

## Minutes

Ofqual Board

### Date

Wednesday 28 November 2018

### Venue

Room 6016, Earlsdon Park, Coventry

### Attendees

#### Board

Ian Bauckham (recused for part of item 79/18)

Delroy Beverley

Sally Collier

Lesley Davies

Hywel Jones

Dame Christine Ryan

Jo Saxton

Roger Taylor (Chair)

Frances Wadsworth

David Wakefield

#### Ofqual

Phil Beach Executive Director, Vocational and Technical Qualifications

Daniel Gutteridge Acting Director of Legal

Michael Hanton Associate Director, Strategic Policy and Risk

Katy Harding Associate Director, Finance and Commercial

Steve Hickmott Senior Manager, Vocational and Technical Qualifications Policy  
(item 82/18 only)

Matt Humphrey Director, Legal Moderation and Enforcement (item 85/18 only)

Cath Jadhav Director, Standards and Comparability

Andy Lester Senior Manager, Strategic Policy (items 83/18 and 84/18 only)

Stephen Park Interim Chief Operating Officer

Julie Swan Executive Director, General Qualifications

Anona White Private Secretary to the Chief Regulator (acting secretariat)

#### Observers

Catherine Large Director, Vocational and Technical Qualifications

Naomi Nicholson Director, National Assessments (item 79/18 only)

Chris Shadforth Director, Communications

Lucy Sydney Director, Strategic Communications, Vocational and Technical  
Qualifications

**75/18 Welcome and apologies**

Apologies were noted from Mike Cresswell, Michelle Meadows and Salma Ahmed.

**76/18 Declarations of interest**

There were no declarations of interest declared.

The Board considered the Register of Board Members' Interests, and noted some minor amendments required. **The Board agreed that the Register should be included as a paper for information at each of its meetings going forward.**

**77/18 Minutes of the meeting held on 26 September 2018**

The Board agreed that the minutes of the meeting held on 26 September 2018 were a true and accurate record.

This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs

**78/18 Chair's update**

The Chair provided a verbal update on events he had attended over the previous two months. He informed the Board about the establishment of the Board for the Centre for Data Ethics and Innovation, for which he is also Chair. The Chair also reflected on Ofqual's marking roundtable, held the day before the Board meeting, which was chaired by the Education Policy Institute executive chairman, David Laws. The roundtable had provided an excellent opportunity for an open and frank debate about the quality of current marking and opportunities for improving the reliability of marking.

**79/18 Chief Regulator's report**

The Chief Regulator provided a report on the work of the organisation since the last meeting of the Board.

Teacher workshops had been taking place over the previous few weeks, where teachers had the opportunity to feed back to Ofqual about the new 9 to 1 GCSEs, AS and A level qualifications.

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The Board received an update on the technical evaluation taking place for the newly reformed Functional Skills qualifications, and was informed that the feedback being given to awarding organisations (AOs) as part of this process was helping to ensure the quality of these qualifications before they could

enter the market. The Board questioned whether there was any risk that none of these qualifications would be ready by March in time for first teaching in September 2019, and was assured that the risk of this remained low.

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The Board considered the six strategic goals, and the proposed wording for a new corporate goal on promoting an effective and efficient regulated qualifications market, which had been drafted following its steer at the Board strategy day in October. The Board asked whether this goal would incorporate work on current issues linked to public confidence in qualifications, such as unconditional university offers and employers deciding not to use qualifications to recruit. The Board was assured that this goal, and other relevant goals, would cover these examples and others, to promote the benefits of regulated qualifications. **The Board agreed the 6 goals and strategic focus as the basis for business planning and the Corporate Plan to be published in 2019.**

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[Closed] The Board was given an update on the proposal to publish a report with the results of the 2018 National Reference Test (NRT) in December. The Board would be given the opportunity to view and comment on the report and associated documents before publication.

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## **80/18 GCSE Combined Science**

The Director for Standards and Comparability gave an overview of the use of grades 4-3 and 3-3 in GCSE combined science in summer 2018. Ofqual's rules allow a safety-net grade on the higher tier in tiered GCSEs. In combined science this is a half-width grade 4-3 with flexibility to go to a full-width 4-3 with suitable evidence. In summer 2018, a relatively high number of students entered for the higher tier had not achieved enough marks for the grade 4-3. Ofqual made an exceptional arrangement for 2018 and exam boards awarded a full-width grade 3-3.

The Board's view was that allowing a grade 3-3 to be awarded for the higher tier should be ruled out for 2019 and beyond, and that this should be communicated externally.

The Board considered the options for awarding grade 4-3 on the higher tier. It discussed the recommended approach which would not change the current rules, but would introduce a set of principles, developed in conjunction with the exam boards, to outline the evidence which an exam board would need to provide to Ofqual in order to move away from a half-width 4-3 grade. **The**

**Board agreed this approach on the understanding that this was done with the objective of maintaining the current half-width 4-3 grade.**

The Board noted the necessity to influence centre behaviour and drive appropriate tier entry, as far as possible; and to avoid any signals to schools that might lead them to believe that grades were likely to be awarded below the half-width 4-3 grade boundary. There had been some anecdotal evidence that schools were encouraged by external organisations to enter students inappropriately for the higher tier.

**The Board agreed that there should be a comprehensive communications campaign and suggested it should also include a training programme for teachers, to be delivered by exam boards and targeted at those schools who had a large number of candidates who received a 3-3 grade in 2018, making clear that the 3-3 grade will not be awarded in 2019 or future years.**

#### **81/18 [Closed]**

This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs

#### **82/18 Technical Qualifications Technical Consultation outcomes**

The Senior Manager for Vocational and Technical Qualifications Policy provided an overview of responses to the technical consultation on regulation of Technical Qualifications. **The Board agreed with the recommendation to amend the draft Conditions and Guidance on setting and marking assessments, and prior learning and total qualification time (TQT) requirements.** The Board noted that, with regard to recognition of prior learning, it should be clarified whether this meant recognition of learning content, or acknowledgement of content which had been previously assessed.

The Board discussed the proposals on assessment availability and retakes, following advice from the Technical Design Authority that the core project and core exam should be taken in the same assessment series at first attempt. The Board noted that the different nature of T Levels and Technical Qualifications across different pathways would likely mean assessments being taken at different times within the two year window, but the intention remained that the qualification would be awarded at a 'results day' in summer, in line with that for A levels. The Board also noted that the step-on point for Technical Qualifications was likely to be the start of the academic year owing to incentives such as funding arrangement; this would further support a 'results day' approach.

**The Board agreed to implement the remainder of the consultation proposals unchanged, and to delegate final approval for publication of the draft Conditions and Guidance, and associated consultation outcome documents, to the Chief Regulator in conjunction with the Chair.**

**83/18 [Closed]**

This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs

**84/18 [Closed]**

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**85/18 Exam Procedure Review Service (EPRS) reform**

The Director of Legal Moderation and Enforcement outlined the existing arrangements for EPRS hearings, where cases are brought by a school or college to a panel comprising an Ofqual representative and two external panel members.

The Board noted that the decision maker for a complaint taken via the EPRS route is the Ofqual representative, and that external members of the panel are not responsible or accountable for any decision made. The Board questioned whether removing external members from an EPRS panel would reduce the likelihood of all views being taken into account when coming to a decision. It noted that a school would still have the opportunity to present its case to Ofqual under the recommended proposal, and it considered that retaining that aspect of the process was important. It noted, however, that the current 'panel hearing' arrangements could give the impression of legal proceedings, and risked encouraging schools to seek expensive legal advice and representation.

The Board reflected on the risk of the perception of bias towards an exam board at EPRS hearings without external panel members. To counter this, it recommended including in the consultation for reforming EPRS proposals for greater transparency, including publication of EPRS cases in the future. The Board agreed with the recommendation to remove the requirement for EPRS decisions to be taken by a panel including external members in light of the fact that it will improve the timeliness and efficiency of decision making, and protect an independent consideration of these cases. It agreed with the proposal that EPRS should be extended to include Technical Qualifications and that any changes should take effect from summer 2019. **The Board agreed to consult on reforming EPRS and to delegate authority to publish the consultation to the Chief Regulator in consultation with the Chair.**

**86/18 [Closed]**

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**87/18 [Closed]**

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**88/18 Publication of papers**

**The Board agreed that item 81/18 should remain closed; all other open papers should be published.**

**89/18 Other business**

The Executive Director for General Qualifications reminded the Board that at its September meeting, it had delegated authority to the Chief Regulator to approve two consultations on amending the conditions for GCE and GCSE music and dance, and on changing the conditions for GCSE computer science. The Board noted that both of these consultations were receiving a strong, and broadly positive response. **The Board delegated authority to the Chief Regulator to approve publication of the new Conditions for GCSE and GCE music and dance and delegated authority to the Chief Regulator to approve, in consultation with the chair, revised GCSE computer science Conditions.**

The Board noted the proposed dates for the 2019/20 Board and committee meetings; **it agreed to hold meetings on the proposed dates**, subject to one minor correction.

The Chair thanked Stephen Park for his work as interim Chief Operating Officer. The Board noted that Sean Pearce, the newly appointed Chief Operating Officer, would be in position by the time of the next Board meeting.

**90/18 Date of the next meeting**

The next Board meeting will be on Wednesday 30 January 2019.