

**Minutes of the meeting of the 70th Ofqual Board meeting held at
10.00 am on Wednesday 20 September 2017 at Ofqual, Spring
Place, Coventry, CV5 6UB.**

Present:

Board Members

Sally Collier	
Mike Cresswell	
Anne Heal	
Hywel Jones	
Barnaby Lenon	
Christine Ryan	
Terri Scott	
Roger Taylor	Chair
Tom Taylor	
Frances Wadsworth	
David Wakefield	
Neil Watts	

Ofqual

Marc Baker	Chief Operating Officer
Phil Beach	Executive Director for Vocational and Technical Qualifications
Michelle Meadows	Executive Director for Strategy, Risk and Research
Julie Swan	Executive Director for General Qualifications
Qualifications	
Salma Ahmed	Board Secretary
Paul Bird	Associate Director, Finance
Tom Barcham	Senior Manager, Risk - for item 41/17(ii) only
Michael Hanton	Associate Director, Strategic Policy and Risk - for item 41/17(ii) only
Emma Leary	Associate Director Vocational and Technical Quality Policy - for item 42/17(b) only
Natalie Prosser	Director of Legal
Clare Rowntree	Private Secretary

Observers:

Nahid Mortuza	Senior Manager Regulatory Policy
Anona White	PA to the Chief Regulator and Chair Ofqual

35/17 **10:00 - Closed Board Session**

36/17 **10:15 – Welcome and Apologies for absence**

There were no apologies to note.

37/17 **Declarations of interest**

Declarations of interests were declared by the following members;

Neil Watts

- Member of the Complaint Committee independent Press Standards.

Anne Heal

- Member of the General Dental Council and Board member of Elexon

Tom Taylor

- Non Executive Board Member Northern Ireland Government Department of Finance
- Member NI Finance Departmental Audit & Risk Committee
- Member NI Enterprise Services Audit & Risk Committee
- Chair NI Land & Property Services Audit & Risk Committee
- Chair NI Statistics & Research Audit & Risk Committee

38/17 **Minutes of the meeting held on the 12 July 2017 and the Matters arising from past meetings of the Board**

The Board agreed the minutes of the meeting held on 12 July 2017 and the matters arising paper as a true and accurate record. However the timescale on the term 'Partner' in relation to the Apprenticeships was questioned.

[Action] It was agreed that the term in question will become increasingly important. As such a further update on this was planned to be brought to the Board.

The Board also expressed its thanks to the Chief Regulator and Ofqual staff for the good work they had done over the summer period.

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

40/17 General Qualifications Update

The Executive Director for General Qualifications provided the Board with an update on the work of the General Qualifications Directorate.

The Board was informed that criminal investigations relating to the GCE Pearson mathematics paper breach were on-going. A small number of candidates had been disqualified from the qualification.

The scope of the review into the relative risks and benefits of teachers writing exam papers was discussed and the Board noted that a progress update would be published before the end of the year. There would be a wider discussion on malpractice at the Board's strategy day in October.

The Board was alerted to indications of malpractice relating to the non-exam assessment element of GCSE Computer Science, for which solutions to the some of the tasks were becoming available on-line.

The Board also considered whether Ofqual should contact schools and colleges with unusually high or low numbers of students being allowed up to 25% extra time to invite them to reflect on their approach to identifying disabled students who required such an adjustment. The Board asked that different options should be considered before Ofqual decided to contact schools and colleges directly.

The Board agreed to delegate to the Chief Regulator, in consultation with the Chair, the following decisions:

- a) proposals for changes to Conditions and Guidance to address malpractice issues in relation to GCSE Computer Science;**
- B) the form and content of any necessary consultation to give effect to those proposals; and**
- C) final changes to Conditions and Guidance.**

41/17 Strategy, Risk and Research Update

The Executive Director for Strategy, Risk and Research provided the Board with an update on the work of the directorate.

With regard to the strategic risk register, the Board was requested to consider the closure of two risks;

Risk 17 Accreditation of new GCSEs, AS and A levels (GQ)

The accreditation process for subjects for first teaching in 2017 was complete. For subjects for first teaching in 2018, although there remained a small number requiring accreditation, the progress that was being made did not pose the same level of risk as in previous years.

Risk 18a National Reference Test (Delivery).

Positive progress had been made with the delivery of the National Reference Test. The risk associated to this had continued to be at a low level for a number of months.

Having considered the reasoning the Board agreed to close both risks 17 and 18a.

Qualification Wales (QW) had commenced a review of its Conditions and Guidance. The review is informed by an online survey of all awarding organisations and stakeholder panel meetings. Ofqual will attend the stakeholder meetings to keep informed of any changes QW decide to make, following which we will decide whether any changes ought to be made to Ofqual's Conditions and Guidance. The Board was briefed as to the risks inherent in any divergence between the regulators' conditions.

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

The Board was presented with a demonstration of the Single View of Risk (SVR). The tool was designed to support decision making on the types of regulatory activity that should be taken by storing all risk information and intelligence in a single location, accessible to all staff. The Board was told that the tool was live, refreshed every 24 hours and was currently in use within both the VTQ and GQ standards teams and would be available on the intranet by the end of the week.

42/17

Vocational and Technical Qualifications Update

The Board was provided with an update on the work of the VTQ directorate. This included;

Governance – Reactivation of the Reform Committee

In order to provide quick and appropriate governance to support the organisation's decision making in relations to reform, and to enable issues to progress more quickly it was crucial to reactive the Reform Committee of the Board.

Since the appointment terms for all but one member of the Reform Committee had come to an end, new members would need to be appointed to the Committee. As such, the Board was requested to agree to reactivate the Reform Committee and to agree to delegate specific decisions to the Sub-Committee.

The Board agreed to reactivate the Reform Committee and recommended that the Chair elect new members to join the Committee.

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

Strategic Relationships

The Board was notified that a review of Qualification Wales' (QW) General Conditions and Guidance was currently underway.

Functional Skills reform

The Functional Skills Qualifications (FSQs) were intended to be introduced in time for teaching from September 2019, as such a consultation on the proposed regulatory approach to these qualifications was required urgently.

The regulatory approach had previously been agreed in principle at the January Board pending a ministerial steer. A ministerial steer had been received along with qualification purpose statements. The Board was notified that draft versions of the subject content had been reviewed and colleagues were content that these could be regulated.

The Board's approval was sought in order to go ahead with the proposed regulatory approach which was previously agreed in principle at the January Board.

The Board agreed to approve;

- i. Ofqual's approach to regulating reformed FSQs should carry forward existing features where these were effective and in line with Ofqual's broad regulatory approach.**
- ii. Ofqual should strengthen how it regulates FSQs principally in relation to:**
 - the information that is required from AOs about their qualification design and approach, and**

- **inter-AO comparability of standards.**
- iii. **The regulations Ofqual puts in place should, as appropriate, adopt and reflect the DfE curriculum intentions.**
- iv. **Ofqual should consult on the proposals set out in annex D [as discussed at the January Board meeting] and annex E.**
- v. **The consultation should commence as soon as practical and run for 8 weeks. The consultation should set out proposed reforms to, and a new regulatory framework for, new FSQs in English and maths for first teaching from September 2019.**
- vi. **The Chief Regulator, in conjunction with the Chair, as agreed in the January Board meeting, should be delegated the authority to approve the final wording of the consultation.**
- vii. **The content proposals on which the DfE plans to consult should be incorporated into Ofqual's regulatory framework.**

43/17 Chief Operating Officer's Report

The Board was provided with an update on the Chief Operating Officers areas of responsibility. This included;

The financial position as at the end of August 2017 included a year to date (YTD) underspend of £408K. The accuracy of expenditure forecasts from Directorates had significantly improved and the latest full year forecast indicated a year end underspend of £70k. Savings of approximately £163K YTD have been achieved mainly as a result of improvements in the success rate of accreditation submissions, and not filling a number of vacancies.

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

The bid for apprenticeship funding of £472k for this financial year is with the Secretary of State however our expectation is that this will be confirmed and funds will be available this year. A further £100K is set aside in the project fund for litigation. The Board was notified that it was likely that this would not be spent in full this financial year.

Staff within the organisation had taken part in the interim Pulse Survey in June this year. The Board was notified that participation was very positive with a 95% response rate being achieved and that overall staff engagement was up 5 percentage points. Two directorates were now in the top performing range across the civil service. The full year survey would commence at the end of the month.

A Management Development programme had been launched with discussion topics being introduced every quarter, the first of which was on 'delegation'. Formal programmes for new and experienced managers had also commenced with good levels of take-up. A 'listeners' scheme will be launched shortly with the aim of providing a safe space for members of staff to discuss any concerns that they may have about bullying.

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

[Action] The Board was notified that unsuccessful attempts had previously been made to source technical expertise from within the civil service which were similar to those that the contractor concerned possessed as such the use of a long term contractor was the only available alternative. The intention was to bring a business case to the Board in January 2018 outlining our long term resourcing.

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

44/17 Report on the work of Board committees

The Board considered and noted the minutes from the Standards Advisory Group meeting held on the 30th of June 2017 and also received verbal updates from the Chairs of each of the following Board Committees that had met since the last Board meeting:

- Enforcement Committee 18 August 2017
- Finance Committee 30 August 2017
- Audit and Risk Assurance Committee 6 September

45/17 Publication of Papers

The Board agreed that all open papers for this meeting would be published.

46/17 Other Business

There was no other business to note.

47/17 Date of Next Meeting

The next Board meeting is scheduled for Wednesday 15 November 2017.