



Minutes

Emergency Board Meeting

Date

Wednesday, 13 May 2020

Attendees

Board

Susan Barratt	
Ian Bauckham	
Delroy Beverley	
Sally Collier	Chief Regulator
Mike Cresswell	
Lesley Davies	
Hywel Jones	
Dame Christine Ryan	
Roger Taylor	Chair
Matt Tee	(From 10:34am)
Frances Wadsworth	

Ofqual

Phil Beach	Executive Director, Vocational and Technical Qualifications
Niamh Field	Board Secretary
Daniel Gutteridge	Director of Legal
Michael Hanton	Director of Strategy and Markets
Matthew Humphrey	Director of Legal Moderation and Enforcement
Kate Keating	Director of Communications
Michelle Meadows	Executive Director, Strategy, Risk and Research
Sean Pearce	Chief Operating Officer
Julie Swan	Executive Director, General Qualifications
Anona White	Private Secretary to the Chief Regulator

Observers

Dan Cooper-Gavin	Senior Manager, Policy and Strategic Relationships
Wendy Cotton	Senior Officer, Assessment Quality and Standards
Janet Holloway	Associate Director, Standards for Design, Development & Evaluation of General Qualifications
Murray Naish	Senior Manager, Policy and Strategic Relationships for GQ
Catherine Oakes	Associate Director, Media and Campaigns
Sarah Old	Senior Manager, Standards for Design, Development & Evaluation
Mary Webb	Senior Manager Policy and Strategic Relationships
Emma Wild	Senior Manager, Standards for Design, Development and Evaluation of General Qualifications

18/20 Welcome and apologies for absence

Apologies were received and accepted from Mike Thompson.

19/20 Declarations of interest

There were no declarations of interest.

20/20 GCSEs, AS, A levels, Extended Project Qualifications and the Advanced Extension Award – decision following consultation on arrangements for 2020

Following the government’s decision to cancel the summer 2020 examinations in response to the Covid-19 pandemic, Ofqual had proposed and consulted upon a number of aspects for the new arrangements for awarding GCSEs, AS, A levels, Extended Project Qualifications and the Advanced Extension Award.

The Chair highlighted two key areas from the paper for Board members to particularly focus upon. They were the proposed standardisation model and the right of appeal for students and centres - because of the overriding need to ensure that the processes were as fair as possible for students.

The Board was informed that the planned timetable was for a decision document to be published on Friday, 15 May 2020. It was noted that the Secretary of State (SoS) for Education had not yet confirmed whether there would be an autumn exam series. This would need to be clarified prior to the publication of the decision document. In discussion, it was reported that stakeholder groups had differing opinions on the prospect of an autumn examinations series – for example, some centres had indicated that they would be focused on catching up on teaching time in the autumn, and some students would have left the centre.

The Executive Director for General Qualifications (GQs) reported that the main representative groups, *[this section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs]* had been supportive of the proposal that centre *trajectory* should not be part of the standardisation model. However, there had been pushback from some of the larger Multi Academy Trust (MAT) chains.

The Executive Director for Strategy, Risk and Research stated that a number of principles were being developed to refine the statistical model. That included proposals that the statistical standardisation model should place more weight on historical evidence of centre performance than the submitted centre assessment grades where it would result in students being awarded the grades they would most likely have achieved had they been able to complete their assessments in summer 2020. Consideration would need to be given to monitoring the model and any potential impacts it may have, and the steps (if any) Ofqual could legitimately take to mitigate those impacts on disadvantaged groups.

The definition of a small centre had yet to be determined and would be decided once the testing of the statistical standardisation model had been completed. Concerns had been expressed regarding unconscious optimism, gaming and individuals or centres that thought that their results should have been better. There was no way statistically to confirm this. With large centres, it was

proposed that the fairest thing would be to rely on the statistical standardisation model rather than centre assessment grades. A board member asked whether there was a possibility to incorporate a sliding scale into the statistical model which would give increasingly greater weight to standardisation, the larger centres were. The Executive Director for Strategy, Risk and Research would consider this.

ACTION: MM

The Board were informed that the consultation responses had highlighted that special schools could argue that they did not have a stable cohort. These schools also had to be considered in addition to schools with a high number of students with no prior attainment data. It was also noted that there were many uncertainties when dealing with smaller numbers, either in a subject or a cohort. Where there was good evidence that the statistical model could not be reliable for a centre, this should be considered.

Responses had also indicated, as outlined in paragraphs 47 and 48 of the report, that centres had expressed a desire to submit additional information to support a view that their particular cohort would have performed better than previous cohorts. There were concerns about the manageability and fairness of the approach especially when considering the subjectivity of such an approach, the time pressures involved and the veracity of the evidence. If it was a small centre, there could be an argument that the evidence could be provided upfront before the results. Board members asked whether other characteristics, such as gender and EAL would be considered in the development of the model. The Executive Director for Strategy, Risk and Research reported that, as in a normal year, the intention was that demographic characteristics would not be included in the standardisation model.

For centres that had a small number of candidates, the proposal was that a greater reliance would inevitably be placed on centre assessment grades. This would need to be made more explicit in the decisions document. There would also be some additional quality assurance for some small centres which had not yet been publicised.

This section has been redacted on the basis that it contains legally privileged information.

ACTION: MM

A decision was not required on the standardisation model at this meeting but the Board was asked to agree with the proposed direction of travel and the recommendation that delegation of the final decisions regarding the operation of the model would be given to the Executive Director for Strategy, Risk and Research and to Mike Cresswell as Chair of the External Advisory Group. Board members concurred with the approach subject to information around key decisions being shared with them as the approach was developed.

ACTION: MM, MC

The Board considered the proposed approach for appeals made by a student. It was proposed that students should not be able to challenge their centre

assessment grade or their position in the centre's rank order through an appeal. It was further proposed that exam boards should only consider appeals submitted by centres and not by students directly.

This section has been redacted on the basis that it contains legally privileged information.

Consultation feedback was that parents and students wished to retain the right of appeal but the difficulty in this approach was multifaceted, with deliverability, manageability and fairness considerations. So for example, who would hear such an appeal, and on what basis would they reasonably claim to have assessed the available evidence more accurately than the centre had done, if the centre had acted competently?

The Board recognised that some mitigation was available through the opportunity to take the examination in the autumn. In addition, students would have the right of appeal to the exam board via their centre. Centres could appeal to an exam board on the grounds that the wrong data was used to calculate the grade(s) and/or miscommunicated the grades calculated.

It was noted that the centre calculated grades could be the subject of subject access requests (SARs). Some schools, teachers and colleges had asked whether this information could be permanently protected from disclosure but the Board was informed that this would require a change in legislation.

The Information Commissioner's Office had endorsed Ofqual's view that the exemption for data generated through the writing of exams would extend to centre assessment grades and to rank order information this year. This would allow for a time period of five months from submission of such a request, or 40 days following exam results being issued, whichever was the earliest, for any received SAR to be provided.

With regard to school appeals and appeals of the standardisation process, feedback from stakeholders varied. ASCL strongly agreed that there shouldn't be appeals against the statistical model but it has asked for transparency around how the model would operate.

The intention was for a decision document to be published on 15 May 2020. It was proposed to communicate that Ofqual was not in a position to make a decision around appeals as a whole at this stage. It was Ofqual's intention to maintain standards under these circumstances, in line with its statutory objective, and Ofqual did not want to advantage or disadvantage any students. There was a need to caveat in the document that the autumn exam series may not happen depending on the ongoing impact of Covid-19.

RESOLVED:

With regard to centre assessed grades and rank order information, the Board resolved to agree that:

- i. Ofqual should build into its exceptional regulatory requirements for summer 2020: requirements on the exam boards to collect centre

assessment grades and student rank order information from centres; to issue results to all students, wherever they are based in the same way this summer and not to allow them to provide exams during May and June;

- ii. Exam boards should only accept centre assessment grades and student rank orders from a centre when the Head of Centre or their nominated deputy had made a declaration as to their accuracy and integrity;
- iii. Heads of Centre should not need to make a separate declaration in relation to equalities law, but the information for centres should be updated to remind centres of their duties under the Equality Act 2010 and to suggest how they might identify indicators of systematic under or over performance within their centre in past years; and
- iv. Inappropriate disclosure of centre assessment grades and rank order information should be investigated by exam boards as potential malpractice and that we should build these provisions into the arrangements for summer 2020.

With regard to the standardisation model, the Board resolved to agree:

- v. That the proposed aims of the standardisation model are adopted but that they are reordered such that the aim regarding the method's transparency and simplicity, appears at the end of the list so as to not overstate the importance of simplicity over likely accuracy;
- vi. That the statistical standardisation model should place more weight on historical evidence of centre performance (given the prior attainment of students) than the submitted centre assessment grades where it will result in students getting the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020;
- vii. That the standardisation model should not seek to reflect trends in improvement or deterioration in outcomes over previous years;
- viii. *This section has been redacted on the basis that it contains legally privileged information.*
- ix. That Ofqual should incorporate the standardisation approach into our regulatory framework;
- x. To consider the timing of a publication on the details of the standardisation model;
- xi. That Ofqual should consult exam boards on the final details of the model, but that Ofqual should not consult publicly; and
- xii. To delegate final decisions as to the operation of the standardisation model to Michelle Meadows, Executive Director for Strategy, Risk and Research, in discussion with Mike Cresswell as Chair of the External Advisory Group.

With regard to the autumn exam series, the Board resolved to agree that:

- xiii. Ofqual is minded that entry to the autumn exam series should be restricted to students who had entered for the summer series or to those who the exam board believes have made a compelling case about their intention to have entered for the summer series, and that students who

would normally be entitled to take GCSEs in English language and maths in November should be able to take exams in those subjects. However, Ofqual will defer taking a formal decision on this until it confirms the other arrangements for the series; and

- xiv. Ofqual should apply the same provisions as GCSEs, AS and A level qualifications to all Extended Project Qualifications and to the Advanced Extension Award qualification.

21/20 Any Other Business

Given the extensive and finely balanced feedback in the consultation process, the Chief Regulator reported that Ofqual had approached *Public First* to assist with its communication and stakeholder engagement strategy.

There was no other business.

The meeting ended at 12:03pm.