

Sixtieth meeting of the Ofqual Board

Minutes of the meeting held at 10:00 on Wednesday 18 May 2016 at Ofqual, Spring Place, Coventry

Present: Board Members

Tim Balcon (for items 1 to 7/16 only)
Sally Collier
Mike Cresswell
Maggie Galliers
Anne Heal
Barnaby Lenon
Terri Scott
Amanda Spielman (Chair)
Roger Taylor
Tom Taylor
Julius Weinberg

Ofqual

Marc Baker Chief Operating Officer
Jeremy Benson Executive Director for Vocational Qualifications
Matthew Humphrey Associate Director, Legal Moderation and Enforcement
Donna Lewis Interim Associate Director, Finance (for item 5/16 only)
Michelle Meadows Executive Director for Strategy, Risk & Research
Dennis Opposs Standards Chair
Julie Swan Executive Director for General Qualifications
Alison Townsend Board Secretary

Observers

Daniel Gutteridge Associate Director, Legal Establishment (for item 8/16 only)
Michael Hanton Associate Director, Strategy and Risk (for items 1 to 6/16 only)
Catherine Large Interim Director of Strategic Relationships for Vocational Qualifications (for item 8/16 only)

Chris Shadforth Associate Director, Communications
Steve Walker Senior Manager, Vocational Qualifications (for item
8/16 only)

1/16 **Welcome and Apologies for Absence**

Apologies for absence had been received from Dana Ross-Wawrzynski and Neil Watts.

2/16 **Declarations of Interest**

There were no declarations of interest.

3/15 **Minutes**

The Board agreed the minutes of its meeting held on 18 March 2016 as a true record.

Matters Arising

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

27/15, 29 July 2015 – the consultation on the retention of existing specifications made under s96 of the Equality Act 2010 was awaiting final clearance before publication.

63/15, 20 January 2016 – the consultation on the options for the award of grades 8 and 9 had started on 22 April 2016 and would run to 17 June 2016.

77/15, 23 March 2016 – the Board noted that the new RITS system was expected to go live on 20 June 2016.

77/15, 23 March 2016 – the updated Standing Financial Instructions had been published on 28 April 2016.

79/15, 23 March 2016 – the Governance Framework had been adjusted to state that the responsibility to agree statutory guidance should sit with the Chief Regulator.

82/15, 23 March 2016 – the Board committee had met to review the responses to the marking and appeals consultation and recommendations were made to the Chief Regulator. An update on this is included at item 9/16 on the agenda.

All other matters arising were picked up on the agenda.

4/16 **Chief Executive's Report**

The Board received a short update from the Chief Executive on her initial observations after a few weeks in post. The Board went on to review and note

the Chief Executive's Report and discussed issues arising from it including recent incidents around National Assessments. The Board asked if, had Ofqual been focussing on regulating the delivery of the tests, the problems might have been predicted. The Board were advised that it was unlikely the issues would have been predicted.

The Board enquired about the posts that were proving difficult to recruit to and heard about alternative recruitment methods that were being used.

5/16 **Chief Operating Officer's Report**

The Board considered the Chief Operating Officer's report. It had been planned to circulate the Internal Audit Plan to the board for approval by electronic business before this meeting. The Board were advised that since the last meeting the plan had been reviewed by management as there were concerns that it could place excessive demands on Ofqual. The Audit and Risk Assurance Committee had considered the revised plan at its last meeting and recommended the plan to the Board for approval.

The Board received a brief overview of aspects of the paper and discussed a number of associated issues including the use of intelligence from complaints and casework to inform regulatory action, the focus of work on the National Reference Test and the forecast financial outturn position. The Board noted that the year-end audit was due to start in two weeks.

The Board:-

- (i) approved the 2016-17 internal audit plan; and**
- (ii) endorsed the decision by the Interim Chief Regulator to approve the 2015 Report to Parliament.**

6/16 **Strategy Risk and Research Update**

The Board considered and noted a paper that updated it on the current focus of the Strategy, Risk and Research Directorate.

The strategic risk register was annexed to the paper and the Board noted that the Audit and Risk Assurance Committee had reviewed the register at its recent meeting. The Committee had looked at risks around summer awarding in detail and had been reassured by the arrangements in place to manage the risks. The board went on to discuss issues around the strategic risk register including:-

- the development of a risk related to technical education;
- if the register correctly reflected the risks around the current accreditation process particularly given the recent positive progress in this area;
- the award of reformed qualifications in 2016 and 2017 and the communications around this;

- the review of the earlier decision to issue risk profiles to awarding organisations; and
- the need to consider the timing of publications and plan deadlines more carefully. The Board noted that as the perceptions survey was official statistics it must be published when the final report was available.

7/16 **Towards a policy position for Ofqual on inter-subject comparability**
 The Board discussed a paper that presented a policy position for Ofqual on inter subject comparability. The proposals were presented to the Board for discussion and scrutiny before the final paper was developed for formal decision. The Board noted that the ASCL had recently written to the new Chief Regulator with concerns about issues with Modern Foreign Languages.

The Board heard that Ofqual had launched a debate on inter subject comparability in December 2016 including the publication of six working papers, a video interview and infographic on the four policy options proposed and an online survey. The paper sought the Board's views on the arguments put forward in it and how persuasive these were.

The Board discussed aspects of the paper including the research referenced in it and the practical implications of aligning subjects. The Board made a number of suggestions as to how the paper might be developed. The paper would be revised for further consideration at the next Board meeting.

8/16 **Vocational Qualifications Update**
 The Board considered an update on key issues for the VQ Directorate and discussed key issues from the paper. The Board noted that the report of the Sainsbury Review was now expected to be published in early July 2016. Ofqual was currently considering the risks associated with this piece of work and this would be reflected in the next revision of the strategic risk register. The Board discussed Ofqual's role in this area and emphasised the need for a balanced approach to this matter.

The Board agreed:-

- (i) **that Ofqual should enter into a Memorandum of Understanding (MoU) with CCEA and delegated the authority to sign off the final wording of the MoU to the Chief Regulator in consultation with the Chair; and**
- (ii) **that the decision as to whether an End Point Assessment can be regulated as a qualification should be made by the Chief Regulator.**

9/16 **General Qualifications Update**

The Board considered and noted a paper on the activities of the GQ Directorate. The Board noted that the number of reformed qualifications for first teaching in September 2016 still to be accredited had reduced to 16. The board recognised that some of the progress could be attributed to the recent decision by OCR to withdraw from the Modern Foreign Languages (MFL) market and briefly discussed the reasons for this.

The Board noted that decisions had been taken by the Chair, in consultation with the Chief Regulator, under the urgency provision in the Governance Framework to make changes to:-

- the assessment arrangements in GCSE, AS and A level statistics and AS and A level classical civilisation; and
- confirm that in GCSE ancient history marks were included for spelling, punctuation and grammar, as in other similar subjects.

The Board received a brief overview of the decisions taken in light of the responses to the consultation on withdrawing the Code of Practice and on reviews of marking and appeals including the Board Committee's consideration of this matter.

The Board were advised that, while there had been a lot of comment on social media about exam questions, in practice the number and type of event notifications were in the normal range. The Board went on to discuss how Ofqual should respond to these events.

The Board:-

- (i) **agreed that the decision on whether the proposed content for low take-up languages can be effectively regulated would be taken by the Board by electronic business and that the consultation should be signed off by the Chief Regulator; and**
- (ii) **delegate authority to sign off the consultation on entry level qualifications and any decision to remove the regulations to the Chief Regulator.**

10/16 **Report on the work of Board Committees**

The Board considered and noted an update on the recent meeting of the Audit and Risk Assurance Committee. The Board were advised that the Committee had focussed on the preparation for year end audit.

11/16 **Publication of Papers**

The Board agreed that, subject to some minor redactions, all open papers for this meeting would be published.

12/15 **Other Business**
There was no other business.

13/16 **Date of Next Meeting**
The next Board meeting would be on Wednesday 27 July 2016.

Sixth first meeting of the Ofqual Board

**Public minutes of the meeting held at 11:30 on
Thursday 22 July 2016 at Ofqual, Spring Place, Coventry
and by teleconference**

Present: Board Members

Tim Balcon
Sally Collier
Maggie Galliers (Chair)
Anne Heal
Barnaby Lenon
Dana Ross-Wawrzynski
Terri Scott
Amanda Spielman
Roger Taylor
Tom Taylor

Ofqual

Marc Baker Chief Operating Officer
Anita Simak Senior Manager - Strategic Reporting and
Engagement
Alison Townsend Board Secretary

By invitation

Trevor Robinson Independent Member Audit and Risk Assurance
Committee

14/16 Welcome and Apologies for Absence

Apologies for absence had been received from Mike Cresswell and Neil Watts.

Amanda Spielman was joining the meeting by teleconference and, to avoid difficulties chairing the meeting remotely, it was agreed that Maggie Galliers would Chair this meeting.

15/15 **Declarations of Interest**

There were no declarations of interest.

16/15 **2015/16 Annual Report and Accounts**

The Board considered a paper that presented the draft 2015/16 Annual Report and Accounts.

The Board noted that Audit & Risk Assurance and Finance Committees had held a joint meeting earlier at which it had received the outcome of the external audit of the accounts by the National Audit Office. The joint meeting had also reviewed the latest version of the draft Annual Report and Accounts.

At the joint meeting the National Audit Office had indicated that it was expecting to issue an unqualified audit opinion. The Board heard that the external audit had identified a small number of misstatements (five) in the 2015/16 accounts. The misstatements were not material either individually or in aggregate. The joint meeting had agreed that no adjustment to the accounts was required to correct the misstatements.

The Audit and Risk Assurance and Finance Committees had agreed to recommend that the Board approved the 2015/16 Annual Report and Accounts.

Agreed, that the Board approved the 2015/16 Annual Report and Accounts for signature by the Accounting Officer together with the associated letter of representation.

17/15 **Other Business**

The Chair, on behalf of the Board, congratulated Amanda Spielman on being recommended for appointment as HM Chief Inspector of Education, Children's Services and Skills.

18/15 **Date of Next Meeting**

The next Board meeting would be on Wednesday 27 July 2016.

Ofqual Board

Paper 21(iii)/16

Date:
27 July 2016

Title:
Matters arising from past Board meetings

Report by:
Alison Townsend, Board Secretary

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 past Board meetings.

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
27/15 29 July 2015	<u>Reasonable adjustments and Ofqual's specifications under Section 96 of the Equality Act 2010</u> Ofqual should consult in September 2015 on the retention of existing	The consultation started on 25 May 2016 and will close on 30 August 2016.

Date/Minute	Action	Update
	specifications made under section 96 of the Equality Act 2010.	
63/15 20 Jan 2016	<u>Chief Executive's Report – Award of Grades 8 and 9</u> Ofqual should consult informally with DfE on the three options for the award of grades 8 and 9 and then move to formal consultation.	A paper on the outcome of the consultation and resulting recommendations is at item 28/16 on the agenda.
77/15 23 March 2016	<u>Chief Operating Officer's Report – Information Management Transformation Project</u> The board asked for a paper on lessons learned from the Information Management Transformation Project when the project was complete.	Paper to be drafted when project is complete.
80/15 23 March 2016	<u>Managing Enforcement Issues</u> Further work to be done to develop the alternative approach to enforcement.	This matter scheduled for the 28 September 2016 board meeting.
7/16 18 May 2016	<u>Towards a policy position on inter subject comparability</u> The board discussed the paper and made a number of comments suggestions.	The comments have been drawn on in the paper at item 27/16 on the agenda.
8/16 18 May 2016	<u>Vocational Qualifications Update</u> The Board agreed that Ofqual should enter into a Memorandum of Association with CCEA.	The MoU is due to be signed on 29 July 2016.
9/16 18 May 2016	<u>General Qualifications Update</u> The Board agree that the decision on whether the proposed content for low take-up languages can be effectively regulated should be taken by electronic business.	The finalisation of the subject content by DfE had been delayed. A paper would be presented to the board in due course.

Paper to be published	YES – after the meeting
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ANNEXES: NONE