

## Minutes of the 77<sup>th</sup> meeting of the Ofqual Board held 18 July 2018

### Present:

#### Ofqual Board

Ian Bauckham	
Delroy Beverley	
Sally Collier	Chief Regulator
Mike Cresswell	
Hywel Jones	
Christine Ryan	
Jo Saxton	
Roger Taylor	Chairman
Frances Wadsworth	
David Wakefield	

#### Apologies

Lesley Davies

#### Ofqual

Salma Ahmed	Board Secretary
Phil Beach	Executive Director for Vocational and Technical Qualifications
John Clewes	Senior Manager for Policy and Strategic Relationships for GQ – <b>for item 35/18 only</b>
Daniel Gutteridge	Acting Director of Legal
Matthew Humphrey	Director of Legal Moderation and Enforcement – <b>for item 41/18 only</b>
Cath Jadhav	Director of Standards and Comparability – <b>for item 37/18 only</b>
Emma Leary	Associate Director VTQ Policy, Vocational Qualifications – <b>for item 34/18 only</b>
Andy Lester	Senior Manager Strategic Policy – <b>for item 38/18 only</b>
Michelle Meadows	Executive Director for Strategy, Risk and Research
Naomi Nicholson	Director, Regulation of National Assessments - <b>for item 36/18 only</b>
Stephen Park	Interim Chief Operating Officer
Chris Shadforth	Director of Communications – <b>for item 33/18 only</b>
Julie Swan	Executive Director for General Qualifications

#### Observers

Tom Barcham	Senior Manager, Risk – <b>for item 33/18 &amp; 38/18 only</b>
Steve Hickmott	Senior Manager, Vocational and Technical Qualifications Policy – <b>for item 34/18 only</b>
Rachel Taylor	Research Fellow, Research and Analysis – <b>for item 37/18 only</b>
Merlin Walter	Research Assistant, Standards and Comparability – <b>for item 37/18 only</b>
Ming Wei Lee	Research Fellow, Standards and Comparability – <b>for item 37/18 only</b>

**29/18 Welcome and Apologies for absence**

The Chairman congratulated Christine Ryan who had attended her investiture ceremony to receive her damehood. He also welcomed Stephen Park, interim Chief Operating Officer to his first meeting of the Ofqual Board and apologies for absence were noted from Lesley Davies.

**30/18 Declarations of interest**

There were no declarations of interest to note.

**31/18 Ofqual Board Minutes - meetings held 27 June 2018 and matters arising:**

The Board approved subject to minor amendments, the minutes of the Ofqual Board 2017/18 Annual Report and Accounts and T Levels Board meetings as a true and accurate record of the meetings that took place.

**Matters arising**

The Board considered and noted a paper on the matters arising from past meetings of the Board.

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

**32/18 Chairman's Stakeholder Feedback**

The Chairman presented the Board with a verbal update on the meetings that he had attended since the Board last met. These included a meeting with representatives from OCR, a visit to Yeovil College and a meeting with Jon Yates, special advisor to the Secretary of State for Education Damien Hinds.

**33/18 Chief Regulator's Update**

The Chief Regulator presented her update to the Board which included a meeting with the Secretary of State (SoS).

**General Qualifications Update**

- **Exam Board Safeguards:** Discussions on security arrangements relating to examinations taken overseas had taken place with Exam Boards. The exam boards had provided details of their inspection arrangements for centres outside the UK and confirmed that the rules for the conduct of exams were the same, wherever the exams were taken. The timing of exams must coincide with the scheduled timing of exams being taken in the UK.

- **Malpractice:** The Board was provided with an outline of the nature of the events that had been reported to Ofqual over the summer exam period. This included the incident involving a Pearson A level maths paper leaked online, where it was reported publically that there was a police investigation ongoing.

[Action] It was agreed that an update on the range of malpractice events that had occurred during the exam period would be brought to the Board in the autumn.

- **Memorandum of Understanding (MOU) with the Department for Education (DfE):** An overview of the MOU between Ofqual and the DfE was provided to the Board.

**The Board agreed to delegate to the Chief Regulator authority to sign the MOU with the DfE.**

- **International GCSEs:** The challenges of making definitive statements about the comparability of GCSEs and International GCSEs were discussed. The Board confirmed its earlier position that Ofqual should explain that the qualifications are different, so precise statements about comparability cannot be made, and that International GCSEs have not been subject to the same scrutiny by Ofqual as reformed GCSEs.
- **Enforcement:** There had been no representations in response to the publication of the Notice of Intention to fine OCR in relation to the error in its 2017 GCSE English literature paper.

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

#### Vocational and Technical Qualifications Update

**Functional Skills Qualifications (FSQs):** Positive progress had been made in the reform of FSQs, with Conditions and Guidance having been published and the first set of qualifications expected to be submitted for evaluation in late August.

**Digital:** A Ministerial steer requiring Ofqual's contribution to the reform of the Basic Digital Skills had been received and responded to. The Board was informed that a Department consultation on new national digital standards was expected to be launched in early November.

#### Strategic Relations

- **AO Communications Survey:** Following a request made by the Board at its meeting in May, the Board was informed that additional details relating to the findings from the AO Communications survey had been provided in Annex E to this paper.

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

- **Approach to Data:** The Board considered initial proposals regarding use of the data for regulation and leadership of the sector. The Board welcomed the cautious approach to mining 'big data' and endorsed the proposals. It welcomed further discussions on the data strategy at the Board Strategy day in October 2018.
- **Communications:** With regard to the Summer Series Symposium, the majority of the responses received for this event had been positive. Journalists suggested that the information provided was too detailed. Preparations for communications relating to results day were underway with Ofqual blogs including on marking scheduled to be released on each Friday. Other innovative ideas were also in the planning, including the release of interactive apps which would detail a breakdown of county level results data.
- **Complaints Investigations:** The complaints function had moved from the Regulatory and Corporate Services (RCS) directorate to the Statutory, Risk and Research (SRR) directorate and a full review of the complaints process was intended.

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

**34/18            Regulating Apprenticeship End Point Assessments (EPAs) – consultation outcomes.**

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

**35/18            Paper on Inter-subject Comparability**

The Board was presented with a paper on inter-subject comparability, and was requested to consider and approve a set of proposed criteria to identify a compelling case for adjusting grading standards. The Board was also asked to approve a set of potential actions that could be taken in relation to inter-subject comparability in a given subject. In deliberating on these proposed criteria and potential actions, the Board was asked to consider a set of specific questions.

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

**36/18            Regulating National Assessments during major operational change**

The Board was provided with an overview of the paper and informed that the new test operations contract had been recently awarded to Capita in partnership with the Scottish Qualifications Authority (SQA) for the 2020-24 test cycles.

The Board was informed that our regulatory approach during this period of change would need to be considered, particularly in light of our strategy to focus on the validity of National Assessments, our overarching statutory objectives and the need to add maximum value.

The recommended approaches and actions detailed in the paper were outlined to the Board, along with a presentation of the alternative options.

Risks and issues associated with our involvement in the detail of operational delivery were discussed. It was confirmed that the Standards and Testing Agency would be responsible for reporting risks and progress on test operations to Ministers.

- a. **The Board agreed to the preferred option (Option A), namely, to maintain our strategic focus on validity but broaden our scope to include risks to validity posed by the change;**
- b. **It also suggested that we maintain high-level monitoring of delivery;**
- c. **It agreed that we should keep our approach under review during the period of the change and reconsider our focus and/or resourcing as we think necessary, should circumstances change and;**
- d. **It agreed that we should ensure our regulatory role during this period was clear from the outset. It suggested that we adopt a positive tone in our letter to the Education Select Committee (ESC) and that we write in parallel to the new Chief Executive of the Standards and Testing Agency (STA).**

**37/18 National Reference Test update**

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

**38/18 Strategic Dashboard**

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

**39/18 Ofqual's approach to information security and the new data protection legislation**

The Board was notified that a paper detailing Ofqual's approach to information security had been submitted to the Board for information along with two additional annexes detailing information on cyber and information security and the 2018 data protection legislation.

**40/18 Financial Update**

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

**41/18**

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

**42/18            Report on the work of the Board committees**

The Chairs of the Committees provided the Board with the following verbal updates on the matters covered at their respective meetings.

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

**43/18            Publication of Papers**

The Board agreed to the publication of the open papers for the Board meeting.

**44/18            Other Business**

The Chair requested the Board to agree to appoint Ian Bauckham and Lesley Davies to the Reform Committee, Jo Saxton to the Standards Advisory Group and to agree that Christine Ryan takes up the position of Board Diversity Champion.

**The Board agreed to the proposals made by the Chair.**

**45/18            Date of Next Meeting**

The Board was informed that the next meeting of the Ofqual Board was scheduled for Wednesday 26 September 2018.