PRINCIPLES FOR THE REGULATION OF E-ASSESSMENT

AN UPDATE ON DEVELOPMENTS

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Abstract

The Qualifications and Curriculum Authority (QCA) is a statutory body in England, sponsored by the Department for Education and Skills (DfES). Its functions are set out in the 1997 Education Act, and subsequent amendments. QCA maintains and develops the national curriculum and associated assessments, tests and examinations, and regulates qualifications offered in schools, colleges and workplaces. Its regulatory role covers all qualifications except those awarded by higher education institutions. QCA's role is restricted to England, although it regulates qualifications jointly with its regulatory partners in Wales and Northern Ireland, and works closely with its counterpart in Scotland.

In furtherance of its regulatory role, the QCA (and its sister regulators in Wales and Northern Ireland) has published a set of *regulatory principles for e-assessment*. This presentation will describe background issues that have an impact on e-regulation, the thinking that motivated the development of the *principles*, and report findings from a public consultation on the *principles*, and initial research into the regulation of e-assessment.

Several background factors potentially impact on how e-assessment may be regulated. These include:

- The history of the regulation of qualifications in England

  Many current concerns about assessment standards and integrity have parallels going back to the beginning of large-scale examinations in England. This has, historically, affected the balance that has been struck between protecting the public interest and facilitating providers of qualifications.

- Changes in industrial organisation have meant that old-style regulation is no longer viable

  Information and Communications Technologies (ICTs) have fundamentally affected the ways in which industrial activity is organised and conducted. This, in turn, has a profound impact on the way in which regulation can function. For example, where there were once separate regulators for broadcasting, Internet content and telephone communication, confluence of these media channels requires a new approach to regulation.

- Cultural differences can be observed in approaches to regulation of ICT-influenced industries.

  Specifically with respect to the Internet, European jurisdictions have tended to emphasise the maintenance of public confidence (and therefore have adopted more proactive regulation), whereas the US has perceived freedom of expression as the main benefit and therefore has had a more relaxed attitude to Internet regulation.

- Socio-legal scholars have described an increase in the use of non-traditional methods for dispute resolution and governance.

  Systems for dealing with issues which might previously have been resolved by recourse to formal legal mechanisms have been observed to change. For example, there appears to be a wider use of facilitative, flexible and subtle techniques. Such techniques borrow from the private sector, often depend on self- or peer-reporting and have been shown to be more effective than traditional approaches to delivering policy objectives.

  'Soft-law' approaches do have associated problems – including their appropriateness for immature markets and how to integrate novel governance techniques with pre-existing 'hard law' requirements.

The UK government's approach to regulation can be understood in the light of these factors. It emphasises that regulation should put less of a burden on industry and should not represent a block to innovation. Also, regulation should function at a higher, more strategic, level – implementing the dictum 'less is more'.

The QCA's approach to regulation reflects government priorities. It applies the following five principles of regulation:

- Proportionality (interventions are related to risk)
- Accountability (the public has a right to see what QCA does)
- Consistency (in judgements made; in data requested; in criteria used)
- Targeting (measures taken related to purpose)

- Transparency (open and visible)

The *Principles for e-regulation* can be understood in the light of this background. In implementing the principles, the regulators aim to:

- ensure that e-assessment strategy and operations are recognised as being robust
- guide operations, developments and innovative practice in e-assessment in a consistent way through principles of regulation
- support the extension of access to e-assessment opportunities for the benefit of learners
- identify and address parameters for success and areas at risk for innovative e-assessment strategy
- ensure that all regulation allows for flexibility, promotes and guides innovative development, and maintains the integrity, reliability and validity of e-assessment systems.

Thus, the *principles* are designed to maintain public confidence in e-assessment, whilst simultaneously supporting Awarding Bodies who wish to innovate and add value to qualifications through the use of technology.

The paper will give more detail on the scope of the regulatory principles, justifying why certain topics were covered but others omitted.

Next, some initial, exploratory research into the regulation of e-assessment will be described. This work will be based on a diverse range of data, including opinions gathered through questionnaire surveys, focus groups and similar approaches. Summaries of the main strands of opinion evidence will be given. Also, initial work to establish baselines to objectively illustrate the extent of uptake of e-assessment will be reported.

Finally, initial thoughts into the implications of e-regulatory research for the future of e-assessment more generally will be given. For example, comments will be made on issues such as:

- To what extent can early predictions about the benefits of e-assessment be justified?
- What can be done to ensure the successful and wide-scale implementation of e-assessment?
- How can risks that result from the use of e-assessment be minimised?