



Minutes

Emergency Board Meeting

Time and venue

21.30pm by Microsoft Teams

Date

Sunday, 16 August 2020

Attendees

Board

Susan Barratt

Delroy Beverley

Sally Collier

Chief Regulator

Mike Cresswell

Lesley Davies

Hywel Jones

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

105/20 Welcome and apologies for absence

Apologies were received and accepted from Ian Bauckham and Catherine McClellan.

106/20 Declarations of interest

Dame Christine Ryan declared an interest as Chair of Ofsted.

107/20 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.

Following the Board's last meeting, he had reported to the Secretary of State that the Board wanted to work with the DfE to resolve the current situation. The Chair had indicated to the SoS that the Ofqual Board was minded to consider moving to Centre Assessment Grades (CAGs) and would consider a paper at another Emergency Board Meeting on 17 August 2020. The Chair clarified that the Ofqual Board wanted to both act within its statutory duties and to consult DfE on its view, to ensure the best outcome for students.

The Board was now reconvened, to agree to engage with DfE on the morning of 17 August 2020, should the Board be minded to move to implement CAGs.

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

The Chair asked the Director of Legal Moderation and Enforcement to set out the resolution now under Board consideration. The Director asked the Board first to consider - given the current circumstances - whether the potential benefit to public confidence in regulated qualifications which would result from standardised results being replaced with CAGs (where the latter were higher) offsets the potential detrimental effect on the maintenance of standards of taking that action.

The Board agreed with that proposition and concurred that awarding the higher of CAGs or standardised grades was consistent with Ofqual's objectives in the current exceptional circumstances.

The Director asked the Board to then consider whether taking that action was the most appropriate way to secure Ofqual's statutory objectives, in the current circumstances, which included consideration of the following factors:

- i. The DfE and SoS recognised the possibility that the Board would reach this conclusion and, as at that time, would co-operate with the implementation of that decision;
- ii. The detrimental impact on standards which the mock appeal route would itself have brought about;
- iii. The current state of public opinion as reported in the media as well as the context which is provided by the decision taken for Learners in Scotland and Northern Ireland;

- iv. The volume of appeals which exam boards were likely to receive through the mock appeal route;
- v. The possibility that such appeals would not be processed in time for students to benefit in terms of progression;
- vi. The possibility of unfairness where some appeals were decided before others;
- vii. The possibility of unfairness for those students who could not access the mock appeal route, however broad it was cast, in light of the previously discussed equalities concerns;

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

The Board agreed that taking this decision would be the most appropriate way to secure Ofqual's objectives given the current circumstances, as exemplified (above) and as discussed at its several meetings over the previous week.

The Board agreed to delegate to the Chief Regulator and Chair any and all actions necessary to implement the approach, including but not limited to: development of a plan to implement this approach in consultation with stakeholders and any necessary amendment to the regulatory framework including all decisions as to consultation.

It was noted that the mock appeal route would no longer exist but if a student had concerns they could appeal on the original grounds or complain on the grounds of bias or discrimination. It was also noted that the autumn examination series would proceed as planned.

The Emergency Board Meeting that had been arranged for 10am on Monday, 17 August 2020 was cancelled.

108/20 Any Other Business

There was no other business.

The meeting ended at 22.08pm.