

Sixty fifth meeting of the Ofqual Board

Minutes of the meeting held at 10:00am on Wednesday 25 January 2017 at Ofqual, Spring Place, Coventry

Present: Board Members

Tim Balcon
Sally Collier
Maggie Galliers
Anne Heal
Barnaby Lenon
Terri Scott
Roger Taylor (Chair)
Tom Taylor
Neil Watts
Julius Weinberg

Ofqual

Marc Baker	Chief Operating Officer
Phil Beach	Executive Director for Vocational & Technical Qualifications
Vickie Bentley	Interim Board Secretary
Phil Carr	Associate Director Standards for Design & Development of VTQ – <i>Item 76 only</i>
Emma Leary	Senior Lawyer - <i>Item 76 Only</i>
Michelle Meadows	Executive Director for Strategy, Risk & Research
Natalie Prosser	Director of Legal
Julie Swan	Executive Director for General Qualifications

Observers

Catherine Large	Director for Vocational Qualifications
Jim Busher	Senior Manager for Strategic Policy
Michael Hanton	Associate Director for Strategic Policy and Risk
Clare Rowntree	Private Secretary
Chris Shadforth	Associate Director for Communications
Matthew Stratford	Project Senior Officer, for VTQ – <i>Item 76 only</i>
Paul Bird	Associate Director for Finance

68/16. Closed Board Member Session

The Board Members and Chief Regulator attended a closed session of the Board.

69/16. Welcomes and apologies for absence

Apologies had been received from Mike Cresswell

70/16. Declarations of Interest

Barnaby Lenon advised the Board that he had written a book chapter on Exam Systems. It was agreed that this would be reviewed by the Chair.

Roger Taylor advised the Board that he planned to work with the Careers and Enterprise Company and this may involve working with a selection of the Awarding Organisations. The Board was advised that the possible conflict had been discussed with the Chief Regulator and Director of Legal and that possible conflict could be managed effectively.

71/16. Minutes

It was agreed that there be a small amendment to the wording of the Inter-Subject Comparability minute [58/16] to record that the Board agreed there was a need to develop clear criteria in relation to decisions on what a compelling case for intervention would be.

The Board agreed that the minutes should formally record their thanks to Amanda Spielman, who stood down as Chair following the last meeting and to Julius Weinberg, the Deputy Chair, for acting as interim Chair for the period until the new Chair's term of appointment would begin.

Subject to the above amendments and some minor editorial changes, the Board agreed the minutes as a true record of its meeting held on 30 November 2016.

Matters arising from past meetings

The Matters arising paper was discussed and it was noted that:

57/16, 30 November 2016 – this was to be discussed later in the Board Meeting at item 82/16

59/16, 30 November 2016 – The information on press stories relating to VTQ was provided to the Board on 2 December 2016 in an email from the Private Secretary. This item was now marked as closed

60/16, 30 November 2016 – The information requested by the Board was provided to them on 2 December 2016 in an email from the Interim Board Secretary. The item was now marked closed.

56/16, 30 November 2016 – There was to be a verbal update on accommodation at this the meeting with an intention that a business case would be brought to Board at the meeting on 22 March 2017.

The remaining matters arising were addressed on the agenda.

72/16. Chief Regulator's Report

The Chief Regulator took the opportunity to welcome the newly appointed Chair to his new role.

The Board was provided with an overview of the key issues and updates in the paper which included:

- National Assessments
- Vocational and Technical Qualifications
- General Qualifications
- Finance and Resources

It was noted by the Board that some of the items within the Chief Regulator's Report were to be discussed in more detail within the individual directorate papers.

The Chief Regulator noted that work was underway to review our approach to National Assessments and that this would be discussed in more detail at the upcoming Board Strategy Day. It was also noted that the Chief Regulator and the Executive Director for Strategy, Risk & Research were due to appear before the Education Select Committee on 22 February to discuss National Assessments.

There was a brief discussion around the readiness review and the Board noted the heightened risks arising from delivery of new qualifications in summer 2017. The Board stressed the importance of Ofqual ensuring that there were measures in place to manage and resolve any issues that arose.

The Board discussed the current progress which had been made with accreditation and questioned if there was anything further which could be done to secure that submissions would meet our requirements. The Executive Director, General Qualifications advised the Board that we are providing feedback to those who do not meet the criteria.

This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs.

73/16. General Qualifications Update

The Executive Director of General Qualifications provided the Board with an overview of the key updates and recommendations within the paper. This included:

- The exam board readiness review ahead of summer 2017
- Accreditation of qualifications for first teaching in 2017
- Summer 2016 Exam Series Delivery
- Evaluating the reformed qualifications
- General qualifications other than GCSEs and A levels

The Board was provided with an update on the current status of the review into exam board readiness for the summer 2017 exam series. A team has now been formed which includes senior Ofqual staff and 3 external members to undertake the review. The Executive Director, General Qualifications summarised the areas which the team would concentrate on. These included: Strategic risks, contingency process, governance, resources (including marker availability and IT systems) and change management.

Information about the volumes and outcomes of reviews of marking and moderation and appeals following the summer 2016 exam series was presented and discussed. The paper provided information on the number of reviews and appeals and volumes of grade changes. The Board commented that the paper referenced grades rather than marks which have changed and asked if the mark changes which resulted in no change to grade were available.

There was then a discussion about the phasing of further changes to reviews of marking and moderation and appeals. The Board noted the dates the awarding bodies had advised their systems would be ready and if they could be asked to speed up their timetable. The Board questioned the reasons why some of these dates for when the changes would be complete were so far in the future. The Executive Director of General Qualifications advised that this was due to some exam board's current systems not having the capacity to cope with large scale changes all at once and the attendant risk involved with requiring large scale changes sooner. However the set timescales are the latest date by which we expect implementation and boards can of course implement sooner.

The Executive Director, Strategy, Risk and Research, advised the Board that there was a piece of research around remarking which was underway. Further work was necessary before conclusions could be drawn

This section has been redacted, as its publication would

There was a discussion on reasonable adjustments and special considerations in exams. Some concerns were raised regarding apparent changes in the volume of requests. The Board was advised that there were a number of variables that would need to be considered in order to understand what might be driving the

changes in patterns and that there were difficulties in accessing reliable data to undertake useful analysis.

The importance of reasonable adjustments and special considerations being available for those that needed them was agreed. The Board however discussed that it was also important that the system was fair for all. It was noted that it would be helpful to better understand whether extra time given as a reasonable adjustment made a difference or was fully used.

The Board was advised that the position regarding National Assessments was progressing and a full update would be provided at the Board Strategy Day.

It was agreed by the Board that decisions on:

- a. the very small amendments to be made to the Conditions and Guidance for GCSE and GCE Ancient languages, once the revised content has been finalised; and**
- b. the form and content of the consultation on proposals to revise the regulations for Project qualifications**

would be made by the Chief Regulator

74/16. Strategy, Risk and Research Update

The Executive Director, Strategy, Risk and Research provided the Board with an overview of the key points and updates within the paper. This included:

- The strategic risk register
- MFL native speaker research
- Legal Team update
- National Reference Test

The Board discussed research into the impact of native speakers for modern foreign language (MFL) qualifications. The research indicated that including native speakers in predictions did have an impact to a varying degree by subject and native speakers would outperform predictions of their achievement. It was not however possible to remove native speakers from the predictions data due to difficulties in identifying them. The Executive Director, Strategy, Risk and Research confirmed that although we could consider adjustment of grade boundaries generally to adjust for this, we would not look to adjust grades for native speakers.

The Board discussed the preparations, which are taking place for summer 2017 awards. The Board was advised that this matter would be discussed in more detail at the Board Strategy Day in February.

There was a detailed conversation on entity risk and the single view of risk (SVR) approach. The Associate Director, Strategic Risk and Policy advised the Board that SVR was under development and that once fully implemented would allow all of the evidence, intelligence and information we hold about entities to be collated. This would mean that the data produced would be much more meaningful and easier to use to inform risk based decision making than is currently done.

The Board was advised that this would take at least a year to be implemented but the existing system would remain in place and be built up to the new system. The Chair of the Audit and Risk Assurance Committee invited the Associate Director, Strategic Risk and Policy to the next Audit and Risk Assurance Meeting to discuss the Single View of Risk in more detail.

75/16. Vocational and Technical Qualifications Update

The Executive Director, Vocational and Technical Qualifications, provided the Board with an overview of the key points and updates contained within the paper. This included:

- An update on Applied Generals research (due to be completed in Mar/Apr 17)
- 2016 Audits
- Strategic relationships

The Board discussed the technical education qualifications and apprenticeships. It was agreed that employers look at the outcome of the qualification and in respect of technical qualifications, the purpose and outcome and flexibility of the qualification is key. It was also noted that it was important to recognise that we regulate the funded and unfunded markets and substantial changes to the funded market, driven by government, could impact on the unfunded market. The importance of understanding the whole system was stressed.

76/16. Functional Skills Reform Programme

The Associate Director, Standards for Design and Development of VTQ and Senior Lawyer, Legal provided the Board with a detailed review of the recommendations contained within the Board paper, and the consultation proposals contained within Annex A of the paper.

It was noted that the Board paper had been written in anticipation of receipt from the Department for Education of policy steers within a ministerial letter, and a final approved consultation version of the Functional Skills English and

mathematics content. There had been on going detailed engagement with the Department so there was a good degree of insight on the likely position but it had not yet been finalised. As such, these documents were not available ahead of the Board meeting, and the Board was asked, in absence of these having been formally provided, to consider the recommendations within the Board paper and Annex A and provide a view on the outlined approach. The Board was unable to take final decisions on the recommendations outlined as a result of the ministerial steers, and final content documents not being available. They did however broadly agree the proposals in principle, depending on there being no material change in position from the Department of Education.

The Board agreed to the establishment of a Functional Skills Committee to be headed by the Chair in order to consider any changes to the recommendations that might be made in light of the receipt of final ministerial steers and the content documents and in particular and changes to the anticipated position. The composition of the Functional Skills Committee would be decided by the Chair. The Functional Skills Committee would confirm the Board's decisions in relation to recommendations should they consider that they were broadly consistent with the recommendations as discussed. The Board agreed that the Functional Skills Committee will consider and decide whether any changes in our recommended approach set out in the final recommendations were of a degree of materiality so as to necessitate those recommendations being considered by the full Board.

The Board considered each of the recommendations contained within the Board paper and Annex A. The Board expressed support for the suggested approach.

The Board provided views on a number of issues:

The Board noted that the number of awarding organisations expressing an interest in developing new Functional Skills Qualifications (FSQs) was of concern in terms of comparability of those qualifications. There was a discussion around the possibility of the use of common questions in assessments, though there was a recognition that this may be impractical.

The Board queried how validity was being assured. In particular there was discussion in terms of whether FSQs could be developed that would be particular to individual vocations. The Board was advised that the content documents would set out the required content that would apply to all FSQs regardless of any particular vocation being targeted.

The Board noted that the speaking, listening and communicating assessment in English FSQs would be subject to challenges in relation to reliable assessment and monitoring arrangements, and these would need to be considered as part of the consultation.

While the Board did not raise issues in relation to the majority of recommendations within the paper and Annex A, they did comment specifically on the following:

Recommendation (b) (vi) within the Board paper

This should be revised to say “authority to approve the final wording of the consultation is delegated to the Chief Regulator *in conjunction with the Chair*”.

Recommendation (d) (i) within Annex A

The second part of this recommendation refers to there being an equal weighting attached to the three content areas in English FSQs. The Board commented that this recommendation should refer to ‘equal emphasis’ rather than ‘equal weighting’, as weightings are not meaningful where each of the areas must be separately passed.

The Board also commented on the fourth part of the recommendation, which sets out that where the writing assessment is online, this must be without access to spelling and grammar checks. The Board commented that access to spelling and grammar checks should only be restricted where SPaG is being assessed.

Recommendation (j) (iii) within Annex A

This recommendation set out that there will be common assessment criteria for the speaking, listening and communicating unit at each level that all awarding organisations are required to adopt. The Board noted that exemplification materials would also be provided.

77/16. Staff Survey Results

The Chief Regulator provided the Board with a presentation regarding the results of the recent staff survey.

It was agreed that it would be helpful for the Board to be more visible to the whole of the organisation and meet more of the staff as they do not readily get the opportunity to do. However, this must be done in context and it was recommended that a Board engagement plan be developed and more opportunities to meet staff will be made available

The Board discussed staff survey outcomes and there was a discussion about how the results could be improved upon. They were advised that the SMG had

discussed how the results could be acted upon and that a list of priorities had been developed which included talking to and being more visible to all staff.

It was commented by the Board that development of staff and the links to career progression should be addressed in a more systematic way. The COO responded that the talent management process which is being launched in the summer will strengthen these links.

78/16. Chief Operating Officer's Report

The Chief Operating Officer provided the Board with an overview of the key points and updates. This included:

- Interim and contract staff
- Corporate Plan Tracker
- People
- Health and Safety

The Board was advised that the Star Chambers had now been completed and details of the end of year financial forecast was yet to be confirmed as some details on projects were waiting to be finalised. It was agreed that the Star Chambers had had a positive impact on keeping track of the financial situation and budgets and Executive Directors should continue be held to account through the financial year.

The Board received a verbal update on the accommodation situation and advised that a more detailed business case was hoped to be ready for consideration at the next Board Meeting in March.

The Board was updated on the software being developed for the NRT and advised that although there were delays which had been encountered this would not impact on the NRT delivery date and further updates would be provided at the next Board and Audit and Risk Assurance Committee meetings.

79/16. Report on the work of the Board Committees

The Board considered and noted the minutes from the Committee Meetings held since the last Board Meeting and received an update from the Chair of the Audit and Risk Committee.

80/16. Governance Framework Review

The Board considered the paper and were provided a review of the amendments which had been made to the Governance Framework.

The Director of Legal, provided the Board with a breakdown of the amendments.

It was agreed by the Board the amendments to the Governance Framework were accepted and the quorate should be 40% for the Board and Board Committees.

81/16. Publication of Papers

The Board agreed that the papers would be reviewed by the Chief Regulator and Chair and subject to any redactions, all open papers for this meeting would be published

82/16. Other Business

Approval for 9 to 1 Campaign expenditure

The Associate Director, Communications, provided the Board an outline of the paper and recommendations within it.

The Board was advised what the expenditure would be used for and discussed the process of approving expenditure to be spent on communication and the recommendations. The Board was advised that Ofqual was an independent non-ministerial department and that such matters could be approved by Cabinet Office directly without ministerial approval.

This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs.

83/16. Date of next meeting

The next Board Meeting will be held on 22 March 2017