

## **Sixty third meeting of the Ofqual Board**

**Minutes of the meeting held at 09:30 on  
Wednesday 28 September 2016 at Ofqual, Spring Place, Coventry**

### **Board Members**

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

### **Ofqual**

Marc Baker	Chief Operating Officer
Phil Beach	Executive Director for Vocational Qualifications
Vickie Bentley	Interim Board Secretary
Sally Collier	Chief Regulator
Phil Bird	Interim Associate Director, Finance (for item 40/16)
Michelle Meadows	Executive Director for Strategy, Risk & Research
Natalie Prosser	Director of Legal
Steve Hickmott	Senior Manager, Regulatory Policy (44/16)
Julie Swan	Executive Director for General Qualifications

### **Observers**

Jim Busher	Senior Manager, Strategic Policy (for item 40/16 and 41/16)
Michael Hanton	Associate Director Strategic Policy and Risk (for item 29/16)
Clare Rowntree	Private Secretary
Chris Shadforth	Associate Director, Communications

Before the meeting there was a closed session of the board.

**36/16 Welcome and Apologies for Absence**

There were no apologies for absence.

**37/18 Declarations of interest**

There were no declarations of interest.

**38/16 Minutes from 27 July 2016 Board Meeting**

The Board approved the minutes from the Board Meeting held on 27 July 2016 as a true record.

Matters Arising

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

27/15, 29 July 2015 - a paper on the outcome of the Section 96 Consultation with recommended decisions was brought to this meeting at item 45/16.

80/15, 23 March 2016 – it was noted that a paper regarding management of enforcement issues would be brought to the Board at the November meeting.

8/16, 18 May 2016 – A Memorandum of Association with CCEA was due to be signed in November 2016.

9/16, 18 May 2016 – The finalisation of the paper was delayed due to delay in decisions being made on the subject content. The target is to get the paper to the Board to be decided by electronic business by 3 October 2016.

24/16, 27 July 2016 – An announcement in respect of NRT was made on 2 September 2016.

26/16, 27 July 2016 – The consultation response and decisions were published on 7 September 2016.

29/16, 27 July 2016 – A Regulatory Strategy Workshop took place on 9 September 2016.

It was agreed that the named Responsible Director on papers brought by the Board Secretary should be the Chief Regulator.

### **39/16 Chief Regulator's Report**

The Board considered and noted the report and discussed aspects including:-

- The results from the new Chief Regulator's first summer season;
- The first use of the power to impose a financial penalty on an awarding body;
- The publication of the "Sawtooth" research; and
- The new grading system due to be implemented in 2016/17 for English and Maths GCSE.

The Board discussed the new grading system and agreed that gaps in stakeholders' understanding and concerns need to be managed, working in conjunction with other organisations such as Ofsted. It was noted that because of the staged introduction of new GCSEs, the first year of students taking the new GCSEs will also have some letter-graded GCSEs, which will help users to calibrate their understanding of new grades. The board also discussed the pressures on school to predict grades and the resulting anxiety about the difficulty of predicting English and maths results for summer 2017.

It was agreed that a regular update to the Board on these issues would be helpful.

The Chief Regulator advised the Board of changes to performance management processes, the reasons for them and the intended outcomes. The Board discussed the benefits of a more streamlined HR process and the importance of ensuring that the changes are communicated fully down the chain of command.

The Chief Regulator also advised the Board of the results of a recent staff survey and how these results would be acted on.

**The Board agreed that board papers would be reviewed after board meetings to identify any necessary redactions, and that these would be agreed by the Chief Regulator in consultation with the Chair.**

## **40/16 Chief Operating Officers Report**

The Board considered and noted the report. The COO introduced to the Board the new Associate Director, Finance who had recently taken up the post.

The COO gave a short overview of key issues including:

- The latest financial position;
- Staffing and sickness levels;
- Ofqual's accommodation strategy;
- NRT

The Board considered the overall current financial forecasts and noted that there is a review of each of the directorate's financial positions is currently underway which would provide a more detailed picture ahead of the Q2 Star Chamber reviews.

It was noted that changes were being made to some of the finance processes and the finance team was working directly with budget holders, as well as rolling out training on resource planning and project costing, to improve the accuracy of financial forecasting. The Board commented that it was important to ensure that that budgets were set effectively to ensure expenditure was made appropriately. It was also noted that the Chief Regulator was due to attend all Star Chamber meetings.

The Board noted that there remained some unfilled vacancies which were not yet filled. These vacancies were being reviewed to consider if the roles were still needed or whether there was greater need for resources to be allocated elsewhere to ensure that there were appropriate staffing levels in all areas.

The Board heard that discussions had been held about possible sharing of office space at Spring Place with other government bodies. The Board noted that there was the potential for an education hub to be created in Coventry, which could allow for Ofqual to remain in the Coventry area rather than move to Birmingham when its lease expires.

The board was advised that 350 schools have been contacted about the NRT and that to date 170 schools had confirmed their participation. No schools had declined to take part. The Board discussed the importance of the NRT and it was confirmed that there is a process in place to advise schools of the importance of the NRT and to follow up with schools who have yet to reply.

#### **41/16 Strategy, Risk and Research Paper**

The Board considered and noted the report.

The Board discussed the work on inter subject comparability. The Board noted the importance of the evidence base and robustness of the analysis to support any policy position that Ofqual takes. It was confirmed that there would be further consideration of Ofqual's intended position at the November Board after further discussions with the Standards Advisory Group and other stakeholders. The Board was advised that the results from AS Level in MFL would be also considered in the light of expressed concerns about the rank ordering of students.

It was confirmed that work was under way to consider possible implications of the new 9-1 grading structure for MFL qualifications. Further proposals would come to the Board for consideration in November.

It was noted that students may choose subjects on the basis of grade expectations rather than enjoyment, which may affect the number of students choosing subjects such as sciences. It was confirmed that research was in progress and this would be considered at the next SAG meeting in October for discussion with an update to the Board in November.

The Board noted the importance of an adequate supply of qualified markers for the safe delivery of the summer series and the importance of proper monitoring to assure this. It was confirmed that JCQ is working with the exam boards to help to manage the risk of an under-supply of markers.

There was a broader discussion about exam malpractice. The Board noted the importance of addressing malpractice and in particular of managing the risk of systemic malpractice at school or centre level. The Board noted that Ofqual does not regulate schools and centres but agreed that Ofqual was well placed to influence broader behaviours to reduce the risk of systemic exam malpractice.

The Board noted the upcoming symposium on Marking Consistency due to be held on 14 November 2016 as part of Ofqual's broader Quality of Marking work.

#### **42/16 Vocational Qualification Update**

The Board considered and noted the update.

The Board discussed the relative priorities of VQ reform. The Board noted the strategic importance of all current areas of work, including Functional Skills Reform, reform of Technical and Professional Qualifications and Apprenticeship End Point Assessment. The Board considered that they were all priority areas.

It was agreed that there was a need for a pragmatic Ofqual approach to reform and ongoing regulation of vocational and technical qualifications which recognises their role and use and also the other stakeholders involved.

The Board was advised that there would be a presentation and further discussions at the Board Strategy Day in October on the strategy for the reform and regulation of vocational and technical qualifications.

The Board discussed and noted recent changes to UCAS tariffs. The Board noted that Ofqual may be able help communicate in relation to qualification purposes and equivalence.

#### **43/16 General Qualifications Update**

The Board considered the update and:

**(a) noted the progress on key GQ issues; and**

**(b) agreed to delegate to the Chief Regulator the outstanding decisions on reviews of marking and appeals.**

The Board discussed progress on accreditation of qualifications for first teaching in 2017. It was noted that all first submissions had now been made and that as at 15 September there were nine specifications accredited. The Board noted that concerns from schools about availability of accredited specifications arose in part from pressures to teach to the test rather than to teach a full curriculum. The Board noted that this was in the context of their being high stakes exams on which school performance is judged.

An update was provided on monitoring of A Level Science practicals. The Board noted that a meeting had taken place between Ofqual, exam boards and several learned societies, where positive feedback was received on the changes. The Board also noted positive feedback from science teachers.

The Board briefly discussed Ofqual whistleblowing procedures, including their accessibility. It was agreed that an update on Ofqual's procedures would be provided at the November Board meeting.

The Board received an update on the low take up languages decision made in May. It was advised that the DfE was still finalising the content, which was expected in early October and will be circulated for a decision by electronic business. It was confirmed that a further update on progress would be provided at the next Board Meeting in November.

It was noted that the regulatory approach to regulating other general qualifications had been discussed at the Board Strategy Workshop.

#### **44/16 S96 Equality Act Consultation – Outcomes**

The Board discussed the paper and noted the outcomes of the consultation and the proposed changes to the specifications. The Board discussed in particular the change relating to limiting the availability of materials and resources that are not normally made available to learners during an assessment, where that provision would compromise the ability of the awarding organisation to make judgements about the learner's knowledge, skills and understanding being assessed.

There were discussions about whether any other groups of people need reasonable adjustments, and the Board was advised that our specifications would be kept under review and the views of disability groups taken into account.

#### **The Board agreed that:**

- i. we amend and implement our proposed section 96 specifications in light of the consultation responses as set out in the Board paper;**
- ii. we publish a new version of our section 96 specifications which will replace the version published in 2011;**
- iii. we write to DfE recommending the amendments to the list of qualifications set out in this paper;**

- iv. **the approval of the final form and content of the specifications and the recommendations to DfE are decided by the Chief Regulator.**

#### **45/16 Report on the work of Board Committees**

The Board considered and noted an update on the recent meetings of the Vocational Advisory Group and Enforcement Committee. The Board noted that a final decision had yet to be reached by the Enforcement Committee so minutes would come to the next board meeting.

#### **46/16 Appointments to the Board Committees**

The Board was asked to approve appointments to Board Committees.

**The Board agreed to appoint Mike Creswell to the Vocational Advisory Group, Standards Advisory Group and Standards Advisory Group NRT Sub-Group and Barnaby Lenon to the Audit and Risk Assurance Committee.**

#### **48/16 Other Business**

The Chair noted that it was Dana Ross-Wawrzynski's last Board meeting. A small presentation took place and the Board thanked Dana for her work during her term as a Board Member.

#### **49/16 Date of next meeting**

The next Board meeting would be on Wednesday 30 November 2016.