

**Minutes of the 72nd Ofqual Board meeting held on Wednesday
31 January 2018 at 10:00am in Room 4, Spring Place, Herald
Avenue, Coventry, CV5 6UB.**

Present:

Ofqual Board

Sally Collier

Mike Cresswell

Anne Heal (**until item 58/17**)

Hywel Jones (**until item 58/17**)

Barnaby Lenon

Christine Ryan

Terri Scott

Roger Taylor Chair

Tom Taylor

Frances Wadsworth

David Wakefield

Ofqual

Salma Ahmed Board Secretary

Marc Baker Chief Operating Officer

Phil Beach Executive Director for Vocational and Technical Qualifications

Paul Bird Associate Director, Finance

Jim Busher Senior Manager, Strategic Policy – **for item 56/17(ii) only**

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| Kate Evans | Associate Director for Digital – for item 58/17(ii) only |
| Michael Hanton | Associate Director for Strategic Policy and Risk – for item 56/17(i) only |
| Emma Leary | Associate Director for VTQ Policy - for item 57/17b |
| Michelle Meadows | Executive Director for Strategy, Risk and Research |
| Naomi Nicholson | Director, Regulation of National Assessments – for item 56/17(iii) only |
| Jan Roszkowski | Chief Information Officer - for item 58/17(ii) only |
| Natalie Prosser | Director of Legal |
| Julie Swan | Executive Director for General Qualifications |
| Anona White | Private Secretary to the Chief Regulator |

Observers

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| Steve Hickmott | Senior Manager – Regulation Development & Impact |
| Murray Naish Jenny Lee | Senior Manager Policy, General Qualifications Policy Manager - Business and Projects, General Qualifications |
| Lucy Sydney | Director of Strategic Relationships for VTQ |
| Phil Carr | Associate Director Standards for Design & Development of VQ |
| Catherine Large | Director of Vocational Qualifications |



62/17 Welcome and Apologies for absence

There were no apologies or absence to note. The Board congratulated Christine Ryan on receiving her Damehood.

63/17 Declarations of interest

Hywel Jones notified the Board of his new Position as Primary Director at the Inspiration Trust and Frances Wadsworth notified the Board that upon her retirement as Principal and Chief Executive of Croydon College she will take up the position of Deputy FE Commissioner in Spring 2018.

64/17 Minutes of the meeting held on 15 November 2017

The Board agreed the minutes of Ofqual Board meeting held on 15 November 2018 and the matters arising as a true and accurate record however, it asked that the minutes formally reflect their thanks to Neil Watts, who had attended his final Ofqual Board meeting before his term as a member of the Ofqual Board expired at the end of December 2017.

65/17 Chairman’s Stakeholder Feedback

The Chair provided the Board with a verbal feedback of the meetings and events that he had attended since the Board had last met and he also notified the Board that the Chairman’s feedback would continue to feature as a routine item on the Board agenda.

The Chair had attended the Engineering Employers’ Federation Technology Hub in Birmingham at which he was introduced to trainees who had decided to pursue apprenticeships programmes instead of enrolling onto A level courses. He had also attended an ASI Data Science and Public First meeting during which he had engaged in discussions on looking into research projects related to reading and understanding scripts.

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

67/17 Staff Survey Results

The Board was provided with an overview of the Staff Survey results.

The results reported a 7% rise in engagement scores indicating a significant increase in position as compared with other civil service departments from 49th to 13th place. Both the General Qualifications and Strategy, Risk and Research Directorates were commended for their scores in the top quartile of Civil Service performers. The improvements in the bullying and harassment results were also recognised positively and the Board thanked the leadership team for this improvement. It was clarified that the final slide relating to the ‘open comments’ reflected both positive and negative comments.

General Qualifications Update

The Executive Director for General Qualifications provided the Board with a brief overview of the General Qualifications update paper and a detailed update on the work relating to the teacher involvement in developing exam papers and other confidential assessment materials.

Reviews of marking

The Official Statistics on reviews of marking, published on 14 December 2017, showed surprisingly high numbers of mark changes in some subjects, and most notably, for AQA's GCSE English Language qualifications. Following detailed analysis of data and discussions with AQA, the exam board acknowledged it had not fully complied with the relevant Conditions in relation to its conduct of the reviews of marking. AQA undertook to change its approach for the reviews of marking for the November exams. Ofqual published the undertaking on 21 December. The approaches taken by the other three exam boards were being reviewed.

The use of extra time and special consideration

At its previous meeting the Board had decided that Ofqual should write to centres that had, without obvious good reason, applied for extra time for 50% or more or 1% or fewer of its students in both 2016 and 2017, to suggest they reviewed their practices. The exam boards had subsequently decided to contact such outlier centres themselves. The Board noted that Ofqual had asked the exam boards to consider the data on the use of special consideration to identify any trends or practices that required their investigation or that suggested they needed to change their approach.

Readiness for summer 2018

The Board noted progress with the readiness reviews of the exam boards, ahead of the summer series, and the particular issues on which the discussions with each were focusing.

Teacher involvement in developing exam papers and other confidential assessments Report

The Board considered proposals to reduce the risk that a teacher who had developed or otherwise seen confidential assessment materials disclosed information about the assessment before it was taken. This followed some widely publicised malpractice events in summer 2017.

The Board considered the benefits of teachers being involved in the assessment process and noted that awarding organisations were already subject to demanding rules intended to address the risk of confidential information being disclosed. The Board noted the number of cases where a teacher was proven to have disclosed such materials was very small. However, any such behaviour was considered as damaging to public confidence and fairness and the Board agreed the current safeguards should be strengthened, in particular through some minor amendments to the current Conditions and by providing fuller statutory guidance for awarding organisations on the steps they should take to stop confidential information being disclosed. The guidance should recognise awarding organisations needed to adopt measures that were proportionate for each of their qualifications, given any potential incentives for the inappropriate use of confidential information and the impact should confidential information be disclosed.

The Board stressed it was important that awarding organisations understood how they should use such guidance and the potential consequences for any enforcement action should they deviate from it. The Board were of the view that some of the examples about the use of safeguards in the paper needed to be strengthened.

The Board noted that the exam boards that provide GCSEs, A levels and Pre-U qualifications had all committed to strengthening for the 2018 summer exams the safeguards they use to deter and detect the inappropriate use of confidential assessments.

A small group of Board members would be asked to review the draft guidance and any changes to the Conditions before they were finalised for consultation.

The Board agreed to:

- **delegate authority to the Chief Regulator, in consultation with the Chair, to agree the form and content of the consultation on the policy and;**
- **delegate authority to the Chief Regulator, in consultation with the Chair, to agree the form and content of a subsequent consultation on the draft guidance and amendments to the Conditions.**

69/17

Strategy, Risk and Research Update

The Executive Director for Strategy, Risk and Research provided the Board with an overview of the Strategy, Risk and Research Update paper and the key points within it.

Following the 27 October Board Strategy Day, work had begun to develop the organisation's plans for 2018/19. The aim was to develop these into the Corporate Plan. The Executive team had produced six strategic goals with specific projects and programmes sitting beneath. The Board was asked to consider whether any amendments were needed before the Corporate Plan was considered at the 23 February Board Strategy Day.

The Board suggested that the words for each goal should be carefully selected and the order of the goals should be reconsidered.

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

The Board discussed critical stakeholder commentary regarding the position of the grade 4 higher tier GCSE Maths boundary. Stakeholders had raised concerns that students can fail 85% of the paper and still achieve a grade 4. Grading reliability had been calculated and was found to be satisfactory. This would need to be monitored over time as an indicator of inappropriate entry to the higher tier. There was a need to assure stakeholders that reliability was high and to encourage appropriate tier entry.

[Action] It was agreed that opportunities would be sought to communicate findings regarding grading reliability and to encourage appropriate tier entry and the Board would be provided with an update on this at the May Board meeting.

The Director for Regulation of National Assessments provided the Board with a brief update on the consultation outcome on updating the regulatory framework for National Assessments. The current framework had been published in 2011 and the consultation had come to a close in December 2017. 12 responses had been received from representative groups including teacher associations and the National Governors Association and also from the STA. Responses received were generally positive.

The Board was requested to agree that:-

- a. we publish our updated version of our *Regulatory Framework for National Assessments* to replace the version published in 2011;
- b. we make some minor amendments to wording within our Framework to provide greater clarity but do not change the approach consulted on;
- c. our revised framework should take effect from when it is published in spring 2018 and;

- d. the final form, content and implementation of the updated *Regulatory Framework for National Assessments* should be approved by the Chief Regulator

The Board agreed to each of the proposals a to d as outlined above.

70/17 Vocational and Technical Qualifications Update

The Executive Director for Vocational and Technical Qualifications provided the Board with an update on the work of the Vocational and Technical Qualifications Directorate including an update on the latest position on T Levels.

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

Functional Skills

The Board was notified that the Functional Skills policy consultation has now closed and initial analysis indicated that no material changes would be needed to the approach that had been previously outlined to the Board. As such, the Board was requested to agree to delegate to the Reform Committee, if required, approval of our Functional Skills technical consultation.

The Board agreed to delegate to the Reform Committee, if required, approval of our Functional Skills technical consultation.

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

The Associate Director for VTQ policy provided the Board with a brief overview of the Conditions and Guidance for Apprenticeship End Point Assessments (EPAs) paper.

The paper explained that in order to regulate EPAs effectively there was a need to make a small number of amendments to the regulatory framework.

The proposals put forward had been informed by engagement activity with awarding organisations, and had been subject to high level discussions with the DfE (Department for Education), the IfA (Institute for Apprenticeships) and the ESFA (Education and Skills Funding Agency), as well as being considered by the Board Reform Committee.

There was a need to issue EPA-Specific guidance (End Point Assessment specific guidance) which would assist EPAOs (End Point Assessment Organisations) understand their obligations in relation to compliance with the General Conditions of Recognition. There was also a need to amend some of the General Conditions of Recognition, disapply others and include new conditions specific to EPAs.

The Board was requested to agree on whether we should consult on implementing the approach that was set out in the paper and to delegate sign-off for the final form of the proposals and consultation to the Chief Regulator and Chair.

The Board agreed that we should consult on implementing the approach as set out in the paper and it also agreed to delegate sign-off for the final form of the proposals and consultation to the Chief Regulator and Chair.

71/17 Chief Operating Officer's Report

The Chief Operating Officer provided the Board with an update on his area of responsibility.

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

72/17 Report on the work of the Board committees

The Chairs for the following Committees provided the Board with a brief verbal update on the work of their individual Committees.

Tom Taylor: Finance Committee meeting held: 23 November 2017

The Committee had considered the current and year-end spend and reviewed the SFI (Standing Financial Instructions). It had recommended making reference to the ToRs (Terms of Reference) of the Finance Committee and a discussion on the staff survey results had also taken place.

Roger Taylor: Reform Committee Skype meeting held: 8 January 2018

A presentation on the proposed response to the T level consultation was delivered to the Committee and the Committee had provided a range of suggestions to include within the response.

Anne Heal: Audit and Risk Assurance Committee meeting held 16 January 2018

A Cyber Security Awareness presentation had been delivered to the Committee. The Committee had been assured that GDPR (General Data Protection Regulation) preparations were on track and a risk based approach was being taken. Candidate Level Data was also considered and the Committee received thorough reassurance that this was being effectively managed. A number of internal audit reports were considered and the Committee received an update on the Strategic Risk Register. A presentation

on the risk relating to the reviews of marking was also delivered to the Committee.

73/17 Publication of Papers

The Board was notified of media commentary in relation to redactions made to published Board minutes. The Board noted the comments and reflected that published papers should be as open as possible, while bearing in mind the sensitivity of some policy discussions.

The Board agreed that the open papers for this Board meeting should be published.

74/17 Other Business

The Board considered and approved the proposed 2018/19 Ofqual Board and Committee dates.

The Chair notified the Board that following the departure of the Finance Committee and Audit and Risk Assurance Committee Chairs at the end of March 2018, David Wakefield had been invited to take over as Chair of the Finance Committee and Frances Wadsworth had been invited to take over as the Chair of Audit and Risk Assurance Committee and also to act as Deputy Chair of the Board. Both David and Frances had accepted the invitations and the Board was in agreement with this decision.

75/17 Date of Next Meeting

The next Board meeting will be on Wednesday 28 March 2018.