

## Forty fourth meeting of the Ofqual Board

**Public minutes of the meeting held at 11:00 on  
Wednesday 23 July 2014 at Ofqual, Spring Place, Coventry**

**Present: Board Members**

Tim Balcon  
Mike Cresswell  
Philip Fletcher  
Maggie Galliers  
Anne Heal  
Barnaby Lenon  
Dana Ross-Wawrzynski  
Amanda Spielman (Chair)  
Glenys Stacey  
Roger Taylor  
Tom Taylor  
Neil Watts  
Julius Weinberg

**Ofqual**

Jeremy Benson	Director of Policy
Mike Bird	Interim Chief Operating Officer
Emma Cochrane	Head of Markets (for item 31/14 only)
Bryan Horne	Head of Risk and Systems Mapping (for item 30/14 only)
Emma Leary	Regulation Development Manager (for item 32/14 only)
Cath Jadhav	Deputy Director of Standards and Comparability
Michelle Meadows	Director of Research and Evaluation
Dennis Opposs	Director of Standards (for items 23-26/14)
Natalie Prosser	Head of Legal
Alison Townsend	Board Secretariat Manager
Phil Whittaker	Interim Programme Manager (for item 31/14 only)

**23/14 Welcome and Apologies for Absence**

Apologies for absence had been received from Ray Coughlin. The Chair welcomed Mike Bird, Interim Chief Operating Officer, to his first board meeting.

**24/14 Declarations of Interest**

There were no declarations of interest.

**25/14 Minutes**

The Board agreed the minutes of its meetings held on 21 May and 18 June 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 – a draft of the 2012/13 Annual Report to Parliament was tabled at item 28/14 below.

8/13, 22 May 2013 – Because of the linkages between the consultations on guided learning hours conditions and on the QCF regulatory arrangements (see ref 12/14 below) it had been agreed that both would start on 24 July 2014.

89/13, 27 November 2013 – a letter had been sent from Liz Truss to the Cabinet Office to press the case for Ofqual's exemption from the move to the gov.uk website. The issue would continue to be taken forward with the new Minister.

117/13, 26 March 2014 – Ofqual's response to the UCAS "soft" feedback exercise on its tariff had been sent on 22 May 2014; a copy had been circulated to the Board.

122/13, 26 March 2014 – the consultation on the reform of the remaining GCSE and A level subjects had started on 4 June 2014 and was due to finish on 30 July 2014.

4/14, 21 May 2014 – the Reform Committee had taken decisions on the consultation on changes to the accreditation requirement by electronic business on 7 July 2014. The consultation had started on 9 July 2014 and was due to finish on 6 August 2014.

6/14, 21 May 2014 – the Chief Operating Officer's report at item 27/14 contained an update on the funding that had been sought from BIS.

7/14, 21 May 2014 – the Chief Executive's report at item 26/14 provided an update on summer awarding.

9/14, 21 May 2014 – work was in hand to develop criteria to underpin future decisions on multi-part reporting of exam outcomes.

10/14, 21 May 2014 – decisions on whether the subject content for reformed GCSEs and A levels for first teaching in 2016, proposed by DfE, would support effective regulation had been taken by electronic business on 9 July 2014. Decisions on the regulatory requirements for the assessment of these subjects had been taken by the Chief Regulator in line with published principles. The consultation began on 15 July 2014 and would finish on 22 September 2014.

12/14, 21 May 2014 – the consultation on the removal of the Qualifications and Credit Framework regulatory arrangements was due to start on 24 July 2014.

13/14, 21 May 2014 – the decisions on regulating endorsement had been announced at the end of June 2014 and the new condition would come into force on 1 September 2014.

#### 26/14 **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:-

- Ministerial changes at DfE and BIS as a result of the recent Cabinet reshuffle; the Chair and Chief Regulator had met the new Secretary of State for Education the previous day;
- a report recently published by JCQ on the small number of students achieving A\* in modern foreign languages. The Board noted that Ofqual's report on this subject was likely to be ready towards the end of July and the initial findings were briefly discussed;
- the likely timing for a decision on the employment tribunal claim;
- a forthcoming DfE announcement on the use of iGCSEs in performance tables;
- a presentation made to the Board by Mary Curnock Cook, UCAS chief Executive before the meeting and statistics on the use of BTEC qualifications; and
- the work to revise the risk register. The Board went on to comment on the format of the new style risk register.

#### Corporate Plan

The Board reviewed a draft of the 2014/17 Corporate Plan and the approach taken to it. The Board made a number of comments including:-

- the balance of focus on general qualifications and vocational qualifications in the report;
- how the plan might demonstrate what success would look like; and
- the general tone of the report.

**The Board noted the report and endorsed the 2014/17 Corporate Plan for sign off by the Chief Regulator subject to the incorporation of the comments made at the meeting and from members of the executive.**

**27/14 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 results of the March 2014 staff survey; and
- the corporate dashboard including plans to revise the approach to this reporting. The Board were asked to forward thoughts on the type of information they would like included in a dashboard by e-mail.

**AABPS Judicial Review Proceedings**

The Board considered a supplementary paper that updated it on judicial review proceedings that had been served on Ofqual on 22 July 2014. The claimants, AABPS, were seeking to quash Ofqual's decision to withdraw recognition. The Board received a short overview of the process that had been followed with AABPS up to that point that included consideration by an independent reviewer. The Board discussed aspects of the report including claims by the awarding organisations that Ofqual's actions had been motivated by racism and the actions that Ofqual had taken to assure itself that this was not the case.

**The Board agreed that Ofqual should defend the judicial review proceedings brought by AABPS.**

**28/14 Annual Reports to Parliament**

The 2012/13 Annual Report to Parliament was tabled. Board members were asked to forward any comments on the draft outside of the meeting.

**29/14 Award of contract for the maintenance and support of the regulatory platform January 2015 to January 2017**

The Board considered a paper that sought approval to the award of a contract for the maintenance and support of the regulatory platform from January 2015 to January 2017. The proposal was for the direct award of a contract to Lockheed Martin, the current supplier, and the reasons for this were briefly outlined to the Board. The Board noted that approval had been received from the Cabinet Office to the proposed approach and that this opportunity had been taken to review and renegotiate the contract which had resulted in a 42% saving.

The Finance Committee had considered the paper at its meeting the previous day and had agreed to recommend the board approves the paper. The Chair of the Finance Committee emphasised that, while the Committee were supportive of the proposals, it would not endorse any further extension to the contract.

**The Board approved the award of the contract for the maintenance and support of the regulatory platform from January 2015 to January 2017 to Lockheed Martin.**

**30/14 Activities that undermine qualifications – work so far and thoughts for the future**

The Board considered and noted a paper that provided an update on the work under way to understand the extent of malpractice within the exam system. The Board discussed aspects of the paper including:-

- factors, other than malpractice, that could affect changes in entry patterns;
- pressures for extra time claims, for example for students with dyslexia diagnoses;
- factors that could affect an increase in the number of remarks requested, for example confidence in the marking of subjects such as English and history; and
- appropriate courses of action for Ofqual.

The Board recognised the difficulties that were faced in tackling these issues and welcomed the work to date.

**31/14 Reform Programme Update**

The Board considered and noted a paper that presented an update on the reform programme. The Board noted that since the last meeting the consultation on the grading of the speaking component of reformed GCSE English qualifications had started; the consultations on guided learning hours and the removal of the Qualifications and Credit Framework regulatory arrangements were due to start the following day. The Board also noted that the accreditation process was in its final week and that the outcomes would be posted on Ofqual's website soon. The Board discussed aspects of the report including board member attendance at consultation events and the risks to the programme.

**32/14 Modern foreign languages and ancient languages GCSEs**

The Board considered a paper that presented the outcome of the consultation on the proposed structure and assessment arrangements for new GCSEs in modern foreign and ancient languages and made recommendations in light of the consultation responses.

The Board discussed aspects of the paper and recommendations particularly:-

- proposals for the tiering including the issues associated with qualifications with mixed tiers;
- different approaches that may be taken with foreign languages with higher entry levels namely French, German and Spanish;
- the potential to introduce industry standards to achieve a standard approach to tiering in minority modern foreign and ancient languages;

- whether non exam assessment marked by exam boards was external assessment; and
- the potential market impact of changes to the conduct and marking of the speaking assessment.

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

**(i) that for all reformed GCSEs in modern foreign languages:-**

- a) the subject content, as set out in documents published by DfE, should be adopted as regulatory requirements for reformed GCSEs in these subjects and incorporated, by reference, into Ofqual's regulatory framework;**
- b) the assessment objectives be evenly weighted so that 25 per cent of the marks are allocated to each of the skills of listening, speaking, reading and writing;**
- c) reading, writing and listening skills must be assessed by exam;**
- d) speaking skills must be assessed by non-exam assessment, marked by exam boards;**
- e) the method of assessment of speaking skills should be determined following further analysis including of the costs, risks and other impacts;**
- f) reformed GCSEs in French, German and Spanish will be tiered and Ofqual will work with exam boards to establish industry standards to achieve a standard approach to tiering in each of the minority modern foreign languages;**
- g) where a qualification is tiered, exam boards must ensure that all of the assessments taken by a specific student are at either the higher or foundation tier, and must not permit students to be assessed on a combination of tiers;**
- h) new GCSEs in French, German and Spanish will be reformed for first teaching from September 2016;**
- i) new GCSEs in all other modern foreign languages are to be reformed for first teaching from September 2017; and**
- j) Current qualifications in each language must be withdrawn to that timetable.**

**(ii) that for all reformed GCSEs in ancient languages:-**

- a) the subject content, as set out in documents published by DfE, should be adopted as regulatory requirements for new GCSEs**

in these subjects and incorporated, by reference, into Ofqual's regulatory framework;

- b) Ofqual will work with exam boards to establish industry standards to achieve a standard approach to tiering in each of the ancient language GCSEs;
- c) all assessment is by exam; and
- d) the assessment objectives must be weighted so that 50% of the marks are allocated to demonstrating knowledge and understanding of the language, 25% to demonstrating knowledge and understanding of literature and/or other ancient sources and 25% to analysing, evaluating and responding to literature and/or other ancient sources.

(iii) that for the technical consultation:-

- a) that the decisions set out above should be implemented into the Regulatory Framework and that the Chief Regulator would decide on the wording of proposed General Conditions, regulatory requirements and Statutory Guidance needed to give effect to the Board's decisions;
- b) that the decisions on the proposed method of assessment to be used for modern foreign language speaking assessments and on the form and content of a consultation on the proposed regulatory requirements necessary to give effect to these decisions are delegated to the Chief Regulator.

**33/14 Report on the work of Board Committees**

The Board considered a paper that provided an update on the work of those Board Committees that had met since the last Board meeting. The Chair of each Committee gave a short oral update on the highlights of the meetings.

**34/14 Publication of Papers**

The Board agreed, that those papers indicated as open should be published with the exception of paper 27/14 that would be reviewed to determine if any parts should be withheld.

**35/14 Other Business**

There was no other business.

**36/14 Date of Next Meeting**

The next Board meeting would take place on Wednesday 24 September 2014.

## Forty fifth meeting of the Ofqual Board

**Public minutes of the meeting held at 10:00 on Tuesday 19 August  
2014 at Ofqual, Spring Place, Herald Avenue, Coventry**

**Present: Board Members**

Tim Balcon	
Mike Cresswell	(by telephone)
Philip Fletcher	
Maggie Galliers	
Anne Heal	(by telephone)
Barnaby Lenon	
Dana Ross-Wawrzynski	
Amanda Spielman	(Chair)
Glenys Stacey	
Roger Taylor	(by telephone)
Tom Taylor	
Neil Watts	
Julius Weinberg	

**Ofqual**

Jeremy Benson	Director of Regulation
Mike Bird	Interim Chief Operating Officer
Kate Howell	Project Manager
Cath Jadhav	Deputy Director of Standards and Comparability
Michelle Meadows	Director of Research and Evaluation
Dennis Opposs	Director of Standards
Natalie Prosser	Head of Legal
Julie Swan	Head of Regulatory Development
Alison Townsend	Board Secretariat Manager

**37/14 Apologies for Absence**

Apologies for absence had been received from Ray Coughlin.

**38/14 Declarations of Interest**

There were no declarations of interest.



#### 39/14 **Setting grade standards for the first award of the new GCSEs**

The Board considered a paper that presented proposals for the setting of grade standards for the first award of reformed GCSEs. The Board had previously agreed that new GCSEs would be graded 9-1 in place of the present A\*-G system. The Board noted that the recommendations before it were only for the award of the first three new GCSEs in summer 2017; English language, English literature and mathematics.

##### Setting the standard for grade 4

The Board had previously agreed that the new grade 3/4 boundary should be aligned with the present grade C/D boundary. The paper proposed that in 2017 grade 4 should be awarded in line with the earlier decision and using statistical predictions. Consultation responses had shown good support for this proposal and respondents had commented that this approach would enable a clear link between the two grading systems. The Board discussed the proposal including the potential impact of the cumulative reforms taking place on the grade 4 boundary; the Board noted that there was a possibility that there may be a drop in performance when new qualifications are first introduced but that as teachers and students became more familiar with the new curriculum and examination arrangements then the pass mark would be likely to rise.

##### Setting the standard for grade 7

The consultation document had sought views on the alignment of the new grade 7 with the present grade A. The proposal had received positive responses from the consultation and the Standards Advisory Group had strongly supported it.

##### Setting the standard for grade 5

The Board was reminded of the Secretary of State's policy steer contained in his letter of 6 February 2013:-

“at the level of what is widely considered to be a pass (currently indicated by a grade C), there must be an increase in demand, to reflect that in high-performing jurisdictions.”

To achieve this the consultation had proposed that the standard of performance for a grade 5 should align to the expected standard for similar qualifications or exams taken in high-performing jurisdictions. Only 35% of the respondents agreed with the proposition and the Board noted that it was not proposed to make grade 5 a judgemental grade but to align the 4/5 boundary at a position two-thirds above the current C/D boundary through to the bottom third of the marks for the current grade B; this meant that grade 5 could be seen as being of greater demand than the present grade C.

##### Setting the standard for grade 1

The Board noted that the current awarding process set the grade F/G boundary judgementally based largely on statistical predictions and that the G/U boundary was set arithmetically. The Board also noted that the equality

impact analysis considered the issues associated with setting this grade in detail. The paper recommended that the Grade U/1 boundary should be aligned with the current grade G. The Board discussed the merits of aligning the U/1 boundary with the current grade F but acknowledged that Setting the U/1 boundary at an F would conflict with the policy steer from the Secretary of State:-

“the reformed GCSEs should (be) accessible, with good teaching, to the same proportion of pupils as currently sits GCSE exams at the end of Key Stage 4.”

#### Setting the standard for grade 9

The Board noted that the consultation document had proposed three options for the setting grade 9. The option preferred by consultation respondents was that 50% of those currently awarded a grade A\* should be awarded a grade 9 (the 50% rule).

The three options had been modelled and the outputs were annexed to the paper; these had been considered by Ofqual's Reform Technical Advisory Group and its Standards Advisory Group. The Board noted that the 50% rule was not generally favoured by the groups as there were concerns that it was too closely tied to the current A\* awards. The 20% rule (20% of those achieving at least a grade 7 are awarded a grade 9) had been considered the best option by both groups. The Board also noted that the 20% rule model would have implications for those subjects in the later phases of reform and considered the modelling of this. The Board discussed the potential implications of the approach including on subject choice and emphasised the need to keep this matter under review and proposals back to the Board for the remaining subjects.

The Board went on to discuss aspects of the proposals more generally including the potential impact on the appeals system. The Board noted that work was under way to look at revisions to the Enquiries After Results and appeals system and a paper on this would be presented to its next meeting.

#### Setting the standard for other grades

The paper proposed that the grade boundaries for those grades that are not set using statistical rules are set arithmetically. The Board discussed this proposal including:-

- the process for setting grade 8 half way between grades 7 and 9 the setting of which had been previously discussed;
- the potential for the number of students achieving a certain grade to be distorted in this system. The board noted that modelling carried out by exam boards had not identified this as a potential problem;
- the effect of exam paper design; and
- the potential to set all grades statistically. The Board noted that this option had been discounted for practical reasons.

**The Board, having had full regard to the outcome of the consultation on and the equality impact assessment agreed, for the awarding of the new English Language, English literature and Mathematics GCSEs in summer 2017, that:-**

- (i) awarding should be based primarily on statistical predictions – a development of the method currently used;**
- (ii) predictions should be used to ensure that in each subject there was a statistical alignment between the new grade 3/4 boundary and the present grade C/D boundary;**
- (iii) predictions should be used to ensure that in each subject there was a statistical alignment between the new grade 6/7 boundary and the present grade A/B boundary;**
- (iv) predictions should be used to ensure that in each subject there was a statistical alignment between the new grade U/1 boundary and the present grade G/U boundary;**
- (v) the 8/9 boundary should be set in each examination so that 20% of those candidates awarded at least a grade 7 are awarded a grade 9; and**
- (vi) grade boundaries that are not set using statistical rules will be set arithmetically.**

**The Board particularly noted that:**

- (a) by positioning the new grade 5 in the top third of the marks for the current grade C and the bottom third of the marks for the current grade B, it can be seen as being of greater demand than the present grade C. If students presently achieving grade Cs were to achieve grade 5s, that may be broadly in line with what would be required to match the average performance of 16 year olds in England with the PISA mathematics performances of countries such as Finland, Canada, the Netherlands and Switzerland;**
- (b) outcomes from the national reference tests will not contribute to awarding in summer 2017. Ofqual will make arrangements for the use of national reference test outcomes in summer awarding after that time; and**
- (c) regulatory documents (such as conditions of recognition) to give effect to the Board's decisions will be drafted for consultation. The consultation will be technical and targeted primarily at exam boards.**

40/14 **Other Business**

(i) Update on summer 2014 awarding

The Board received a short update on summer 2014 awarding. A level awarding had gone well the previous week and GCSEs would be awarded the following Thursday. The Board noted that increased centre variability was likely with GCSEs and communications work was taking place to develop commentary for use on results day.

(ii) Update on accreditation

The Board received a short overview of the ongoing process to accredit new GCSEs. The Board noted that second submissions were now being received and Ofqual was applying the same level of scrutiny to these as at first submission.

(iii) Policy statement from the opposition on recoupling A levels

The Board noted that the Shadow Education Secretary, Tristram Hunt had publicly indicated that if the Labour party were successful in the 2015 general election they would recouple A levels. The Board noted that the Chief Regulator had since informed him of the timescale required to make this change. The benefit of speaking to the regulator before making this kind of statement had been emphasised.

41/14 **Date of Next Meeting**

The next meeting of the Board would take place at 10:00 on Wednesday 24 September 2014, and would be held at the Ofqual Offices, Spring Place, Herald Avenue, Coventry.

# Ofqual Board

## Paper 44(iv)/14

**Date:**

24 September 2014

**Title:**

Matters arising from past Board meetings

**Report by:**

Alison Townsend, Board Secretariat Manager

**Responsible Director:**

Mike Bird, Interim Chief Operating Officer

**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.	Board feedback suggested that the draft report for 2012/13 was close to final agreement, but that we should combine it with reports for 2011/12 and 2013/14 into one

Date/Minute	Action	Update
	Outline of the 2013/14 report to Parliament to be presented at the July meeting.	document. This work will be completed and the document ready for submission by the end of September 2014.
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 started on 24 July 2014 and would finish on 16 October 2014.
89/13 27 Nov 2013	<u>Strategic Communications and Engagement Report</u> The Board supported the principle of the retention of an independent website for Ofqual.	A paper on this matter is included at item 47/14 on the agenda.
122/13 26 March 2014	<u>Reform of remaining GCSE and A level subjects</u> The Board endorsed continuing the approach agreed at its meeting on 26 March 2014.	A paper on this matter is included at item 49/14 on the agenda for this meeting.
10/14 21 May 2014	<u>Reformed GCSEs and A levels for first teaching in 2016</u> Decision on whether the subject content proposed by the Board would support effective regulation to be taken by electronic business. Decision on the regulatory requirements for the assessment of these subjects to be taken by the Chief Regulator in line with published principles.	The Board considered the subject content for some further subjects, intended for first teaching in 2016 by electronic business. Its agreement to the recommendations in paper E02/14 was confirmed on 17 September 2014.

<b>Date/Minute</b>	<b>Action</b>	<b>Update</b>
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 started on 24 July 2014 and would finish on 16 October 2014.
26/14 23 July 2014	<u>Chief Executive's Report 2014/17 Corporate Plan</u> The Board endorsed the Corporate Plan for sign off by the Chief Regulator.	The 2014/17 Corporate Plan had been finalised and published on 19 August 2014.

Paper to be published	YES – after the meeting
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**ANNEXES:**

NONE