

Minutes of the Ofqual Board meeting held on 26 September 2018

Present

Ofqual Board

Ian Bauckham – **up to item 66/18**

Delroy Beverley

Sally Collier

Mike Cresswell

Lesley Davies

Hywel Jones

Jo Saxton – **up to item 66/18**

Roger Taylor – Chair

Ofqual

Salma Ahmed	Board Secretary
Phil Beach	Executive Director for Vocational and Technical Qualifications
Paul Bird	Associate Director for Finance
Jonathan Clewes	Senior Manager Policy and Strategic Relationships for GQ – for item 64/18 only
Richard Garrett	Director of Policy and Strategic Relationships for GQ – for item 64/18 only
Daniel Gutteridge	Acting Director of Legal
Michael Hanton	Associate Director for Strategic Policy and Risk
Andy Lester	Senior Manager Strategic Policy – for items 65/18 and 66/18
Michelle Meadows	Executive Director for Strategy, Risk and Research
Stephen Park	Interim Chief Operating Officer
Jan Roszkowski	Chief Information Officer – for item 67/18 only

Julie Swan Executive Director for General Qualifications

Observers

Ikrima Abubakar	Chartered Legal Executive Apprentice – from item 65/18 to 73/18
Ben Cuff	Research Associate, Standards and Research – from item 64/18 to 66/18
Catherine Large	Director of Vocational Qualifications
Chris Shadforth	Director of Communications
Lucy Sydney	Director of Strategic Relationships, VTQ
Anona White	Private Secretary to the Chief Regulator

59/18 Welcome and Apologies for absence

Apologies were noted from Christine Ryan, Frances Wadsworth and David Wakefield.

60/18 Declarations of interest

Lesley Davies declared that she was previously employed as Senior Vice President at Pearson UK.

61/18 Minutes of the meeting held on 28 August 2018

The Board considered the minutes of the 28 August 2018 Board meeting and subject to one minor amendment approved the minutes as a true and accurate record of the meeting.

The Board also considered a paper detailing updates on the matters that had arisen in past meetings of the Board and it acknowledged that item 06/18 Applied Generals and Apprenticeships would be brought to the 28 November 2018 Board meeting.

In terms of items 33/18 Malpractice and 38/18 Strategic Dashboard, the Board acknowledged that these had been brought to the present Board meeting as part of item 63/18 and 66/18 and the matters were now closed subject to a paper reporting on risk appetite for each individual risk included on the strategic

risk register which would be presented to the Audit and Risk Assurance Committee (ARAC) meeting on 2 October 2018.

62/18 Chairman's Stakeholder Feedback

The Chairman provided a verbal update to the Board on the meetings and events that he had attended since the 28 August 2018 Board meeting. These included a meeting of the Chairs of Arm's Length Bodies of the Department for Education; attending the launch of a book by Ofqual's Standards Chair, Dennis Opposs, entitled *Examination Standards: How measures and meanings differ around the world*; and holding a joint meeting between some members of the Boards of the IfA and Ofqual.

63/18 Chief Regulator's Report

The Chief Regulator commended those staff who were involved with the organisation of the A level and GCSE results days for their efforts in ensuring both days ran smoothly. The Chief Regulator also commended the efforts of staff who were involved with developing the consultation on Technical Qualifications, meeting the very challenging deadline to ensure it was published on the same day as the launch of the T Level invitation to tender.

Standard Setting – The Board was informed that, this summer, around 4,700 students had benefitted from Ofqual's decision to allow the 3-3 grade to be awarded to students who had been entered for higher tier GCSE combined science, and whose performance was in line with the standard required for that grade. The Board discussed the risk that permitting exam boards to award the 3-3 grade on the higher tier paper in 2018 could create an expectation that this would also be allowed in future years. It also noted that the principal aim should be to ensure that schools have the relevant information to be able to enter students for the appropriate tier paper, to reduce the likelihood of the 3-3 safety net grade being required.

Malpractice – The Board considered the summary of malpractice cases during the summer. In particular, it considered how exam boards might most effectively investigate malpractice and share information on teacher malpractice amongst each other. The Board also discussed the remit of the JCQ's independent Commission on malpractice, on which Ofqual had observer status.

GCSE and GCE music and dance conditions – The Board considered the proposed changes to the GCSE and GCE music and dance conditions and the proposal to consult on the suggested amendments, which would allow exams boards to give some credit for student performances that did not meet the minimum time requirements.

The Board agreed to delegate authority to the Chief Regulator to approve the consultation on amendments to the conditions for GCSE and GCE music and dance.

GCSE Computer Science – The Board considered the range of ways by which programming is assessed in other qualifications similar to GCSE computer science and the range of options that had been considered for GCSE computer science. The Board noted the positive feedback on the current, interim arrangements in place to ensure students are given opportunities to develop their programming skills. The Board recognised the exam boards would need to time to develop alternative, long-term assessment arrangements and that there was no obvious single preferred approach for the assessment. However, to avoid a repetition of previous issues with the qualification, the Board agreed that the qualification, including the programming aspects, should be assessed entirely under exam conditions, noting this could include on-line and on-screen assessments. To allow teachers time to prepare for any new assessment arrangements and exam boards time to develop and test new styles of assessments, the Board agreed the interim arrangements should continue for a further year. The new assessments would then be taken for the first time in 2022.

The Board agreed to delegate authority to the Chief Regulator, in consultation with the Chair, to approve the consultation on changing the conditions for GCSE computer science to require the qualification to be assessed by examination.

Regulators' Pioneer Fund (BEIS) – The Board was informed that we had submitted a bid to the Regulators' Pioneers Fund, a competition run by the Department for Business, Energy and Industrial Strategy (BEIS) which offered funding for innovative regulator-led projects.

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

Basic Digital Skills – A response to the steer of 4 June from Minister Milton on Basic Digital Skills had been sent by the Chief Regulator, and both letters had subsequently been published. Staff were commended for their work in this area and the Reform Committee was due to meet on 25 October 2018 to consider the consultation propositions.

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

Grading Vocational and Technical Qualifications – Following our recent research into grading within VTQs and Apprenticeships, a day conference on

grading practices in VTQs was planned for late 2018, which the Board was invited to attend. Details relating to the event would be sent to the Board.

National Assessments – The Board recommended at the July Board that we should provide clarity about our regulatory approach to National Assessments whilst the period of transition to the new test operations supplier was underway. The Chief Regulator subsequently wrote to the Chair of the Education Select Committee setting out our focus on assessment validity including information on our recent regulatory monitoring and research and our intention to broaden our scope to include monitoring for risks to validity that may arise as a result of the change of supplier.

National Reference Test – Discussions relating to the changes to our service requirements for data precision and updating the terms of the contract to reflect the data protection regulations were ongoing and were intended to be brought for consideration at the November Board.

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

Accommodation – Good progress was being made with the office move, with the date to move into the new office being 8 October. The Board was informed that the morale of staff during this period had remained positive and the office move would provide an opportunity to promote more collaborative ways of working. A refresh of the Ofqual branding was also underway.

The Board was reminded that it had delegated to the Chief Regulator in July 2017 the ability to make further decisions concerning the move of office premises due to the uncertainties and timescales involved.

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Communications – The Board noted the volume of media output and focus of different outlets throughout the GCSE and A level results window. Analysis showed that several times the use of comparable outcomes had been misrepresented or misunderstood in the press. A discussion on how this could be addressed would be brought to the 11 October Board Strategy day.

64/18 Inter-subject comparability

The Board was provided with a brief summary of the paper on inter-subject comparability and a commentary on the criteria (agreed at the 18 July Board meeting) which had been applied to the evidence (statistical, contextual and

stakeholder) gathered for each of the language and science subjects, along with the proposed recommendations and the rationale for each.

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The Board agreed that:

- a. We have not found a compelling case to adjust grading standards in physics, chemistry, biology, French, German and Spanish.**
- b. We consult with the exam boards on using a one-sided (i.e. positive-only) reporting tolerance when comparing outcomes against predictions at the A/B and A*/A grade boundaries in these qualifications.**
- c. We review the impact of this use of reporting tolerances after the summer 2019 awards.**
- d. The summary presented within the paper is an accurate reflection of the evidence contained with the technical reports, and that the technical reports should be published to serve to explain our decision.**

65/18 Tackling grade inflation in BTEC qualifications

The Board considered a paper and report which detailed evidence relating to BTEC grade inflation in the legacy qualifications. These qualifications were developed under the old Qualifications Credit Framework (QCF). The Boards advice was sought on; whether to publish the report in line with the considerations as outlined in the paper (paragraphs 16-19) and if the right communications issues (outlined in paragraph 20 of the paper) had been identified.

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The Board agreed that:

- a. We should publish the report in line with the considerations at paragraphs 16 – 19 and that;**
- b. We have identified the right communications issues as at paragraph 20 of the paper.**

66/18 This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs

67/18 This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs

68/18 [Closed] Financial Update

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

69/18 Annual Review of the Governance Framework

The Board considered a paper which set out the proposed amendments to the governance framework following the governance review that took place in March 2018. The Board was requested to consider and approve the amendments.

The proposed amendments were outlined to the Board. These included; additional wording to the responsibilities of the Chief Regulator as Accounting Officer; a new paragraph setting out the process to follow in the event that a conflict arises between a decision of the Board and the Accounting Officer; minor amendments to the role of the Chief Operating Officer assuming the role and responsibilities of the 'Finance Director' and some minor amendments to the paragraph numbers.

The Board approved the proposed amendments to the Governance Framework as set out at Annex B (Ofqual Governance Framework) and the amendments to the numbering of the paragraphs.

70/18 [Closed] Report on the work of the Board committees

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

71/18 Publication of Papers

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

72/18 Other Business

The Board thanked and noted its appreciation to the Facilities team at the Spring Place office.

73/18

Date of Next Meeting

The Board was notified that the next meeting of the Ofqual Board was scheduled for Wednesday 28 November 2018 and would be held at the Earlsdon Park office.