



**Minutes**

Emergency Board Meeting

**Time and venue**

17.00pm by Microsoft Teams

**Date**

Sunday, 16 August 2020

**Attendees**

Board

Susan Barratt

Ian Bauckham

Delroy Beverley

Sally Collier

Chief Regulator

Mike Cresswell

Lesley Davies

Hywel Jones

Catherine McClellan

Dame Christine Ryan

Roger Taylor

Chair

Mike Thompson

Matt Tee

Frances Wadsworth

Ofqual

Phil Beach

Executive Director, Vocational and Technical Qualifications

Niamh Field

Board Secretary

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 for General Qualifications

Anona White

Private Secretary to the Chief Regulator

**101/20 Welcome and apologies for absence**

There were no apologies.

**102/20 Declarations of interest**

Dame Christine Ryan declared an interest as Chair of Ofsted.

**103/20 Update on 2020 Appeals guidance**

The Chair convened the Emergency Board Meeting to provide an update following his call with the Secretary of State (SoS) for Education earlier that afternoon. He reported that the SoS recognised the issues that Ofqual was concerned about with regard to mock appeals. The view of the SoS at this stage was that it would be better not to move Centre Assessed Grades (CAGs) but instead to continue with the mock appeals route as previously set out i.e. allowing a mock appeal but with a CAG cap.

The Board considered and discussed the Chair's update and the request to revert to mock appeals. The Board was reminded that this appeal arrangement would implement a 'CAG cap' to any appeal.

The Board noted that the situation had continued to change, and there were increasing and material risks in the implementation of the 'mock appeals' approach. It was concerned that delivery of a mock appeals process was in serious doubt at this late stage. There were clear signals that this was not achievable, even with a suggestion of moving GCSE results day.

The Chief Regulator reported that letters had been received a short time before the meeting from two of the four exam boards highlighting the risks to safe delivery of the mock exam appeal arrangement, their uncertainty about the handling of appeals in general if there were large numbers, and of GCSE results if changes to the approach were made at such a late stage.

The procedure would not require any judgment of the merit of appeals but nevertheless, the likely numbers would be great, and in the Board's view it was reasonable to assume that this risked stretching exam boards beyond achievable limits. Students and higher and further education institutions needed certainty, in good time.

The Board appreciated that the risks associated with the mock appeals route had developed. Public confidence was dissipating fast, and the Board judged the mock appeals approach now much less likely to command public confidence, given recent events. Scotland and Northern Ireland had now decided to issue results based on CAGs for GCSE and National 5 qualifications.

The deliverability and public confidence considerations were weighty in themselves, but the Board noted also the potential equalities risks and the risk to standards inherent in the mock appeals approach when compared to an alternative approach – a move to CAGs.

*This section has been redacted as it contains legally privileged information.*

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Both Board members and the Executive appreciated that it was extremely uncomfortable dealing with such important matters with immediacy, and without papers in support.

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The Board explored briefly whether there were other ways in which to reach GCSE results (yet to be awarded) more likely to command public confidence – for example, if they were subject to a revised standardisation approach. It was recognised however that this was not possible in the time available.

The Board considered whether it was possible to separate guidance for A levels, which had already been awarded, and GCSEs which had not, but recognised a differential approach would in itself introduce perceived or actual unfairness. There were practical considerations also: the guidance could not be readily and promptly separated for A levels and GCSEs.

The board returned to the two more realistic options: calculated results with the agreed appeal routes plus a mock-based appeal route or CAGs. Over the previous week there had been a notable and irretrievable falling away of public confidence in the standardisation approach, making appeals based on mocks less likely to promote public confidence in results overall. And the Board could not be sure this approach could be delivered in the time available. These considerations and the advice of the Executive – that the CAGs route would be the fairest and most just at this stage – led the Board to the preliminary conclusion that results based on CAGs was the preferred option.

The Chief Regulator proposed that the Board agree to issue results based on CAGs and for the Chair to write to the SoS as outlined above to move forward. In the interim, the Board would need to decide whether to reissue the mock appeal guidance. The Board decided to reissue the statement and mock appeals guidance, but to advise the Secretary of State that the Board would reconvene quickly to consider whether to issue CAGs.

Consideration was given to communications. The Board asked that crisis communications support be procured urgently, to supplement the organisation's limited capacity and capability in this area. **ACTION: MH**

**RESOLVED:**

The Board resolved to agree to reissue the statement and mock appeals guidance on the website and for the Chair to write to the SoS outlining that the Board would reconvene on Monday, 17 August 2020 to consider whether to issue CAGs.

Three Board members abstained from voting. The Chief Regulator voted against.

The Chief Regulator did not agree the proposal that the mock appeals guidance be reissued on the website. The Chief Regulator remained of the view that the Board should decide that CAGs be issued.

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The Chair indicated he would communicate with the SoS immediately about the Board's recognition that it would likely be preferable to issue CAGs in order to avoid the possibility of re-issuing guidance only to have policy change once again within a short space of time.

The Board would reconvene on Monday, 17 August 2020 to consider whether to issue results based on CAGs

**104/20 Any Other Business**

There was no other business.

The meeting ended at 18.55pm.