qualifications designed to be taken in both England and Wales

Fuller lines, for later days might include:

Agree regulating a common qualification across different countries is challenging. Particularly with the greater divergence of education policy, notably for this example:

- The withdrawal in Wales of externally marked national curriculum tests and
- The requirement on all Welsh candidates to take English Language and English Literature, without the option to take English

PISA results (international tests run by the OECD) have highlighted the different levels of performance of pupils across the UK, with pupils in Wales achieving at lower levels than those elsewhere in the UK. The overall results which showed lower levels of achievement in Wales in comparison to England and Northern Ireland have been reflected in previous years GCSE results too. We know the WG was uncomfortable with the results in Wales as the

first indications of the results became available, and showed the gap in performance this year for Wales compared with England and Northern Ireland had widened.

GCSEs are taken across England, Wales and Northern Ireland. Employers, universities, colleges and the professions that require GCSE English assume the qualification indicates the same level of performance wherever it is taken.

If the WG's recommendation is adopted, the qualification will not indicate this, as candidates in Wales will be awarded a grade for lower marks than would be required for English candidates. (NB We will have to insist that the Ofqual logo does not appear on Welsh candidates certificates - to date all 3 regulators logos have been used on GCSE and A level certificates as an indication that standards are the same wherever the candidate took his or her exams.)

We share the WG's concerns about controlled assessment and have come to the same conclusion that candidates who took the qualification in a modular way generally did better than those who did all of their assessment at the end.

We are continuing our investigations and we will publish a final report in about 6 weeks' time. In the meantime we have agreed with the exam boards that candidates who wish to improve their results will have an opportunity to re-sit some or all of their units in November.

Ofqual is an independent regulator. The decision to establish an independent regulator in England was taken in part to secure the regulator's independence from Ministers and to address perceptions that Ministers' interest in demonstrating the success of their education policy might have an impact on regulatory decisions. In Wales, the Education Minister is also the regulator.

We will urgently be considering the consequences of the Welsh Government's decision and its impact on qualification standards and for public confidence. More candidates took WJEC's GCSE English qualifications in England than they did in Wales. We will be considering how the qualifications will now be viewed and understood across the UK and elsewhere.

Julie Swan
Head of Regulatory Development, Ofqual

- Direct line: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.


Okwel

From: Glenys Stacey
Sent: 09 January 2014 17:08
To: Alison Townsend
Subject: FW: The Welsh regulatory stance

~

Okwel

Ofqual

• Direct:  • Office: 0300 303 3344 • 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

-----Original Message-----

From: Glenys Stacey
Sent: 10 September 2012 19:05
To: - CRC; Julie Swan; *Okwel*
Subject: The Welsh regulatory stance

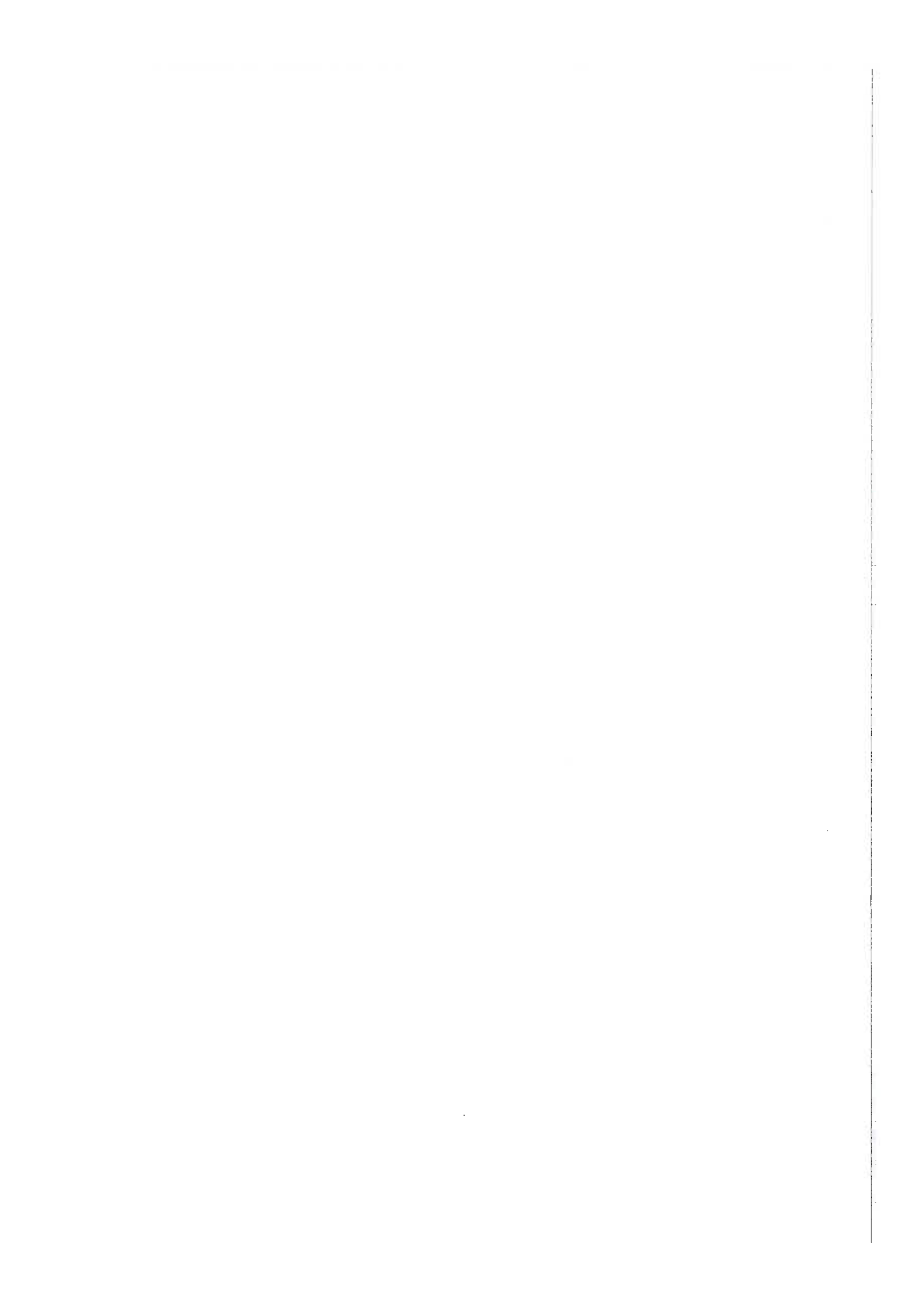
Just to say I had a sensible chat with Gareth -when I rang him, like other exam boards-to see if they had anything to say to me about their awarding.

We spoke of the welsh report. He knew they had been thinking along these lines, but did not necessarily expect it, and certainly not today.

He was planning to write asking them to direct him-as the request he has had is so unclear.

I said I quite understood, and empathised with his position.

Glenys



Okwen

From: Julie Swan
Sent: 10 December 2013 15:27
To: Ofqual FOI
Subject: FW: 3 country work

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** ~~_____~~ • **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 09:52
To: Janet Holloway
Cc: Okwen
Subject: FW: 3 country work

Rodney has found the following:

We have a vague statement in the general conditions about working together:

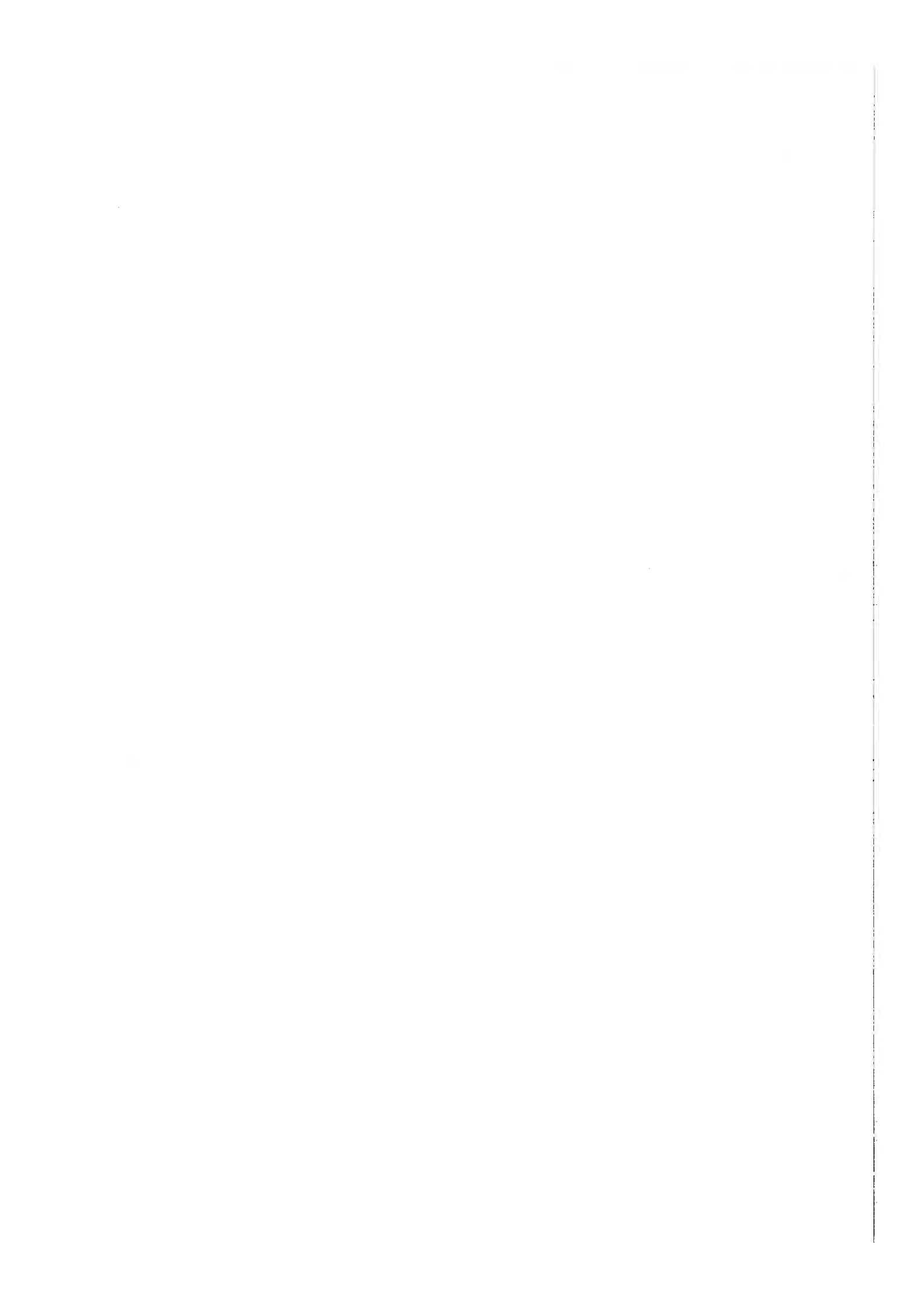
We work collaboratively with fellow qualifications regulators: the Welsh Government in Wales and the Council for the Curriculum, Examinations and Assessment (CCEA), which regulates non-vocational qualifications in Northern Ireland.

A couple of more vague lines in the FAQs:

We work collaboratively with fellow qualifications regulators: the Welsh Government in Wales, and CCEA, which regulates non-vocational qualifications in Northern Ireland. The qualifications regulators wish to avoid unnecessary administrative burdens on awarding organisations, and recognise the benefits to Learners and other users of qualifications as well as to awarding organisations and Centres, of using consistent regulatory requirements.

I'm working up a fuller answer for the SoS briefing DfE is pulling together this morning

Julie



Okaved

From: Okaved
Sent: 11 September 2012 11:34
To: - CRC Meetings
Cc: - Media Relations
Subject: Latest comments on twitter from Leighton Andrews



Leighton Andrews @LeightonAndrews

Meanwhile, the Chair of Ofqual appears to be paid £40,000 a year to make political comments.



Leighton Andrews @LeightonAndrews

The Chief Executive of Ofqual knows that we gave them more time to see our report before it was published, than they gave us to see theirs.

Ofqual

- Direct: ~~0300 303 3344~~ Office: 0300 303 3344 • Mobile: ~~07957 123456~~
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Okaved

From: Fiona Pethick
Sent: 06 January 2014 22:02
To: *Okaved*
Subject: FW: WJEC

FOI

Fiona Pethick
Director of Regulation, Ofqual

• **Direct:** _____ • **Office:** 0300 303 3344 • **Mobile:** _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 11 September 2012 15:42
To: Jeremy Benson; Julie Swan; Clare Gilligan; Cath Jadhav
Cc: Carol Evans; *Okaved* Adrian Long
Subject: Re: WJEC

Julie

Looks as if you have covered all the grounds. I think we could find ourselves saying WG have effectively created a new qualification of a new standard.

I suggest an early meeting with WG but it will need to be at a senior level at their end. Chris Tweedale or Emyr Roberts?

Fiona
Fiona Pethick
Director of Regulation
Ofqual

From: Jeremy Benson
Sent: Tuesday, September 11, 2012 02:45 PM
To: Julie Swan; Fiona Pethick; Clare Gilligan; Cath Jadhav
Cc: Carol Evans; *Okaved* Adrian Long
Subject: RE: WJEC

Julie – thanks – I agree with all this.

However we do it, I think we need to get a stronger public position out very quickly – ideally before the SoS hearing tomorrow (he won't want to have to say 'Ofqual hasn't yet decided on its position' esp given that Leighton Andrews is on the offensive). As long as we don't say 'we will not allow regrading in England', we leave open the possibility that we will, which undermines our position.

Jeremy

Jeremy Benson
Deputy Director - Policy, Ofqual

• **Direct:** _____ • **Office:** 0300 303 3344 • **Mobile:** _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 14:34
To: Fiona Pethick; Clare Gilligan; Jeremy Benson; Cath Jadhav
Subject: WJEC

First thoughts on the WJEC issue and options

Regulatory position:

- WG can only direct WJEC to re-grade if it can show WJEC has or might breach a condition
- But WJEC followed WG and Ofqual requirements when setting its final grade boundaries
- If WJEC re-grades it may breach its conditions of recognition - eg H4 - certainly ours and perhaps the WG's too
- So WG may try to achieve its desired outcome without directing WJEC
- WJEC has said an undertaking from it to the WG would not be appropriate
- WJEC has confirmed it will not decide on any response to the WG position ahead of a discussion with us
- WJEC cannot simultaneously satisfy both of its regulators - our duties apply to the qualification, wherever it is taken (although WG has disputed this and maintains the regulation of qualifications taken in Wales is the sole responsibility of the Welsh Minister)
- If WG does decide to re-grade for candidates who took their exams in Wales we would need to consider one or more of the following:
 - Directing it not to re-grade
 - Fining it for breaching its conditions if it goes ahead
 - Withdrawing its recognition
 - Inviting WJEC to surrender its recognition in view of the position in which it finds itself
 - Prohibiting WG from offering the same qualifications in both Wales and England - because we cannot be confident there won't be a re-occurrence. In this case we'd have to consider placing the same prohibition on all AOs. We could do this by way of a special condition
 - Prohibiting WJEC from using the Ofqual logo on the re-graded qualification certificates

We need to consider:

- Consequences for 3 country arrangements, eg use of qualification criteria, ownership of qualification trademarks, use of RITS, reliance on our Register and expertise
- Managing expectations of England based WJEC candidates

Propose:


- Setting out our position in writing to the WG, including the regulatory implications for WJEC and for the other AOs who operate in Wales. Need to decide whether to challenge their analysis or just their recommendation to re-grade

- A meeting with WJEC and WG

Our bottom line:

- It is not acceptable to have different standards set for candidates in Wales and England who took the same qualification
- If the regulators cannot agree to secure consistent standards, there can be no common qualifications. AOs will have to make choices.
- Our logo cannot be used on certificates or any other documentation associated with a re-graded qualification
- If there is re-grading we should require/direct WJEC to add some additional words to the certificates awarded to candidates in England so it is clear their qualifications have been awarded using the originally agreed standards; the WG logo should not appear on those certificates

Julie
Julie Swan
Head of Regulatory Development, Ofqual

- Direct:  • Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Okaved

From: Julie Swan
Sent: 10 December 2013 15:30
To: Ofqual FOI
Subject: FW: Welsh Ministers issue a Direction to WJEC
Attachments: wjecdir.pdf

Julie Swan
Head of Regulatory Development, Ofqual

- Direct: ~~_____~~ • Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 16:18
To: Jeremy Benson; Clare Gilligan
Subject: FW: Welsh Ministers issue a Direction to WJEC

Julie Swan
Head of Regulatory Development, Ofqual

- Direct: ~~_____~~ • Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Glenys Stacey
Sent: 11 September 2012 16:15
To: - CRC; Julie Swan; *Okaved*
Subject: FW: Welsh Ministers issue a Direction to WJEC

Okaved

From: *Welsh Govt*
Sent: 11 September 2012 16:02

To: Glenys Stacey; Fiona Pethick; Roger McCune
Subject: Welsh Ministers issue a Direction to WJEC

Dear All

Please find attached Direction issued by Welsh Ministers to WJEC . The Direction takes effect from 5pm today.
Regards



Department for Education and Skills (DfES) /yr Adran Dysgu a Sgiliau (AdAS)

Welsh Government /Llywodraeth Cymru

Phone/Ffon:

Mobile/Symuwr: r.

Email/ebost:

Ty'r Afon , Bedwas Road , Bedwas , Caerphilly CF83 8WT

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnryd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon.

Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>

DIRECTION PURSUANT TO SECTION 32A OF THE EDUCATION ACT 1997

WHEREAS

1) The Welsh Ministers may, pursuant to section 30 of the Education Act 1997 recognise in respect of the award of certain qualifications, any person who meets the Welsh Ministers' criteria and applies to be so recognised and, pursuant to section 32 of that Act, impose such conditions on recognition as they may determine.

2) WJEC is so recognised by the Welsh Ministers and is subject to the General Conditions of Recognition 2012 ("the Conditions") issued by the Welsh Ministers in March 2012 and the GCSE, GCE, Principal Learning and Project Code of Practice, May 2011 ("the code of practice") issued by the Welsh Ministers, the Office of Qualifications and Examinations Regulation ("Ofqual") and the Council for the Curriculum, Examinations and Assessment ("the CCEA").

3) In accordance with the Conditions, the Welsh Ministers sent a letter to WJEC on 10 September 2012 enclosing a report by the Qualifications and Learning Division of the Welsh Government entitled "GCSE English Language 2012 An Investigation into the Outcomes for Candidates in Wales" dated 10 September 2012. The letter and report are "regulatory documents" for the purposes of the Conditions and appear in the Welsh Government Regulatory Documents List.

4) The letter stated that the report finds that in relation to the award by WJEC of GCSE English Language in 2012, the outcomes at grades C and above for Welsh candidates were too severe, when taking into account the range of available data, as set out in further detail in the report.

5) The letter further acknowledged that WJEC had acted in accordance with the Conditions, the code of practice and with the explicit request made on behalf of the Welsh Ministers, Ofqual and CCEA in relation to the determination of grade boundaries which was made in August 2012 but that the Welsh Ministers' subsequent consideration of the evidence had indicated that the provisional results issued to Welsh candidates had prejudiced the reliability of the grades awarded.

MP634

6) The letter therefore requested WJEC in accordance with condition B7.1 of the Conditions to take steps within 7 days of the date of the letter to revise the grade boundaries for GCSE English Language in accordance with the recommendations in the report; to adjust final grade outcomes to ensure that no Welsh candidates received a lower grade solely as a consequence of the revision of grades, and to issue revised grades for Welsh candidates, where appropriate, within one month of the receipt of the letter. The letter also requested WJEC to provide an undertaking to the Welsh Ministers within 24 hours of its receipt which confirmed that WJEC would carry out such steps.

7) WJEC responded to the letter referred to above by letter dated 11 September 2011, but received by the Welsh Ministers on 11 September 2012. The WJEC response neither contained an undertaking as requested nor any confirmation that WJEC would take the steps requested in the time specified. WJEC has therefore failed to provide an undertaking as requested or otherwise to comply with the regulatory documents constituted by the letter and the report.

8) It therefore appears to the Welsh Ministers that

- a) WJEC has failed to comply with a condition subject to which its recognition has effect, and
- b) the failure prejudices the proper award by WJEC of GCSE English Language in 2012.

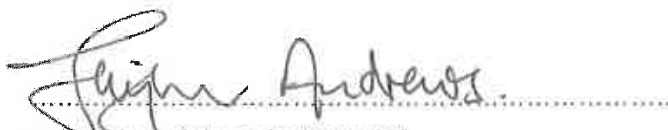
THEREFORE the Welsh Ministers, in exercise of powers conferred on them by section 32A of the Education Act 1997, **HEREBY DIRECT**

1. WJEC to take the following specified steps within 7 days of the date of this Direction –

- a) WJEC shall determine revised unit grade boundaries at the C/D boundary for the summer 2012 award of GCSE English Language in relation to all Welsh candidates;

MP634

- b) WJEC shall ensure that the revised unit grade boundaries, when final awards are calculated, bring the cumulative outcomes for the summer 2012 awards, at grade C, for the cohort of WJEC's Welsh candidates who were aged 16 on 31st August 2012 to within 1 percentage point of the cumulative outcomes for the summer 2011 awards, at grade C, for GCSE English for the cohort of WJEC's Welsh candidates who were aged 16 on 31st August 2011;
- c) Having determined the adjustment of C/D grade boundaries for those units which WJEC shall determine should most appropriately be revised in accordance with paragraph a) and b), WJEC shall apply the consequences of that adjustment to the arithmetically calculated grade boundaries, provided that WJEC shall ensure that no Welsh candidate receives a reduced grade as a result of the steps taken in accordance with this Direction;
- d) WJEC shall issue revised grade outcomes for all Welsh candidates affected by the action taken pursuant to paragraphs a), b) and c) with the exception of those candidates whose grade outcomes would be otherwise adjusted downwards as a result of the arithmetical adjustments referred to in paragraph c).
2. In this Direction "Welsh candidates" means candidates entered for a qualification by a school, college or other examination centre whose address is in Wales.
3. This Direction is enforceable by mandatory order on the application of the Welsh Ministers in accordance with section 32A(4) of the Education Act 1977.
4. This direction comes into effect at 5pm on 11 September 2012.



Signed by Leighton Andrews AM

Minister for Education and Skills, one of the Welsh Ministers

Date 11 September 2012

Checked

From: Julie Swan
Sent: 10 December 2013 15:30
To: Ofqual FOI
Subject: FW: Leighton Andrews on break up of 3 country system and GCSE branding

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 16:29
To: Fiona Pethick
Subject: FW: Leighton Andrews on break up of 3 country system and GCSE branding

If you are following the story this is telling
Julie

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: *Checked*
Sent: 11 September 2012 16:26
To: Julie Swan
Cc: Jeremy Benson
Subject: Leighton Andrews on break up of 3 country system and GCSE branding

Julie,

To see as I think you're leading on 3 country?

<http://www.newstatesman.com/blogs/politics/2012/09/michael-gove-does-not-own-gcse-brand-we-do>

Regards

, Ofqual

- Direct Office: 0300 303 3344 • Mobile:
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Original

From: Julie Swan
Sent: 10 December 2013 15:31
To: Ofqual FOI
Subject: FW: WG direction

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** ~~_____~~ **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 17:19
To: *Original x 2* ; Clare Gilligan
Subject: RE: WG direction

The direction the WG has included the report on the Welsh Government Regulatory Document List
Julie

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** ~~_____~~ **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 17:03
To: *Original x 2* ; Clare Gilligan
Subject: FW: WG direction

Please see below
Julie

Julie Swan
Head of Regulatory Development, Ofqual

- Direct: [redacted] Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: *Okred*
Sent: 11 September 2012 17:02
To: Julie Swan
Subject: RE: WG direction

As an aside I can't see where they have List of Additional Regulatory Documents. They appear to be relying on our list.

<http://wales.gov.uk/topics/educationandskills/qualificationsinwales/qualificationregulation/regpublication/regulations/?lang=en>

Ofqual

- Direct: [redacted] Office: 0300 303 3344 • Mobile: [redacted]
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 17:01
To: *Okred*
Subject: FW: WG direction

Thanks for finding the link so quickly *Okred*
See below
Julie

Julie Swan
Head of Regulatory Development, Ofqual

- Direct: [redacted] Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any

attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.


From: Julie Swan
Sent: 11 September 2012 16:59
To: Jeremy Benson; *Oruval x 2*
Cc: Fiona Pethick
Subject: WG direction

<http://wales.gov.uk/docs/dcells/publications/120329generalconditionsen.pdf>

The WG's direction relies on the report they issued yesterday being a Regulatory Document that falls within condition B7 on Regulatory Documents. Like us they define regulatory documents as something that appears on a list they call Regulatory Documents which they publish. For this device to work they must have added yesterday's report to their published list of regulatory documents.

Julie

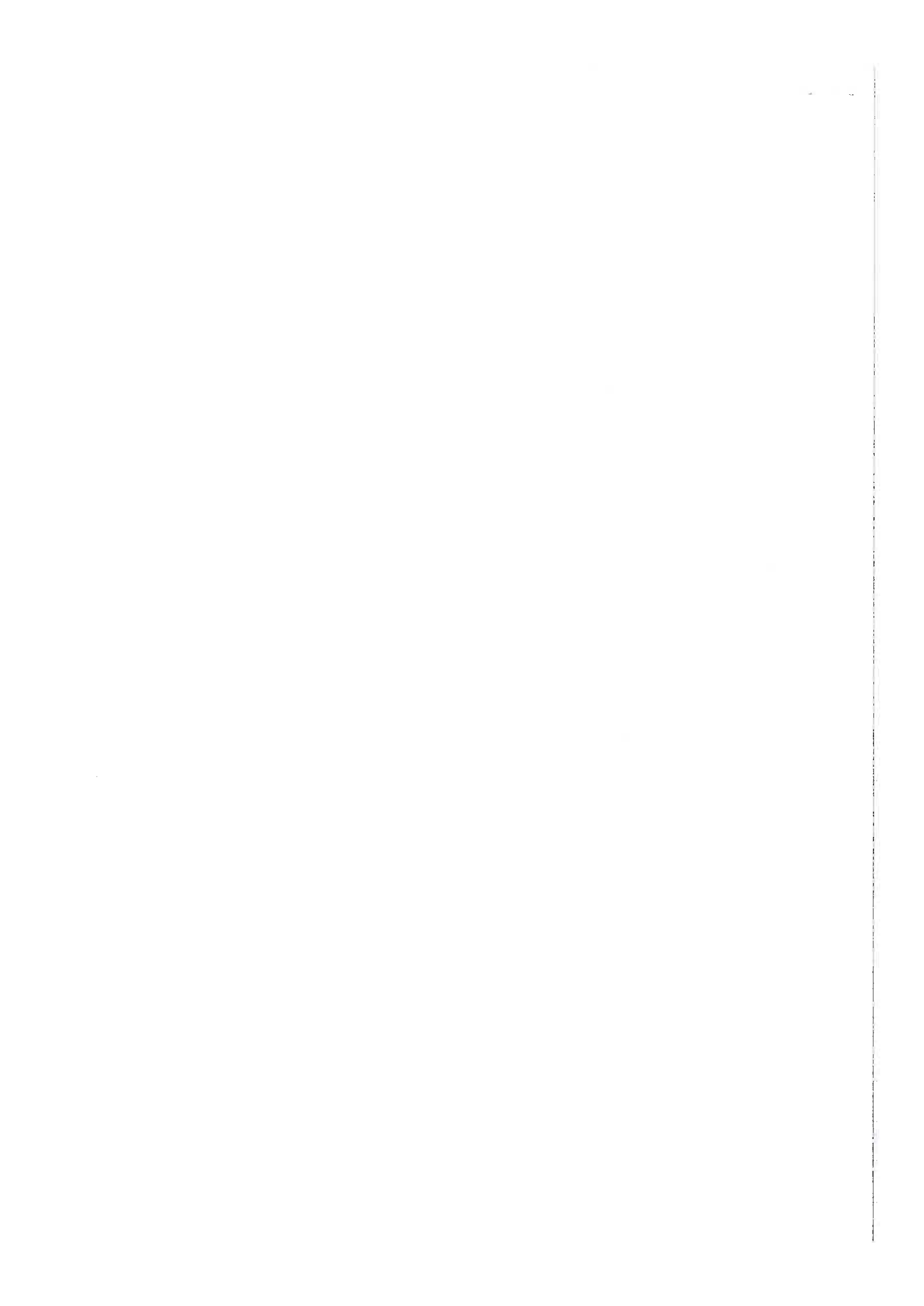
Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Ofqual

From: Julie Swan
Sent: 10 December 2013 15:32
To: Ofqual FOI
Subject: FW: Draft letter to WG

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** () **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 10 December 2013 15:29
To: Ofqual FOI
Subject: FW: Draft letter to WG

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** () **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 15:52
To: Adrian Long; Jeremy Benson
Subject: Draft letter to WG

We discussed a short letter to go tonight the WG that we could publish.

Here's some suggested text.

Happy to amend it, of course

Thanks

Julie

Dear *Wdsh Hunt*

Thank you for your letter of 10 September. You shared with us the draft report of your investigation into GCSE English Language qualifications to be awarded this year to candidates in Wales.

You did not give us an opportunity to review the report properly before you published it yesterday. We are now doing so and we will respond fully to you shortly.

Our priority is to secure the standards of the qualifications we regulate. The majority of candidates who took WJEC's GCSE English Language this year are based in England. We do not agree that the qualification should be re-graded so that candidates achieve results for that qualification that reflect teacher assessments in Wales. We do not agree that candidates who were given the same marks for their exams and assessments should be given different grades, according to where they live.

We would like an urgent, senior level meeting so that we can consider your recommendations and the implications both for future regulatory approaches and for awarding organisations who offer qualifications in Wales and England.

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** } • **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Okaved

From: Julie Swan
Sent: 10 December 2013 15:33
To: Ofqual FOI
Subject: FW: Draft letter to WG

Julie Swan
Head of Regulatory Development, Ofqual

- Direct ~~Office: 0300 303 3344~~
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 18:23
To: - CRC
Subject: FW: Draft letter to WG

I've been discussing with Jeremy and Adrian the merits of getting a letter to the WG tonight – back to *Cedric Hunt* in response to her letter of yesterday.

Draft text below.

Could you please consider whether we should write and if so whether we should copy in WJEC. Suggest we copy in CCEA anyway.

Should any letter be public?
Thanks
Julie

Dear *Cedric Hunt*

Thank you for your letter of 10 September, sharing with us the draft report of your investigation into GCSE English Language qualifications to be awarded this year to candidates in Wales.

You did not give us an opportunity to review the report properly before you published it yesterday, even though it had major implications for students in England. We are now considering whether WJEC can simultaneously meet the requirements of both your Direction and our Conditions of Recognition. There are serious consequences if it cannot.

Our priority is to secure the standards of the qualifications we regulate. The majority of candidates who took WJEC's GCSE English Language this year are based in England. We do not agree that the qualification should be re-graded, because the evidence does not justify this. We do not agree that candidates who were given the same marks for their exams and assessments should be given different grades, according to where they live.

We would like an urgent, senior level meeting so that we can consider your report, the direction to WJEC and the implications for the standard of the qualifications and for public confidence in it. There are also issues about future regulatory approaches and for all awarding organisations who offer qualifications in both Wales and England.

- *Okaved*

From: *Okaved*
Sent: 12 September 2012 09:02
To: Jeremy Benson
Cc: Julie Swan; Fiona Pethick; Cath Jadhav
Subject: Re: Welsh report

Follow Up Flag: Follow up
Flag Status: Completed

Okaved has been working up a detailed paper - it's a little rough, but sets out the general position from standards. It's more detailed than my initial thoughts to Cath the other night

, Ofqual

From: Jeremy Benson
Sent: Wednesday, September 12, 2012 08:56 AM
To: *Okaved*
Cc: Julie Swan; Fiona Pethick; Cath Jadhav
Subject: Welsh report

Okaved - you were going to do a note setting out your views of the Welsh Gvt's report. Given the WG issued their direction to WJEC yesterday, we will need to be in a position to start explaining why we disagree with the WG's conclusions - what are the key points which we would challenge.

I think you're at SAG today, but is there something you could let us have today either from the Blackberry or via someone in the office?

Thanks

Jeremy

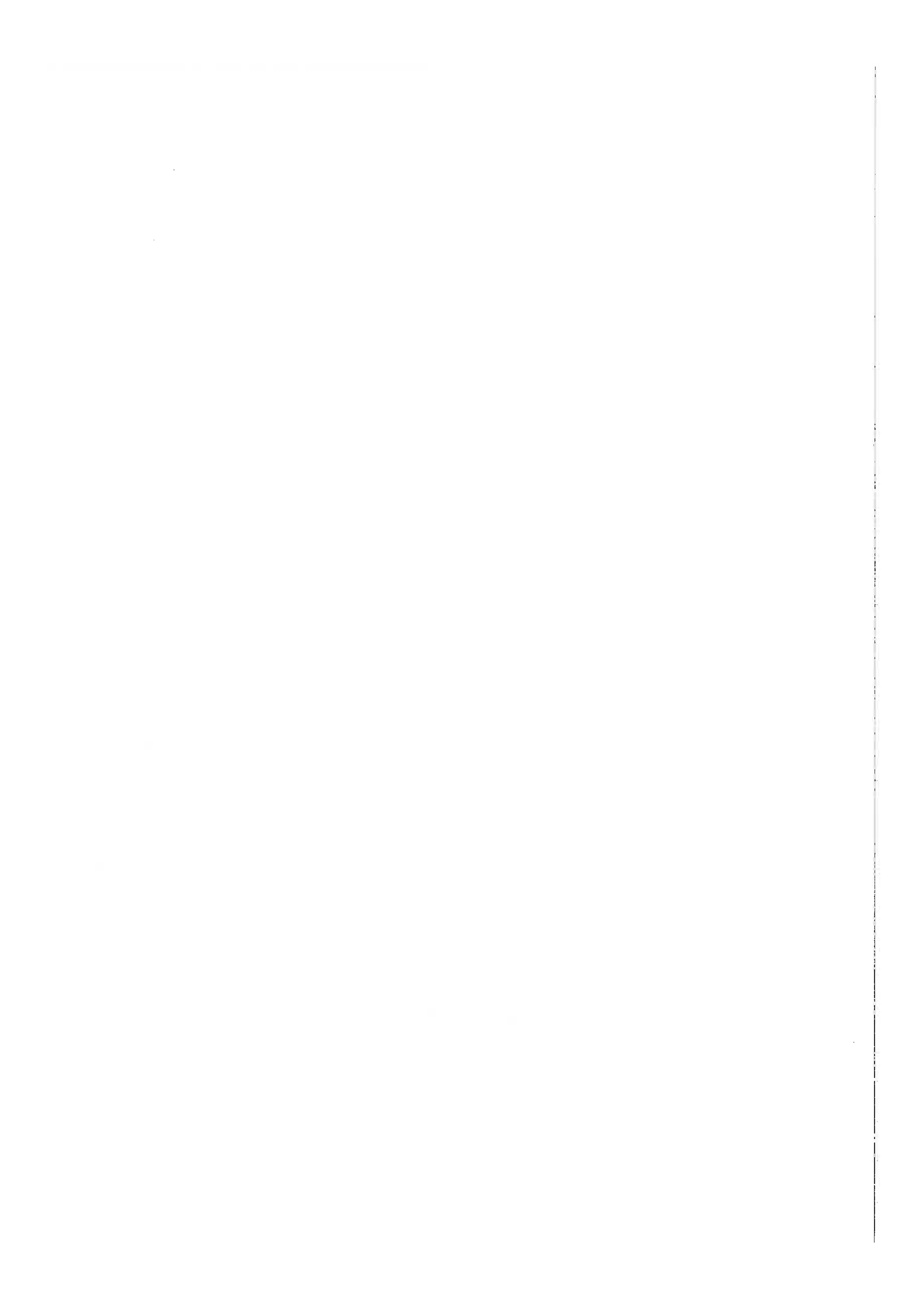
Jeremy Benson
Deputy Director - Policy, Ofqual

• Direct: _____ • Office: 0300 303 3344 • Mobile: _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



- Okaved

From: Okaved
Sent: 03 January 2014 13:01
To: Okaved je
Subject: FW: WJEC report review

Hope this is ok

, Ofqual

- Direct: 0 Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Okaved
Sent: 12 September 2012 08:34
To: Okaved
Subject: Re: WJEC report

That is brilliant! And even better that I could read it on my BB!

| redacted - out of scope of request

Ofqual

From: Okaved
Sent: Wednesday, September 12, 2012 08:06 AM
To: Okaved
Subject: WJEC report

Hi

I have attached the stuff about the report, all here in email if you cannot open

Okaved

GCSE English language 2012 - Welsh Government investigation into the outcomes for candidates in Wales. Standards perspective

The Welsh government are recommending that "WJEC undertake a regrading of GCSE English Language in order to achieve outcomes that are as similar as possible to the outcomes achieved by candidates in 2011, on the basis that there is no reason to believe that the 2012 Wales cohort was significantly different to the 2011 Wales cohort".

The Welsh government have presented no real evidence as to why this should take place apart from the fact that the number of candidates achieving a grade C does not match the previous year.

They make reference to the cohort, saying that it is stable as a similar number of 16 year olds were entered for GCSE English language in both years. They make reference to the fact all candidates in Wales previously took GCSE

English and this year they all took English Language and that this makes the position more stable and comparable year on year, as opposed to England where the cohort is split between GCSE English and English Language. Welsh candidates are not able to take English. English and English language are not the same subject should the results be similar.

They also make reference to the percentage of the Wales cohort achieving the expected level of attainment in teacher assessment for key stages 1-3, where 2012 GCSE cohort were performing on a par with 2011 at KS2 and slightly above at KS3. The figures quoted are for the Wales cohort so these presumably would not be matched candidates.

They mention the centre types with a slight shift in the balance of centres. The shift was a 0.5% reduction in entries from maintained schools with an increase of 0.6% from FE and sixth form and 0.4% from independent schools. They say that "there does not appear to be any indication from this data that the balance of centre types should have any "significant direct consequence upon outcomes at grade C". They do not show or quote any modelling that would confirm their thoughts.

There is no evidence presented that the awarding process was flawed. The independent subject specialist contracted by the Welsh government observed that "appropriate statistical evidence was combined with examiners' judgements" and that "the entire awarding process was underpinned by the expectation that work considered at a certain boundary would on balance demonstrate the knowledge, understanding and skills set out in the grade descriptions". The outcome recommended outcome by WJEC's awarding committee would have led to a 3.4% fall in outcomes for Wales whereas the final outcome implemented at the request of Ofqual was 3.9%. Would they have been happy with 3.4% as the awarding process was carried out correctly?

They look in detail at the AQA awarding process for all papers and the difference in boundaries for the January and June series. They make the implication that the main basis for the boundary changes between series was in the interest of meeting the statistics even though the AQA examiners report states that marks reflected the candidates work in relation to the grade C descriptor. For controlled assessment units they make the implication that the boundary mark was changed in the interest of meeting the statistics, even though the examiner's report indicates that how the work had been rewarded by teachers was a major issue.

They are however happy with the explanation by WJEC as to why their boundaries varied by 4 marks for two written papers. Although they state that if a regrading takes place the boundary for the higher tier paper may need to be reconsidered. They say that the marks required for a grade C can vary by up to 3 marks in either direction between series. This gives the impression that there is a typical or normal change in marks required. There is not an issue with the controlled assessment units between series as no Welsh candidates sat this in January. They do though refer to data provided by WJEC that shows the significant effect of moving one of the controlled assessment unit boundaries down by 1 mark would bring things into line, but they do not show any reason for doing this other than their concerns about controlled assessment in general.

The report makes reference to the common centres approach to predictions. They have a table predicting outcomes on common centres mythology stating that "if this predictive model had been used for Wales candidates alone, it would have resulted in a significant increase in outcomes at grade C and above for Wales". They state earlier in the report that "the common centres predictors were of some use in maintaining comparable outcomes, but in some cases they produced unconvincing results". This raises the issue of whether the common centres methodology is reliable for use in this instance.

Any regrading in Wales but not in England would be seen as a different standard between the two countries for candidates taking the same qualification and also disadvantage the AQA candidates in Wales. Any regrading of all WJEC candidates would mean that candidates in England taking the WJEC qualification would be judged on a different standard to those with other awarding organisations in England.

, Ofqual

- Direct:  Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Shred

From:
Sent: 12 September 2012 12:07
To: - CRC Meetings; Cath Jadhav; Amanda Spielman; Amanda Spielman
Cc: - Media Relations
Subject: BBC web-copy on Gove at the Select Committee

Michael Gove attacks Welsh GCSE regrade

By Sean Coughlan BBC News education correspondent

Education Secretary Michael Gove has attacked his Welsh counterpart as "irresponsible and mistaken" for ordering disputed GCSEs to be regraded.

Mr Gove has been giving evidence to the education select committee's investigation into head teachers' claims of unfair GCSE grades.

He told MPs that raising Welsh pupils' grades would "undermine confidence" in the value of their qualifications.

The Welsh education minister had said he wanted to resolve an "injustice".

On Tuesday, Leighton Andrews ordered the WJEC exam board to carry out a regrading of GCSE English exams for pupils who took the exam in Wales.

This is likely to see some students in Wales being moved up from a D grade to a C grade - which is key to allowing them to continue on to A-levels.

'Natural justice'

As Ofqual has refused to change grades in England, it will mean that pupils in England and Wales could have different exam grades for the same marks - which Mr Gove said would weaken the value of the GCSEs in Wales in the eyes of employers.

Mr Andrews had said that pupils in Wales should not have to "live with the consequences of having been awarded what, in all likelihood, is the wrong GCSE grade".

More pupils took the WJEC English paper in England than in Wales - and schools in England have been angered at the prospect of their pupils being put at a disadvantage in this conflict between regulators, politicians and exam boards.

"The awarding of lower grades has been unjust to our pupils and the decision to regrade Welsh pupils and refuse to do the same for candidates in England is a further injustice," said Patrick Ferguson, principal of The De La Salle Academy in Croxteth, Liverpool.

"This could have a life-changing impact upon our students and we are not prepared to stand by and watch it happen."

Pupils at the school who did not get a predicted C grade are being allowed to enter A-levels until the "grade boundary issue is resolved".

Mr Gove rejected suggestions that he should launch an independent inquiry into the disputed grades - but said that individual pupils could appeal against their marks.

The education secretary heard claims that this year's results ran "against natural justice".

But he said that the problems surrounding this year's GCSEs reinforced his view that the qualification needed to be overhauled, that the "modular" structure needed to be replaced and that there were inherent problems with having multiple exam boards competing for the same subjects.

Mr Gove was taken to task by committee chairman Graham Stuart over leaks about changes to the GCSE system which appeared while pupils were still taking the exams.

Mr Stuart had written to the education secretary about this - but Mr Gove's response that leaks were "part of political life" was described as "inadequate" by the committee chairman.

He also said he was "flabbergasted" that Mr Gove did not seem to know the ministerial code's guidance on such leaks.

'Proper part'

In an earlier hearing, head teachers had told the education select committee that many schools have been angered by what they thought had been unfair GCSE English results.

They claimed that in an attempt to compensate for higher grades awarded in January, exam grades were manipulated downwards by Ofqual in the summer - at the expense of individual candidates.

Mr Gove told MPs that Ofqual had faced a "difficult decision" but he would not intervene with an independent regulator.

Glenys Stacey, head of Ofqual, told the education select committee on Tuesday that she rejected claims of any unfairness in the results or suggestion of political interference.

"We played our proper part," she told the investigation into this summer's controversial GCSE exam grades - and ruled out any further change in grades in England.

The committee heard accusations from head teachers' leader Brian Lightman that there had been "major flaws" in this year's GCSE English grades.

Mike Griffiths, head of Northampton School for Boys, told the select committee that the unreliability of the results in his school showed that "Ofqual failed to maintain standards".

Pupils who were given a D grade rather than the expected C grade could mean that difference between staying on at school or dropping out and becoming a Neet, said Kenny Fredericks, head of George Green's School in east London.

But Ms Stacey defended Ofqual's role in ensuring that the grades awarded for exams accurately reflected the level of achievement.

She said there had been many "significant unknowns" in changes to modules of the GCSE English exam, which had to be resolved in the final awarding of grades.

Before the committee took evidence, the Times Educational Supplement published letters revealing the pressure put on one of England's largest exam boards, Edexcel, to change its grade boundaries - in a way that prevented a rise in grades.

Ms Stacey told the select committee that if the exam board had not complied, she would have used her powers to force them to change the grades.

Shadow education secretary Steven Twigg has called on Mr Gove to make all correspondence between Ofqual and the Department for Education "publicly available at the earliest opportunity".

, Ofqual

- **Direct:** ~~0121 353 3344~~ **Office:** 0300 303 3344 • **Mobile:** ~~07958 383838~~
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Jeremy Benson
Sent: 12 September 2012 08:47
To: Julie Swan; Fiona Pethick; Glenys Stacey
Cc:
Subject: RE: Welsh issues

Follow Up Flag: Follow up
Flag Status: Completed

I agree with all Fiona's points below. Two points to add

- we need to distinguish short, medium and long term actions. Short term, we need to decide whether to direct WJEC in relation to English students and logos on certificates (Gareth might want us to – will help him manage disgruntled English centres), and what messages we put out – esp how rude we are about the Welsh-issued GCSEs; medium term we need to manage and oversee the implications of the two standards policy, including for 2013 awarding, and consider what regulatory action we take against WJEC (ideally we would persuade them to surrender recognition and not offer GCSEs in England after the current school year); and long term, we need to start considering how we dismantle the 3-country framework, which will be less of an issue for GCSEs (in the light of WCQs) than for A levels, and will of course need to engage CCEA (who I think politically would be inclined to side with WG but in standards terms would want to be with us).

- we will be at legal risk whatever option we take. I think if we went down Fiona's option 1, we would be challenged by the other AOs because we would not have met our duty to try and achieve our standards and confidence objectives; if we go down option 2 – which the letter last night effectively commits to – I think there is a greater risk of challenge from students in England, though we've got a robust defence here. In any case, I think AQA is at risk of challenge in Wales, and in turn has a case for legal action against the Welsh Ministers. (There could be lawyers who get rich on this...)

Jeremy

Jeremy Benson
Deputy Director - Policy, Ofqual

• **Direct:** **ffice:** 0300 303 3344 • **Mobile:**
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 11 September 2012 23:27
To: Fiona Pethick; Glenys Stacey
Cc: Jeremy Benson
Subject: Re: Welsh issues

Just to add we expect the WQC consultation to be issued by DfE shortly. We have encouraged DfE to brief the WG and NI but I don't know how sighted they are on what's to come. Once the consultation is published WJEC (and the other AOs) will wish to consider carefully the potential impact on their business. This might influence their behaviour in the short as well as the longer term.

Julie

From: Fiona Pethick
Sent: Tuesday, September 11, 2012 10:53 PM
To: Glenys Stacey
Cc: Jeremy Benson; Julie Swan
Subject: Welsh issues

Glenys

You asked for my advice before you speak to the SoS about the Welsh situation.

There is more detailed briefing and my thoughts on the issues below.

The key points for the SoS are

- These are new qualifications designed in 2009. Grading new qualifications is difficult.
- WJEC offers more GCSEs in English to English students than to Welsh students
- The arrangements to use KS2 indicators for the English students to set the standards in both countries had been agreed by all three regulators.
- The consequence of this played out as a 3.9 per cent reduction in students in Wales getting an A to C. The Welsh Government has found this unacceptable. It has required changes in WJEC's boundaries. It has not asked for similar changes to AQA. (WJEC has 95% of the market and AQA 5% in Wales)
- The regulatory arrangements across the three countries are not on a firm legislative footing. In Wales the regulator is the minister.
- The decisions, and the implications of the decisions, taken on Monday this week by the Welsh Government were not discussed in advance. The decisions are being implemented in great haste without the opportunity to discuss these with us or the relevant exam board. We have written to the Welsh Government seeking a meeting.
- We are thinking through the consequences and the regulatory actions we need to take to protect standards for English students. We may want to advise the SoS about changes to which qualifications can be offered in English schools.
- Previous agreements based on common policies are being put to the test by differences in educational policy in the devolved nations.
- The portability of qualifications across borders within the UK is still important to students.

What has happened?

In response to concerns about a significant reduction in the percentage of Welsh students getting an A to C in GCSE English the Welsh Government has first produced a report including the recommendation that WJEC GCSEs for students in Wales. When WJEC did not agree to undertake such a regarding the Welsh Government has directed the change on the basis that the recommendation was not going to be delivered. The consequence is that the Welsh Government has asked WJEC to change the standard of this qualification after it was awarded.

Why does this matter to the English Regulator?

WJEC awarded more GCSE English Language qualifications in England than in Wales and in anticipation of this the three regulators agreed (although the Welsh have back tracked on this) that the same predictor matrix based on key stage 2 results should be used for WJEC as for other exam boards. The consequence is to bring WJEC English qualifications more in line with the other English exam boards and possibly caused an adjustment to the standard for WJEC compared to previous years. **So if WJEC do as directed we will have one qualification awarded by one exam board with two standards either side of the border.** Two students living in Wrexham one going to school in Wrexham the other in Chester could have performed exactly the same one could get a C and the other a D.

This is unacceptable to Ofqual. The options available to us are

1. Allow WJEC to regard qualifications taken in England too. The advantage would be that the qualification would have a single standard. Three country regulation would be maintained – though bruised. More students would get the grades they want. On the down side the standard for one exam board would be out of line with the others. We would be under pressure to make other exam boards adjust too. Standards would be more difficult to maintain in future.

A secondary question would be how we would go about this. WJEC have not broken any conditions and therefore we would have no justification for such a direction. The WG's direction relies on the report they issued yesterday being a Regulatory Document that falls within condition B7 on Regulatory Documents. Like us they define regulatory documents as something that appears on a list they call Regulatory Documents which they publish. For this device to work they must have added yesterday's report to their published list of regulatory documents.

2. Allow WJEC grades to stand as awarded in England. This would create one qualifications with two standards. Or two different qualifications GCSE (England) and GCSE (Wales). This puts huge pressure on three country regulation and calls into question the ability we can place on common regulatory approaches in future. It causes confusion to students and other users of the qualification. It puts in doubt the use of WJEC qualifications in England in future.

Neither of these options is attractive but the second seems to be in line with our duties to maintain standards in England.

~~retracted Legal Professional Privilege~~

Julie Swan and *Okual* met with Welsh regulatory colleagues and lawyers in July and on the back of this we wrote challenging the Welsh Governments ability to act as the sole regulator in Wales with no regard for English regulation. The Welsh were so incensed by this letter we withdrew it to redraft. As events panned out the letter was never re-issued. Whether this is a good or bad thing is a moot point now.

In the last few weeks we have included the Welsh (and NI) Regulator in most dialogues with the exam boards and worked with both fellow regulators on our conclusions from our report. I had several conversations with Chris Tweedale about the direction of travel we were both going in during the week ending 31 August. Chris did warn us in an email that they would consider regarding. Hence we raised the

concern at the emergency Board meeting on 30 August. Where the Board confirmed that if a choice had to be made between standards and three country regulation we should prioritise standards. On either 30 or 31 August I spoke to Gareth Pierce and put him on notice that if the Welsh Government asked him to change boundaries he would be in breach of our conditions. I accept we did not give the Welsh Government much advance warning of our 31 August report. However it did not re grade any qualifications they were regulating. We did not see the report coming yesterday nor the pace in which the Welsh Government has acted. Indeed had we been in the same position we would have acted in a more measured way and issued a notice of intention to direct and listened to any objections raised by WJEC first.

I have not been through all the details of the Welsh Report but in as much as I have read it I think there are points we could challenge.

What next?

Immediately we have an exam board in which can't respect the wishes of both regulators and award the qualification.

We have not completed our work on the grade boundaries so we cannot rule out the possibility that we will also require a change in due course. This causes a particular tension because WJEC have only been given 7 days in which to act.

If we have two standards for one qualification we really have two qualifications. Unravelling this is not easy. Is it feasible?

In the medium term we have English students expecting to sit various WJEC qualifications including English in the coming year. We need to decide how to treat them.

WJEC probably need to decide whether they want to operate in one or two countries and if one, which one. Is this its decision or that of the Welsh Government. I think this is a matter for WJEC's governance. If it is two can any qualification be offered in both places? And if so how can it be regulated. Does the Government need to act on section 96 to stop English schools taking the "easier" Welsh qualification. 7

~~redacted~~ - Legal Professional Privilege

We need to put a response to Huw Evans who is leading the Welsh review of qualifications explaining the impact on portability of decisions like this.

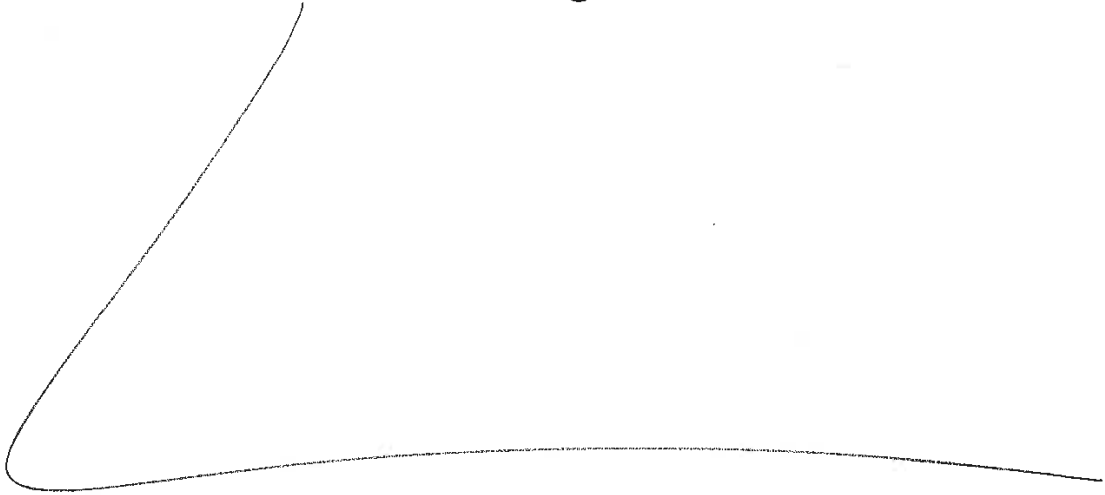
We have lost the mutual trust on which 3 country regulation relies. Do we need to disband all the shared arrangements. How do we go about this?

~~redacted~~ - Legal Professional Privilege



Redacted - Legal Privileged

Privilege



Fiona Pethick
Director of Regulation, Ofqual

• Direct: _____ • Office: 0300 303 3344 • Mobile: _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

- [1] For ease of reference, and without prejudice to other possible (and constitutionally more accurate) designations, I will refer to these as the 'three countries'. This terminology is generally used in Ofqual.
- [2] Instructing Solicitors note that such a mechanism has the advantage of ensuring that whether a matter falls within the jurisdiction is readily ascertainable, since the place at which a learner physically takes an assessment for the purposes of a qualification ought to be easily identifiable.

Ofqual

From: Julie Swan
Sent: 10 December 2013 15:38
To: Ofqual FOI
Subject: FW: board paper
Attachments: Board paper Welsh issues.doc

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 12 September 2012 18:56
To: Fiona Pethick; Jeremy Benson
Subject: board paper

Here's the board paper.

I've put it in my name in case Jeremy needs to send it out without Fiona clearing it. This is to allow Fiona to disown it!

I have limited it to the Welsh issue - there's a separate item on the agenda on GCSE English

I'll send the attachments through separately

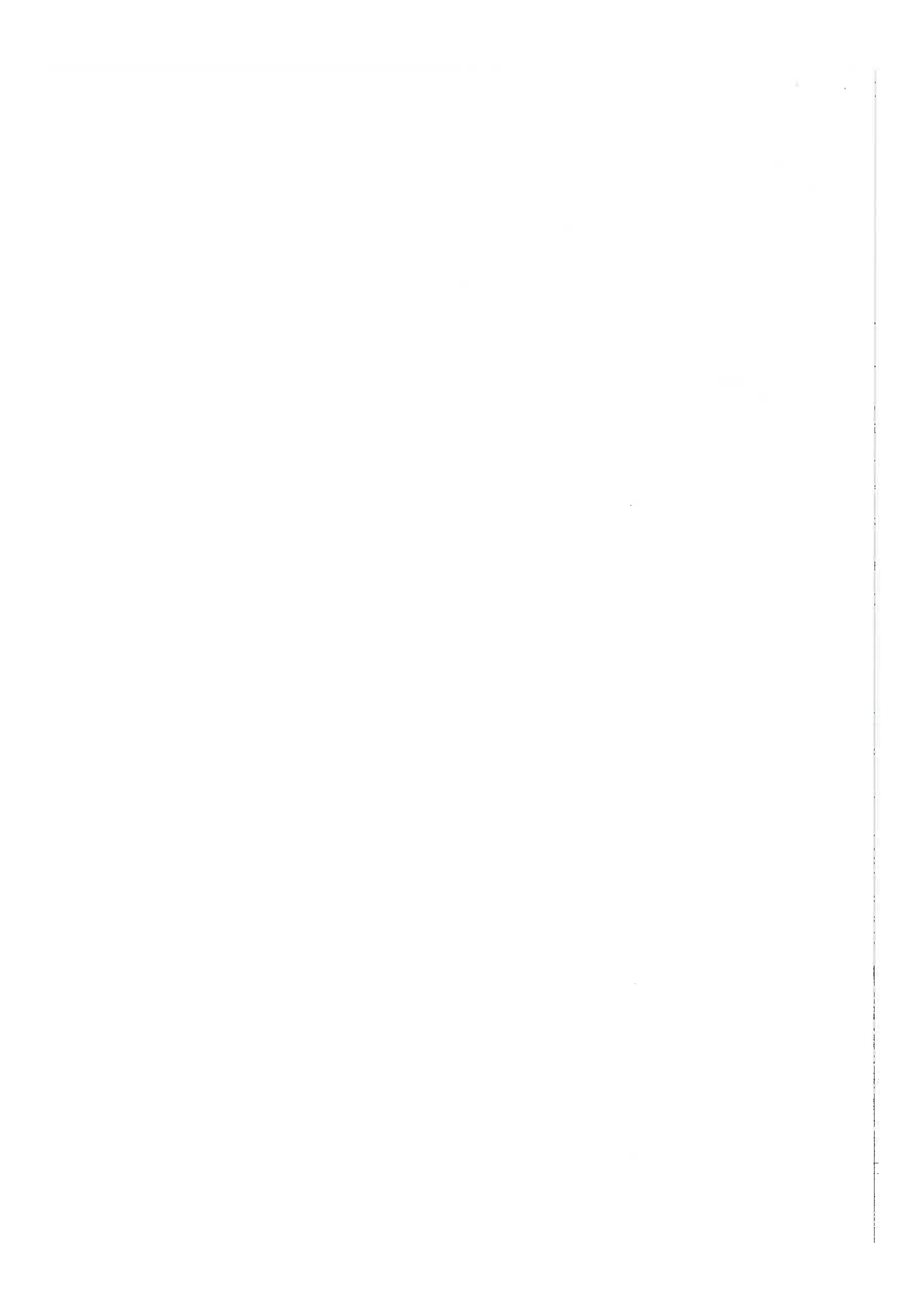
Julie
Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



DRAFT

Ofqual Board

Date:
13 September 2012

Title:
Welsh Government's position on WJEC's English Language GCSE

Report by:
Julie Swan, Head of Regulatory Development

Paper for decision

Closed paper

Issue

1. On 11 September the Minister for Education and Skills in the Welsh Government directed WJEC to re-grade its GCSE English Language qualifications for candidates in Wales who had been awarded the qualification this year. It is not acceptable to have different standards set for candidates based on their location when they took the qualifications. The current situation raises significant standards, wider regulatory, communication and policy issues for us, for the short, medium and longer terms,
2. At the Board meeting on 30 August we alerted the Board to the possibility that the regulators in different parts of the UK where GCSEs are taken could come to different conclusions about the grading controversy. The Board confirmed that securing standards should take priority over maintaining three country regulation. We have followed this steer in the actions we have taken since that meeting, and the steer is also reflected in the recommendations in this paper.

Recommendations

3. The Board is invited to consider the following recommendations:
 - The Ofqual logo should not appear on any certificates for GCSE English Language qualifications awarded in Wales this year. Similarly, the Welsh Government logo should not appear on the certificates for this qualification issued to learners in England. We should seek an undertaking to this effect from WJEC.
 - We should consider, in the light of legal advice whether we could issue a counter-direction to prevent WJEC re-grading candidates in Wales,

OFQUAL – NOT PROTECTIVELY MARKED

or to seek an injunction to prevent re-grading by WJEC ahead of discussions with the Welsh Government. But the legal and political consequences of either of these courses of action are undesirable and would need to be very carefully considered alongside legal advice before any decision is taken to act in this way. .

- We should seek an undertaking - which we would publish - from WJEC that it will not re-grade in England (or elsewhere - excluding Wales).

The Board is invited to provide a steer on the following options, to be worked up for full consideration at a future meeting:

- To seek formal, agreed ways of working with the other regulators that will enable us to regulate with confidence - outstanding differences of interpretation about our respective powers and duties would need to be resolved
- Formally to end joint working with the other regulators, allowing each to operate independently to secure our respective objectives, using our respective powers appropriately – outstanding differences of interpretation about our respective powers and duties would need to be resolved, or a pragmatic way of working developed
- To limit an awarding organisation's ability to offer qualifications across the UK – there would be restraint of trade issues to address
- To seek policy reform that would secure a separate examination system for England, because of the inherent difficulties associated with a common system being separately regulated – we would need to consider whether this applied to 'general' qualifications only or if it should also be extended to vocational qualifications.

Summary

4. WJEC is an exam board based in Wales. It is governed by a board of trustees who represent the 22 local authorities in Wales. We recognise WJEC to award qualifications to learners in England. 60% of WJEC's total GCSE market is in England.
5. WJEC offers GCSE English to learners in England and GCSE English Language to learners in England and Wales. Welsh policy does not allow pupils in Wales to take only GCSE English.¹
6. Of the 38684 candidates taking WJEC's GCSE English, 38547 were from England
Of the 118087 candidates taking WJEC's GCSE English Language, 84282 were from England
Of the 118087 candidates taking WJEC's GCSE English Language, 33483 were from Wales
7. There is no independent qualifications regulator in Wales. Regulation is undertaken by the Qualifications and Learning Division of the Welsh

¹ In England and Northern Ireland schools can decide whether to enter pupils for English GCSE or for two separate GCSEs in English Language and English Literature.

OFQUAL – NOT PROTECTIVELY MARKED

Government; the Welsh Minister is the chief regulator. On 23 August 2012 Leighton Andrews, Minister for Education and Skills in the Welsh Government, asked officials in the Welsh Government to investigate the performance in GCSE English Language of candidates in Wales. The report of this investigation was published on 10 September.

8. This investigation was commissioned by the Welsh Minister in light of his concerns about:
 - *The significant fall in outcomes at grades A* -C for candidates in Wales compared with the outcome in 2011*
 - *Significant variations in performance between schools and colleges in Wales, with a few centres experiencing significant improvements and many experiencing significant falls in outcomes when compared with 2011 and*
 - *Significant changes to grade boundaries for some units between January and June, by some awarding organisations.*
9. The report has been published by the Welsh Government:
<http://wales.gov.uk/docs/dcells/publications/120910gcseen2012en.pdf>
10. The report sets out the background to the Welsh Government's position. The detail is not repeated in this paper.
11. The recommendations in the report include a *"request that WJEC undertake a re-grading of GCSE English Language in order to achieve outcomes that are as similar as possible to the outcomes achieved by candidates in 2011, on the basis that there is no reason to believe that the 2012 Wales cohort was significantly different to 2011 Wales cohort. It would be strongly preferable for this re-grading to be applied to all of WJEC's candidates in both Wales and England but, in the event of the regulator in England (Ofqual) refusing to endorse regarding, it should be applied only to candidates in Wales."*
12. We were given the report on the day of publication and had very limited time to review it properly and comment on it. We wrote to WJEC asking it not to make any decisions before it had discussed its position with us. WJEC wrote to the Welsh Government on 11 September asking it to secure joint discussions involving both Ofqual and CCEA on the issues and the Welsh Government's preferred outcome.
13. WJEC also suggested that if the Welsh Government intended to pursue an outcome that was not supported by all of the regulators, it would need to direct WJEC to act as it wished.
14. The Welsh Minister issued a direction to WJEC on 11 September. It did not alert us to its intention to direct, nor initiate any discussions with us, although it had told us before it concluded its investigation that re-grading was an option it would be considering.

OFQUAL – NOT PROTECTIVELY MARKED

15. WJEC's approach to awarding the qualification this year had been agreed by the Welsh Government and Ofqual. The Welsh Government has similar powers to Ofqual's. It can direct an exam board that has breached or is likely to breach a condition. The Welsh Government adopted our conditions (amended to include some Welsh language provisions). There is a condition that requires exam boards to comply with published regulatory documents. We use this condition to require compliance with, for example, GCSE criteria.
16. The direction issued by the Welsh Government says it designated the report and a letter to WJEC of 10 September as 'regulatory documents'. WJEC had not confirmed its willingness to comply with the recommendation given to it on the previous day. The Welsh Government concluded that WJEC had therefore failed to comply with a condition and directed it to re-grade the qualifications. A copy of the direction is attached at annex 1.

Standards issues

17. The Board is familiar with the comparative outcomes approach to maintaining standards. The approach makes use of data from key stage 2 tests to inform the predictions for overall outcomes for GCSEs in a given year. These tests are not taken in Wales where pupils are assessed by teachers. Their assessment are locally moderated and reported to the Welsh Government. Exam boards do not see the data.
18. The comparable outcomes approach has not been used in Wales. In 2011 the Welsh regulator introduced a 'common centres' approach. This drew on data from centres with entries in the same subject in the current and previous years. The approach assumed that over time GCSE outcomes are stable and that any changes at centre level are evened out across the whole cohort.
19. In light of the number of candidates in England that WJEC had attracted for GCSE English Language (a sizeable majority of WJEC candidates for this GCSE were based in England) we agreed with the Welsh Regulators to use the comparable outcomes approach to maintain standards. They expressed reservations but agreed that, in light of the balance of candidates' location, and in the absence of any alternative, the approach should be used.
20. The Welsh Government's report explains its view that in the event the comparable outcomes approach was not appropriate for candidates in Wales: there was a significant fall in outcomes at grades A* - C and significant variations in performance between centres. The report shows that had the 'common centres' approach been used by WJEC it would have resulted '*in a significant increase in outcomes at grade C and above for Wales*'.

OFQUAL – NOT PROTECTIVELY MARKED

21. Elsewhere in the report the common centres approach is described as having been *'of some use in maintaining comparable outcomes, but in some cases they produced unconvincing results'*.
22. The Welsh Government now requires WJEC to re-grade the qualification to bring the outcomes as far as possible in line with those achieved by candidates in 2011. Teacher assessment in Wales found pupils at Key Stage 2 performing on a par with the 2011 cohort and slightly above at Key Stage 3.
23. We intervened at WJEC's awarding time when we saw that for matched candidates the WJEC English specification was 2.7% above prediction and that English Language specification it was 4.1% above prediction – without evidence to justify the increase. In response, WJEC put forward 4 options. We agreed, with the Welsh Government, the most conservative of the options, ie the most limited of grade boundary adjustments.
24. We have considered the Welsh Government's analysis of the merits of the comparable outcomes and common centre approach. We do not consider there is any evidence in the report to suggest that WJEC's awards were inappropriate, or that the methodology used was wrong.

Regulatory issues

25. The Welsh Government's actions raise a number of regulatory issues.
26. The Welsh Government's report challenges the use of the comparable outcomes approach to maintaining standards for qualifications awarded to candidates in Wales. The regulators in Wales and Northern Ireland had, however, endorsed the use of the approach for qualifications for WJEC qualifications where there was a significant percentage of the candidature based in England.
27. Once the immediate difficulties presented by the direction to WJEC have been addressed we will need to consider the basis on which standards are maintained next year – if the same qualifications continue to be available in both England and Wales. Candidates will be mid-way through their qualifications and others will just be starting qualifications offered by WJEC in England.
28. More immediately, if WJEC follows the direction, GCSE English Language qualifications will have two standards this year – one that applies to candidates in Wales and one that applies elsewhere. This is highly undesirable.
29. We do not yet know how many candidates in Wales would have their grade increased as a result of the direction. The direction precludes any candidates being down-graded. We expect that most grades in Wales will remain unchanged. We should not act in a way that would

OFQUAL – NOT PROTECTIVELY MARKED

undermine the standing of all qualifications awarded to candidates in Wales. However, as the awards will be made contrary to our position on standards we should prohibit WJEC from including the Ofqual logo on any certificates for GCSE English Language qualifications awarded in Wales this year. Similarly, the Welsh Government logo should not appear on the certificates issued to learners in England. We recommend that we seek an undertaking to this effect from WJEC.

30. If WJEC re-grades in accordance with the direction it will be in breach of our conditions of recognition. We are clear, although the Welsh Government interprets our powers and duties differently, once a qualification is regulated by us we regulate that qualification wherever it is taken. If this was not the case, an exam board could disregard all regulatory requirements and set a different standard (and delivery rules) for GCSEs taken outside of England.
31. We could issue a counter-direction to prevent WJEC re-grading for candidates in Wales. This would put WJEC in a difficult position. The Welsh Government might in turn issue a legal challenge to us through the courts. There is also a political dimension to the current situation which this paper does not explore. If we pursue this option there is a risk that Ofqual will become embroiled in protracted legal and political disputes that will absorb considerable resource. This approach is not recommended. Nevertheless, we are seeking further legal advice on our position and the options available to us, including the possibility of seeking an injunction to prevent WJEC re-grading pending discussion between the regulators.
32. If WJEC follows the Welsh Government direction and re-grades candidates based in Wales only, it will come under considerable pressure from schools and candidates in England to re-grade here too. We will complete our investigations into the GCSE English issues within the next six weeks. At present we have seen no evidence to suggest that re-grading would be appropriate – if securing standards is our priority. If we foresee a risk that WJEC might re-grade candidates based in England and thereby breach one or more of its conditions, we could direct it to act, or to refrain from acting, in a particular way. An alternative and possibly more appropriate approach would be to seek an undertaking - which we would publish - from WJEC that it will not re-grade in England (or elsewhere - excluding Wales). An undertaking is the recommended approach.

Communication issues

33. We are facing a situation in which one qualification will have two different standards. The majority of candidates will have a qualification awarded in line with the standard agreed by Ofqual, the Welsh Government and WJEC – those based in England and Northern

OFQUAL – NOT PROTECTIVELY MARKED

Ireland². A minority will have standards subsequently imposed by the Welsh Government through its direction.

34. We can expect continuing candidate, school and media interest in this outcome. We recommend an approach to handling that puts a focus on our commitment to securing standards. We should highlight the value of the qualifications awarded to candidates in England, but not undermine the value of the qualifications awarded to candidates in Wales. We should aim to avoid a public dispute with the Welsh Government.

Regulatory policy issues

35. Traditionally, qualifications were regulated jointly by the regulators in England, Wales and Northern Ireland. Ofqual's establishment, together with increasingly divergent education policies, has put this approach under pressure. We continue to provide support to the regulators in Wales and Northern Ireland – eg through use of our IT systems and by allowing the others to adopt our regulatory documents. But we have been emphasising the need for each regulator to be accountable for its own decisions.
36. We have been aware that the Welsh Government interprets our duties and powers in a way that is contrary to our interpretation, legal advice and our understanding of Parliament's intentions. We have not been able to resolve this difference of view. Ministers in Wales and Northern Ireland have stated publicly their concern that qualifications policy is being made unilaterally by Ministers in Westminster, affecting qualifications taken in all three countries.
37. Recent events with GCSE English have heightened concerns about the sustainability of common qualifications being offered in three UK countries, which are regulated by three different regulators with different objectives and powers, in the context devolved education policy and qualification reform.
38. The Welsh Government's report refers to compromises being made. We had to compromise our position on WJEC GCSE English Language this year to secure Welsh Government agreement on grade boundaries (on which they have since reneged).
39. The Welsh Minister, the chief regulator in Wales, concluded in an article the day he issued the direction to WJEC that separate examination systems in England, Wales and Northern Ireland is now inevitable. This would be a legitimate policy outcome. But in the meantime we have common qualifications, being taken by learners across the three countries that we need to regulate.

² There are a small number of candidates in Northern Ireland. We do not yet know how CCEA will respond to the Welsh Government's position.

OFQUAL – NOT PROTECTIVELY MARKED

40. Many exam boards, and awarding organisations offering vocational qualifications too, provide the same qualifications in England, Wales and Northern Ireland. The events of recent days question our ability to regulate in a way that secures the standards of, and public confidence in, these qualifications. Options available to us, which are not mutually exclusive, include:

- To seek formal, agreed ways of working with the other regulators that will enable us to regulate with confidence - outstanding differences of interpretation about our respective powers and duties would first need to be resolved
- To formally end joint working with the other regulators, allowing each to operate independently to secure its objectives, using its power appropriately – outstanding differences of interpretation about our respective powers and duties would either need to be resolved or a pragmatic approach developed
- To limit an awarding organisation's ability to offer qualifications across the UK – there would be restraint of trade issues to address
- To seek policy reform that would secure a separate examination system for England because of the inherent difficulties associated with a common system being separately regulated – we would need to consider whether this applied to 'general' qualifications only or if it should be extended to vocational qualifications.

41. These are medium term decisions, on which the Board's initial steer is sought. We will need to develop the options in the light of the Board's steer.

Finance and Resource

42. Staff resource is being diverted to dealing with this issue. We will also incur additional legal costs as we investigate our options.

Impact Assessments

Equality Analysis

43. Having different standards for the same qualification in England and Wales raises questions of fairness. We have not, however, identified any issues related to protected characteristics.

Risk Assessment

44. We are diverting resources away from business as usual while we resolve this issue. There are consequences for our planned programme of work.

OFQUAL – NOT PROTECTIVELY MARKED

- 45. There are risks that we become embroiled in political and jurisdictional arguments rather than focusing on qualification standards and comparability.
- 46. There are risks we become the subject of legal action.
- 47. There are serious reputational risks for Ofqual if our position is misunderstood and/or we are seen to unjustifiably be prejudicing the interests of learners.

Regulatory Impact Assessment

- 48. WJEC is in a difficult position – with different regulators making competing demands of it. We will aim to act as a reasonable regulator, and remain true to the principles of good regulation.
- 49. Awarding organisations have always favoured effective three country regulation. They are concerned that they will otherwise be subject to different requirements being placed on them by three different regulators. The future of three country regulation is now uncertain.

Timescale

- 50. The Welsh Government direction requires WJEC to re-grade the qualifications within a matter of days. We will complete our investigations and report within the next six weeks. We will be meeting Welsh Government representatives in the next few days. Some candidates are deciding whether to take advantage of the extra re-sit opportunity in November.

Communications

- 51. Communication on this issue is clearly very difficult. Our planned position is included in the body of this paper.

Internal Stakeholders

- 52. We are keeping internal colleagues updated on the general GCSE English issues.

External Stakeholders

- 53. WJEC, the Welsh Government and to a lesser extent CCEA are key stakeholders. The DfE is also taking a very keen interest in the matter and we are contributing to Ministerial briefings.

Paper to be published	NO
-----------------------	----


OFQUAL – NOT PROTECTIVELY MARKED

Publication date (if relevant)	
If it is proposed not to publish the paper or to not publish in full please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA), please include references to specific paragraphs	This matter concerns public policy considerations.

Okward

From: Julie Swan
Sent: 10 December 2013 15:38
To: Ofqual FOI
Subject: FW: Board paper Welsh issues.doc
Attachments: Board paper Welsh issues.doc

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 12 September 2012 19:17
To: Jeremy Benson
Subject: FW: Board paper Welsh issues.doc

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

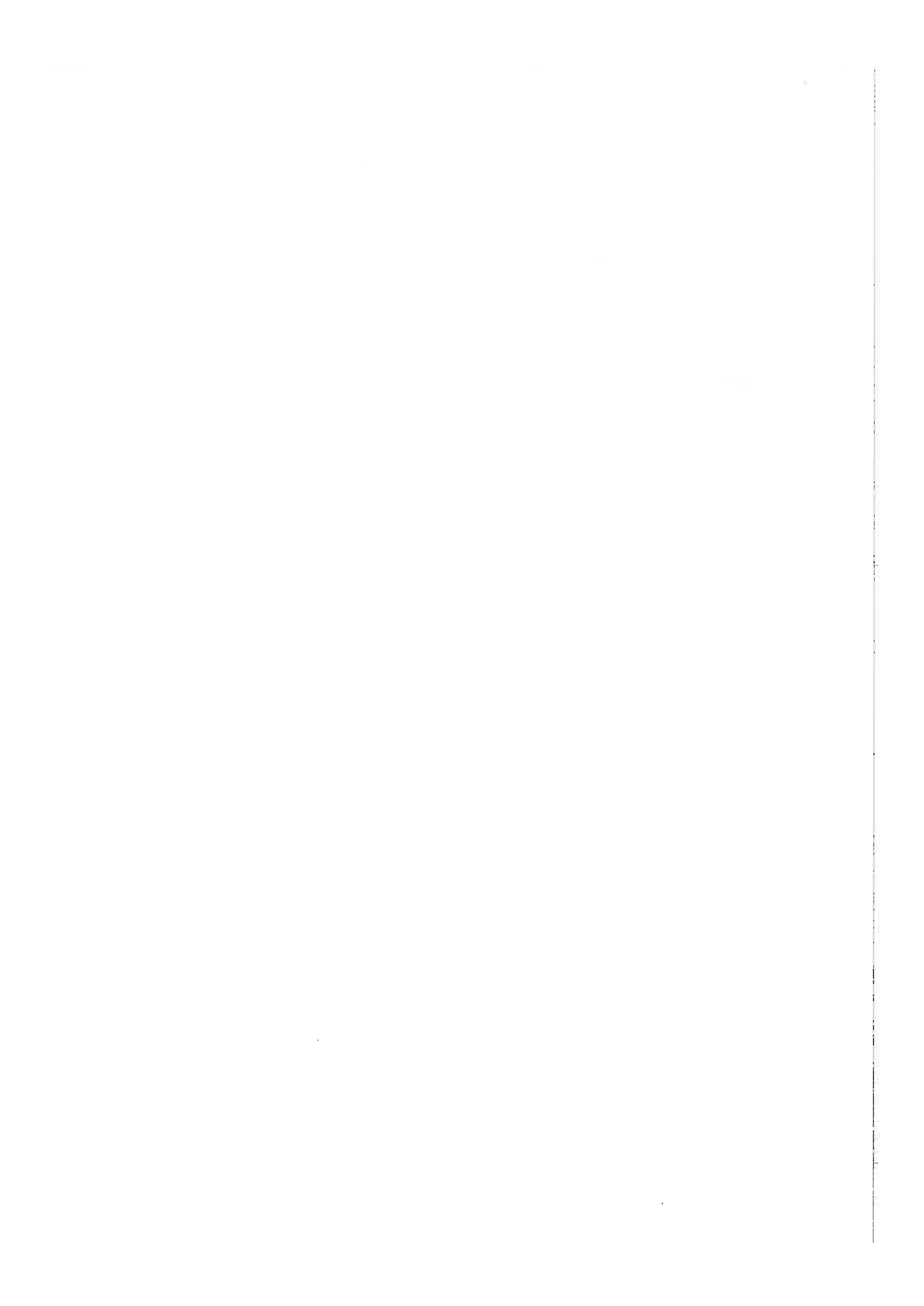
This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 12 September 2012 19:13
To: Julie Swan
Subject: Board paper Welsh issues.doc

Just a few more tweaks. This should go in your name - you've done all the work.

Thanks

Fi



DRAFT

Ofqual Board

Date:

13 September 2012

Title:

Welsh Government's position on WJEC's English Language GCSE

Report by:

Julie Swan, Head of Regulatory Development

Paper for decision

Closed paper

=====

Issue

1. On 11 September the Minister for Education and Skills in the Welsh Government directed WJEC to re-grade its GCSE English Language qualifications for candidates in Wales who had been awarded the qualification this year. It is not acceptable to have different standards set for candidates based on their location when they took the qualifications. The current situation raises significant standards, wider regulatory, communication and policy issues for us, for the short, medium and longer terms,
2. At the Board meeting on 30 August we alerted the Board to the possibility that the regulators in different parts of the UK where GCSEs are taken could come to different conclusions about the grading controversy. The Board confirmed that securing standards should take priority over maintaining three country regulation. We have followed this steer in the actions we have taken since that meeting, and the steer is also reflected in the recommendations in this paper.

Recommendations

3. The Board is invited to consider the following recommendations:
 - We should ensure that, as far as possible, the standard of WJEC qualifications offered in England are the same as those offered by other exam boards
 - While wishing to enable the portability of qualifications across the UK we should not lower the standard of GCSEs to accommodate other regulators wishes

OFQUAL – NOT PROTECTIVELY MARKED

- Presuming the re grade goes ahead, the Ofqual logo should not appear on any certificates for GCSE English Language qualifications, of a different standard to those awarded in England this year. Similarly, the Welsh Government logo should not appear on the certificates for this qualification issued to learners in England. We should seek an undertaking to this effect from WJEC.
- We should consider, in the light of legal advice whether we could issue a counter-direction to prevent WJEC re-grading candidates in Wales, or to seek an injunction to prevent re-grading by WJEC ahead of discussions with the Welsh Government. But the legal and political consequences of either of these courses of action are undesirable and would need to be very carefully considered alongside legal advice before any decision is taken to act in this way. .
- We should seek an undertaking - which we would publish - from WJEC that it will not re-grade in England (or elsewhere - excluding Wales).

The Board is invited to provide a steer on the following options, to be worked up for full consideration at a future meeting:

- To seek formal, agreed ways of working with the other regulators that will enable us to regulate with confidence - outstanding differences of interpretation about our respective powers and duties would need to be resolved
- Formally to end joint working with the other regulators, allowing each to operate independently to secure our respective objectives, using our respective powers appropriately – outstanding differences of interpretation about our respective powers and duties would need to be resolved, or a pragmatic way of working developed
- To limit an awarding organisation's ability to offer qualifications across the UK – there would be restraint of trade issues to address
- To seek policy reform that would secure a separate examination system for England, because of the inherent difficulties associated with a common system being separately regulated – we would need to consider whether this applied to 'general' qualifications only or if it should also be extended to vocational qualifications.

Summary

4. WJEC is an exam board based in Wales. It is governed by a board of trustees who represent the 22 local authorities in Wales. We recognise WJEC to award qualifications to learners in England. 60% of WJEC's total GCSE market is in England.
5. WJEC offers GCSE English to learners in England and GCSE English Language to learners in England and Wales. Welsh policy does not allow pupils in Wales to take only GCSE English.¹

¹ In England and Northern Ireland schools can decide whether to enter pupils for English GCSE or for two separate GCSEs in English Language and English Literature.

OFQUAL – NOT PROTECTIVELY MARKED

6. Of the 38,684 candidates taking WJEC's GCSE English, 38,547 were from England
Of the 118,087 candidates taking WJEC's GCSE English Language, 84282 were from England
Of the 118,087 candidates taking WJEC's GCSE English Language, 33,483 were from Wales
7. There is no independent qualifications regulator in Wales. Regulation is undertaken by the Qualifications and Learning Division of the Welsh Government; the Welsh Minister is the chief regulator. On 23 August 2012 Leighton Andrews, Minister for Education and Skills in the Welsh Government, asked officials in the Welsh Government to investigate the performance in GCSE English Language of candidates in Wales. The report of this investigation was published on 10 September.
8. This investigation was commissioned by the Welsh Minister in light of his concerns about:
 - *The significant fall in outcomes at grades A* -C for candidates in Wales compared with the outcome in 2011*
 - *Significant variations in performance between schools and colleges in Wales, with a few centres experiencing significant improvements and many experiencing significant falls in outcomes when compared with 2011 and*
 - *Significant changes to grade boundaries for some units between January and June, by some awarding organisations.*
9. The report has been published by the Welsh Government:
<http://wales.gov.uk/docs/dcells/publications/120910gcseen2012en.pdf>
10. The report sets out the background to the Welsh Government's position. The detail is not repeated in this paper.
11. The recommendations in the report include a *"request that WJEC undertake a re-grading of GCSE English Language in order to achieve outcomes that are as similar as possible to the outcomes achieved by candidates in 2011, on the basis that there is no reason to believe that the 2012 Wales cohort was significantly different to 2011 Wales cohort. It would be strongly preferable for this re-grading to be applied to all of WJEC's candidates in both Wales and England but, in the event of the regulator in England (Ofqual) refusing to endorse regarding, it should be applied only to candidates in Wales."*
12. We were given the report on the day of publication and had very limited time to review it properly and comment on it. We wrote to WJEC asking it not to make any decisions before it had discussed its position with us. WJEC wrote to the Welsh Government on 11 September asking it to secure joint discussions involving both Ofqual and CCEA on the issues and the Welsh Government's preferred outcome.

OFQUAL – NOT PROTECTIVELY MARKED

13. WJEC also suggested that if the Welsh Government intended to pursue an outcome that was not supported by all of the regulators, it would need to direct WJEC to act as it wished.
14. The Welsh Minister issued a direction to WJEC on 11 September. It did not alert us to its intention to direct, nor initiate any discussions with us, although it had told us before it concluded its investigation that re-grading was an option it would be considering.
15. WJEC's approach to awarding the qualification this year had been agreed by the Welsh Government and Ofqual. The Welsh Government has similar powers to Ofqual's. It can direct an exam board that has breached or is likely to breach a condition. The Welsh Government adopted our conditions (amended to include some Welsh language provisions). There is a condition that requires exam boards to comply with published regulatory documents. We use this condition to require compliance with, for example, GCSE criteria.
16. The direction issued by the Welsh Government says it designated the report and a letter to WJEC of 10 September as 'regulatory documents'. WJEC had not confirmed its willingness to comply with the recommendation given to it on the previous day. The Welsh Government concluded that WJEC had therefore failed to comply with a condition and directed it to re-grade the qualifications. A copy of the direction is attached at annex 1.

Standards issues

17. The Board is familiar with the comparative outcomes approach to maintaining standards. The approach makes use of data from key stage 2 tests to inform the predictions for overall outcomes for GCSEs in a given year. These tests are not taken in Wales where pupils are assessed by teachers. Their assessment are locally moderated and reported to the Welsh Government. Exam boards do not see the data.
18. The comparable outcomes approach has not been used in Wales in the past as the students in Wales do not do Key Stage 2 tests.. In 2011 the Welsh regulator introduced a 'common centres' approach. This drew on data from centres with entries in the same subject in the current and previous years. The approach assumed that over time GCSE outcomes are stable and that any changes at centre level are evened out across the whole cohort.
19. In light of the number of candidates in England that WJEC had attracted for GCSE English Language (a sizeable majority of WJEC candidates for this GCSE were based in England) we agreed with the Welsh Regulators to use the comparable outcomes approach to maintain standards. They expressed reservations but agreed that, in light of the balance of candidates' location, and in the absence of any alternative, the approach should be used.

OFQUAL – NOT PROTECTIVELY MARKED

20. The Welsh Government's report explains its view that in the event the comparable outcomes approach was not appropriate for candidates in Wales: there was a significant fall in outcomes at grades A* - C and significant variations in performance between centres. The report shows that had the 'common centres' approach been used by WJEC it would have resulted *'in a significant increase in outcomes at grade C and above for Wales'*.
21. Elsewhere in the report the common centres approach is described as having been *'of some use in maintaining comparable outcomes, but in some cases they produced unconvincing results'*.
22. The Welsh Government now requires WJEC to re-grade the qualification to bring the outcomes as far as possible in line with those achieved by candidates in 2011. Teacher assessment in Wales found pupils at Key Stage 2 performing on a par with the 2011 cohort and slightly above at Key Stage 3.
23. We intervened at WJEC's awarding time when we saw that for matched candidates the WJEC English specification was 2.7% above prediction and that English Language specification it was 4.1% above prediction – without evidence to justify the increase. In response, WJEC put forward 4 options. We agreed, with the Welsh Government, the most conservative of the options, ie the most limited of grade boundary adjustments.
24. We have considered the Welsh Government's analysis of the merits of the comparable outcomes and common centre approach. We do not consider there is any evidence in the report to suggest that WJEC's awards were inappropriate, or that the methodology used was wrong.

Regulatory issues

25. The Welsh Government's actions raise a number of regulatory issues.
26. The Welsh Government's report challenges the use of the comparable outcomes approach to maintaining standards for qualifications awarded to candidates in Wales. The regulators in Wales and Northern Ireland had, however, endorsed the use of the approach for qualifications for WJEC qualifications where there was a significant percentage of the candidature based in England.
27. Once the immediate difficulties presented by the direction to WJEC have been addressed we will need to consider the basis on which standards are maintained next year – if the same qualifications continue to be available in both England and Wales. Candidates will be mid-way through their qualifications and others will just be starting qualifications offered by WJEC in England.

OFQUAL – NOT PROTECTIVELY MARKED

28. More immediately, if WJEC follows the direction, GCSE English Language qualifications will have two standards this year – one that applies to candidates in Wales and one that applies elsewhere. This is highly undesirable.
29. We do not yet know how many candidates in Wales would have their grade increased as a result of the direction. The direction precludes any candidates being down-graded. We expect that most grades in Wales will remain unchanged. We should not act in a way that would undermine the standing of all qualifications awarded to candidates in Wales. However, as the awards will be made contrary to our position on standards we should prohibit WJEC from including the Ofqual logo on any certificates for GCSE English Language qualifications awarded in Wales this year. Similarly, the Welsh Government logo should not appear on the certificates issued to learners in England. We recommend that we seek an undertaking to this effect from WJEC.
30. If WJEC re-grades in accordance with the direction it will be in breach of our conditions of recognition. We are clear, although the Welsh Government interprets our powers and duties differently, once a qualification is regulated by us we regulate that qualification wherever it is taken. If this was not the case, an exam board could disregard all regulatory requirements and set a different standard (and delivery rules) for GCSEs taken outside of England.
31. We could issue a counter-direction to prevent WJEC re-grading for candidates in Wales. This would put WJEC in a difficult position. The Welsh Government might in turn issue a legal challenge to us through the courts. There is also a political dimension to the current situation which this paper does not explore. If we pursue this option there is a risk that Ofqual will become embroiled in protracted legal and political disputes that will absorb considerable resource. This approach is not recommended. Nevertheless, we are seeking further legal advice on our position and the options available to us, including the possibility of seeking an injunction to prevent WJEC re-grading pending discussion between the regulators.
32. If WJEC follows the Welsh Government direction and re-grades candidates based in Wales only, it will come under considerable pressure from schools and candidates in England to re-grade here too. We will complete our investigations into the GCSE English issues within the next six weeks. At present we have seen no evidence to suggest that re-grading would be appropriate – if securing standards is our priority. If we foresee a risk that WJEC might re-grade candidates based in England and thereby breach one or more of its conditions, we could direct it to act, or to refrain from acting, in a particular way. An alternative and possibly more appropriate approach would be to seek an undertaking - which we would publish - from WJEC that it will not re-grade in England (or elsewhere - excluding Wales). An undertaking is the recommended approach.

OFQUAL – NOT PROTECTIVELY MARKED

Communication issues

33. We are facing a situation in which one qualification will have two different standards. The majority of candidates will have a qualification awarded in line with the standard agreed by Ofqual, the Welsh Government and WJEC – those based in England and Northern Ireland². A minority will have standards subsequently imposed by the Welsh Government through its direction.
34. We can expect continuing candidate, school and media interest in this outcome. We recommend an approach to handling that puts a focus on our commitment to securing standards. We should highlight the value of the qualifications awarded to candidates in England, but not undermine the value of the qualifications awarded to candidates in Wales. We should aim to avoid a public dispute with the Welsh Government.

Regulatory policy issues

35. Traditionally, qualifications were regulated jointly by the regulators in England, Wales and Northern Ireland. Ofqual's establishment, together with increasingly divergent education policies, has put this approach under pressure. We continue to provide support to the regulators in Wales and Northern Ireland – eg through use of our IT systems and by allowing the others to adopt our regulatory documents. But we have been emphasising the need for each regulator to be accountable for its own decisions.
36. We have been aware that the Welsh Government interprets our duties and powers in a way that is contrary to our interpretation, legal advice and our understanding of Parliament's intentions. We have not been able to resolve this difference of view. Ministers in Wales and Northern Ireland have stated publicly their concern that qualifications policy is being made unilaterally by Ministers in Westminster, affecting qualifications taken in all three countries.
37. Recent events with GCSE English have heightened concerns about the sustainability of common qualifications being offered in three UK countries, which are regulated by three different regulators with different objectives and powers, in the context devolved education policy and qualification reform.
38. The Welsh Government's report refers to compromises being made. We had to compromise our position on WJEC GCSE English Language this year to secure Welsh Government agreement on grade boundaries (on which they have since reneged).

² There are a small number of candidates in Northern Ireland. We do not yet know how CCEA will respond to the Welsh Government's position.

OFQUAL – NOT PROTECTIVELY MARKED

39. The Welsh Minister, the chief regulator in Wales, concluded in an article the day he issued the direction to WJEC that separate examination systems in England, Wales and Northern Ireland is now inevitable. This would be a legitimate policy outcome. But in the meantime we have common qualifications, being taken by learners across the three countries that we need to regulate.
40. Many exam boards, and awarding organisations offering vocational qualifications too, provide the same qualifications in England, Wales and Northern Ireland. The events of recent days question our ability to regulate in a way that secures the standards of, and public confidence in, these qualifications. Options available to us, which are not mutually exclusive, include:
- To seek formal, agreed ways of working with the other regulators that will enable us to regulate with confidence - outstanding differences of interpretation about our respective powers and duties would first need to be resolved
 - To formally end joint working with the other regulators, allowing each to operate independently to secure its objectives, using its power appropriately – outstanding differences of interpretation about our respective powers and duties would either need to be resolved or a pragmatic approach developed
 - To limit an awarding organisation's ability to offer qualifications across the UK – there would be restraint of trade issues to address
 - To seek policy reform that would secure a separate examination system for England because of the inherent difficulties associated with a common system being separately regulated – we would need to consider whether this applied to 'general' qualifications only or if it should be extended to vocational qualifications.
41. These are medium term decisions, on which the Board's initial steer is sought. We will need to develop the options in the light of the Board's steer.

Finance and Resource

42. Staff resource is being diverted to dealing with this issue. We will also incur additional legal costs as we investigate our options.

Impact Assessments

Equality Analysis

43. Having different standards for the same qualification in England and Wales raises questions of fairness. We have not, however, identified any issues related to protected characteristics.

Risk Assessment

OFQUAL – NOT PROTECTIVELY MARKED

- .44. We are diverting resources away from business as usual while we resolve this issue. There are consequences for our planned programme of work.
45. There are risks that we become embroiled in political and jurisdictional arguments rather than focusing on qualification standards and comparability.
46. There are risks we become the subject of legal action.
47. There are serious reputational risks for Ofqual if our position is misunderstood and/or we are seen to unjustifiably be prejudicing the interests of learners.

Regulatory Impact Assessment

48. WJEC is in a difficult position – with different regulators making competing demands of it. We will aim to act as a reasonable regulator, and remain true to the principles of good regulation.
49. Awarding organisations have always favoured effective three country regulation. They are concerned that they will otherwise be subject to different requirements being placed on them by three different regulators. The future of three country regulation is now uncertain.

Timescale

50. The Welsh Government direction requires WJEC to re-grade the qualifications within a matter of days. We will complete our investigations and report within the next six weeks. We will be meeting Welsh Government representatives in the next few days. Some candidates are deciding whether to take advantage of the extra re-sit opportunity in November.

Communications

51. Communication on this issue is clearly very difficult. Our planned position is included in the body of this paper.

Internal Stakeholders

52. We are keeping internal colleagues updated on the general GCSE English issues.

External Stakeholders

53. WJEC, the Welsh Government and to a lesser extent CCEA are key stakeholders. The DfE is also taking a very keen interest in the matter and we are contributing to Ministerial briefings.

OFQUAL – NOT PROTECTIVELY MARKED

Paper to be published	<i>NO</i>
Publication date (if relevant)	
If it is proposed not to publish the paper or to not publish in full please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA), please include references to specific paragraphs	This matter concerns public policy considerations.

Ofqual

From: Glenys Stacey
Sent: 12 September 2012 16:05
To: Ofqual - CRC Meetings
Cc: - Media Relations
Subject: Re: Ofqual mention: Plaid Cymru - Recall Assembly Committee to get to the bottom of GCSE debacle

! Will we be there to listen?

From Ofqual
Sent: Wednesday, September 12, 2012 03:57 PM
To: - CRC
Cc: - Media Relations
Subject: Ofqual mention: Plaid Cymru - Recall Assembly Committee to get to the bottom of GCSE debacle

All - FYI

Ofqual

• **Direct:** _____ **Office:** 0300 303 3344 • **Mobile:** _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Welsh Political Party Press Release

Plaid Cymru - Recall Assembly Committee to get to the bottom of GCSE debacle

Wed, 12 September 2012

Contents

Recall Assembly Committee to get to the bottom of GCSE debacle
12/09/2012

Plaid Cymru AM Simon Thomas has written to the Chair of the Children and Young People Committee, Christine Chapman, asking for her to recall the committee during recess so Assembly Members can scrutinise the actions of the WJEC and the Welsh Education Minister about the GCSE row.

Plaid's Education spokesperson Simon Thomas AM said:

“We've been calling for better regulation of exams for months, before this GCSE row blew up. I have written today to the Chair and Clerk of the Children and Young People Committee of the National Assembly asking for a recall of the committee to get to the bottom of the decisions made by the WJEC and the Welsh Education Minister during the GCSE debacle. It is important that Assembly Members are able to properly scrutinise the decisions made by the Welsh Minister and by the exam board. This would strengthen the accountability of the Welsh Government as an exam regulator.”

“The Westminster committees have been able to question and scrutinise both ministers and the regulator. As Leighton Andrews is both minister and regulator here in Wales, it is even more vital that we get the earliest opportunity to scrutinise his actions.”

“A Plaid Cymru government would have introduced a new single exam system in Wales. It is time for the Welsh Government to shoulder its responsibilities. Students may eventually get the grades they deserve but no thanks to Education Ministers in Wales and England. The exam system in both countries after recent events will have a low level of credibility internationally.”

The Mid and West AM has also tabled a series of written questions to the Welsh Government, about when powers to instruct remarking have been used by the Education Minister in the past; what discussions has the Minister had regarding changing grade boundaries with the WJEC and **OFQUAL**.

Okawa

From: *Okawa*
Sent: 12 September 2012 16:20
To: *Okawa* Adrian Long; Jeremy Benson
Cc: - Media Relations
Subject: RE: Welsh Gov latest letter to Ofqual has now been published on Welsh Gov website

I think we will need a line on Amanda and Gleny's comments about Wales at the SC, or simply to respond to questions about our reaction to this letter.

Poss:

"We have received the letter from the Welsh Government and will respond directly to them in due course. We are keen to meet with them as soon as possible to discuss the direction issued to WJEC."

Ofqual

• **Direct:** **Office:** 0300 303 3344 • **Mobile:** 2
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: *Okawa*
Sent: 12 September 2012 16:09
To: Adrian Long; Jeremy Benson
Cc: - Media Relations
Subject: Welsh Gov latest letter to Ofqual has now been published on Welsh Gov website

<http://wales.gov.uk/docs/dcells/publications/120912letterfromchristweedaleen.pdf>

; Ofqual

• **Direct:** **Office:** 0300 303 3344
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Ofqual

From: Julie Swan
Sent: 10 December 2013 15:37
To: Ofqual FOI
Subject: FW: Letter from Chris Tweedale re GCSE English Language

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** [redacted] • **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 12 September 2012 13:23
To: Fiona Pethick
Subject: RE: Letter from Chris Tweedale re GCSE English Language

I'm happy to travel to Cardiff – can you pl forward me the letter?

j

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** [redacted] 3 • **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 12 September 2012 13:22
To: Glenys Stacey; - CRC
Cc: Julie Swan
Subject: RE: Letter from Chris Tweedale re GCSE English Language

Glenys

I am inclined to suggest either Chris Tweedale comes here on Friday to see you and Julie and Cath, or I go to Cardiff on Monday or Tuesday next week with a standards expert and another – Julie? Are you happy for me to reply on these points and leave the wider points for discussion when we meet?

I have been trying to get Chris on the phone without success.

Fiona

Fiona Pethick
Director of Regulation, Ofqual

• Direct: _____ Office: 0300 303 3344 • Mobile: _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Glenys Stacey
Sent: 12 September 2012 13:02
To: - CRC
Subject: Fw: Letter from Chris Tweedale re GCSE English Language

Fyi

From: *Welsh Gwent*, _____
Sent: Wednesday, September 12, 2012 12:56 PM
To: Glenys Stacey
Cc: Roger McCune _____;
_____; Jeremy Benson; Tweedale, Chris (Director - SYPG)

Welsh Gwent & G

Subject: Letter from Chris Tweedale re GCSE English Language

Glenys

Please find attached a letter from Chris Tweedale.

Best wishes

|
|
Welsh Government / Llywodraeth Cymru

Qualifications and Learning Division / Is-adran Cymwysterau a Dysgu
Department for Education and Skills (DfES)/ Yr Adran Addysg a Sgiliau (AdAS)
Mobile / ffôn ymudol _____
Phone / ffôn _____
Email / E-bost _____

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon.

Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Chris

From: Jeremy Benson
Sent: 13 September 2012 10:17
To: Glenys Stacey
Cc: Adrian Long; Fiona Pethick; Cath Jadhav
Subject: FW: Letter from Chris Tweedale re GCSE English Language
Attachments: 120912 Letter from Chris Tweedale to Glenys Stacey GCSE English Language.doc

Follow Up Flag: Follow up
Flag Status: Completed

Glenys

Text of draft response to Chris. Apologies I didn't get to this last night. You may think some of this goes too far, but I hope in any case it is suitably magisterial. I have made an oblique reference to the NFER report, which I think is reasonable.

Dear Chris

Thank you for your letter of yesterday.

Ofqual recognises and respects fully the right of Welsh Ministers, in the context of the devolution settlement, to take their own decisions on both regulatory and policy issues relating to qualifications. And we have always believed – as we said in our response to the Education select committee report on exams administration, which was published earlier this week – that the well-established arrangements for three-country working are of benefit to students, employers and others, provided that they do not compromise standards. Given that, we regularly remind Ministers in England of the importance of considering the implications for Wales (and Northern Ireland) of their policies on qualifications. Sometimes we have succeeded in that, and sometimes we have not – being an independent regulator cuts both ways. However, we believe that, with trust, pragmatism and the good will developed between staff in our organisations over the years, it should be possible to maintain common regulatory arrangements in the face of divergent policies, and also that it is worth the effort of trying to do so. I accept too that at times we have had to act quickly as regulator and make decisions which we would have preferred to have spent more time discussing with you, and we will reflect on that.

However, the Welsh Government's actions this week represent something different – a unilateral change to the standard of a key qualification, which represents an unprecedented challenge to joint regulatory working. I hope that we will be able to maintain common regulatory arrangements in the light of this, but it will take renewed commitment and a concerted effort on both our parts. I would be interested in your view on whether the will is there to do that in Wales.

We will have to start by agreeing to disagree on the findings of our respective reports on GCSE English awarding. All the evidence I have seen is that the comparable outcomes approach has stood up well, and that standards across the various examination boards in different parts of the UK are now broadly consistent – indeed, as the NFER report we published a year ago suggests, more consistent than they may have been in the past.

The Welsh Government decision to change the standard of English GCSEs in Wales will be damaging to students across the UK, and particularly those in Wales, and I regret that. It will lead to confusion amongst employers and universities about the meaning of the GCSE title and the value they can place on it. It will risk in particular candidates from Wales having certificates which are seen to be of less value than those from elsewhere, even though they will have worked hard for them; public confidence in the integrity of standards, and the processes that underlie them, is essential to the value of qualifications. Ofqual does not

want to do anything to harm the interests of Welsh students, but we also need to base our judgements about how we set standards on evidence. And it would be in breach of our statutory obligations for Ofqual to order a change to the standards in WJEC GCSEs in England, in defiance of the evidence and our agreed methodology, as it would mean that standards would be out of line both between boards and over time.

We are due to meet tomorrow. I would suggest that we discuss:

- how we handle the immediate issues around changing the WJEC standard for GCSE English for students in Wales
- the implications for awarding over the coming year, and whether we will be able to agree a shared approach to setting standards for next summer's awards
- the longer-term implications, and whether we retain a shared commitment to joint regulation.

I will be discussing these issues with my Board this evening, so I will be able to report tomorrow on the approach that they wish to take.

I note your concerns about Amanda's comments at the Select Committee. I will be discussing them with her and we will respond separately. More generally, I am not aware of anything that I said on Tuesday that was inaccurate, but I will of course be reviewing carefully the transcript to check that.

I am copying this letter to Roger McCune at CCEA, and will be publishing it on our website.

Yours etc

Jeremy

Jeremy Benson
Deputy Director - Policy, Ofqual

- Direct: [redacted] • Office: 0300 303 3344 • Mobile: [redacted]
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Glenys Stacey
Sent: 12 September 2012 13:02
To: - CRC
Subject: Fw: Letter from Chris Tweedale re GCSE English Language

Fyi

From: *Welsh Govt*
Sent: Wednesday, September 12, 2012 12:56 PM
To: Glenys Stacey
Cc: Roger McCune; Jeremy Benson; Tweedale, Chris (Director - SYPG)
Welsh Govt (Director - Education and Skills (DEES))

Subject: Letter from Chris Tweedale re GCSE English Language

Glenys

Please find attached a letter from Chris Tweedale.

Best wishes

Welsh Government / [Llywodraeth Cymru](#)
Qualifications and Learning Division / [Is-adran Cymwysterau a Dysgu](#)
Department for Education and Skills (DfES) / [Yr Adran Addysg a Sgiliau \(AdAS\)](#)
Mobile / [ffôn symudol](#) 0 _____
Phone / [ffôn](#) _____
Email / [E-bost](#) _____

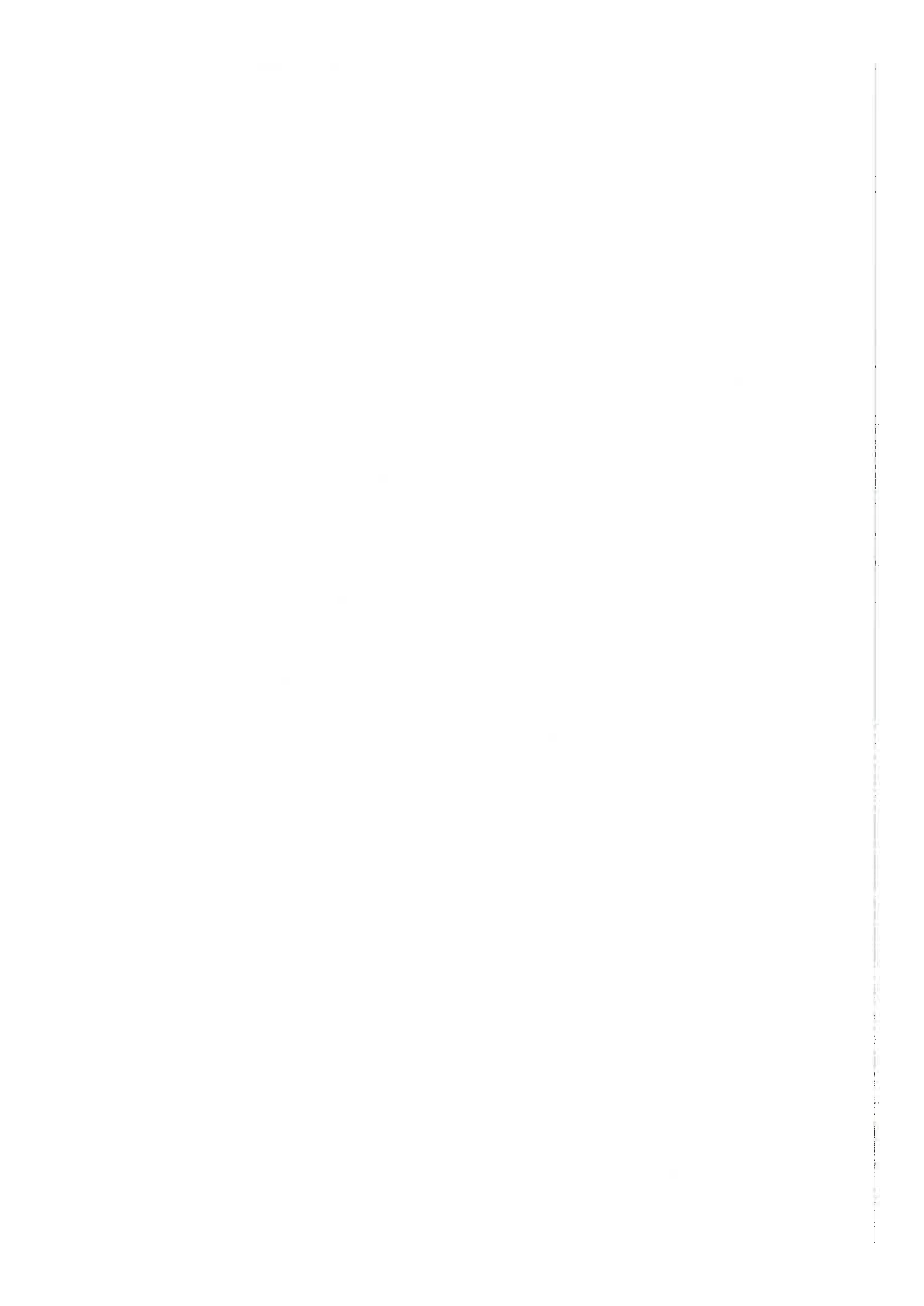
On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon.

Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>



Yr Adran Addysg a Sgiliau
Department for Education and Skills



Llywodraeth Cymru
Welsh Government

Glenys Stacey
Chief Executive Officer
Ofqual
Spring Place
Coventry Business Park
Herald Avenue
Coventry
CV5 6UB

12 September 2012

Dear Glenys

GCSE ENGLISH LANGUAGE

Thank you for the letter that Jeremy Benson sent to Kate Crabtree yesterday.

I note that Ofqual has taken the decision not to require a re-grade of WJEC's English Language qualification. While that is a decision for Ofqual, I find your conclusion surprising in the light of the questions raised in our published report about the level of confidence that can be placed in the precision of the key stage 2 predictor methodology when considering these particular outcomes. We stand by the evidence and findings of our report which indicate that some candidates in Wales received outcomes that were unjustifiable and unfair.

In implementing the regulatory responsibilities of the Welsh Ministers in relation to relevant qualifications in Wales, our main priority is candidates in Wales. We would prefer to see a common approach across England, Wales and Northern Ireland, but, to date, that does not seem to have been possible on this issue. The recommendation in our report for WJEC to re-grade GCSE English Language is framed in such a way that the door is open for other regulators to join us. We hope that, even now, Ofqual may consider the opportunity to enable candidates in England to receive grades that are directly equivalent to those that will be received by candidates in Wales.

As you are aware, I was in attendance at the meeting of the Select Committee yesterday. I wish to take this opportunity to formally raise our concerns about the comments made by your Chair, which were widely reported, in which she implied that the decision taken in Wales was politically motivated. We believe these comments to be inappropriate, ill-judged and prejudicial, and we would ask that they be withdrawn. We have also noted some comments which you made at the Select Committee and which we do not believe are either fair, accurate or give the complete picture.

With regard to the General Conditions of Recognition, you will be aware that the Welsh Government has similar, parallel Conditions of Recognition. While we acknowledge that the re-grading for candidates in Wales only is an unusual position to find ourselves in, we believe that it should be possible to reach a sensible agreement about the relationship between the action to be taken by WJEC and your Conditions of Recognition.

I am more than willing to meet with you and your officials and would ask that you suggest a convenient time. I must reiterate that the Direction has already been issued to WJEC and we expect the re-grading to occur within the timescale stipulated.

I acknowledge that these issues raise fundamental questions about the future of three country regulation in the light of significantly differing policy directions in each of the countries; in this context, we note the decision of CCEA to cease offering its qualifications in England because of these emerging differences. We need to discuss these issues further.

I am copying this letter to Roger McCune at CCEA.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Tweedale', written in a cursive style.

CHRIS TWEEDALE
DIRECTOR, SCHOOLS AND YOUNG PEOPLE GROUP

Checked

From: Julie Swan
Sent: 10 December 2013 15:40
To: Ofqual FOI
Subject: FW: URGENT - Welsh Ministers issuing a Direction to WJEC
Attachments: *web hint* letter + draft action plan for regrading - 13 Sept 2012.docx

Julie Swan
Head of Regulatory Development, Ofqual

- Direct: ☎ Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 14 September 2012 09:01
To: Jeremy Benson; Cath Jadhav
Subject: FW: URGENT - Welsh Ministers issuing a Direction to WJEC

Jeremy have you seen this one?

Cath are you coming to the meeting today with Glenys and the WG? We might need your input on the UMS point!

On the certificate issue – WJEC wants the Ofqual logo to be used on certificates for candidates who haven't been given a higher grade as a result of the WG intervention. It accepts our logo won't be used on certificates where there has been an upgrade. And of course the certificates aren't subject by subject, but for all WJEC subjects. They are making a reasonable expectations point re candidates whose grades haven't been changed.

Julie

Julie Swan
Head of Regulatory Development, Ofqual

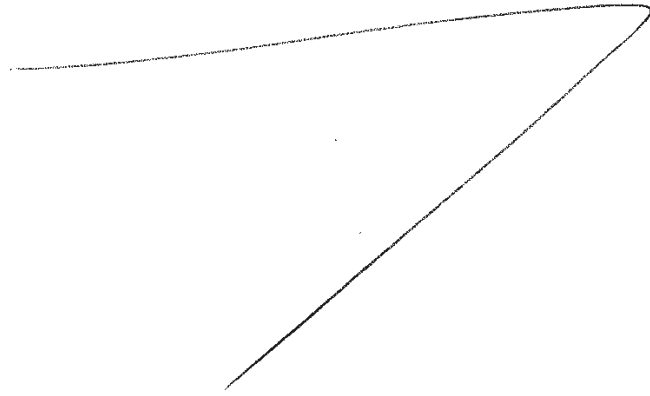
- Direct: ☎ Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

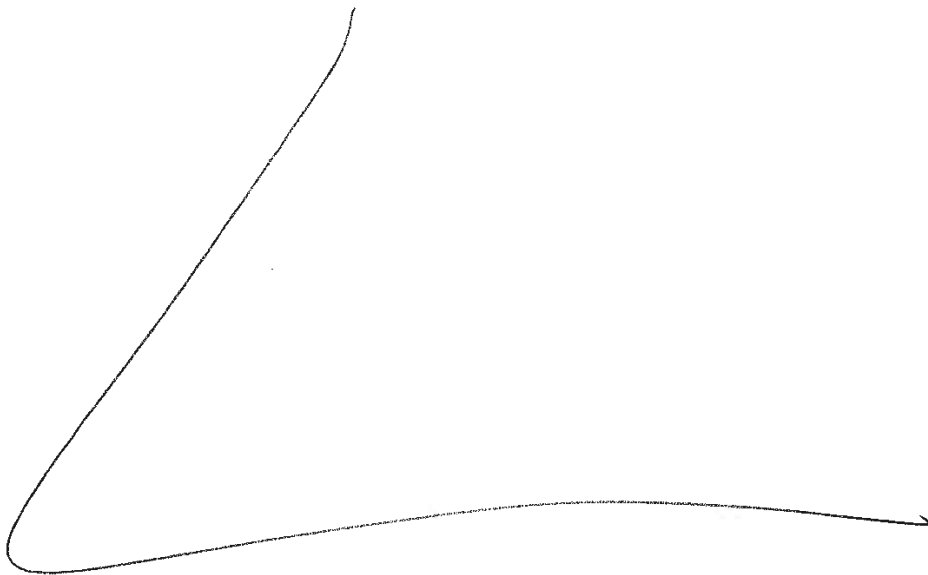
Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

redacted - at of
scope of request



redacted - at or scope
of request






Okuned

From: Julie Swan
Sent: 10 December 2013 15:40
To: Ofqual FOI
Subject: FW: PRINTED RE: URGENT - Welsh Ministers issuing a Direction to WJEC

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 14 September 2012 12:11
To: Cath Jadhav; Fiona Pethick; Glenys Stacey
Subject: RE: PRINTED RE: URGENT - Welsh Ministers issuing a Direction to WJEC

On the certificate point raised in WJEC's letter - WJEC want to use Ofqual's logo on certificates that include English Language, except where there has actually been a grade change.

My view is that the whole of this qualification, as awarded by WJEC to candidates in Wales, is now effectively being unilaterally regulated by the WG. Our logo should not therefore appear on any certificates on which WJEC English Language appears on a certificate given to a candidate in Wales.

Julie

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:**  **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Cath Jadhav
Sent: 14 September 2012 11:21
To: Fiona Pethick; Julie Swan; Glenys Stacey
Subject: FW: PRINTED RE: URGENT - Welsh Ministers issuing a Direction to WJEC

Some thoughts ahead of the meeting today:

- The UMS issue in Gareth's letter – I completely misunderstood this point until I got to the very end of the action plan! I think what he's proposing is that after the re-grading, the UMS scores that WJEC store on its system will 'revert back' to those that candidates would have got before the re-grading. Seems sensible to me particularly for those students not cashing in, and it will make it easier for us to allow a three-country certificate next year, but it will be difficult to communicate to centres.
- But there's a question that's not addressed anywhere - about the 'standard' that WJEC is carrying forward to 2013. What happens next summer if we use KS2 predictions next summer and we find WJEC appear generous? They or WG may argue they should maintain standards in Wales and we could be in the same situation all over again.
- There's also a note in Gareth's letter about allowing EARs to stand where the marks have gone up but to withdraw them where the marks have gone down. I think as a principle WJEC should either action all EARs to an agreed date, or withdraw them all.

Cath

Cath Jadhav
Head of Standards, Ofqual

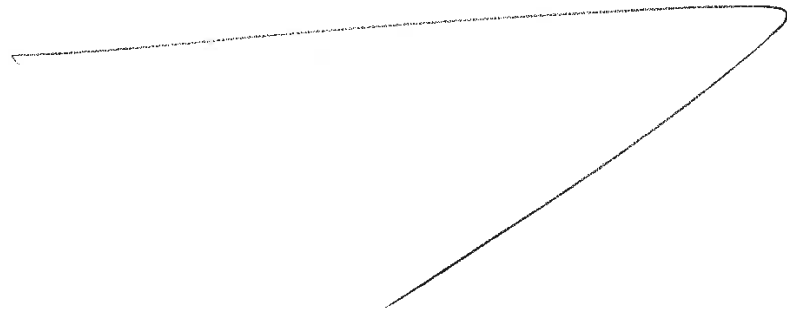
- Direct: [redacted] Office: 0300 303 3344 • Mobile: [redacted]
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

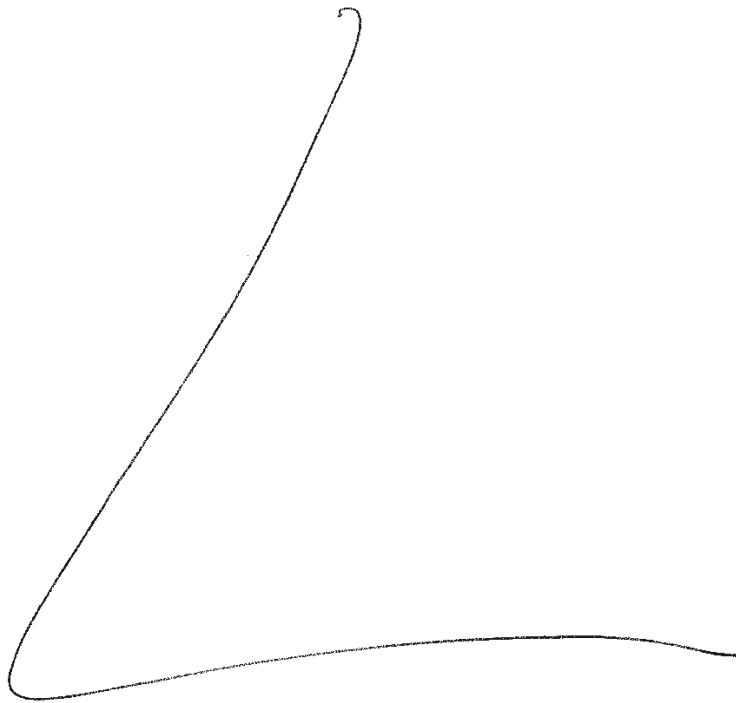
Please consider the environment - do you really need to print this email?

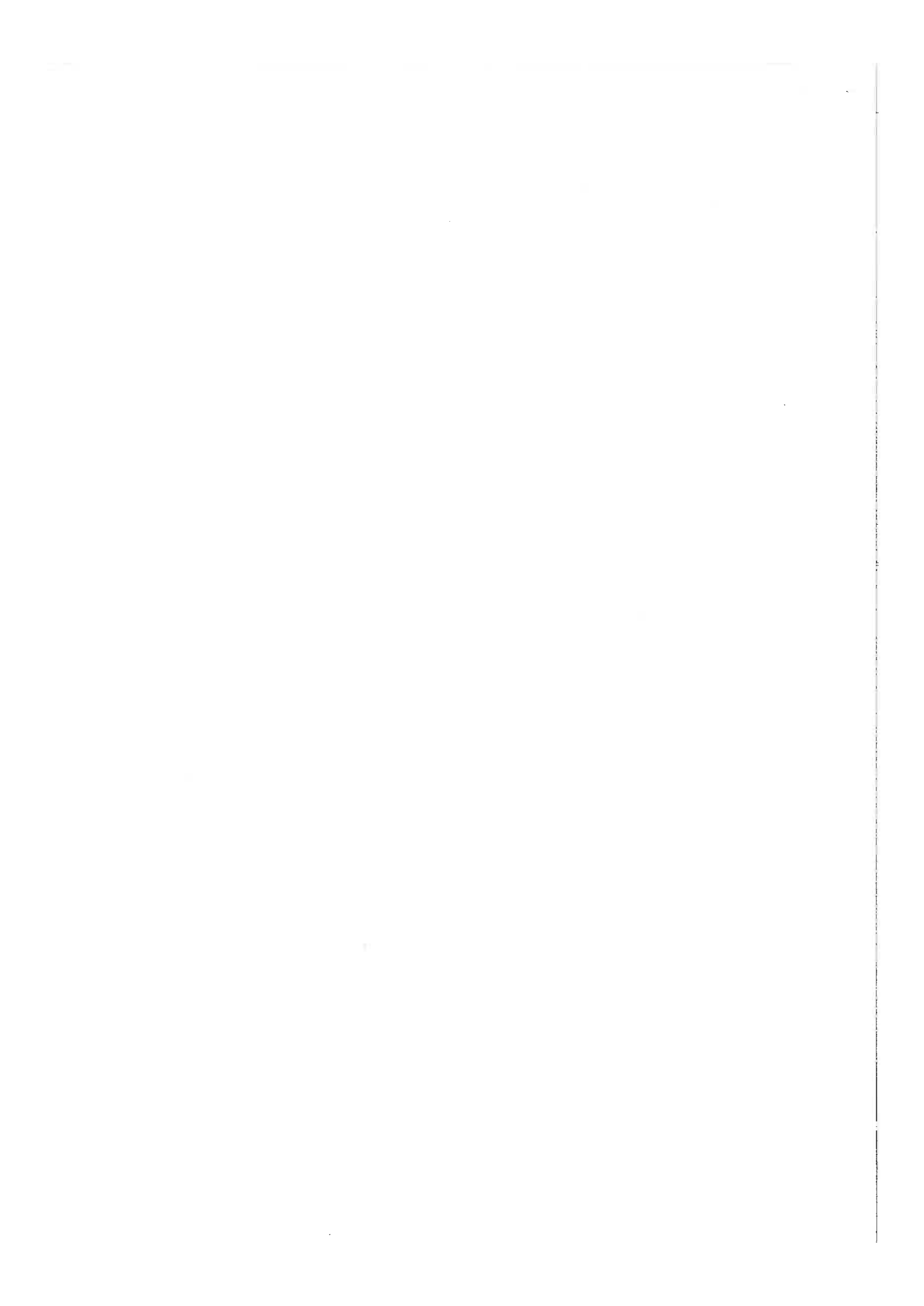
This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Redacted - out of scope
of request



Redacted - at of
slope of request





Ofqual

From: Julie Swan
Sent: 10 December 2013 15:44
To: Ofqual FOI
Subject: FW: Certification of GCSE English Language

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** [redacted] **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 17 September 2012 12:31
To: Cath Jadhav
Subject: FW: Certification of GCSE English Language

Cath was this discussed this morning? Thanks
Julie

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** [redacted] • **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 17 September 2012 09:08
To: Cath Jadhav; Fiona Pethick; Jeremy Benson
Subject: FW: Certification of GCSE English Language

I took the action from Friday's meeting with the WG to do a note on certification options. But *with Grant* has beaten me to it. Please see below.

I've tracked my comments on the options and their preferred position in blue below.


Any thoughts? And how should we agree and confirm our position? WG is anxious to get back to WJEC so WJEC can tie everything up before its Direction deadline of tomorrow

At the meeting last Friday Glenys was keen to stress that we should not act now in a way that would signal or would bring about the end of three country regulation. With this in mind I'd suggest we favour option 3 (which neither WJEC nor the WG favour) and that we do not insist that the WG logo is removed from certificates in England.

We will need to check CCEA's position too – both in terms of their logo being used in Wales and the logos that will be used for certificates for the qualifications issued in NI

Thanks
Julie

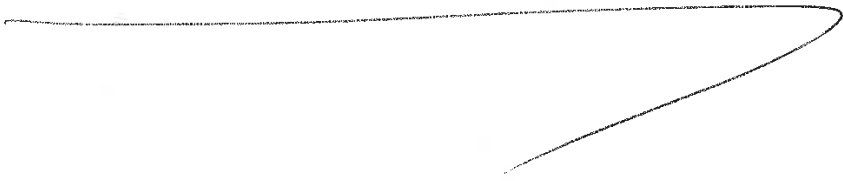
Julie Swan
Head of Regulatory Development, Ofqual

- Direct:  • Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB


www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

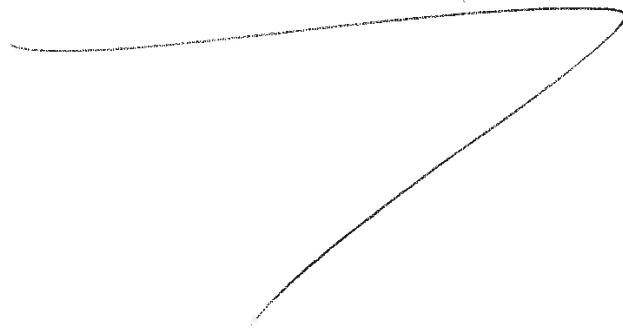
Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

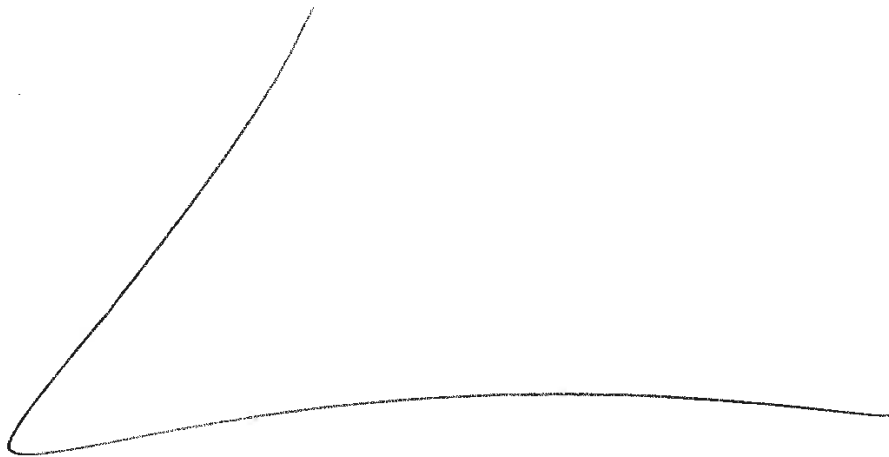


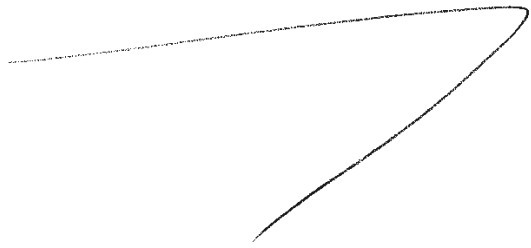
redacted - out of
scope of request



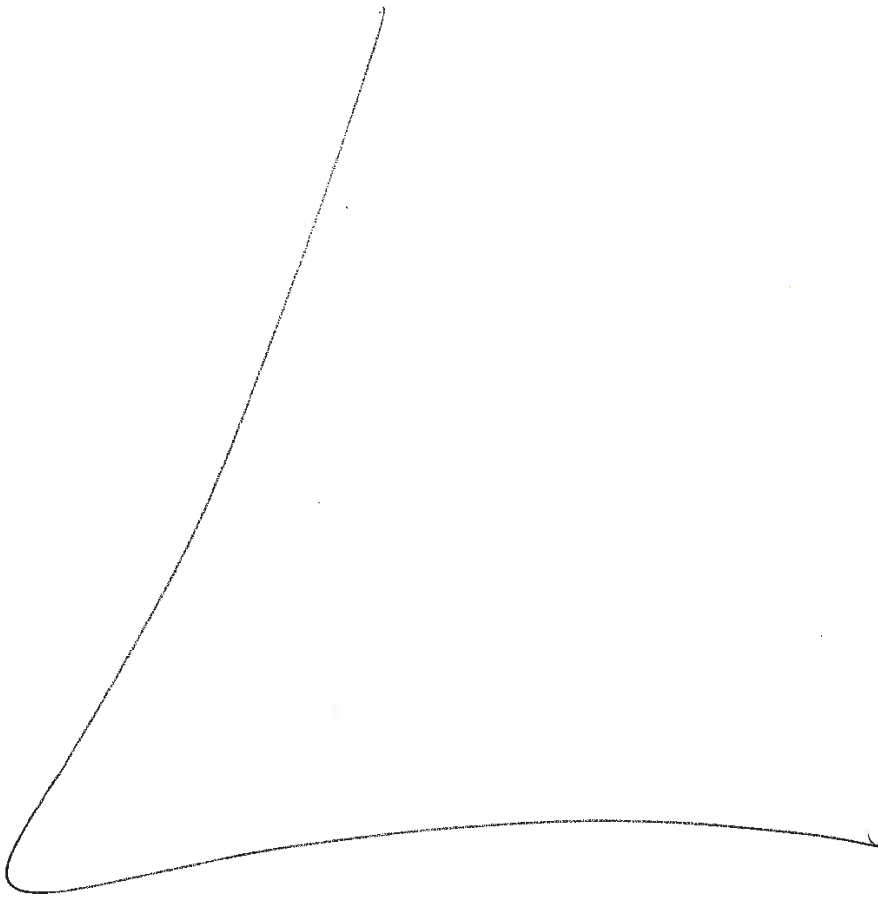


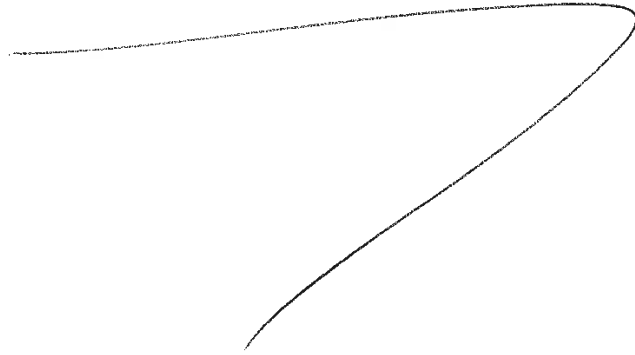
redacted - cut of slope
of request



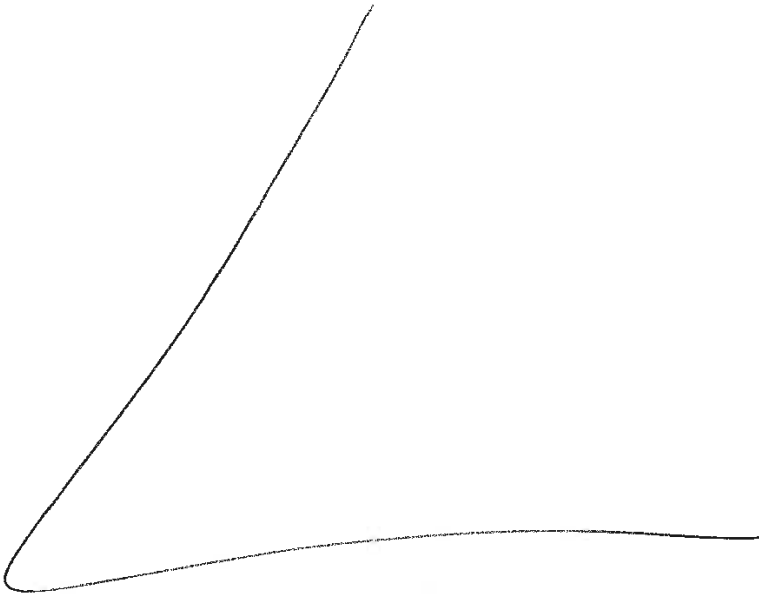


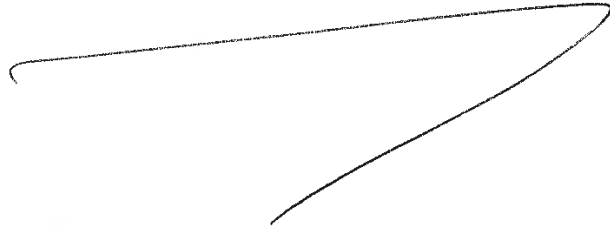
Redacted - out of
scope of request



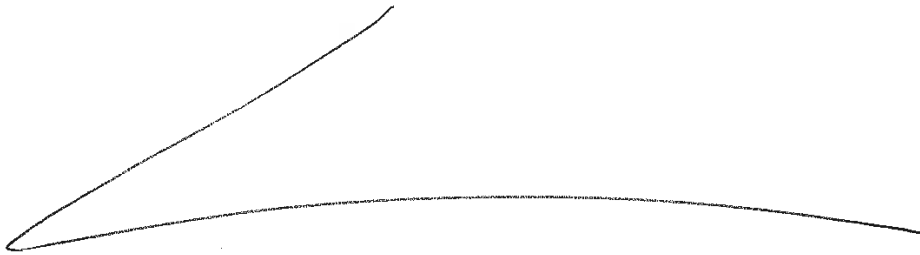


Redacted - out of
scope of request





redacted - w/d scope
of request



Ofqual

From: Fiona Pethick
Sent: 18 September 2012 13:23
To: Ofqual - CRC Meetings; Cath Jadhav
Cc: - Media Relations
Subject: RE: WJEC

Ofqual

I would not agree the phrase "fully entitled to". See suggestion below.

Fiona

Fiona Pethick
Director of Regulation, Ofqual

• **Direct:** () **Office:** 0300 303 3344 • **Mobile:** 07595 087434
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Ofqual
Sent: 18 September 2012 12:52
To: - CRC; Cath Jadhav
Cc: - Media Relations
Subject: WJEC

I've had a conversation with a BBC correspondent this afternoon, just after a general up-date on things.

He said they believe there is a possibility that the WJEC info on the regrades will be out this afternoon. I think we need a line and suggest:

"The Welsh regulator ~~is fully entitled to make~~ has made regulatory decisions about qualifications in Wales. Ofqual's focus is on the standards of qualifications taken in England and . We do not agree that the change to the standard required by the Welsh regulator ~~made in Wales~~ was appropriate for England. We have been speaking to regulatory colleagues in Wales to discuss that decision and the possible implications, and these talks are on-going.

"Our interim report, published on 31 August, sets out why we have come to the conclusion that the awards made in June were ~~done~~ made correctly and standards were comparable with previous years and across exam boards.."

On another point, they were interested in figures about how many candidates entered each unit, fuelled by comments that some candidates did the work (CA) in January but only entered it for grading in the summer - is this an area of 'school behaviour' that will be covered in our next report?

Ofqual

, Ofqual

- Direct: C [redacted] • Office: 0300 303 3344 • Mobile: [redacted]
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

- Ofqual

From: Ofqual
Sent: 18 September 2012 13:36
To: - Media Relations
Subject: Amended line on the WJEC regrade

If we are asked about the WJEC regrade:

The Welsh regulator has made regulatory decisions about qualifications in Wales. Ofqual's focus is on the standards of qualifications taken in England. We do not agree that the change to the standard required by the Welsh regulator was appropriate for England. We have been speaking to regulatory colleagues in Wales to discuss that decision and the possible implications, and these talks are on-going.

"Our interim report, published on 31 August, sets out why we have come to the conclusion that the awards made in June were made correctly and standards were comparable with previous years and across exam boards."

Ofqual

- **Direct:** Office: 0300 303 3344 • **Mobile:**
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Okred

From: Julie Swan
Sent: 10 December 2013 15:46
To: Ofqual FOI
Subject: FW: Welsh Assembly Government/National Assembly of Wales - Welsh Government News - News over Two Thousand English language GCSE candidates to receive improved results welcomed by Minister

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** ~~_____~~ **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 18 September 2012 17:25
To: Jeremy Benson
Subject: RE: Welsh Assembly Government/National Assembly of Wales - Welsh Government News - News over Two Thousand English language GCSE candidates to receive improved results welcomed by Minister

!

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** (~~_____~~) **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Jeremy Benson
Sent: 18 September 2012 17:19
To: Julie Swan
Subject: FW: Welsh Assembly Government/National Assembly of Wales - Welsh Government News - News over Two Thousand English language GCSE candidates to receive improved results welcomed by Minister

This is beyond parody.

Jeremy

Jeremy Benson
Deputy Director - Policy, Ofqual

- Direct: _____ Office: 0300 303 3344 • Mobile: _____
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Michael Fox
Sent: 18 September 2012 17:16
To: - CRC; Cath Jadhav
Cc: - Media Relations
Subject: Welsh Assembly Government/National Assembly of Wales - Welsh Government News - News over Two Thousand English language GCSE candidates to receive improved results welcomed by Minister

Welsh Assembly Government/National Assembly of Wales - Welsh Government News - News over Two Thousand English language GCSE candidates to receive improved results welcomed by Minister

Tue, 18 September 2012 | Welsh Assembly Government Press Release

Contents

Tuesday 18 September 2012

News over Two Thousand English language GCSE candidates to receive improved results welcomed by Minister

The announcement that Welsh candidates will receive improved results following the WJEC's re-grading of the English Language GCSE paper has been welcomed by Wales' Minister for Education and Skills, Leighton Andrews.

The WJEC has confirmed that as a result of the re-grading, 1202 students will now have their grades increased from aD to aC and 598 from aC grade to aB.

The lowering of grade boundaries also meant there were some changes at other grades, resulting in an overall figure of 2386 receiving raised grades.

The Welsh Government, as regulator of examinations in Wales, issued a direction to the WJEC last week to re-grade this year's GCSE English Language results after a thorough and detailed review found there were significant problems with the methodology used to award grades.

Following the announcement from the WJEC, Leighton Andrews said: "What we have seen today is the swift resolution of an injustice served to well over 2000 Welsh candidates.

“The decision to direct the WJEC to re-grade was about fairness and ensuring that Welsh students got the grades they deserved for the work they put into their examination.

“We are grateful to those examiners and other staff of the WJEC who worked tirelessly to ensure that candidates received their revised grades on time.

“This announcement was the only acceptable outcome for learners affected by a questionable grading methodology. Candidates can now rest assured that the process used to determine their final grades was fair and just.”

James Walsh-Heron
Swyddfa'r Wasg/Press Office
Addysg a Sgiliau/Education and Skills
Llywodraeth Cymru/Welsh Government
E-bost E-mail james.walsh-heron@wales.gsi.gov.uk
029 20898564

For more Welsh Government news visit: www.wales.gov.uk/news

Follow us on Twitter: www.twitter.com/welshgovernment Watch us on YouTube:
www.youtube.com/welshgovernment View our images on Flickr: www.flickr.com/welshgovernment

Am ragor o newyddion gan Lywodraeth Cymru ewch i www.cymru.gov.uk/newyddion

Dilynwch ni ar Twitter: www.twitter.com/llywodraethcym Gwyliwch ni ar YouTube:
www.youtube.com/welshgovernment Edrychwch ar ein lluniau ar Flickr:
www.flickr.com/welshgovernment

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes. Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

[Click here to view this item on DeHavilland.](#)

[back to top](#)

This message was sent to you from <http://www.dehavilland.co.uk>

© DeHavilland Information Services Ltd 2012

Kind regards,

James Morgan
Political Researcher
DeHavilland
T: +44 (0)207 728 4419
E: james.morgan@dehavilland.co.uk
W: www.dehavilland.co.uk

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>

Okayed

From: Amanda Spielman
Sent: 19 September 2012 13:42
To: Glenys Stacey
Subject: Wales

Happy to say something like

"I very much regret the offence that my remarks have caused to the Minister, and trust that we will on both sides be able to overlook past incidents and concentrate on regulating effectively in the interests of examinees and all those who rely on qualifications."

A

Amanda Spielman
Chair, Ofqual

- Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

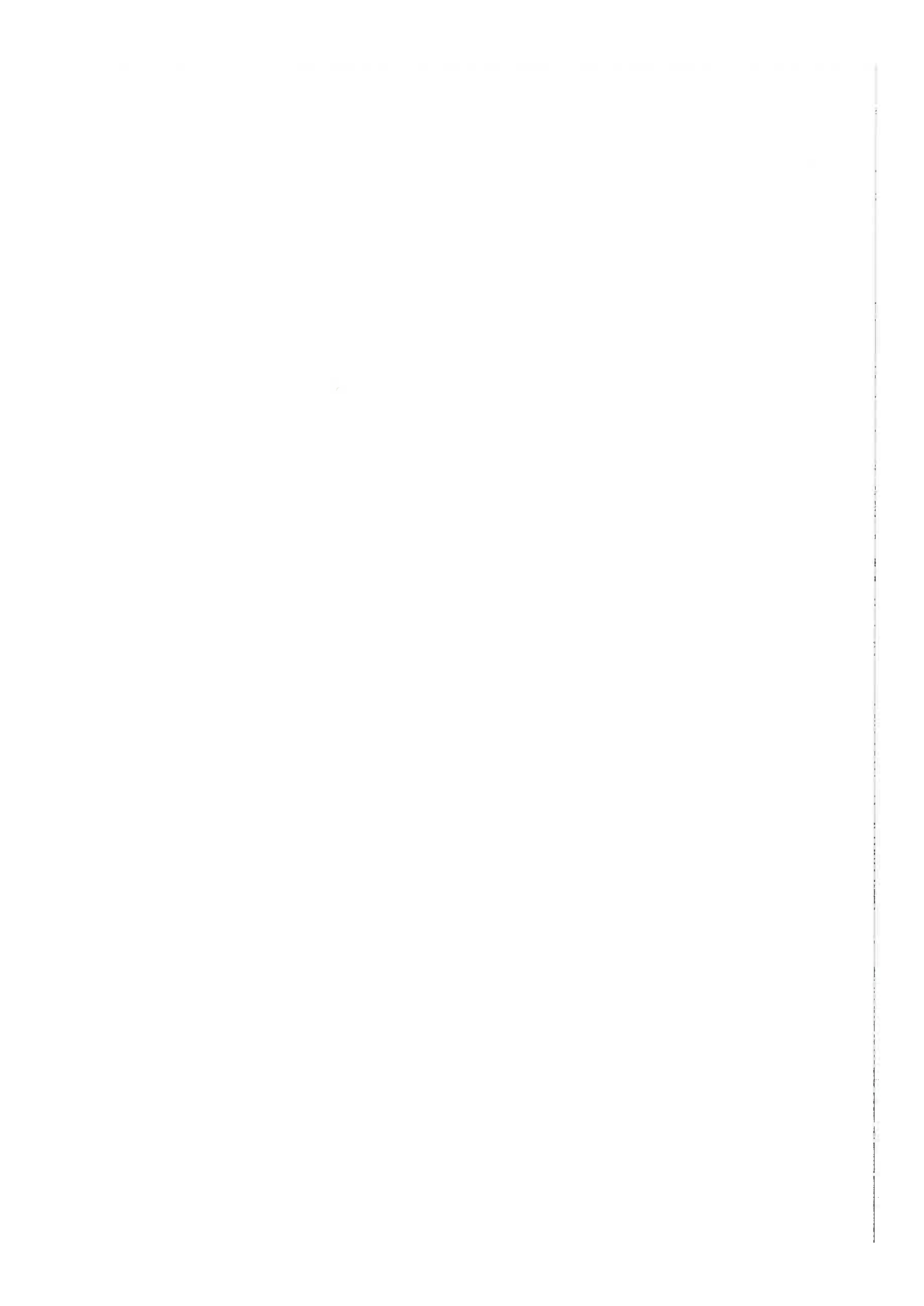


okwd-

From: Glenys Stacey
Sent: 19 September 2012 18:00
To: Amanda Spielman; Jeremy Benson; Adrian Long; Fiona Pethick
Subject: Draft letter to the Welsh
Attachments: Document1.doc

Follow Up Flag: Follow up
Flag Status: Completed

It is a struggle - will this do?



Dear Chris

Thank you for your letter of 16 September.

As we discussed last week, you are right. In my answers to two questions from the chair of the Select Committee, I confused our challenges to WJEC's A levels and GCSEs. That was evident at the time, and Cath made that clear at the time. But to be absolutely clear, I have notified the committee clerk and asked that the record is amended.

You mention also our chair's answer to a question from the chair of the Select Committee about re-grading in Wales. Amanda very much regrets the offence that her remarks have caused to the Minister. She trusts that we will on both sides be able to overlook past incidents, and concentrate on regulating effectively in the interests of all students and all those who rely on qualifications.

As I have said before, three country regulation relies on good working relationships. We are committed to that.

From: Julie Swan
Sent: 10 December 2013 15:48
To: Ofqual FOI
Subject: FW: recommendations on certificates for WJEC English
Attachments: Wales certification options.docx

Julie Swan
Head of Regulatory Development, Ofqual

- Direct: ~~_____~~ Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 19 September 2012 18:41
To: Fiona Pethick; Cath Jadhav; Jeremy Benson
Subject: recommendations on certificates for WJEC English

I need to secure a decision on logos on certificates for WJEC English. Please see attached.

Jeremy - you have previously indicated you agree. Fiona and Cath what do you think?

Wes Knight has been anxious to progress. Suggest I raise it at the 3 country meeting tomorrow and then ask CRC for decision

Thanks
Julie

Julie Swan
Head of Regulatory Development, Ofqual

- Direct: ~~_____~~ Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Logos on WJEC English Language certificates

Option 1:

Candidates in Wales receive from WJEC a three country certificate for all GCSEs (including English Language if their summer grade has not changed) and an additional one with their improved grade for English Language if they get one, which has the Welsh Government logo only.

WJEC's position: This is WJEC's preferred option. They argue that centres are expecting this, that candidates are entitled to certificates endorsed by the three regulators and that they have already had representations to that effect.

WG position: Don't favour this option, as it discriminates between candidates who got the grades first time round, and those who benefitted from the regrade.

Ofqual position: Don't favour this position – GCSE English Language taken by candidates in Wales is effectively being unilaterally regulated by the WG this year. In our view NO WJEC English Language certificates awarded to candidates in Wales should include the Ofqual logo.

Option 2:

Candidates in Wales receive all their WJEC GCSE results, including their regraded English Language result where applicable, on one certificate which only has the Welsh Government logo.

WG position: This is the WG's preferred position, because it would mean that those with a regrade were not discriminated against and that all candidates were in the near-normal position of having a single GCSE certificate per exam board. It would, however, mean that all candidates, whether regraded or not, 'suffer' from the loss of the Ofqual and CCEA logo – but the unions in Wales have given a clear indication that they do not see this as problematic. There is the issue that WJEC would have to buy a lot more WG only logo certificates than they have in stock, at short notice. However, in the near future all ungraded GCSEs will only have the Welsh Government logo on anyway.

Ofqual position: This would indicate that Ofqual and CCEA had not regulated any GCSEs being taken by candidates in Wales this year, which isn't the case. This would be a significant signal that three country regulation was over - or coming to an end.

Option 3:

Candidates in Wales receive a three-country certificate for all their GCSEs except English Language and a Welsh Government only certificate for their English Language final result.

WG position: This will make the English Language certificates 'unusual' and there could be complaints from candidates with unchanged results that their final certificate for English Language has been devalued by being different to the rest of their GCSEs. The shortage of single country certificates would remain an issue.

Ofqual position: This would give the most accurate indication of the position and is our preferred option.

Additional issue

Certificates issues to candidates in England:

The WG position: They consider that whilst it might be logical for the WG logo not to appear on certificates issued to candidates in England to include it would create costs for little reason (new certificates would have to be designed and issued). They are therefore unlikely to pursue this route.

Ofqual position: It would cause significant logistical issues for AOs because they have certificates ready to print that use the three logos. BUT if the WG logo is included on certificates showing GCSE English Language the certificates could be devalued if it was inferred from this that the WG's standard applied to the qualification when awarded in England too. As the WG has required the regarding of WJEC English Language only, one option would be to require WJEC certificates issued in England not to carry the WG logo, but not require the other AOs to depart from the usual three country logo practice.

Recommendation

We adopt option 3 for candidates in Wales. We require WJEC to issue English Language only certificates to candidates in England which do not include the WG logo. We allow the WG logo to appear on all other certificates.

Ofqual

From: Julie Swan
Sent: 10 December 2013 15:48
To: Ofqual FOI
Subject: FW: 3 country meeting today
Attachments: 2012 09 20 - Agenda 3 Country meeting.docx

Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** ~~0300 303 3344~~ • **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Julie Swan
Sent: 20 September 2012 08:58
To: Fiona Pethick; Jeremy Benson; Janet Holloway; Cath Jadhav; *Ofqual*
Subject: 3 country meeting today

I attach an draft agenda for today's three country meeting.

I know many of us have other commitments so we will be coming in and out of the meeting. ...

Anything else that should go on the agenda?

The seminar issue will be particularly difficult with Wales

Thanks
Julie

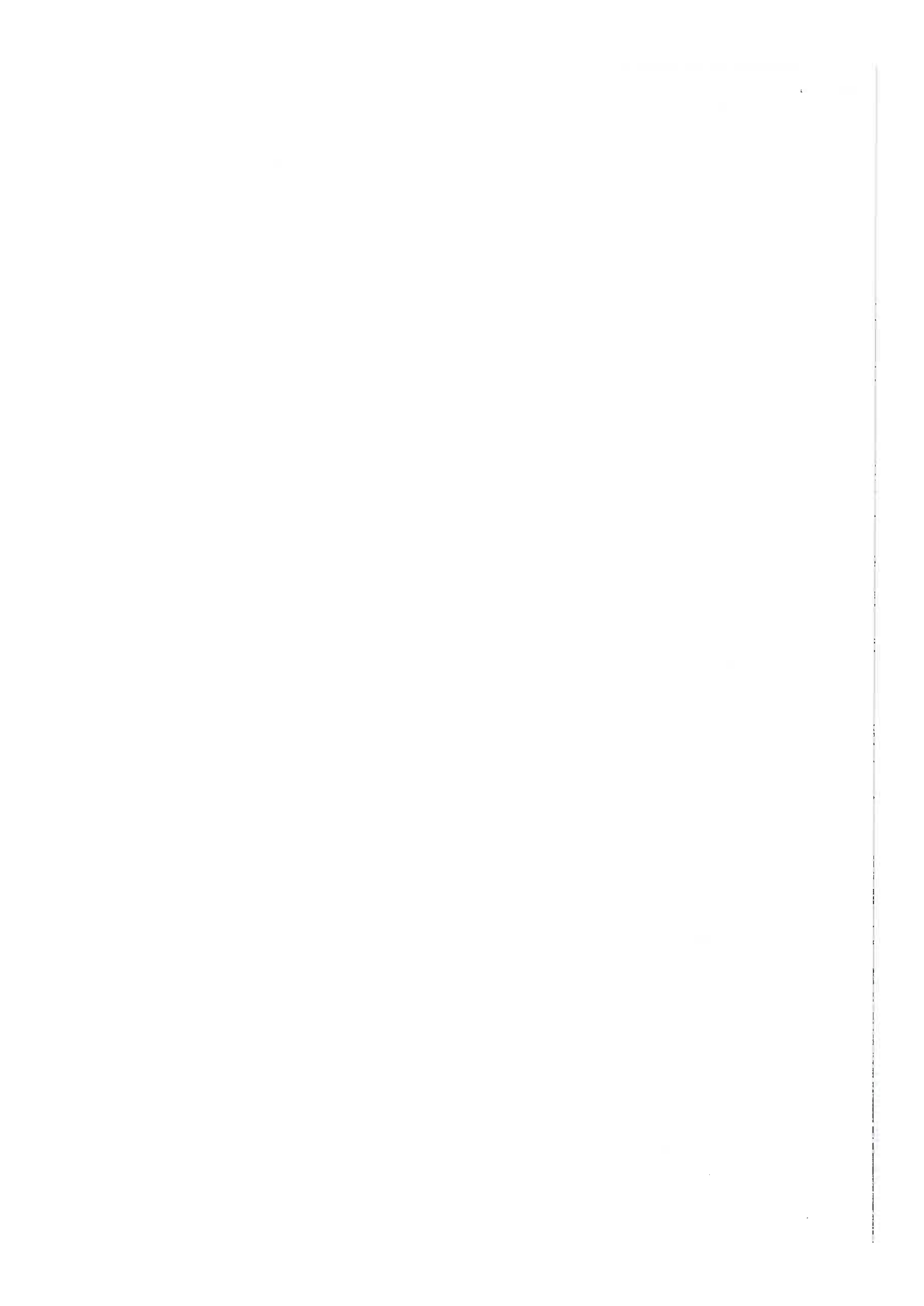
Julie Swan
Head of Regulatory Development, Ofqual

- **Direct:** ~~0300 303 3344~~ • **Office:** 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



3 Country Meeting

Date : 20th September 2012

Time: 13:00 – 15:00

Venue: Spring Place, Ground Floor Boardroom

Attendees:

Fiona Pethick (Ofqual)
Cath Jadhav (Ofqual)
Janet Holloway (Ofqual)
Jeremy Benson (Ofqual)
Naomi Nicholson (Ofqual)
Julie Swan (Ofqual)

Welsh Government
CCEA
CCEA



Agenda Items

- 1 **Welcome**
Apologies – (Welsh Government)
- 2 **3 regulator issues arising from the CEO meeting**
- 3 **GCSE English and English Language – outstanding 3 regulator issues**
- 4 **Ofqual's position on AO qualification-specific seminars**
- 5 **A level reform in England**
- 6 **Ofqual condition on linear assessment of GCSEs**
- 7 **AOB**



Okual

From: Amanda Spielman
Sent: 20 September 2012 10:33
To: Glenys Stacey; Amanda Spielman; Philip Fletcher
Subject: RE: The Leighton Andrews dilemma

I think I expressed my concerns yesterday about how anything from me on this might be misused and I do find myself agreeing with Philip and Jeremy, though on Jeremy's second point I don't suppose Leighton Andrews would regard any statement he might make now as binding. We know in any case that unless the policy direction in both England and Wales changes it is only transition management, not a long term relationship.

And I recognise that this may mean it takes longer a little to settle things down. But at the end of the day the Welsh regulation team has responsibilities to Welsh children, and cannot refuse to fulfil them.

Amanda

From: Glenys Stacey
Sent: 20 September 2012 09:34
To: Amanda Spielman; Amanda Spielman; Philip Fletcher
Subject: The Leighton Andrews dilemma
Importance: High

Philip, Amanda

I have been talking this through with Jeremy.

Basically, the text of the letter is fine but, as he so rightly says, it puts us on the back foot. His view is that Leighton will Tweet triumphantly that he's got an apology from Ofqual, and will continue to stalk the moral high ground, cheered by those who want a regarding, even though it is he who has behaved poorly as regulator and diplomat.

Jeremy's view is that we should use your comments as a bargaining chip: say privately to Chris that you will refuse to say anything unless (i) Leighton stops Tweeting criticisms of us and (ii) he says publicly that he's committed to the three country framework and to working with Ofqual and CCEA as a regulator. If he refuses to do so, we could consider a formal (and private) complaint to his Permanent Secretary.

I am copying this to Philip - for his wise advice. I am attracted to what Jeremy proposes. But Philip - your views? And yours Amanda?

Best wishes

Glenys

Glenys Stacey
Chief Regulator, Ofqual

• Office: 0300 303 3344 • Mobile: 077 6608 7890
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Jeremy Benson
Sent: 19 September 2012 19:04
To: Glenys Stacey; Amanda Spielman; Adrian Long; Fiona Pethick
Subject: RE: Draft letter to the Welsh

Jeremy

Jeremy Benson
Deputy Director - Policy, Ofqual

• **Direct:** () • **Office:** 0300 303 3344 • **Mobile:** ()
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Glenys Stacey
Sent: 19 September 2012 18:00
To: Amanda Spielman; Jeremy Benson; Adrian Long; Fiona Pethick
Subject: Draft letter to the Welsh

It is a struggle - will this do?

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

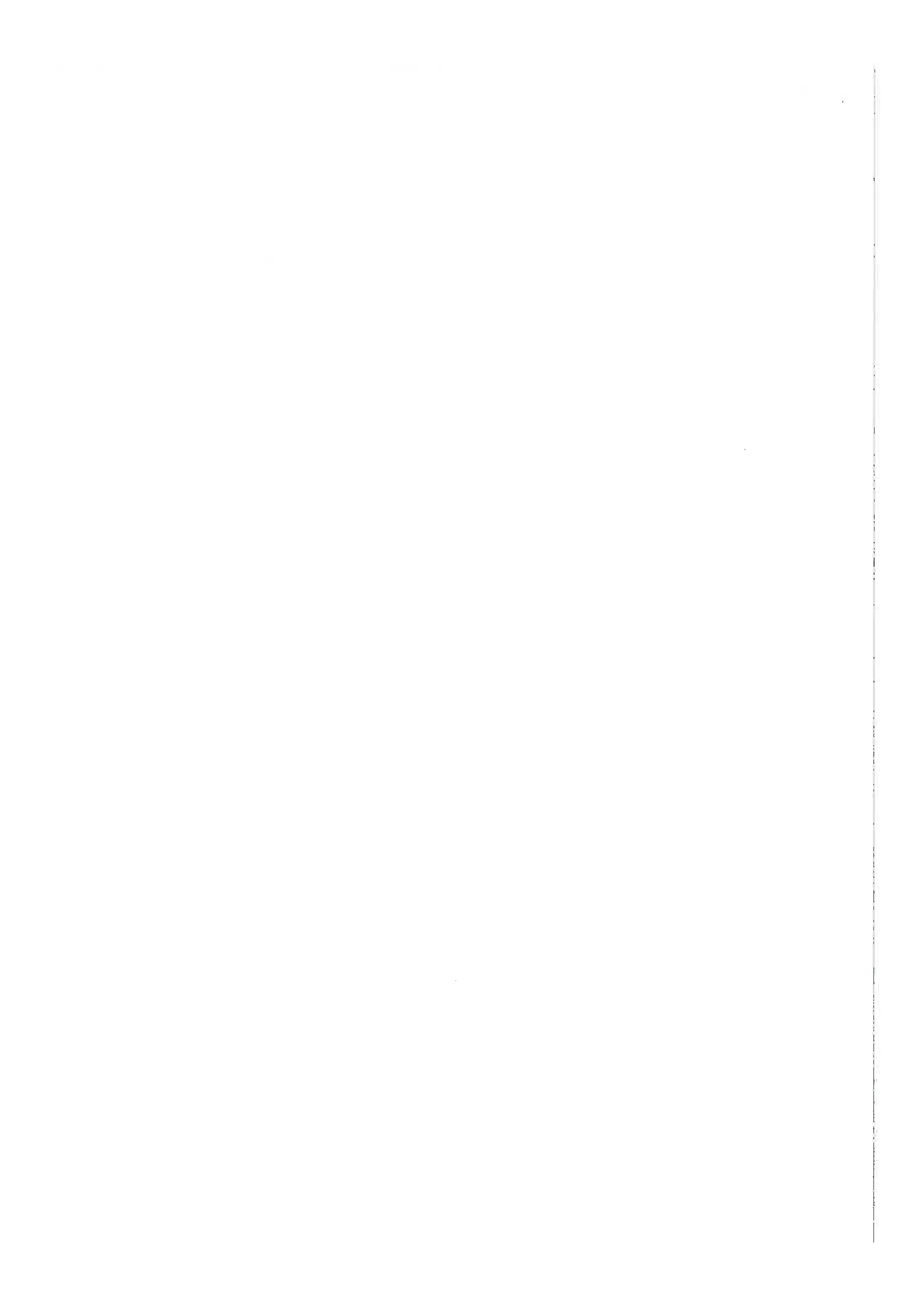
Dear Chris

Thank you for your letter of 16 September.

As we discussed last week, you are right. In my answers to two questions from the chair of the Select Committee, I confused our challenges to WJEC's A levels and GCSEs. That was evident at the time, and Cath made that clear at the time. But to be absolutely clear, I have notified the committee clerk and asked that the record is amended.

You mention also our chair's answer to a question from the chair of the Select Committee about re-grading in Wales. Amanda very much regrets the offence that her remarks have caused to the Minister. She trusts that we will on both sides be able to overlook past incidents, and concentrate on regulating effectively in the interests of all students and all those who rely on qualifications.

As I have said before, three country regulation relies on good working relationships. We are committed to that.



Ofqual

From: Ofqual
Sent: 20 September 2012 10:13
To: - CRC Meetings; Cath Jadhav
Cc: - Media Relations
Subject: New calls for AQA regrade in Wales

Fresh calls to regrade students' GCSE exam papers in Wales

CALLS for all English language GCSEs in Wales to be regraded have been made by head teachers and politicians.

Yesterday, thousands of pupils across Wales received new and improved GCSE results.

More than 2,300 pupils in Wales went up a grade.

But several schools do not sit WJEC exams — in Swansea they are Cefn Hengoed, Bishopston and Daniel James — and these pupils' results remain unchanged.

And this has led to calls for all pupils' papers to be re-examined.

Plaid's education spokesman Simon Thomas said: "I'm delighted these students have now been given their proper grades, but it is clear there remains a very serious shortcoming in the system. We understand the Ofqual changes were across all exam boards in England and yet only the WJEC has been changed in Wales.

"There could be many more students in Wales with unfair grades. Plaid Cymru will continue to press for answers until we find out what went wrong with this paper, and will continue to call for a reform of qualifications in Wales to ensure a fair, consistent and transparent system for Welsh students."

And head teachers have joined together in calling on Ofqual — the exam regulator in England — to instruct English exam boards to follow suit with a regrade.

Russell Hobby, general secretary of the National Association of Head Teachers, said: "What was already a manifestly unfair situation has become even more so after this regrade. It beggars belief that identical marks now receive different final grades according to whether a student sat the exam in England or Wales. We congratulate the Welsh Government on its decision to restore fairness to this shambles and call on Ofqual to follow suit and regrade papers accordingly, to award fair grades to English students and also to those five per cent of young people in Wales who sat the AQA exam." A Welsh Government spokesman said: "95 per cent of candidates in Wales took GCSE English language with WJEC.

"The remaining five per cent took their qualification with AQA. Following consideration of the evidence available, the conclusion of the report was that it was not clear that AQA's candidates in Wales had been similarly disadvantaged when compared with WJEC's candidates.

"While we remain open to considering further evidence we are also continuing discussions with Ofqual, which is responsible for over 99 per cent of AQA's candidates.

"Schools who took AQA English language GCSE in Wales and feel that they have been disadvantaged should contact the department."

Ofqual

- **Direct:** ~~()~~ **Office:** 0300 303 3344 • **Mobile:** ~~()~~
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Okaved

From: Adrian Long
Sent: 20 September 2012 14:31
To: Glenys Stacey; *Okaved*; - CRC; Cath Jadhav
Cc: - Media Relations; *Okaved*
Subject: RE: NAHT - It's time to follow the Welsh Government's decision, says NAHT
Attachments: Regrade letter.docx

Follow Up Flag: Follow up
Flag Status: Completed

Glenys

Here's a draft – based on mythbuster doc

Adrian

Adrian Long
Director of Policy and Engagement, Ofqual

- Office: _____ Mobile:
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Glenys Stacey
Sent: 20 September 2012 14:20
To: *Okaved*; - CRC; Cath Jadhav
Cc: - Media Relations; *Okaved*
Subject: RE: NAHT - It's time to follow the Welsh Government's decision, says NAHT

Adrian

Time I think for a letter to NAHT and others on the simple point of why we are not regrading.

Would you like to draft?

Glenys

Glenys Stacey
Chief Regulator, Ofqual

- Office: 0300 303 3344 • Mobile: C _____
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Okwira
Sent: 20 September 2012 10:34
To: - CRC; Cath Jadhav
Cc: - Media Relations; Okwira
Subject: NAHT - It's time to follow the Welsh Government's decision, says NAHT

[NAHT - It's time to follow the Welsh Government's decision, says NAHT](#)

Thu, 20 September 2012

Contents

Ofqual must follow the example of the Welsh Government and order a regrade of GCSE English papers, the National Association of Head Teachers (NAHT) says.

Almost 2,400 students in Wales who sat the WJEC GCSE English exam have received higher grades after the Welsh Government, acting as regulator, ordered a regrade, but this does not apply in England for young people who sat the WJEC exam.

Russell Hobby, general secretary of the NAHT, said: "What was already a manifestly unfair situation has become even more so after this regrade. It beggars belief that identical marks now receive different final grades according to whether a student sat the exam in England or Wales.

"We congratulate the Welsh Government on their decision to restore fairness to this shambles and call on **Ofqual** to follow suit and regrade papers accordingly, to award fair grades to English students and also to those five per cent of young people in Wales who sat the AQA exam.

Mr Hobby added: "There is no reason to be suspicious of regraded results – these qualifications reflect the skills and abilities of young people and we are pleased the Welsh Government have recognised this."

XXXXXXXXXXXX

At recent meetings between us, and on other occasions, you have called for a regrading exercise to take place for English GCSE 2012. You have referred to events in Wales and used them as a further argument for your case.

I would like to set out why I believe your call for a regrade is mistaken and to explain why Ofqual does not agree with your call – and will not order a regrade for English GCSE.

The Welsh regulator has made regulatory decisions about qualifications in Wales, taking into account particular considerations in Wales - Ofqual's focus is on the standards of qualifications taken in England. We do not agree that the change to the standard required by the Welsh regulator was appropriate for England.

Our interim report, published on 31 August, sets out why we have come to the conclusion that the awards made in June were made correctly and standards were comparable with previous years and across exam boards.

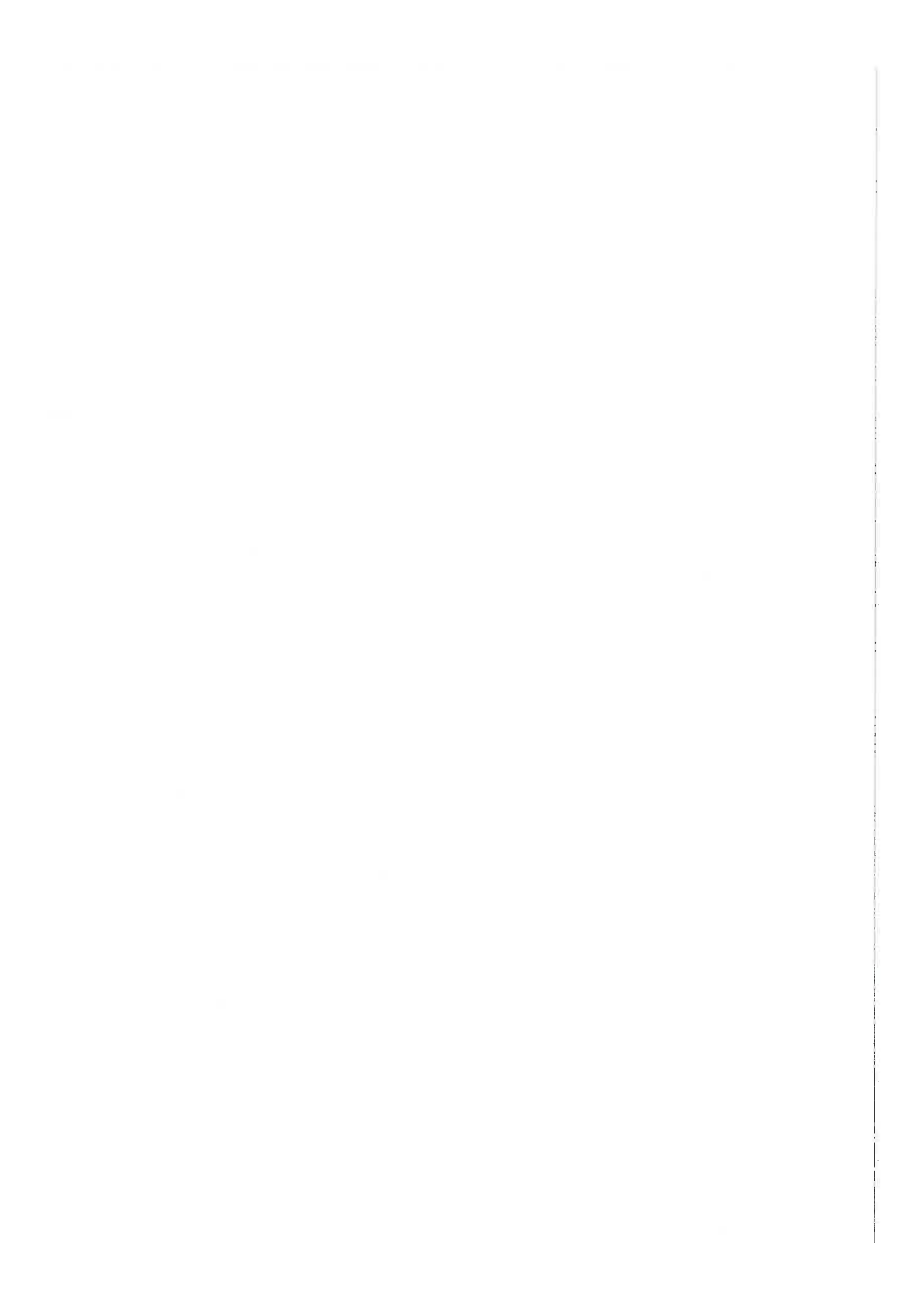
We understand why it is suggested that papers should be regraded. At first sight, that seems fair. We have thought about that very carefully, but we do not think that is the fairest thing to do for students in England.

Those students who took the assessments in June 2012 can be confident that the grades they were awarded were right. It is true that some of those students may have got better grades had they taken the assessments in January 2012. That is because, in retrospect, it is clear that the January awards (to a relatively small number of students) were generous. But if we were to revisit the June 2012 awards and bring them into line with the generous January standards, it would compound the unfairness. It would mean that, rather than just the relatively small number of January awards benefitting from generous grading, all the students who took the qualifications would benefit.

That would not be fair to GCSE students in other subjects, or students in past years, or future years. Nor would it be fair to the employers, colleges or universities, who will be looking to use these qualifications to make recruitment and selection decisions.

We think that maintaining the results for students in England is the fairest thing to do. And it is our job to maintain standards. We would not be doing the job we are set up to do if we altered standards in this way.

Yours,



Okwael

From: Okwael
Sent: 21 September 2012 11:20
To: Adrian Long; Glenys Stacey
Cc: - Media Relations
Subject: Reply to Wales

Glenys / Adrian,

We are getting media enquiries asking about our response to the Welsh Government's request for an apology.

Can you let us know as soon as possible what the position is.

Kind regards,

.....

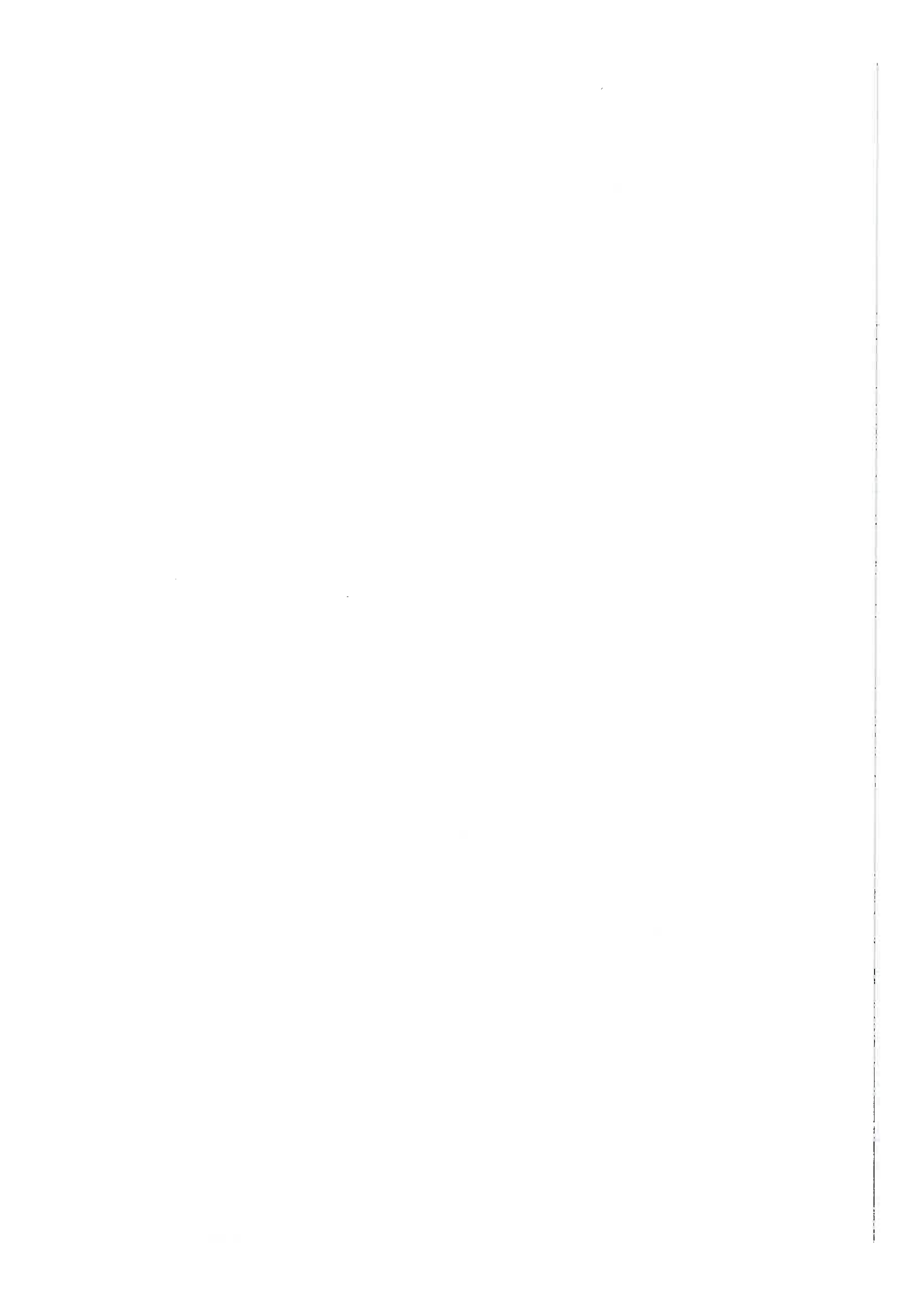
Ofqual

- **Direct:** 0300 303 3344 • **Mobile:** 07952 22222
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Obv

From: Glenys Stacey
Sent: 21 September 2012 12:10
To: Jeremy Benson; Philip Fletcher; Amanda Spielman; Cath Jadhav
Subject: Re: Tweet from Leighton Andrews (@LeightonAndrews)cath

Cath

I think Jeremy is on to something here. Your views?

Glenys

From: Jeremy Benson
Sent: Thursday, September 20, 2012 09:57 PM
To: Glenys Stacey; Philip Fletcher; Amanda Spielman
Subject: RE: Tweet from Leighton Andrews (@LeightonAndrews)

We need to be careful not to get into a circular argument – we have argued that genuine improvement by the entire cohort is unlikely year on year, which is why the comparable outcomes approach is justified in helping to determine the results; we can't therefore really point to the results to argue that there has been no improvement in performance.



Also the Welsh results following regrading don't (I suspect but I haven't seen the figures) show any improvement in performance, but they no longer show the big drop in performance year on year which the original results suggested, which (I assume) reflected the fact that Welsh grading was generous before but has been sharply corrected through the introduction of comparable outcomes. I suspect that the issue for Wales is less the comparison with England, but rather the year on year comparison where the fall cannot easily be justified by reference to the Welsh cohort's likely performance.

One olive branch might be to acknowledge that the introduction of comparable outcomes in Wales in 2012, which was of course agreed by all the regulators, led to a real problem for Welsh policymakers – an apparent significant fall in performance by the 2012 cohort against that in 2011 for which it is hard to find a justification; and that although we think that the 2012 WJEC standard at a UK level was more right than that in 2011, we would be keen to explore with Welsh regulatory colleagues whether there is a way of bringing the standards into line (which is of benefit to everyone) at a slightly more even pace, so as not to create year on year unfairness in Wales – I think this is effectively what we've been doing in Northern Ireland. I don't know whether we've started thinking about how we manage standards for the next few years in Wales, but the only way I can see it can work is if we allow WJEC greater but diminishing tolerance each year; if we try and make the correction in a single year we will have the same problem we had this year.

Does this help?

Jeremy

Jeremy Benson
Deputy Director, Policy, Ofqual

• **Direct:**  • **Office:** 0300 303 3344 • **Mobile:** 
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Glenys Stacey
Sent: 20 September 2012 20:28
To: Philip Fletcher; Amanda Spielman
Cc: Jeremy Benson
Subject: Re: Tweet from Leighton Andrews (@LeightonAndrews)

I like this.

Jeremy, Amanda?

Thank you Philip, oh wise one.

Glenys

From: Philip Fletcher
Sent: Thursday, September 20, 2012 06:25 PM
To: Glenys Stacey; Amanda Spielman
Cc: Jeremy Benson
Subject: RE: Tweet from Leighton Andrews (@LeightonAndrews)

Glenys

This last comment and then I shut up.

Can Amanda's comment be glossed to point out that in Ofqual's view no general improvement on performance was demonstrated by either English or Welsh candidates in 2012. This is clearly 'politically difficult' – all of us are committed to helping students over time to improve performance. But it must be real improvement, not grade drift. On that, we must agree to differ about the evidence from 2012. We regret it if Amanda's comment is seen as implying any impropriety in terms of misuse of powers; that was not our intention. But we hold to our view that the outcome of the decision to take a different approach to Wales is not in the long term interests of learners in either England (Ofqual's remit) or Wales (which we fully acknowledge is for the Welsh Government to decide).

Philip

From: Glenys Stacey
Sent: 20 September 2012 17:54
To: Philip Fletcher; Amanda Spielman
Cc: Jeremy Benson
Subject: RE: Tweet from Leighton Andrews (@LeightonAndrews)
Importance: High

Philip

Thanks - wise advice, as ever.

But I think the trouble is with what Amanda actually said:

'I think there is a political difficulty in Wales. In what we are seeing there is a clear divergence in performance between English and Welsh candidates. If English candidates are where we think

they are based on our work, the implication is that Welsh candidate performance is not improving. This is a very difficult conclusion for the Welsh to accept politically, hence what we saw yesterday.'

The Welsh minister argues that his decision to regrade - the 'what we saw yesterday' - was based on a robust, thorough and timely report from his regulatory staff - nothing political in it, he would say. Amanda did not argue that the decision was beyond the minister's powers.

I do think an apology of some sorts is in order - but let us see if we can get the commitment to three country regulation, ahead of it. Amanda - happy to talk.

Glenys

Glenys Stacey
Chief Regulator, Ofqual

- Office: 0300 303 3344 • Mobile:
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Philip Fletcher
Sent: 20 September 2012 17:36
To: Glenys Stacey; Amanda Spielman
Cc: Jeremy Benson
Subject: RE: Tweet from Leighton Andrews (@LeightonAndrews)

Amanda and Glenys

I am off the pace so do ignore this note if the issue has moved on.

As I understand it, the quarrel is with the words 'politically motivated'. These can be interpreted in more than one way.

Might it be appropriate, in responding to the Welsh Government, to say first that setting out ultimatums and shouting at the other party is not a good way to express continued commitment to three country regulation; second, to offer the explanation of Glenys' evidence set out in the earlier draft, and third to note that the statutory position as between England and Wales differs: in Wales, the final decision is a political one, for the Minister to take (and that was what Amanda was pointing out). In England, Parliament has decided on a different approach, whereby an independent regulator is finally accountable for its decisions. Her comment should not be represented as implying that Mr Andrews' decision went beyond his powers, and Ofqual is happy to offer that clarification... Now can we please get back to our joint commitment to good regulation in the interests of learners.....

Philip

From: Glenys Stacey
Sent: 20 September 2012 16:26

To: Amanda Spielman; Philip Fletcher
Subject: FW: Tweet from Leighton Andrews (@LeightonAndrews)

Turns out the first minister said 'unprecedented', not 'unprecedented and wrong' - by the look of it.

Glenys Stacey
Chief Regulator, Ofqual

• **Office:** 0300 303 3344 • **Mobile:** ~~_____~~
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Adrian Long
Sent: 20 September 2012 16:21
To: *Adrian* Glenys Stacey
Cc: Cath Jadhav; Jeremy Benson; Hywel Jarman
Subject: FW: Tweet from Leighton Andrews (@LeightonAndrews)

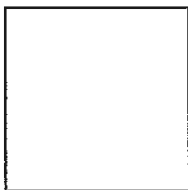
See below – Leighton Andrews’s Tweet from 14. 24 today.

Links to:

1. The letter to us
2. First Minister comment carried on BBC Wales Political Correspondent blog

Adrian

From: Adrian Long
Sent: 20 September 2012 16:17
To: Adrian Long
Subject: Tweet from Leighton Andrews (@LeightonAndrews)



Leighton Andrews (@LeightonAndrews)

20/09/2012 14:24

Our latest letter to Ofqual:

wales.gov.uk/docs/dcells/pu...

First Minister's comments on Ofqual:

bbc.co.uk/news/uk-wales-...

Download the official Twitter app [here](#)

Sent from my iPhone

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

***** This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the systems manager - IT Service Desk tel no: 0121 644 7777. This footnote also confirms that this email message has been swept by LightSpeed for the presence of computer viruses. www.lightspeedsystems.com

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

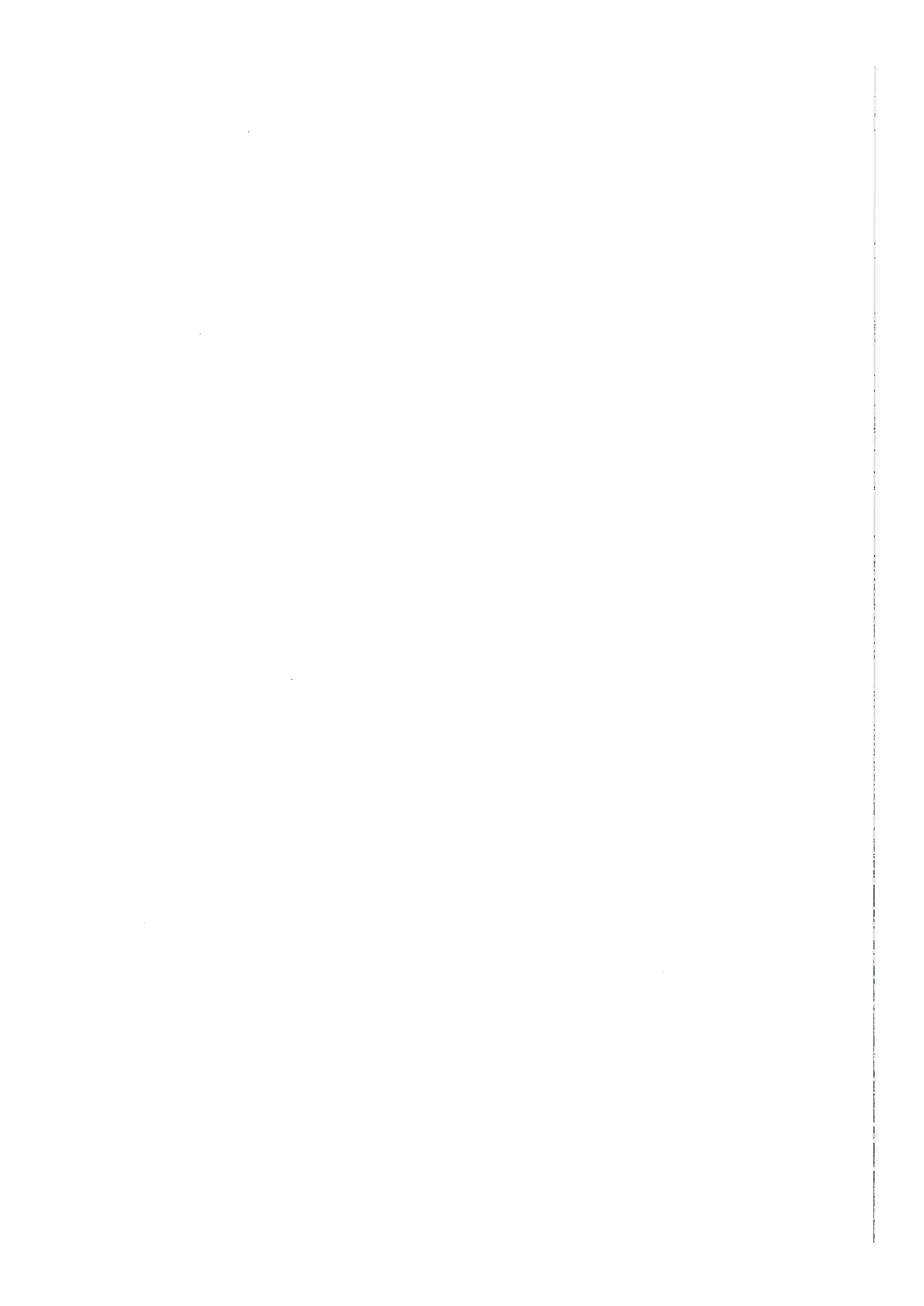
This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

***** This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the systems manager - IT Service Desk tel no: 0121 644 7777. This footnote also confirms that this email message has been swept by LightSpeed for the presence of computer viruses. www.lightspeedsystems.com

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Ofqual

From: Adrian Long
Sent: 21 September 2012 16:58
To: Ofqual ; Jeremy Benson; Glenys Stacey
Cc: - Media Relations
Subject: Re: Thoughts on reply to Welsh Government

I think we should publish and get it over with!

Send the letter by email and say that we will be releasing on acknowledgment of receipt on the email - its a nicety we have not always been afforded by others...

Adrian

From: Michael Fox
Sent: Friday, September 21, 2012 04:10 PM
To: Jeremy Benson; Glenys Stacey; Adrian Long
Cc: - Media Relations
Subject: RE: Thoughts on reply to Welsh Government

I think we need to be careful we don't publish the letter before it has been officially received?

Mike Fox
Chief Press Officer, Ofqual

• **Direct:** [redacted] • **Office:** 0300 303 3344 • **Mobile:** [redacted]
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Jeremy Benson
Sent: 21 September 2012 16:10
To: Ofqual ; Glenys Stacey; Adrian Long
Cc: - Media Relations
Subject: Re: Thoughts on reply to Welsh Government

Is there a good reason not to publish the letter immediately? It'll come out eventually and it'll be a story until it does, and if we don't publish people will assume there's some secret in it which we don't want people to know about.

Jeremy

Jeremy Benson, Deputy Director - Policy, Ofqual
Office: [redacted] Mobile: [redacted]

From: Michael Fox
Sent: Friday, September 21, 2012 04:05 PM
To: Glenys Stacey; Adrian Long
Cc: - Media Relations

Subject: Thoughts on reply to Welsh Government

Glenys / Adrian,

Hywel and I have had a chat about our reply to the Welsh government. We think there are a couple of ways to approach this, given the media interest. I think, when the letter is sent, we should confirm we have replied. The inevitable question would then be 'have we apologised?' - which we could tackle head on to avoid it dragging on over the weekend / into next week.

Let us know your thoughts:

Poss statements:

We can confirm that we have replied to the Welsh Government this afternoon. We are not making the letter public at this time but it will be published in due course. Talks with Welsh regulatory colleagues about the implications of the regrading of WJEC English Language exams are continuing.

Or:

We have replied to the Welsh Government. While we are not publishing the letter at this time, we can confirm that the Ofqual Chair Amanda Spielman expresses her regret for any offence caused by her comments at the Education Select Committee on September 11. Talks with Welsh regulatory colleagues about the implications of the regrading of WJEC English Language exams are continuing.

(Check wording with letter).

Kind regards,

, Ofqual

• Direct: () Office: 0300 303 3344 • Mobile: ()
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

Okurd

From: Michael Fox
Sent: 21 September 2012 17:09
To: Jeremy Benson; Glenys Stacey; Adrian Long
Cc: - Media Relations
Subject: RE: Thoughts on reply to Welsh Government
Importance: High

Suggested line for the media following conversation with Glenys:

Following meetings with our regulatory colleagues in Wales this week we have written to them welcoming the continued joint commitment to three country regulation, which is best for all students as the qualifications we regulate are relied on by users across the borders.

The letter also includes an expression of regret from the Chair of Ofqual, Amanda Spielman, for any offence caused by comments made at the Education Select Committee hearing.

(Ofqual

• **Direct:** } • **Office:** 0300 303 3344 • **Mobile:** }
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Okurd
Sent: 21 September 2012 16:10
To: Jeremy Benson; Glenys Stacey; Adrian Long
Cc: - Media Relations
Subject: RE: Thoughts on reply to Welsh Government

I think we need to be careful we don't publish the letter before it has been officially received?

, Ofqual

• **Direct:** } • **Office:** 0300 303 3344 • **Mobile:** }
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or

damage arising from the receipt and/or use.

From: Jeremy Benson
Sent: 21 September 2012 16:10
To: *Hywel* enys Stacey; Adrian Long
Cc: - Media Relations
Subject: Re: Thoughts on reply to Welsh Government

Is there a good reason not to publish the letter immediately? It'll come out eventually and it'll be a story until it does, and if we don't publish people will assume there's some secret in it which we don't want people to know about.

Jeremy

Jeremy Benson, Deputy Director - Policy, Ofqual
Office: _____, Mobile: _____

From: Michael Fox
Sent: Friday, September 21, 2012 04:05 PM
To: Glenys Stacey; Adrian Long
Cc: - Media Relations
Subject: Thoughts on reply to Welsh Government

Glenys / Adrian,

Hywel and I have had a chat about our reply to the Welsh government. We think there are a couple of ways to approach this, given the media interest. I think, when the letter is sent, we should confirm we have replied. The inevitable question would then be 'have we apologised?' - which we could tackle head on to avoid it dragging on over the weekend / into next week.

Let us know your thoughts:

Poss statements:

We can confirm that we have replied to the Welsh Government this afternoon. We are not making the letter public at this time but it will be published in due course. Talks with Welsh regulatory colleagues about the implications of the regrading of WJEC English Language exams are continuing.

Or:

We have replied to the Welsh Government. While we are not publishing the letter at this time, we can confirm that the Ofqual Chair Amanda Spielman expresses her regret for any offence caused by her comments at the Education Select Committee on September 11. Talks with Welsh regulatory colleagues about the implications of the regrading of WJEC English Language exams are continuing.

(Check wording with letter).

Kind regards,

Ofqual

• Direct: _____ } • Office: 0300 303 3344 • Mobile: _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Okwell

From: Charlotte Gifford
Sent: 21 September 2012 17:17
Cc: - Media Relations
Subject: Letter to Welsh Government

Further to your call earlier, please find a comment below. At this time we are not in a position to publish the letter.

An Ofqual spokesperson comments:

“Following meetings with our regulatory colleagues in Wales this week we have written to them welcoming the continued joint commitment to three country regulation, which is best for all students as the qualifications we regulate are relied on by users across the borders.

“The letter also includes an expression of regret from the Chair of Ofqual, Amanda Spielman, for any offence caused by comments made at the Education Select Committee hearing.”

Ofqual

- Direct: 01273 830000 • Office: 0300 303 3344 • Mobile: 07946 042000
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.



Okaved

From: Julie Swan
Sent: 10 December 2013 15:49
To: Ofqual FOI
Subject: FW: wjec for crc
Attachments: Wales Certification Options and UMS for CRC.doc

Julie Swan
Head of Regulatory Development, Ofqual

- Direct _____ Office: 0300 303 3344
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

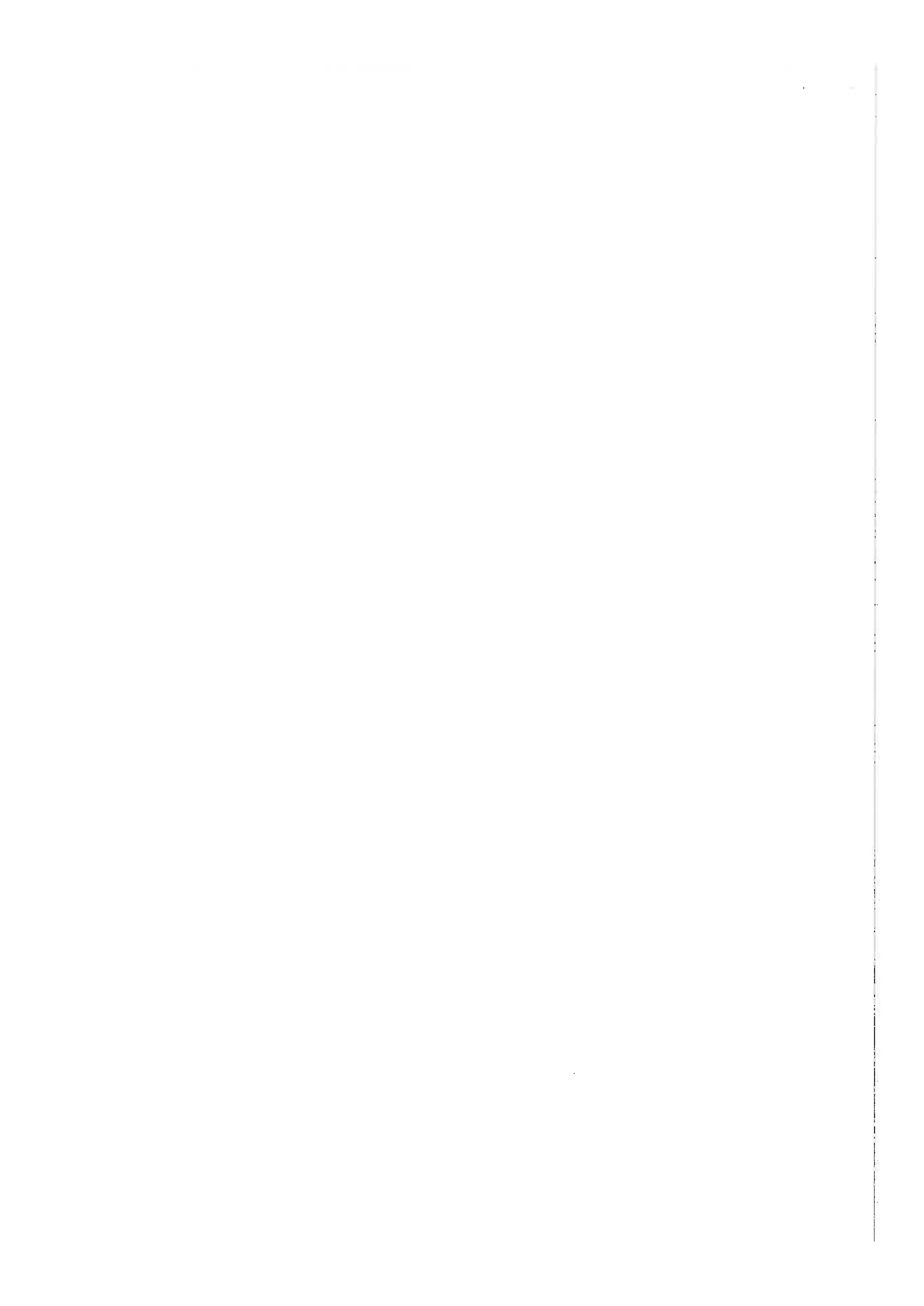
From: Julie Swan
Sent: 23 September 2012 23:47
To: Fiona Pethick; *Okaved*
Cc: Cath Jadhav
Subject: Fw: wjec for crc

Fiona here's a paper for CRC on some of the WJEC related issues - thanks to Cath for confirming the UMS points.

Thanks
Julie

From: *Okaved*
Sent: Sunday, September 23, 2012 11:44 PM
To: Julie Swan
Subject:

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Chief Regulator's Committee

Date:

25 September 2012

Title:

WJEC GCSE English Language - Certificates and UMS

Report by:

Julie Swan, Head of Regulatory Development

Paper for decision

Closed paper



Issue

1. The Welsh Government (WG) directed WJEC to re-grade its GCSE English Language qualification in Wales this year. This gives rise to questions about the use of Ofqual's and the WG's logos on GCSE English Language certificates in both England and Wales. It also raises issues about the carry-over of UMS for candidates who did not certificate this year.

Recommendations:

2. All GCSE certificates issued by WJEC other than for English Language should include the Ofqual logo.
3. Candidates in Wales should receive a Welsh Government only certificate for their WJEC English Language and a three-country certificate for all their GCSEs except English Language. We will not allow the Ofqual logo to be used on any WJEC GCSE English Language certificate issued to candidates in Wales following summer 2012 awarding.
4. WJEC certificates for GCSE English Language issued in England should not carry the WG logo.
5. The re-graded UMS marks are allowed to stand and be carried forward to future series.

OFQUAL – PROTECTED

6. Provided there are no other concerns about WJEC grade standards in 2013, or any unilateral regulatory action that we do not support, we awards from 2013 onwards carry the three regulators' logos.

Background

7. Normally candidates across the UK (and elsewhere) are given WJEC certificates that list all of their WJEC GCSEs. The certificates carry the logos of each of Ofqual, the WG and CCEA. Other exam boards follow the same practice.
8. This year the WG has effectively unilaterally regulated WJEC's GCSE English Language in Wales, by directing WJEC to change the grade boundaries for candidates who took the qualification in Wales.
9. Some candidates in Wales have been awarded grades for lower marks than were required for the same grade to be awarded to candidates in England (or elsewhere). Ofqual did not support the WG's decision and did not direct WJEC to act in this way. It would therefore be inappropriate for the Ofqual logo to appear on any certificate showing WJEC's GCSE English Language issued to candidates in Wales.
10. The majority of candidates who took WJEC's GCSE English Language were based in England. We need to consider whether the WJ logo should appear on their certificates.
11. In considering the options we should take into account:
 - Public confidence in the qualifications, in both Wales and England
 - Public understanding of the qualifications
 - Our wish to retain 3 country regulation – unless or until a principled decision is taken to end the approach
 - Fairness to candidates

Option 1:

12. Candidates in Wales receive from WJEC:
 - a three country certificate for all GCSEs, including English Language if their summer grade has not changed, **and**
 - if their grade was changed following the WG direction a separate certificate for English Language which includes the Welsh Government logo only.
13. This is WJEC's preferred option. They argue that centres are expecting this, that candidates are entitled to certificates endorsed by the three regulators and that they have already had representations to that effect.
14. The WG don't favour this option, as it discriminates between

OFQUAL – PROTECTED

candidates who got the grades first time round, and those who benefitted from the re-grade.

15. Recommended Ofqual position: we should not favour this position. GCSE English Language taken by candidates in Wales is effectively being unilaterally regulated by the WG this year. Therefore **no** WJEC English Language certificates awarded to candidates in Wales should include the Ofqual logo, whether or not they benefitted from a re-grade.

Option 2:

16. Candidates in Wales receive all their WJEC GCSE results, including their re-graded English Language result where applicable, on one certificate which includes only the Welsh Government logo.
17. This is the WG's preferred position, because it would mean that those with a re-grade were not discriminated against and that all candidates are in the near-normal position of having a single GCSE certificate per exam board. It would, however, mean that all candidates, whether re-graded or not, 'suffer' from the loss of the Ofqual and CCEA logos. The WG reports that the teaching unions in Wales have given a clear indication that they do not see this as problematic. There is the issue that WJEC would have to buy a lot more WG only logo certificates than they have in stock, at short notice. However, in the near future all unitised GCSEs will only have the Welsh Government logo on anyway.
18. Recommended Ofqual position: This approach would indicate that Ofqual and CCEA had not regulated any GCSEs being taken by candidates in Wales this year, which isn't the case. This option would be a significant signal that three country regulation was over - or coming to an end. We do not wish to give such a signal therefore we should not support this option. We should require all GCSE certificates issued by WJEC other than for English Language to include the Ofqual logo. However, whilst this might be the logical, principled position, the WG might oppose this approach. In which case we will need to decide whether pragmatically we could accept this option.

Option 3:

19. Candidates in Wales receive a three-country certificate for all their GCSEs except English Language and a Welsh Government only certificate for their English Language final result.
20. The WG is concerned that this will make the English Language certificates 'unusual' and there could be complaints from candidates with unchanged results that their final certificate for English Language

OFQUAL – PROTECTED

has been devalued by being different to the rest of their GCSEs. The shortage of single country certificates would remain an issue.

21. Recommended Ofqual position: This would give the most accurate indication of the position and it should be our preferred option.

Certificates issues to candidates in England

22. Most GCSE certificates issued by WJEC this year for English Language will be to candidates based in England. We therefore need to consider whether these certificates should be affected by the WG's actions with regard to English Language in Wales.
23. The WG consider that whilst it might be logical for the WG logo not to appear on certificates issued to candidates in England, not to include it would create costs for little reason (new certificates would have to be designed and issued). The WG is therefore likely to support the status quo whereby certificates for all WJEC GCSEs for candidates in England appear on one certificate that includes all three regulators' logos.
24. Recommended Ofqual position: It might cause significant logistical issues for all AOs to issue certificates that do not include the three logos. because they have certificates ready to print. But if the WG logo is included on certificates showing GCSE English Language the certificates could be devalued if it was inferred from this that the WG's standard applied to the qualification when awarded in England too. As the WG has required the regarding of WJEC English Language only, the recommended option is to require WJEC certificates for GCSE English Language issued in England not to carry the WG logo, but to allow standard practice for the other AOs – ie they should use all three regulator's logos. This would mean that where candidates based in England had taken one or more WJEC GCSEs, in addition to English Language, they would receive two WJEC certificates.
25. However, we should seek views from WJEC before mandating this position, because the costs and burden might be disproportionate to the risk that in England candidates' GCSE English Language will be de-valued by the inclusion on their certificates of the WG logo.

UMS carry forward

26. Another issue, arising from the (WG directed) WJEC re-grade, concerns the 'cash-in' of re-graded units for future awards. WJEC has set out the issues and its preferred approach in a paper which is reproduced in Annex 1.
27. WJEC estimates it will be carrying forward 5,700 unit UMS scores for 15 year olds from the 2012 summer series. However, other candidates could also seek to cash in their unit UMS scores in the future.

OFQUAL – PROTECTED

28. The WG would prefer that the amended scores are carried over – because the WG regard the re-graded units as being correct.
29. There are issues of both standards and fairness to consider if the re-graded units are carried forward and 'cashed-in' for certificates next year (or any future year). There are also practical issues and questions about our wish for 'normal service' to be resumed in 2013.
30. If the re-graded units revert to the original summer 2012 grade when cashed-in for 2013 awarding, we can anticipate complaints from candidates and schools in Wales. Some candidates will have been given their original grade, seen it improved and then had it taken away again. If the re-graded units are used for future awarding, however, some candidates will be advantaged by the lower standards applied in 2012 (this of course assumes that the 'correct' standard will be used for the qualification in Wales and elsewhere in 2013).
31. There are parallels here to the January 2012 awards in some units (for all AOs) where, with hindsight, we recognise that they were generous. Nevertheless candidates who 'benefited' from these awards will carry forward their UMS marks.
32. Recommended Ofqual position: given the logistical difficulties of reverting back to the August grading, and the difficulties of explaining to centres, parents and students, we recommend that the regarded UMS marks are allowed to stand and be carried forward to future series. Provided there are no other concerns about WJEC grade standards in 2013, we recommend that awards from 2013 onwards carry the three regulators' logos.

OFQUAL – PROTECTED

Annex 1

WJEC paper:

Carry-forward of UMS scores in the context of regrading of GCSE English Language

Background

The purpose of this paper is to describe the way in which the regrading exercise for WJEC's summer 2012 GCSE English Language award has created a situation in which the UMS scores associated with the two regraded units are based on different standards, and hence should not be included in future "cash-ins".

Rationale

In the summer award, for units 4172/02 and 4174/01 of WJEC's GCSE English Language specification, all candidates were graded using a common standard, and included in a "cash-in" and certification situation carried out under the auspices of the three regulators jointly. The standards represented by the UMS scores for these units can be represented as "S". This would also be the same standard which WJEC seeks to apply to all units that are graded in the context of awards that are recognised by the three regulators jointly.

The standards applied to these units were subsequently adjusted within a regrading exercise undertaken by WJEC for Wales candidates only, under a Direction from Welsh Government. The UMS scores for these regraded units therefore represent a standard slightly lower than "S", say "S-4172" and "S-4174". The regraded standards are acknowledged to be lower, as indicated for instance by the fact that Ofqual and CCEA logos shall not be applied to any certificates which relate to the regraded award which includes the standards represented by "S-4172" and "S-4174".

A situation now arises going forward, in which candidates who took units 4172/02 and 4174/01 of WJEC's GCSE English Language specification may wish to carry forward those units to future "cash-in" opportunities. This has the potential to create four different profiles of standards at future "cash-in" situation for WJEC's GCSE English Language:

- (i) candidates who are cashing in units where the UMS scores are based solely on units representable by standard "S" – this includes all England candidates from all WJEC series, and every Wales candidate that does not include the regraded units 4172/02 and 4174/01 within their "cash-in" combination (i.e. Wales candidates who include in their cash-in a version of unit 4172/02 that was earlier or later than summer 2012, and a version of 4174/01 that is later than summer 2012);
- (ii) candidates who are cashing in units where the combination includes the regraded unit 4172/02, represented by "S-4172"
- (iii) candidates who are cashing in units where the combination includes the regraded unit 4174/01, represented by "S-4174"
- (iv) candidates who are cashing in units where the combination includes the regraded units 4172/02 and 4174/01, represented by "S-4172 + "S-4174".

The existence of four different profiles of this kind raises two potential issues in terms of unfairness:

- (a) candidates with profile (iv) have a relative advantage over candidates with profiles (ii) or (iii), who in turn have a relative advantage over candidates with profile (i) – essentially, three (or possibly four) different standards would be carried forward, and this is untenable within a system which seeks to ensure consistency of standards across awards within the same specification
- (b) our understanding is that Ofqual and CCEA will not permit certification of profiles(ii), (iii) and (iv) as these include units which represent standards "S-4172" and "S-4174", the existence of which in the regrading exercise directed by Welsh Government is what caused these two regulators not to certificate that award.

OFQUAL – PROTECTED

WJEC's contention, therefore, is that there should be no use of those units that represent standards "S-4172" and "S-4174" in future cash-in series, in order to avoid giving some candidates a relative advantage over others, and in order to avoid denying three-regulator certification to some candidates.

Recommendation

WJEC recommends that the grade boundaries and related UMS values for the regrading exercise carried out under direction from the Welsh Government should be regarded as being specific to achieving a particular "cash-in" outcome which was defined in the Direction. Therefore, UMS scores from units that represent standards "S-4172" and "S-4174" would not be used in future cash-in series: instead, for candidates included in the regrading exercise, the UMS scores from the summer award of units 4172/02 and 4174/01 would be used, so that all units included in future cash-ins would be based solely on units which can associated with the standard represented as "S".

Notes

- 1) *A related issue arises from the perspective of grade boundaries in the context of the November re-sit opportunity for GCSE English Language, for which there is an understanding that all awarding organisations shall use, for the controlled assessment units, the same grade boundaries as for the summer award (This fact is not being publicised to centres as it could unduly influence their use of the mark range). In this context, WJEC is proposing to use the summer award grade boundaries for the controlled assessment units for all re-sitting candidates whether from England or from Wales centres, so that we are able to treat the candidature as a whole (i.e. we shall not be using the grade boundary which relates to the re-grading exercise). This is of course the equivalent to using the summer award basis for UMS scores.*
- 2) *An issue also arises in relation to unit UMS scores at the A* grade, in that the regrading exercise will have given a lower unit UMS score for some candidates than what was given at the summer series, through the arithmetic calculation on which the A* boundary is based.*



Yr Adran Addysg a Sgiliau
Department for Education and Skills



Llywodraeth Cymru
Welsh Government

Glenys Stacey
Chief Executive Officer
Ofqual
Spring Place
Coventry

10 September 2012

Dear Glenys

GCSE English Language

Please find attached a copy of the Welsh Government's report on its investigation into GCSE English Language and the outcomes for candidates in Wales in 2012. It is our intention to publish this report later this afternoon.

The Minister for Education and Skills has had sight of the report and has indicated his intention to accept all the recommendations therein. You will therefore need to be aware that a central finding and key recommendation of the report is that:

"Having considered all the available evidence, it is the conclusion of this investigation that the published provisional outcomes for candidates in Wales for GCSE English Language at Grade C and above, which show a fall of 3.9 percentage points from the equivalent outcomes in 2011, are not secure or supported by any reasonable justification. It is therefore recommended that the Minister for Education and Skills, representing the Welsh Ministers in fulfilling their responsibilities in relation to relevant qualifications as set out in Section 30 of the Education Act 1997, should:

request that WJEC undertake a regrading of GCSE English Language in order to achieve outcomes that are as similar as possible to the outcomes achieved by candidates in 2011, on the basis that there is no reason to believe that the 2012 Wales cohort was significantly different to the 2011 Wales cohort. It would be strongly preferable for this regrading to be applied to all of WJEC's candidates in both Wales and in England but, in the event of the regulator in England (Ofqual) refusing to endorse this regrading, it should be applied only to candidates in Wales."

We note the correspondence and discussions that have taken place between Welsh Government officials and Ofqual officials over the last two weeks and we understand that Ofqual's current position is to *not* request a regrade in relation to the GCSE English Language or GCSE English awards. We would like to take this opportunity to re-iterate our preference for a regrade of

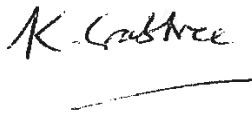
candidates across both England and Wales. However, if you wish to proceed with an option not to regrade in relation to English candidates, we will request that WJEC undertakes a regrading for candidates in Wales alone.

I would be grateful if you would let us know how you wish to proceed, preferably before 3:00pm today though discussions can of course continue beyond this.

I am sure that, like me, you will acknowledge the exceptional and difficult nature of this issue. Our preference is that we should take similar action in both England and Wales. However, we must act in a way that is in the best interests of fairness to candidates in Wales.

I am copying this letter to Roger McCune in CCEA.

Yours sincerely

A handwritten signature in black ink that reads "K. Crabtree". The signature is written in a cursive style and is positioned above a horizontal line.

Kate Crabtree
Acting Deputy Director
Qualifications and Learning Division
Welsh Government

Emyr Roberts
Cyfarwyddwr Cyffredinol • Director General

Yr Adran Addysg a Sgiliau
Department for Education and Skills



Llywodraeth Cymru
Welsh Government

Glenys Stacey
Chief Executive Officer
Ofqual
Spring Place
Coventry CV5 6UB

10 September 2012

Dear Glenys

GCSE English Language

Further to our telephone conversation earlier this afternoon, I acknowledge your formal request that the Welsh Government should delay the publication of the report on our investigation into GCSE English Language outcomes in Wales in 2012.

I have put your request to the Minister for Education and Skills in his capacity as the representative of the Welsh Ministers in fulfilling their responsibilities in relation to relevant qualifications under Section 30 of the Education Act 1997. He has considered your request but sees no reason to withhold this report. The report makes clear that, should Ofqual change its position in respect of the re-grading by WJEC for candidates in England, that would be our preferred position. We note your intention to publish your final report in 4-6 weeks time. The Minister has accepted the recommendations of the report and has no wish to cause further delay to the issuing of appropriate grades to candidates. The report will be published at 4pm today.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Emyr Roberts'.

Emyr Roberts



Office of Qualifications
and Examinations Regulation
Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

Telephone 0300 303 3344
Textphone 0300 303 3345
info@ofqual.gov.uk
www.ofqual.gov.uk

11 September 2012

Kate Crabtree
Acting Deputy Director
Qualifications and Learning Division
Welsh Government
Ty'r Afon
Bedwas Road
Bedwas
Caerphilly CF83 8WT

Dear Kate

GCSE English Language

Thank you for your letter of yesterday to Glenys, sharing with us the report of your investigation into GCSE English Language qualifications to be awarded this year to candidates in Wales. We note that your Minister has now also issued a direction to WJEC.

Ofqual's priority is to secure the standards of the qualifications we regulate. The majority of candidates who took WJEC's GCSE English Language this year are based in England, and those candidates are our main concern. But the standard should be one and the same for all students, regardless of where they live. And we do not agree that the qualification should be re-graded, because the evidence we have seen does not justify this.

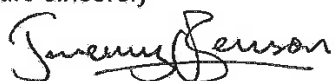
As we have said publicly, we will need to consider your report in detail, because of the significance of the recommendations. We have been considering in particular whether WJEC can simultaneously meet the requirements of both your direction and our Conditions of Recognition. There are serious consequences if it cannot.

We would therefore like an urgent, senior level meeting so that we can consider your report, the direction to WJEC and the implications for the standard of the qualifications and for public confidence in them. There are also wider issues we will need to discuss about future regulatory approaches and the implications for all awarding organisations that offer qualifications in both Wales and England. I hope we will be able to arrange a meeting this week.



I am copying this letter to Roger McCune at CCEA and to Gareth Pierce at WJEC.

Yours sincerely

A handwritten signature in black ink that reads "Jeremy Benson". The signature is written in a cursive style with a horizontal line underlining the name.

Jeremy Benson
Deputy Director, Policy

Yr Adran Addysg a Sgiliau
Department for Education and Skills



Llywodraeth Cymru
Welsh Government

Glenys Stacey
Chief Executive Officer
Ofqual
Spring Place
Coventry Business Park
Herald Avenue
Coventry
CV5 6UB

12 September 2012

Dear Glenys

GCSE ENGLISH LANGUAGE

Thank you for the letter that Jeremy Benson sent to Kate Crabtree yesterday.

I note that Ofqual has taken the decision not to require a re-grade of WJEC's English Language qualification. While that is a decision for Ofqual, I find your conclusion surprising in the light of the questions raised in our published report about the level of confidence that can be placed in the precision of the key stage 2 predictor methodology when considering these particular outcomes. We stand by the evidence and findings of our report which indicate that some candidates in Wales received outcomes that were unjustifiable and unfair.

In implementing the regulatory responsibilities of the Welsh Ministers in relation to relevant qualifications in Wales, our main priority is candidates in Wales. We would prefer to see a common approach across England, Wales and Northern Ireland, but, to date, that does not seem to have been possible on this issue. The recommendation in our report for WJEC to re-grade GCSE English Language is framed in such a way that the door is open for other regulators to join us. We hope that, even now, Ofqual may consider the opportunity to enable candidates in England to receive grades that are directly equivalent to those that will be received by candidates in Wales.

As you are aware, I was in attendance at the meeting of the Select Committee yesterday. I wish to take this opportunity to formally raise our concerns about the comments made by your Chair, which were widely reported, in which she implied that the decision taken in Wales was politically motivated. We believe these comments to be inappropriate, ill-judged and prejudicial, and we would ask that they be withdrawn. We have also noted some comments which you made at the Select Committee and which we do not believe are either fair, accurate or give the complete picture.

With regard to the General Conditions of Recognition, you will be aware that the Welsh Government has similar, parallel Conditions of Recognition. While we acknowledge that the re-grading for candidates in Wales only is an unusual position to find ourselves in, we believe that it should be possible to reach a sensible agreement about the relationship between the action to be taken by WJEC and your Conditions of Recognition.

I am more than willing to meet with you and your officials and would ask that you suggest a convenient time. I must reiterate that the Direction has already been issued to WJEC and we expect the re-grading to occur within the timescale stipulated.

I acknowledge that these issues raise fundamental questions about the future of three country regulation in the light of significantly differing policy directions in each of the countries; in this context, we note the decision of CCEA to cease offering its qualifications in England because of these emerging differences. We need to discuss these issues further.

I am copying this letter to Roger McCune at CCEA.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Tweedale', written in a cursive style.

CHRIS TWEEDALE
DIRECTOR, SCHOOLS AND YOUNG PEOPLE GROUP

Glenys Stacey
Chief Regulator



14 September 2012

Mr Chris Tweedale
Director, Schools and Young People Group
Welsh Government
Cathays Park
Cardiff, CF10 3NQ

Via Email: chris.tweedale@wales.gsi.gov.uk

**Office of Qualifications
and Examinations Regulation**
Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

Telephone 0300 303 3344
Textphone 0300 303 3345
info@ofqual.gov.uk
www.ofqual.gov.uk

Dear Chris

Thank you for your letter of 12 September 2012.

I should say first of all that Ofqual recognises and respects fully the right of Welsh Ministers, in the context of the devolution settlement, to take their own decisions on both regulatory and policy issues relating to qualifications.

Equally, we have always believed – as we said in our recent response to the Education Select Committee report on exams administration – that the well-established arrangements for three-country working are of benefit to students, employers and others, provided that they do not compromise standards.

With the good and trusting working relationships that we have enjoyed in the past, it has been possible to maintain common regulatory arrangements. These arrangements will be tested, increasingly, in the face of divergent qualifications policies, but we believe it is worth the effort of trying to maintain common arrangements so far as possible, provided that standards are not compromised.

We know that at times and out of necessity we have had to act quickly and make regulatory decisions which we would have preferred to have spent more time discussing with you, and we will reflect on that. However, the Welsh Government's actions this week represent something different – a unilateral change to the standard of a key qualification, which represents an unprecedented challenge to joint regulatory working.

All the evidence we at Ofqual have seen is that the approaches adopted by the three regulators in GCSE English/English language and all other GCSE awarding have generally stood up well, and standards across the various examination boards in different parts of the UK are now broadly consistent – indeed, as the NFER report we published a year ago suggests, more consistent than they may have been in the past.

Continued/

The Welsh Government decision to change the standard of GCSE English language qualifications in Wales will lead to confusion amongst employers and universities about the meaning of the GCSE title and the value they can place on it. It risks, in particular, candidates from Wales having certificates which are seen to be of less value than those from elsewhere, even though they will have worked hard for them, and we regret to see that.

We are meeting with you and colleagues later today. We have some immediate issues to deal with, but I hope that we will also begin to discuss the longer term implications of this week's actions. We need to know whether there is still a commitment, in Wales, to joint regulation and we need to discuss what assurances we need to have in place, so that we can continue to regulate jointly.

Finally you mention our Select Committee appearances on Tuesday. I haven't seen the transcript of evidence from Tuesday's Select Committee session yet, and I am not aware as yet that anything I said was inaccurate, but I will of course review the transcript carefully, to check that.

I am copying this letter to Roger McCune at CCEA, and will be publishing it on our website.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G Stacey', written in a cursive style.

Glenys Stacey
Chief Regulator, Ofqual

cc: Roger McCune, CCEA

Glenys Stacey
Chief Regulator



21 September 2012

Mr Chris Tweedale
Director, Schools and Young People Group
Welsh Government
Cathays Park
Cardiff, CF10 3NQ

**Office of Qualifications
and Examinations Regulation**
Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

Telephone 0300 303 3344
Textphone 0300 303 3345
info@ofqual.gov.uk
www.ofqual.gov.uk

Dear Chris

GCSE English Language

Thank you for your letter of 16 September.

Let me say straightaway that Amanda very much regrets any offence caused, in what she said at the Select Committee last week. Amanda appreciates that there is a lot for policy makers to discuss, so that they can understand what lies behind the differences in results between students in England and Wales, and we do not wish to pre-judge.

You and I have met together since then to discuss future arrangements for regulation. We at Ofqual welcomed the continued commitment you gave at the meeting to what we call three country regulation – that is, a joint approach in Wales, Northern Ireland and England to regulating qualifications. It has worked well in the past, and we are committed to it working for the future.

Qualifications policy is different in each of the three countries - Wales, Northern Ireland and England - and may differ even more in the future. The regulators in each country know that we will need to keep this under review, and take stock periodically. But we agree that if it is possible, a joint approach is best for all students because the qualifications we regulate are relied on by students, employers and higher education, across borders.

We have agreed to consider together whether we can make any improvements to the way in which we regulators and exam boards predict qualification results in each of the three countries. We think this is a positive and worthwhile development. We don't know as yet whether and how exactly it can be improved but we do think that looking at it afresh is the right thing to do. And that might shed some light on the perplexing differences in performance that we see, so as to assist those responsible for making qualifications policy.

More immediately, we had good discussions this week about how to best manage the risks to standards in 2012-13. The three regulators have a common view, and we will be talking now with exam boards about that.

Lastly, you are quite right - I confused our challenge to WJECs A levels with GCSEs in answer to the Select Committee Chair's question 112 when I gave evidence to the Select Committee last week. We did recognise that at the time - my colleague said as much. But to be absolutely clear, I have asked the Select Committee clerk to correct the record.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G Stacey', written in a cursive style.

Glenys Stacey
Chief Regulator, Ofqual

Okaved

From: Fiona Pethick
Sent: 28 January 2014 21:46
To: *Okaved*
Cc: *Okaved*
Subject: FW: Welsh Government and GCSEs

Fiona Pethick
Director of Regulation, Ofqual

• **Direct:** _____) • **Office:** 0300 303 3344 • **Mobile:** _____
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Glenys Stacey
Sent: 24 August 2012 18:14
To: Fiona Pethick; - CRC; Julie Swan
Cc: *Okaved*
Subject: Re: Welsh Government and GCSEs

Very well done.

From: Fiona Pethick
Sent: Friday, August 24, 2012 06:09 PM
To: - CRC; Julie Swan
Cc: *Okaved*
Subject: Welsh Government and GCSEs

After a couple of email exchanges with Chris Tweedale this morning he rang to tell me the outcome of their deliberations at their end.

First they are not expecting Leighton Andrews to say anything more publicly and LA is about to go on holiday until 10 September.

Officials are proposing an internal enquiry in Wales into GCSE English results - to be led by Owen Evans (Chris Tweedale's equivalent with responsibility for HE and FE).

He recognises that we jointly regulate GCSEs.

The enquiry will look at

1. The process that got us to where we are today. He will want to find all the correspondence there is between us and Welsh Government on these matters, and any correspondence we have had with the SoS (this will not be an FOI request - not appropriate)
2. The implications of the results for "banding" of schools - the equivalent of league tables
3. The role of WJEC - I checked and Gareth Pierce is aware of this enquiry
4. Lessons for future work as a joint regulator.

The timescale is unclear but they will need to have made some progress on this by the time the Minister is back on 10/9.

I said we would want to help them in any way we can. The ball is in their court to ask.

Fiona

Fiona Pethick
Director of Regulation, Ofqual

- ~~Direct:~~ Office: 0300 303 3344 • Mobile:
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Fiona Pethick
Sent: 09 January 2014 16:26
To:
Subject: FW: GCSE results etc

Fiona Pethick
Director of Regulation, Ofqual

• **Direct:** Office: 0300 303 3344 • **Mobile:**
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: Tweedale, Chris (Director - SYPG) [K]
Sent: 24 August 2012 11:28
To: Fiona Pethick
Cc: Jeremy Benson; *Okaval, 2x Welsh govt*
Subject: RE: GCSE results etc

Fiona,

I hope you are well. Sorry I was away when you tried to get in touch.

We have been given a remit by the Minister and have an internal meeting booked for this afternoon to scope out and plan the review. I know that we will be asking to see all the correspondence between Ofqual and the AOs, and (if any exist) any communications between Ofqual and the Secretary of State or officials regarding standards and / grade boundaries on the decision process for grade boundaries etc on English [I say this because the Minister has already asked me to contact Glenys to say that a request will be coming from us for this information]. Obviously *WGA* is already involved in the usual scrutiny work with you already. Perhaps we could get back in touch with you after our meeting this afternoon and have a conversation about the proposed scope of the review we intend to undertake?

Best wishes,

Chris

Chris Tweedale
Director / Cyfarwyddwr
Schools and Young People Group
Grŵp Ysgolion a Phobl Ifanc
Welsh Government/ Llywodraeth Cymru

Tel / Ffôn:
Fax / Ffacs:
Mob / Ffon symudol 0
email/e-bost:

From: Fiona Pethick [mailto:Fiona.Pethick@Ofqual.Gov.Uk]
Sent: 24 August 2012 09:53
To: Tweedale, Chris (Director - SYPG)
Cc: Jeremy Benson; Breda Cunningham
Subject: GCSE results etc

Chris

I hope you have had a good holiday - you were away a couple of weeks ago when we tried to get in touch before.

I am aware from the media coverage of yesterday that Leighton Andrews wants to look into the GCSE results and the English in particular. I am not sure, you may not be either, what the scope of this work is. Will it include looking into the comparable outcomes approach which was agreed by exam boards and the regulators at the end of 2011? How can we help you and the team? Would it be sensible to have a conversation?

Best wishes

Fiona

Fiona Pethick
Director of Regulation, Ofqual

- **Direct:** 02476 716710 • **Office:** 0300 303 3344 • **Mobile:** 07595 087434
- 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual • www.facebook.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Chris

From: Fiona Pethick
Sent: 09 January 2014 16:21
To: Alison Townsend
Subject: FW: On behalf of Chris Tweedale re GCSE English Language
Importance: High

Fiona Pethick
Director of Regulation, Ofqual

• **Direct:** ~~0300 303 3344~~ • **Mobile:** ~~07957 123456~~
• 1410 Spring Place, Herald Avenue, Coventry Business Park • Coventry • West Midlands • CV5 6UB

www.ofqual.gov.uk • twitter.com/ofqual

Please consider the environment - do you really need to print this email?

This message may contain confidential information. If you have received this message by mistake, please inform the sender by sending an e-mail reply. At the same time please delete the message and any attachments from your system without making, distributing or retaining any copies. Although all of our e-mail messages, and any attachments are automatically virus scanned, we assume no responsibility for any loss or damage arising from the receipt and/or use.

From: *Chris*
Sent: 31 August 2012 13:21
To: Fiona Pethick
Cc: Jeremy Benson; Tweedale, Chris (Director - SYPG); *Chris*
Subject: On behalf of Chris Tweedale re GCSE English Language
Importance: High

I am sending this on behalf of Chris Tweedale:

Dear Fiona

We look forward to receiving your report on GCSE English and English Language which we will read with interest. We would like to place on record, however, our deep concern that you appear likely to have come to a conclusion that the 2012 results for GCSE English Language are secure when there has been a clear, substantial, unexpected and detrimental effect on an entire cohort of learners in Wales. As we have repeatedly stated, a 3.9% drop, in one year, when a new specification has been introduced for such a high stakes, high entry qualification is unacceptable and indefensible.

Your endeavours to establish a series of November resit opportunities for candidates indicate to us that it is also clear to you that this cohort has been uniquely disadvantaged. It is our view that November examinations, when many candidates will be in different learning settings and when results will not be available until January, are an inadequate response and too late to mitigate the harm that has been caused to the life chances of many young people.

I note that when first discussing the principles of maintaining standards over changed specifications, Ofqual put on record an agreement that:

"on a national level, overall there is no reason to believe that outcomes in terms of grade distribution in the first year should be very different from those before the changes" Ofqual, Maintaining Standards Meeting, 28 Oct 2008.

As you are aware, we are continuing our own investigations and will be reporting in due course.

Regards

Chris

|
|
Welsh Government / Llywodraeth Cymru
Qualifications and Learning Division / Is-adran Cymwysterau a Dysgu
Department for Education and Skills (DfES)/ Yr Adran Addysg a Sgiliau (AdAS)
Mobile / ffôn symudol
Phone / ffôn 0:
Email / E-bost :- c

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSI yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>
