

Forty sixth meeting of the Ofqual Board

Public minutes of the meeting held at 10:00 on
Wednesday 24 September 2014 at Ofqual, Spring Place, Coventry

Present: Board Members

Philip Fletcher
Maggie Galliers
Anne Heal
Barnaby Lenon (for items 42 to 46 and 51/14 below only)
Dana Ross-Wawrzynski
Amanda Spielman (Chair)
Glenys Stacey
Roger Taylor
Tom Taylor
Neil Watts
Julius Weinberg

Ofqual

Jeremy Benson	Executive Director for Vocational Qualifications
Mike Bird	Interim Chief Operating Officer
Richard Garrett	Associate Director General Qualifications Policy (for items 48 and 49/14 only)
Stephen Hickmott	Regulatory Development Manager
Matthew Humphrey	Associate Director Legal Moderation and Enforcement (for item 50/14 only)
Cath Jadhav	Associate Director Standards and Comparability
Naresh Jassal	Portfolio Analyst (for item 51/14 only)
Phil McAllister	Digital Manager (for item 47/14 only)
Michelle Meadows	Acting Executive Director for Strategy, Risk & Research
Natalie Prosser	Director of Legal
Julie Swan	Associate Director, Regulatory Policy and Vocational Qualification Policy (for items 47 and 52/14 only)
Alison Townsend	Board Secretariat Manager
Emma Tunley	Associate Director Strategic Policy & Risk (for item 48/14 only)
Phil Whittaker	Interim Programme Manager (for item 48/14 only)

42/14 **Welcome and Apologies for Absence**

Apologies for absence had been received from Tim Balcon, Ray Coughlin and Mike Cresswell.

43/14 **Declarations of Interest**

Philip Fletcher declared an interest in the matters at items 48 and 49/14 below, specifically in relation to religious studies qualifications, insofar as it related to his position on the Church of England's Archbishop's Council. The interest was not regarded as significant and he remained in the meeting for the consideration of these items.

44/14 **Minutes**

The Board agreed the minutes of its meetings held on 23 June and 19 August 2014 as a true record.

Matters Arising

The Board considered and noted a paper on matters arising from its previous meetings:-

11/12, 16 May 2012 – the outstanding Annual Reports to Parliament had been combined in a single document and a draft was tabled for information/comment.

8/13, 22 May 2013 – the consultation on guided learning hours conditions had started on 24 July 2014 and would finish on 16 October 2014.

89/13, 27 November 2013 – a paper on the move to the gov.uk website was included at item 47/14.

122/13, 26 March 2014 – a paper on the reform of the remaining GCSE and A level subjects was included at item 49/14.

10/14, 21 May 2014 – the Board had considered whether the subject content proposed by DfE for some further reformed GCSEs and A level subjects intended for first teaching in 2016 would support effective regulation by electronic business. Board approval of the recommendations in paper E02/14 had been confirmed on 17 September 2014.

12/14, 21 May 2014 – the consultation on the removal of the Qualifications and Credit Framework regulatory arrangements had started on 24 July 2014 and would finish on 16 October 2014.

26/14, 23 July 2014 – the 2014/17 Corporate Plan had been finalised and published on 19 August 2014.

45/14 **Chief Executive's Report**

The Board considered a paper that updated it on significant issues since the last meeting. The Board discussed aspects of the report including:-

- work under way to implement the new target operating model including recruitment activity and a recent two day off site event for the new senior leadership team;
- the results of the perceptions survey that had been published on 23 September 2014 including the purpose of the work, potential changes to the approach to the survey and how the views of stakeholders and opinion leaders might be influenced;
- how UCAS would use the proposed feedback-loop to review the tariff;
- proposals from BIS on the regulation of apprenticeships that would require them to be either regulated by Ofqual or to have alternative quality assurance arrangements, approved by Government, in place. The Board discussed how to respond to BIS and how the proposals might work in practice. A letter to BIS would be drafted along the lines agreed at the meeting;
- the recent technical investigation of A level modern foreign languages that was due to be published on 26 September 2014. The Board noted that a similar piece of work was needed at GCSE level and that it was proposed that the technical teams within awarding organisations would do this as part of their quality control processes;
- the strategic positioning of Ofqual;
- the upcoming BIS consultation on making Ofqual, and other regulators, subject to the 'growth duty' and the implications of this; and
- the updated risk register.

The Board:-

- (i) noted the strategy, policy and other developments;**
- (ii) endorsed the views presented on Ofqual's core business; and**
- (iii) noted the likely developments in relation to the growth duty and other deregulation initiatives.**

46/14 **Chief Operating Officer's Report**

The Board considered and noted a paper that provided an update on operational performance since its last meeting. The Board discussed aspects of the report including:-

- the financial position as at 31 August 2014 including the £316, 000 underspend against the year to date CSR budget forecast and the reasons for this. The Board noted that a target outturn of within £100,000 of the CSR budget at year end had been set. The Board also noted that spend on the reform budget was currently slightly above forecast but that this was expected to come within forecast by the end of the year;

- the position with the funding sought from BIS for work to the regulatory platform; and
- the contract for the regulatory IT system that the Board had approved at the last meeting which had now been let.

47/14 **Future of the Ofqual Website**

The Board considered a paper that updated the Board on the Cabinet Office's decision to require Ofqual to transition its website to GOV.UK. The Board had previously considered this matter and had supported the retention of an independent website for Ofqual (minute 89/13 refers).

The Board noted that discussions were still taking place on this and received a short oral update on the latest position. The Board noted that Francis Maude had rejected the request from Liz Truss for Ofqual's exemption to the move. As a result the Government Digital Service were pressing for Ofqual to transition to the new website by 1 December 2014. The Board also noted that whilst exemptions had previously been granted to other organisations these were subject to review and could be overturned. There was concern within the Board that the letter from Francis Maude did not accurately reflect Ofqual's independence from Government.

The Board went on to discuss the options available and the likely implications if Ofqual decided not to transition to GOV.UK. The Board emphasised the need for Ofqual to maintain editorial control over its content and agreed that any move to the GOV.UK domain must be on this basis. Finally, the Board noted that a steering group had been set up to oversee the operation of the GOV.UK domain and discussed the merits of joining the group.

The Board agreed that Ofqual should transition to the GOV.UK website and that Cabinet Office should be advised that this move was on the basis that Ofqual had full editorial control over its content and that a place on the GOV.UK steering group should be pursued.

48/14 **Reform Programme Update**

The Board considered and noted a paper that presented an update on the reform programme. The Board noted that 34 GCSE submissions had now been accredited and decisions on a further 36 were due to be taken in the next two weeks and briefly discussed the reasons for the rejection of some GCSEs at first submission. The Board noted that validity audits of awarding organisations offering Tech Levels had been recently completed; some interesting findings were emerging from the process.

49/14 **Completing GCSE, AS and A Level Reform**

The Board considered a paper that presented the outcome of the consultation 'Completing GCSE, AS and A Level Reform'. The Board noted that since the consultation had started it had become clear that the process proposed to develop subject content would not work and that an alternative approach was

required. Until this process had been determined three of the five proposals in the consultation had been put on hold pending further work.

The Board discussed the proposals particularly the subjects where the consultation had proposed that a similar reformed subject would be developed for first teaching in 2015 and so the subjects should be discontinued. The Board noted that the proposals had been based on a high level preliminary analysis and that a more detailed analysis had now been completed. This additional work had also considered the potential effects on take up and possible perverse incentives if both subjects were to continue to be available. All of these factors had been taken into consideration in drawing together the recommendations before the Board. The Board considered the revised proposals for discontinuing legacy subjects including the recommendation not to discontinue the GCSE in Digital Communications and the reasons for this.

The Board, having had full regard to the outcome of the consultation on and the equality impact assessment set out in the paper agreed that:-

- (a) legacy subjects should be discontinued where they have a direct replacement in the reformed subjects for first teaching in 2015;**
- (b) legacy subjects should be discontinued where they are so similar to a reformed subject for first teaching in 2015 that Ofqual believes they should be treated as being the same. The proposals for discontinuation in the paper were approved subject to further consideration of the proposal to continue GCSE Digital Communications;**
- (c) decisions about discontinuing legacy subjects that correspond to subjects being reformed for first teaching in 2016 should be put on hold;**
- (d) that any subject not reformed for first teaching in 2015 or 2016 must either be withdrawn from 2017 or reformed for first teaching in 2017, providing that a content development process can be put in place by the end of 2014; and**
- (e) that, with the exception of AS qualifications, reformed and legacy versions of the same subject should not be awarded in the same year.**

50/14 Lifting the Accreditation Requirement

The Board considered a paper that presented the outcome of the consultation on the lifting of the accreditation requirement. The Board received a brief update on the responses to the consultation. There had been broad support for the proposals although there was some misunderstanding among respondents on the extent to which subject and qualification level conditions had been published and the extent to which these might be relevant to

different qualifications. It was proposed that the misunderstanding should be addressed in the communications process to accompany the publication of the new accreditation criterion and the Board endorsed this approach.

The Board, having had full regard to the outcome of the consultation on and the equality impact assessment set out in the paper agreed that from 1 November 2014:-

- (a) that the accreditation requirement be revised so that:-**
 - (i) the current accreditation requirement for every regulated qualification is removed; and**
 - (ii) an accreditation requirement is re-imposed for all GCSE and GCE qualifications.**
- (b) that all accreditation criteria for qualifications other than GCSE and GCS qualifications, where an equivalent criterion is already in force, are revised and replaced with a single new accreditation criterion applicable to all regulated qualifications that, from time to time, may be subject to the accreditation requirement;**
- (c) that a new General Condition of Recognition is introduced to require all awarding organisations to submit all of their regulated qualifications that are not subject to the accreditation requirement directly to the register.**

53/14 Audit and Risk Assurance Committee – appointment of Chair

The Board considered a paper that recommended the appointment of Maggie Galliers as Chair of the Audit and Risk Assurance Committee.

The Board agreed to appoint Maggie Galliers as Chair of the Audit and Risk Assurance Committee from 1 December 2014 until her term of appointment finishes on 31 March 2016.

54/14 Publication of Papers

The Board agreed, that those papers indicated as open should be published with the exception of some minor papers 45 and 46/14 that would be redacted as their publication could be prejudicial to the effective conduct of public affairs.

55/14 Other Business

Board Member Recruitment

The Board noted that the campaign to recruit a Northern Ireland Board Member was under way and the timescales for the process.

56/14 **Date of Next Meeting**

The next Board meeting would take place on Wednesday 3 December 2014.
A Board strategy day would take place on Friday 17 October 2014.

Forty seventh meeting of the Ofqual Board

**Public minutes of the meeting held at 12:20 on
Friday 17 October 2014 at Billesley Manor Hotel, Alcester,
Nr Stratford-upon-Avon, Warwickshire, B49 6NF**

Present: Board Members

Tim Balcon
Mike Cresswell
Philip Fletcher
Maggie Galliers
Anne Heal
Amanda Spielman (Chair)
Glenys Stacey
Roger Taylor
Julius Weinberg

Ofqual

Marc Baker	Acting Executive Director for General Qualifications
Jeremy Benson	Executive Director for Vocational Qualifications
Mike Bird	Interim Chief Operating Officer
Natalie Prosser	Director of Legal
Alison Townsend	Board Secretariat Manager

57/14 Welcome and Apologies for Absence

Apologies for absence had been received from Ray Coughlin, Barnaby Lenon, Dana Ross-Wawrzynski, Tom Taylor and Neil Watts.

58/14 Declarations of Interest

Amanda Spielman advised that she had been appointed as a trustee of Stemnet. The interest was not relevant to any of the items before the board that day and would be added to the permanent register of interests.

Philip Fletcher declared an interest in the matter at item 61(i)/14 below insofar as it related to his position on the Church of England's Archbishop's Council. The interest was not regarded as significant and he remained in the meeting for the consideration of this item. Philip indicated that he would declare the

same interest when the Board considered the revised subject content for GCSE Religious Studies by electronic business and that he intended to withdraw from that process as a result of the interest.

59/14 **IT Transformation – Business case and procurement approach**

The Board considered a paper that presented the business case for the IT Transformation Project. The Board noted that the business case had been presented to DfE and BIS who had indicated that they required Board approval to the business case including procurement approach in order to gain Ministerial approval to the requested funding. The paper proposed that future funding decisions on this project that would ordinarily fall to the Board be delegated to the Finance Committee.

The Board noted that the current regulatory IT systems were highly customised bespoke applications that were costly to support. In February 2012 a review of the system had been commissioned and this had recommended that Ofqual replaces the current bespoke system with a solution based on flexible configurable processes built around the Microsoft technology stack.

The Board also noted that the review had recommended that Ofqual should implement a strategic data platform incorporating a data warehouse and data portal. The strategic data platform would meet calls for improvements in the presentation of qualifications data both from the BIS reform plan for Vocational Qualifications, Getting the Job Done, 2014, and recommendations of the Whitehead Review. The current system would not support these additional reporting requirements because of the difficulty of adding additional data fields.

The work had been costed and a two year procurement and funding plan developed and this was considered by the Board who noted the request for an additional £500k of funding. The Board discussed the proposals and funding request including:-

- if consideration had been given to the possibility of a cut in the funding part way through the programme; and
- the proposals for a data warehouse.

The Board generally agreed that proposals reduced the risks with the current bespoke system but emphasised the risks that can be created by over customising off the shelf solutions.

The Board:-

- (i) **approved the business case for the IT Transformation Project (business case titled: Implementing regulatory reform and supporting IT systems in 2014-16);**

- (ii) approved the proposed procurement approach for the IT Transformation Project; and
- (iii) delegated future funding decisions for the IT Transformation Project, that would ordinarily fall to the Ofqual Board, to the Finance Committee.

61/14 **Other Business**

(i) Reformed GCSEs and A levels for first teaching in 2016 – religious studies GCSE

The Board noted that it had previously signed off revised subject content for GCSE Religious Studies (electronic business E02/14 refers) but that, given concerns that were reflected in that paper, DfE had decided to reconsider the subject content and consult with key stakeholders. The Board would be asked to take a decision on whether the new subject content proposed by DfE would support effective regulation, prior to them consulting on it, by electronic business the following week.

62/14 **Date of Next Meeting**

The next Board meeting would take place on Wednesday 3 December 2014.

Ofqual Board

Paper 64(iv)/14

Date:

3 December 2014

Title:

Matters arising from past Board meetings

Report by:

Alison Townsend, Board Secretariat Manager

Responsible Director:

Jeremy Benson, Executive Director for Vocational Qualifications

Paper for information

open paper



Issue

1. To update the Board on progress with actions/matters arising from previous meetings of the Board.

Recommendation

2. The Board is recommended to note the position on past actions.

Background

3. The table below sets out actions agreed at past meetings of the Ofqual Board and progress/plans to achieve these:-

Date/Minute	Action	Update
11/12 16 May 2012	<u>Annual Reports to Parliament and the Northern Ireland Assembly</u> Finalise reports to parliament and the Northern Ireland Assembly for sign off by the Chair and Chief Regulator.	Work is under way to finalise the document.

Date/Minute	Action	Update
8/13 22 May 2013	<u>Regulation Report (Guided Learning Hours)</u> The Board agreed to consult on the introduction of a new condition to deliver the guided learning hours policy accompanied by criteria and guidance and delegated the sign off of the text to the Chief Regulator.	The consultation had and finished on 16 October 2014. A report on the results and final proposals will be brought to a future meeting.
12/14 21 May 2014	<u>Consultation on removal of the QCF regulatory arrangements</u> The Board agreed to consult on the policy proposals set out in the paper.	The consultation had finished on 16 October 2014 and a paper on the results of the consultation and proposals is at item 72/14 on the agenda.
45/14 24 Sept 2014	<u>Chief Executive's Report</u> Regulation of Apprenticeships – send letter to BIS on the proposals for the regulation of apprenticeships.	The position on the regulation of apprenticeships remains uncertain and so the letter has not been drafted. There is an update on this in the paper at 71/14.
47/14 24 Sept 2014	<u>The future of the Ofqual Website</u> Ofqual should transition to the GOV.UK website. Cabinet Office to be advised that the move was on the basis that Ofqual had full editorial control over its content and that a place on the GOV.UK steering group should be pursued.	An update on the move to the GOV.UK domain is included in the Chief Operating Officer's report at item 66/14 on the agenda.
49/14 24 September 2014	<u>Completing GCSE, AS and A Level Reform</u> The proposals for discontinuation of subjects were approved subject to further consideration of the proposal to continue GCSE Digital Communications.	A detailed analysis of GCSE Digital Communications has been conducted and it has been agreed that the subject should be discontinued in 2015 because of its similarity to GCSE English Language. The Chief Regulator has approved this approach.

Date/Minute	Action	Update
50/14 24 Sept 2014	<u>Lifting the Accreditation Requirement</u> Agreed that the accreditation requirement is revised so that the accreditation requirement for every regulated qualification is removed and an accreditation requirement is re-imposed for all GCSE and GCE qualifications.	The changes took effect on 1 November 2014 in line with the Board decision.
51/14 24 Sept 2014	<u>Consultation on the redesign of the Enquiries about Results and Appeals process</u> The Board approved the proposals for the Enquiries about results and appeals process contained in the paper for consultation.	An update on this is included in the paper at item 67/14 on the agenda.
52/14 24 Sept 2014	<u>Code of practice review – consultation on changes to the regulatory framework</u> The Board agreed the proposal to withdraw the GCSE, GCE, Principal Learning and Project Code of Practice (the Code) ahead of summer 2015 awarding and that there should be a public consultation on this.	An update on this is included in the paper at item 65/14 on the agenda.
59/14 17 October 2014	<u>IT transformation – Business case and procurement approach</u> The Board approved the business case for the IT Transformation Project and approved the proposed procurement approach	Confirmation had been received that Ofqual had been awarded funding for the IT transformation project.
61/14 17 October 2014	<u>Other business - Reformed GCSEs and A levels for first teaching in 2016 – religious studies GCSE</u> The Board would be asked to take a decision on whether the new GCSE Religious Studies	The Board had agreed the GCSE Religious Studies subject content by electronic business. The

Date/Minute	Action	Update
	subject content proposed by DfE would support effective regulation by electronic business the following week.	decision had been confirmed on 24 October 2014.
61/14 17 October 2014	<u>Other business - Reformed A level mathematics specifications</u> The Chief Regulator would write to the Secretary of State to suggest that the roll out of reformed A levels in mathematics and further mathematics be put back a year from first teaching in 2016 to first teaching in 2017.	The letter was drafted and sent on 17 October 2014.

Paper to be published	YES – after the meeting
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ANNEXES:

NONE