



Minutes

Emergency Board Meeting

Date

Wednesday, 20 May 2020

Attendees

Board

Susan Barratt
Ian Bauckham (from 25/20)
Delroy Beverley (from 25/20)
Sally Collier Chief Regulator
Mike Cresswell
Lesley Davies
Hywel Jones (from 24/20)
Dame Christine Ryan
Roger Taylor Chair
Matt Tee
Mike Thompson
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
Emma Leary Associate Director, VTQ Policy
Michelle Meadows Executive Director, Strategy, Risk and Research
Sean Pearce Chief Operating Officer
Natalie Prosser Director of Operations, VTQ
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
Emma Scott Associate Director, Standards for Delivery and Performance of GQs
Mary Webb Senior Manager Policy and Strategic Relationships
Emma Wild Senior Manager, Standards for Design, Development & Evaluation

22/20 Welcome and apologies for absence

There were no apologies.

23/20 Declarations of interest

There were no declarations of interest.

24/20 Vocational and Technical Qualifications and other General Qualifications – Decisions following consultation on exceptional arrangements for 2020

Between 24 April 2020 and 08 May 2020, Ofqual had consulted on the arrangements for delivering results to learners taking VTQs and other general qualifications not covered by the General Qualifications (GQ) consultation. As part of the consultation, Ofqual had also consulted on a draft of the extraordinary regulatory framework (ERF).

The Executive Director for VTQs thanked members of the VTQ Advisory Group who had contributed to some of the key proposals at short notice.

It was reported that some issues had been raised regarding the windows for collecting information that Awarding Organisations (AOs) were using and, in particular, the lack of coordination between them. Board members were reminded that Ofqual's expectation would be that AOs would collect information from centres in the first three weeks of June, however, it had come to light that AOs were still using a range of dates for data collection. The Executive Director for VTQs had engaged with the CEOs and/or responsible officers of the 10 biggest AOs by learner volume to understand their approach and to establish a consistent approach.

The Associate Director for VTQ Policy presented the report and the areas that had attracted most interest.

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

The Associate Director of Policy for VTQ provided board members with a brief overview of the oversight approach of regulatory activities for the summer.

RESOLVED:

The Board resolved to agree that Ofqual:

- i. Expand the application of the ERF to those qualifications which would fall in scope in other jurisdictions and where AOs had identified that they had a similar qualification which happened not to be subject to public funding.
- ii. Adopt the proposals around qualifications falling out of scope of the ERF.
- iii. Adopt the proposals around the learners to whom the ERF applies.
- iv. Implement the proposals around the key concepts and principles, and consider the drafting of the principles based on feedback received.
- v. Include additional requirements and guidance within the ERF which set out more clearly the equalities expectations.
- vi. Reference to AOs' malpractice obligations under the General Conditions via statutory guidance in the ERF.

- vii. Implement the proposed approach to qualification delivery where assessment could continue as normal.
- viii. Adopt the proposed approach to the mitigations applied to the three categories of qualifications.
- ix. Adopt the proposed approach to delivering calculated results.
- x. Implement the proposed approach to adapted assessments.
- xi. Adopt the proposal that the delay or rescheduling of assessments should be retained under the ERF for circumstances where it was not possible to deliver a sufficiently valid calculated result or adapted assessment.
- xii. Adopt proposals around decision-making and record keeping.
- xiii. Implement the approach to oversight as described to the Board.
- xiv. Adopt the proposed approach around delayed assessment opportunities in relation to:
 - cases where assessments were not in normal circumstances made available by an AO in the autumn; and
 - in relation to having the option to require that an additional assessment opportunity must be made available in certain circumstances (subject to additional consultation with the AO).
- xv. Where an AO normally provided an assessment opportunity between September and December, it would expect (rather than require) them to continue to make that opportunity available to learners. Ofqual would have the ability to direct an AO to make an assessment available if necessary.
- xvi. Adopt the proposed position on appeals, and introduce guidance which includes confirmation that there can be alignment with any approach taken in GQ where AOs consider this to be appropriate, and which flags the issues that AOs should consider when making decisions around appeals.
- xvii. Adopt the consultation proposal around the issue of certificates and do not produce any specific certificate requirements in the ERF.
- xviii. Adopt the proposed approach to private learners.
- xix. Adopt the proposed approach to unregistered learners, and expect AOs to take steps to manage the risks involved.
- xx. Adopt the proposed permissive approach to AOs adopting the ERF internationally; but set an expectation that AOs consider both the needs of the market in which they were operating overseas, as well as the particular risks presented by their individual markets.
- xxi. In line with the proposed approach, would not implement any specific requirements around AOs facing financial difficulties.
- xxii. Adopt the proposed approach to Functional Skills Qualifications.
- xxiii. Consider the comments received in relation to the ERF, and the framework was revised as required.

25/20 Options for considering applications for exceptional circumstances in connection with calculated grades

At the Emergency Board Meeting on 13 May 2020, the Board requested that the GQ team further explore whether, and if so, how, AOs and Ofqual should consider a centre's claim that its calculated grades would not reflect the exceptional circumstances of its students' likely performance in their exams had they taken place this summer.

The team had identified two possibilities to allow consideration of exceptional circumstances: to allow the possibility of exceptional circumstances to be raised at the beginning of the process, alongside submission of centre assessment grades and rank order information and considered at the standardisation stage, or else to allow appeals to be argued on the basis of exceptional circumstances after results had been issued.

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

There was some evidence that KS2 correlated better with GCSE attainment than some of these kinds of tests. The evidence would therefore be more useful in the case of independent schools with low KS2 match rates than state schools. For large centres and subjects this would be addressed in the moderation process but for small centres and subjects it would not.

Several points were raised in discussion, including the likely communications challenges. Key aspects raised in discussion included:

- i. If an exam centre had a large shift in its gender profile, this would be problematic for the distribution of grades for male and female students and would cause problems for an exam centres' results as the value added from prior attainment would not be appropriate;
- ii. If an appeal for one student was upheld, potentially all grades in the same exam centre might need to be reconsidered;
- iii. The use of third-party commercial providers *[this section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs]* could disadvantage some students;
- iv. There would be some schools or centres that had unstable changes in this or the previous academic year that could lead to unreliable calculated grades in 2020;

In discussion, given the exceptional circumstances, it was suggested that the Joint Council for Qualifications could be approached to manage appeals on behalf of all exam boards.

The Board accepted that offering additional grounds for appeal using test data only available to some centres would create more unfairness than fairness and therefore centres should not be able to use this route of appeal. Ofqual staff and the Board would continue to seek some form of an exceptional appeal process before results days in August.

The final decision document and press release would be circulated to Board members prior to publication.

26/20 Consultation on the additional autumn exam series 2020 for GCSEs, AS and A levels

The SoS had announced that there would be an autumn exams series for students who were disappointed with their summer results. Ofqual did not normally allow exam boards to offer GCSE, AS or A level exams in the autumn, other than for GCSE English language and maths. Ofqual would therefore be

required to consult on how it should change its regulatory framework so that exams could take place in the autumn.

Ofqual would need to decide whether to require, or permit, exam boards to offer exams at this time and whether, for each subject, the exams should be of the same number and in the same form as those usually set. A decision would also need to be made on whether qualification grades should be based on students' examination performance alone or whether non-exam assessment outcomes should also be considered for subjects that normally had a non-exam assessment requirement.

Engagement with stakeholders regarding the requirement for the provisions of exams in the autumn had been ongoing. Exam boards had recognised that it would be fair to offer the full range of GCSE, AS and A level exams in the autumn, with the exception of Art and Design because of potential deliverability challenges, however, exam boards would be permitted to withdraw the offer for a specific qualification if there were no entries in the subject by the entry deadline.

The Executive Director for GQ reported that the consultation would be launched on 22 May 2020. There were ongoing discussions with exam boards and the DfE regarding manageability for centres as some students would not be associated with specific centres in the autumn so decisions would need to be taken needed on which centres could enter students for exams and make provisions for them. The provision of centralised hubs, student travel to another exam centre and individual schools within MAT chains acting as an exam centre were being considered.

Consideration was given to the payment of the student entry fee for an exam if students were no longer on a school roll. It was noted that the DfE would publish this guidance concurrently with Ofqual's consultation or it would be included in the consultation document.

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

RESOLVED:

The Board resolved to agree that Ofqual should consult on proposals to:

- i. require the exams boards to offer the full range of GCSE, AS and A level exams in the autumn, although to permit them to withdraw the offer for a specific qualification if they had no entries in the subject by the entry deadline;
- ii. require the exam boards to base students' grades on their performance in the exams alone, and without regard to any non-exam assessment, with the exception of GCSE, AS and A level art and design;
- iii. require the exam boards to set a new task for GCSE, AS and A level art and design that students would undertake in the autumn;
- iv. allow Ofqual to set the period during which the exams take place, when there was a clearer picture of any public health restrictions;
- v. apply the normal reviews of marking and appeal (and moderation if appropriate) requirements.

The Board also agreed to delegate sign-off of the consultation document to the Chief Regulator and Chairman.

27/20 Any Other Business
There was no other business.

The meeting ended at 11:51am.