

Forty ninth meeting of the Ofqual Board

**Public minutes of the meeting held at 10:00 on
Wednesday 28 January 2015 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
 Tom Taylor
 Neil Watts (for items 85 to 95/14 below only)
 Julius Weinberg

Ofqual

Marc Baker	Chief Operating Officer
Phil Beach	Director of Strategic Relationships, General Qualifications (for items 85 to 89/14 only)
Jeremy Benson	Executive Director for Vocational Qualifications
Breda Cunningham	PA to the Executive Director for Strategy, Risk and Research (for item 88 only)
Diane Francis	PA to the Chief Regulator and Chair (for item 88 only)
Richard Garrett	Associate Director General Qualifications Policy (for items 69 and 70/14 only)
Emyr George	Regulatory Relationships Manager (for items 69 and 70/14 only)
Michael Hanton	Executive Manager to CEO (for item 88 only)
Janet Holloway	Associate Director, Standards for Design Development and Evaluation of General Qualifications (for item 88 only)
Matthew Humphrey	Associate Director, Legal Moderation and Enforcement (for items 91 and 92/14 only)
Bethany Hughes	Regulatory Development Manager (for items 91 and 92/14 below only)

Tim Leslie	National Reference Test Project Director (for item 68/14 only)
Michelle Meadows	Executive Director for Strategy, Risk & Research
Naomi Nicholson	Director of Strategic Relationships, Vocational Qualifications (for items 85 to 89/14 only)
Dennis Opposs	Standards Chair (for item 94/14 only)
Natalie Prosser	Director of Legal
Sonia Sharma	Senior Lawyer (for items 91 and 92/14 only)
Chris Shadforth	Associate Director, Communications (for items 85 to 88/14 only only)
Ian Stockford	Acting Executive Director for General Qualifications
Alison Townsend	Board Secretariat Manager

85/14 **Welcome and Apologies for Absence**

Apologies for absence were received from Ray Coughlin and Roger Taylor.

86/14 **Declarations of Interest**

Mike Cresswell declared an interest in the matter at 94/14 below headed 'National Reference Tests' insofar as it related to his position as Associate at AlphaPlus. Mike had not had contact with AlphaPlus on the National Reference Test and so the interest was not regarded as significant and he remained in the meeting during the consideration of this item.

Philip Fletcher declared an interest in the matter at item 95/14 below headed 'Content and assessment arrangements for reformed GCSE, AS and A level qualifications to be first taught in 2016 – part two'. The interest related to the proposals on Religious Studies, 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.

87/14 **Minutes**

The Board agreed the minutes of its meeting held on 3 December 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 report to Parliament had been revised and the final draft was tabled for final comment.

The Board approved the Report to Parliament for the period 1 April 2011 to 31 December 2014 for publication.

8/13, 22 May 2013 – a paper on the results of the guided learning hours consultation including proposals was included in paper 92/14.

65/14, 3 December 2014 – on 16 January 2015 the Minister of State for School Reform had confirmed that iGCSEs would be included in performance tables only until reformed GCSEs in each subject are first examined.

66/14, 3 December 2014 – the Board had taken the decision on the award of the contract for the Unified Technology Platform by electronic business (reference E04/14). The decision had been confirmed on 12 December 2014.

68/14, 3 December 2014 – the National Reference Tests work was not at a point where a decision could be taken on 14 January 2015 and so the additional meeting had been cancelled. An update on this work was included in paper 94/14.

69/14, 3 December 2014 – the Board noted that after the last Board meeting DfE had made a request for a small, late change to the subject content requirements for GCSE Computer Science to respond to requests for a specific reference to 'basic cyber security' in the content requirements. The Chair and Chief Regulator had agreed the adjustment using the urgency procedure at paragraph 35 of the procedure rules for meetings of the board at annex A to the Governance Framework. The Board noted that work to draft the relevant conditions and guidance for the reformed GCSE, AS and A levels for first teaching in 2016 was well advanced. The first tranche of these was due to be presented to the Chief Regulator for approval to consult shortly. The final requirements were expected to be put in place in March 2015 following the consultation. Subjects not included in the first set would be consulted on slightly later and the requirements published in April 2015.

70/14, 3 December 2014 – the outcome of the trial of the assessment of spoken language skills in GCSE English Language was awaited before final recommendations are made to the Chief Regulator on this.

72/14, 3 December 2014 – a further paper on the withdrawal of the Qualifications and Credit Framework Regulatory Arrangements was at 91/14.

88/14 **Chief Executive's Report**

The Board considered and noted a paper that updated it on significant issues since the last meeting including:-

- indications that independent schools were likely to continue to award iGCSEs after they stopped counting in league tables (minute 65/14 refers) and the reasons for this;
- work to develop the 2015/18 corporate plan. The Board noted that this would be discussed at the Board Strategy day on 27 February 2015; and
- proposals for changes to the structure of the finance team particularly the creation of a Finance Director role. The Board received an update on the background to the proposal and endorsed the approach.

The Board went on to receive a presentation and verbal update on the project that was looking at malpractice and teacher ethics. The Board discussed the

project aims and the pressures on teachers and institutions that could lead to malpractice.

The Board heard that the Secretary of State had made a speech the previous evening at the Politeia thinktank. The speech had made reference to the proposed changes to the arrangements for GCSE science practical work that Ofqual was consulting on and the Secretary of State had called for practical science experiments to count towards GCSE and A-level grades. The Board considered if and how Ofqual should respond to the speech and its comments would be borne in mind in any response. The Board reconfirmed its previous decisions in relation to GCSE science practicals that were being consulted on. The Board recognised that there was concern within the sector that if parts of specifications were not examined there was a risk they would not be taught and went on to consider how this might be addressed.

The Board:-

- (i) agreed to the creation of a Director of Finance post;**
- (ii) endorsed the strategic approach to malpractice and the prioritised actions.**

89/14 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 current financial position and work taking place to ensure that the 2014/15 outturn was within budget;
- the announcement of the detail of the tier three restructuring earlier in the month and how this had been received in the organisation;
- the results and actions from the recent employee 'Pulse Survey';
- the focus of current regulatory activities; and
- a brief update on current legal issues.

92/14 Guided Learning Hours: decisions following the consultation

The Board considered a paper that presented proposals on the implementation of the requirement to assign size values to qualifications to support the Raising the Participation Age (RPA) policy. Ofqual had consulted on this matter from 24 July to 16 October 2014. The Board noted that, while figures for Guided Learning Hours were currently included on the Register, Ofqual had not yet challenged awarding organisations to see if these could be relied upon. The Board noted that the current guided learning hours figure usually related to contact time and did not include, for example, personal study time.

The paper recommended that all qualifications should be required to have a measure of size. The Board noted that the recommendation in the paper was

different to the consultation proposal which had suggested that the allocation of size to the small number of qualifications that would never be used for RPA purposes should be voluntary. Responses to the consultation were strongly in favour of the allocation of size to all qualifications. The paper also recommended that the measure of size was defined as Total Qualification Time made up of Guided Learning Hours; Directed Study Hours; and Dedicated Assessment Hours.

The Board discussed aspects of the paper and recommendations including the potential for awarding bodies to inflate Guided Learning Hours, the proposal to include assessment time in Total Qualification Time and the definition of the typical learner. The Board noted that if a qualification was normally taken by adults then the typical learner would be an adult and if it was normally taken by 16-18 year olds then they would be the typical learner.

The Board agreed that:-

- (i) a new Condition is introduced that requires all qualifications to have a measure of size to be calculated using the Total Qualification Time (TQT) Criteria and statutory guidance is developed and consulted on to support the understanding of the new Condition. The Condition would not impose a requirement for determining a qualification's relevance for the Raising the Participation Age (RPA) policy;**
- (ii) in line with Ofqual's duties under the Education and Skills Act 2008, criteria are introduced, outside of the regulatory framework, to determine whether a qualification is relevant for RPA purposes;**
- (iii) changing the proposed term 'Directed Study' to 'Directed Learning' and on changing the proposed term 'Dedicated Assessment' to 'Invigilated Assessment' is consulted on;**
- (iv) existing Condition E3 be amended to reflect a requirement for all awarding organisations to include a measure of size in their qualification specifications;**
- (v) the draft TQT Criteria that were consulted on should be amended:-**
 - (i) so that awarding organisations use a Guided Learning Hours (GLH) value that reflects the delivery approach most likely to be used by students subject to an RPA duty; and**
 - (ii) to clarify that the values used should be the shortest route through a qualification as taken by typical students likely to use the qualification for RPA purposes;**
- (vi) the introduction of the new RPA Criteria and changes to the proposed new Condition E7, TQT Criteria and the existing Condition E3 are consulted on in the context of the proposals for a qualifications framework and proposed changes arising from**

withdrawal of the QCF and that authority is delegated to the Chief Executive to sign-off the proposed new Condition E7, TQT and RPA Criteria and the proposed amendments to Condition E3 for consultation;

(vii) the transition period for existing qualifications would end on 31 December 2016 and by then all existing qualifications would have new TQT values displayed on the Register.

(viii) all new qualifications must comply with the Conditions and Criteria two months after the publication of the final Conditions, Criteria and guidance;

(ix) a change to the way Credit values are calculated using Total Qualification Time values will be considered in light of the responses to the consultation and this will be consulted on as part of the consultation on the new framework for regulated qualifications.

96/14 Report on the work of board committees

The Board considered and noted a paper that provided an update on the work of the Audit and Risk Assurance Committees which was the only Board Committee that had met since the last board meeting. The Chair of the Committee gave a short oral update on the highlights of the meeting.

97/14 Publication of Papers

The Board agreed, that those papers indicated as open should be published with the exception of some minor redactions agreed during the meeting.

98/14 Other Business

There were no items of other business.

99/14 Date of Next Meeting

The next Board meeting would be on Wednesday 25 March 2015. A Board Strategy day was scheduled on Friday 27 March 2015.