



Ofqual has Isabel Nisbet at its helm. She explains her role and her vision for the new regulatory body

Safeguarding the learner

Interview **Julie Nightingale** Photographs **Jim Varney**

When you are in charge of the nation's qualifications, it can hardly be a disadvantage to have several yourself and Isabel Nisbet does. Besides degrees from Glasgow and Oxford, she took a Masters in medical law, and another in education with the Open University, to bolster her knowledge of the jobs she had at the time. She is, she agrees, a lifelong student.

"That's right," she nods, "I like learning things."

This is reassuring to hear from someone who, as head of the newly-created regulatory body Ofqual, will help to shape learning and assessment for schools and colleges in the next few years.

Ofqual was set up as an interim body in April this year and, once the relevant legislation has been through parliament, will formally take over supervision of exam standards in England from the Qualifications and Curriculum Authority (QCA) in April 2009. Nisbet is its acting chief executive working alongside interim chairman, Kathleen Tattersall, the former chair of the Chartered Institute of Educational Assessors. It has been a baptism of fire for the pair: no sooner had Ofqual set up shop in its base at a Coventry business park than this summer's row over the marking of national curriculum tests came to a rolling boil. (See box, p27).

Nisbet has devoted her 30-year career to public service, much of it in government. She began in the late 1970s as Private Secretary at the Scottish Office and subsequently worked in the Department of Health and the Cabinet Office where she oversaw training and development.

Being a civil servant taught her how to

make fine judgments under pressure, she says.

"I know everybody has a go at civil servants but I'm quite proud to have been one. I learned a lot of professional things about government, about policy and also of the need sometimes to make balanced judgments based on the information that you have. You can't wait for three months if you're in the House of Commons and the Bill's going through; you have to make a judgment. And the ability to synthesise information and do that, I think, is a good skill to have."

Outside government, she gained experience in regulatory roles as a deputy ombudsman dealing with health service complaints, and was director of policy for the General Medical Council (GMC) where she oversaw its codes on fitness to practice and handling misconduct cases. In 2003 she set up the Council for the Regulation of Healthcare Professionals and was its acting chief executive.

In 2005 she joined the QCA as the director of regulation to bring greater coherence and strategic thinking to regulation of qualifications across the organisation. Her knowledge of regulation, therefore, is considerable and it has been shaped by some sobering insights into what can happen when monitoring of professionals and standards fails.

She was at the GMC in the 1990s when the case came to light of Harold Shipman, the apparently well-liked GP in Hyde in the north-west of England, who murdered more than 200 of his patients in a killing spree stretching back 20 years. When the scale of the crime became apparent, the self-regulating GMC was heavily criticised for failing to safeguard the public from a serial killer. The inquiry into the deaths accused the council of focusing "too much on being fair to doctors and not sufficiently on the need to protect patients" and warned



Ofqual offers a fair approach

Ofqual's remit is to regulate more than 120 awarding bodies including exam boards but also employers and training providers.

It aims to ensure that standards are maintained in regulated qualifications and tests and exams. It also tries to make sure that public confidence in these tests is sustained and that awarding bodies operate fairly and consistently and in accordance with the Ofqual regulations.

It also monitors exam fees and will check the National Assessment Agency's delivery of national curriculum assessments in schools. Ofqual has a range of sanctions for awarding bodies not performing correctly, up to and including the 'nuclear' option of withdrawing accreditation for qualifications.

"We're here to ensure that the system that we regulate is benefiting learners. And that the bottom line is the commitment to the learner as our constituency," Nisbet says.

Like schools regulator Ofsted, Ofqual reports to Parliament, not ministers. Its findings will be published on the website at www.ofqual.gov.uk

that the GMC could lose its powers to monitor doctors' fitness to practice unless procedures improved.

It fell to Nisbet to help steer the radical reform of the GMC that the inquiry had set in train. She had also been involved in dealing with the fall-out from other high-profile medical scandals, including the deaths in Bristol's paediatric cardiology unit and the case of nurse Beverley Allitt, who murdered several children in her care in hospital. The lessons she learned coalesced into a firm commitment to "regulation that is not imposed, intrusive or punitive" and to "letting the public in to things," she says. "I'm really opposed to professional groups excluding the public from areas of sensitivity."

The problem with regulation is that it can appear polarised: either government tells people what to do or there is a 'professional club' which excludes the public, she explains. What was required in medicine was something else – "a kind of middle ground where you have professional pride but you also let the public in. The main thing I dealt with [at the GMC] was turning the professional regulation of medicine around so that instead of being a professional club, it was transparent and accountable to the public but retained the professional ownership."

She sees a clear link with education.

"We want teachers and assessors to be proud and respected in the community and not just to be checked all the time to make sure that they are doing the job right. But that does not mean excluding the public even from quite difficult issues, like, for example, the work Ofqual is planning to do on reliability of assessments."

She took the Ofqual post because, she explains, "I thought there was a really interesting job to do to bring together the way we regulate in education."

Being a regulator is quite different from

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being in government, she stresses, and under her management, Ofqual will be avowedly and visibly independent.

"A regulator is a check and balance – I'm not part of the delivery of the Government's agenda. We will be responsible to parliament when the legislation goes through, although currently I'm responsible to the QCA board. I take personal responsibility for making sure that Ofqual is independently minded. It's not going to be directed by Government and it's going to make a fair judgment."

Ofqual's task is to regulate the awarding bodies, ensuring standards are maintained in regulated qualifications and tests and exams and that public confidence is sustained. (See box, left.) It takes over the role from QCA, though it may have a little more muscle if proposals contained in the Ofqual consultation document make it into the final Bill to create the regulator formally.

"Awarding bodies have a right to be able to understand the principles that we're applying; to expect us to be consistent; and to not to have complete surprises from us," Nisbet says. "Ofqual's aim – and Kathleen Tattersall has made this very clear – is to work with the awarding bodies in the interests of the learner. And they want to work with us as well."

Assessment reliability

Ofqual will also be conducting research into the key area of assessment reliability.

"The reliability of an assessment and the repeatability of an outcome depends on a whole lot of things: the candidate, day of the week, what they had for breakfast, the wording of the questions, the markers, the teaching," she explains. "We are using some of those [outcomes] in the public system as key indicators for various reasons and we have huge expectations of them. But there are some areas of judgment, however much they are structured, which are going to allow for some variation from one person to another. For some kinds of assessment, there would also be differences if they were repeated a month later."

The issues apply to vocational and professional qualifications, as well as school exams.

"In medicine there's a whole thing about work-place based assessment. If you have a portfolio of examples from your ward practice – how reliable is that? Does it

depend which patient you happen to see?"

It is a complex area, intellectually and philosophically challenging, she acknowledges.

"This is a big thing. It is a difficult area to get into and it is quite philosophically challenging. But if we don't do it now, it will just get trapped in the tradition that you say as little as possible and then you bluff it through when the results come out. We don't want to be that kind of regulator."

It will also shed light on the role of assessment for learning. "One of the tensions in assessment is between reliability and flexibility and devolution: the more you allow schools to do their own thing at any time and all slightly differently, the less it becomes a reliable kind of test. So we're trying to find some sort of principles that will come out of this to inform the debate."

The learning curve continues, then, for Nisbet at work but also outside it. She pursues her passion for music as a member of a professional octet and as a soloist and is planning to resume another musical interest. "I was an organ scholar at Glasgow but I had to sacrifice playing when I became a civil servant."

Talk of Glasgow brings to mind another relic of her 1970s student days: Gordon Brown, at the time a left-wing firebrand and student rector at Edinburgh.

"Edinburgh were the radical students and Gordon Brown was the wild man of the Left. They would be all out on strike when we were sitting doing our essays in the library. When somebody said something really radical we used to say 'You sound like Gordon Brown'," she laughs. "How things change!" ■



Delays mean testing times

The row over this summer's Key Stage 2 and 3 national curriculum tests thrust Ofqual into the limelight, if not the firing line.

Results of the tests for 1.2 million 11 and 14-year-olds were delivered late to schools by ETS, the company which took over marking and delivery this year under a five-year contract worth £156m. Besides late delivery, there were complaints from some schools about the quality of marking. The problems culminated in the termination of the ETS contract four years early and ETS faces having to repay £19.5m to QCA and to cancel other invoices worth some £4.6m. The search is now on for a new contractor to take over the running of SATs in the long term. In the interim, delivery of the 2009 tests will be offered as a one-year contract.

Ofqual itself has no power over the management of national curriculum tests. It falls fell to the National Assessment Agency (NAA) and QCA to manage the relationship with ETS. But as regulator, Ofqual monitors the process and observes marking standardisation meetings and training sessions and keeps an eye on things.

Speaking in early July, Nisbet said necessary checks were being carried out and when problems did arise, Ofqual believed measures were in place to remedy them.

"Every so often I would seek formal reassurances from the director of NAA about how things are going," she said. "There's also a practice of having accountability meetings with awarding bodies that deliver the main exams and we had such with NAA at the beginning of July. As a regulator, we were keeping a high-level view of how things were going and we were aware of emerging problems. We also knew what measures NAA were taking, which were considerable. We were kept informed at each stage of what the risk was and clearly it was a moving scene."

The decision to delay publication of the results was made by the Government and QCA. But Ofqual was consulted on the question of quality and whether or not, based on what its staff had observed of the marking processes, it was safe to issue the test results. Ofqual's verdict was that "the quality of the marking was as good as previous years" but with the caveat

that it was impossible to predict whether there would be a large number of appeals against accuracy.

Nisbet is adamant the NAA and QCA could not have done more to repair the problems any sooner. "We were convinced as regulator that NAA and QCA were doing everything humanly possible – and many things not – to try to get quality results as soon as possible."

And she has little time for those who think that the problems were yet further proof that the system is falling apart or that the concept of national curriculum tests is itself fatally flawed and should be replaced by teacher assessment.

"If you looked fairly at all the checks and balances over the last six months, in the development and the delivery of the 2008 tests, I think that most people would think they had a highly controlled and quality assured system."

Addressing concerns

Nisbet said: "The fact is that the number of markers who resigned was tiny compared with the number that grumbled. As a regulator we have to stand back and try to be dispassionate about this. But I would not underestimate that there have been problems. And I'm very sorry for the impact this has had on the children particularly and schools."

Will it undermine people's faith in the system in the long term?

"I fully understand the annoyance and inconvenience and additional burden caused by a timetable change for such a large number of people. I hope that as a regulator we'll be seen to be addressing those concerns seriously and fairly and people will be assured that lessons will be learned."

"But I have no illusion," she adds. "Even if, at the end of the day, a delay of two weeks might not appear to be quite the same as Dr Shipman's crimes, I've no doubt that it does shake people's faith and that is a challenge which we will have to face."

Former Ofsted boss Sir Stewart Sutherland, Lord Sutherland of Houndwood, has been appointed by Ofqual to lead an inquiry into the problems. He will report separately to the Secretary of State for Children, Schools and Families on the QCA and the NAA's performance. Both reports are due later this year.

