



Minutes  
Board Meeting

**Date**

Wednesday, 25 September 2019

**Venue**

Room 6016/17, Earlsdon Park, Coventry

**Attendees**

**Board**

Ian Bauckham	
Delroy Beverley	
Sally Collier	
Mike Cresswell	
Lesley Davies	
Hywel Jones	
Dame Christine Ryan	Skype
Jo Saxton	
Roger Taylor	Chair
David Wakefield	
Susan Barratt	

**Ofqual**

Varinder Bassan	Acting Board Secretary
Phil Beach	Executive Director, Vocational and Technical Qualifications
Jonathan Clewes	Senior Manager Policy and Strategic Relationships for GQ (Item 44/19 only)
Richard Garrett	Director of Policy and Strategic Relationships for GQ (CPD Session and Item 44/19 only)
Michael Hanton	Director of Strategy and Markets
Katy Harding	Associate Director, Finance and Commercial
Matt Humphrey	Director of Legal Moderation and Enforcement
Rosalind Jackson	Associate Director of Legal Moderation and Enforcement (Item 46/19 only)
Kate Keating	Associate Director of Communications
Catherine Large	Director of Vocational Qualifications (Item 45/19 only)
Andy Lester	Senior Manager, Strategic Policy (Item 43/19 only)
Michelle Meadows	Executive Director, Strategy, Risk and Research
Sean Pearce	Chief Operating Officer
Natalie Prosser	Director of Operations, Vocational and Technical Qualifications (CPD Session only)
Julie Swan	Executive Director, General Qualifications

**Observers**

Catherine Large  
Kam Nizzar  
Lucy Sydney

Open session only

**37/19 Closed Session**

**38/19 Welcome and apologies**

Apologies were noted from Matt Tee and Mike Thompson.

The Chair welcomed Susan Barratt to her first official Board meeting.

**39/19 Declarations of interest**

The Board agreed the declarations of interest.

**40/19 Minutes and Matters arising**

The Board agreed the minutes of the meeting held on 17 July 2019 to be a true and accurate record subject to the following change at minute 27/19:

*‘...in the sector to look at schools with consistently extremely good results which could be an indicator of malpractice.’*

to be replaced with

*‘...in the sector to look at schools with unusually good results during two consecutive exam periods, which could be an indicator of malpractice.’*

The Board agreed the matters arising report.

**41/19 Chair’s update**

The Chair gave the following update;

- 59 applications had been received for the assessment expert posts on the Board. Shortlisting will take place during mid-October with interviews taking place around Christmas. The panel will consist of Roger Taylor, Irene Lucas (ESFA Chair), Michelle Dyson (DfE) and Michelle Meadows (Ofqual).
- Both the Chair and the Chief Regulator met with the new Secretary of State, who is very interested in the export of qualifications.
- A meeting took place between the Chair and Baroness Coussins who is the Chair for the All Party Parliamentary Group for Modern Foreign Languages. A further meeting has been planned for November.
- The Chair and the Chief Regulator had attended the Cambridge Assessment event on ‘Anticipating the future of learning’.

**42/19 Chief Regulator’s report**

The Chief Regulator provided a report on the work of the organisation since the last meeting of the Board and highlighted the following items:

Overview

The summer exam series was largely delivered safely. There had been a small number of issues which had previously been reported to the Board. These included the leak of an A-level maths paper and a late amendment

by Pearson to the grading requirements for its Level 1 and 2 BTEC Technical Awards.

#### Reformed A level maths

During the summer series Ofqual became aware of differences in the reformed A level maths grade boundaries that were being recommended for 2019 compared to those that were set in 2018.

The Board noted that the qualifications had been awarded to an atypically able and small cohort in 2018, with little data available to guide awarding. While the 2018 awards had been made in good faith, and Ofqual had no reason to question them at the time, the 2019 grade boundaries raised issues which the exam boards had been asked to consider. The exam boards believed they had insufficient evidence to justify any change to the 2018 awards. Ofqual had started its own investigation to understand why the grade boundaries were so different between the years.

The Board asked to what extent the Board at the time had considered the decision to permit A level maths to be awarded after just one year of teaching, to accommodate students taking A level maths in one year and A level further maths the following year.

Action To report to the Board on this question.

#### GCSE Combined science higher tier

The Board was advised that the number of ungraded higher tier students (4.5k) was much lower than in 2018 before the safety net was adjusted.

Action The Board advised writing to the Governors of the schools to bring the issue to their attention.

#### Awarding of National VTQs (Performance table qualifications)

The Board was reminded of Pearson's public announcement regarding its change to the grading algorithm for Level 1 and 2 BTEC Technical Awards which it released a few days prior to results being issued. This led to a lower grade for around 30,000 students.

Ofqual released a statement stating that it was regrettable that Pearson had published in its specification a firm commitment to the grading algorithm but that the decision to make the change was more likely to secure appropriate standards and so be fairer across cohorts of students. In light of this, Pearson have published a revised algorithm but have stated it is subject to change in the interests of the maintenance of standards. The Board was advised that we have written to all AOs requiring them, if necessary, to make changes to their specifications to reflect the fact that algorithms may need to change. Further, we have required Pearson to share their internal review of the incident and the lessons learned.

#### National Reference Test Delivery in 2020 and beyond

The Board was advised of research being conducted to better understand the cause of changes in the NRT outcomes. This would allow Ofqual to think about the future of NRT and how best to use it to inform awarding.

The Board was reminded that any adjustment to the grade standards based on NRT evidence are documented in the Data Exchange Procedures and asked to agree that any decision regarding an adjustment was an operational decision which should be made by the Chief Regulator.

Decision The Board agreed to retain the existing protocol for the Chief Regulator to take the decision for making any adjustment to grade standards based on evidence from the National Reference Test (para 73).

#### Statistical Predictions for the AS awards

The Board was advised that exam boards had reported an error in the calculation of AS predictions. The impact was that the prediction matrix was slightly more generous for top grades and slightly more severe for lower grades. Ofqual and the exam boards had been cautious in the use of predictions for these awards because of the changing entry. Therefore, there was not a case for revisiting boundaries as senior examiner judgement had played an important part in the setting process. The Exam Boards would be asked to carry out a review of how the error arose and the steps they would take to ensure it did not reoccur.

#### National Assessments

The Board noted that risks to the validity of national assessments arising from the change of supplier were being monitored, with a particular focus on how marking consistency was being assured. The strategic risk register had been updated to reflect the change in approach.

#### The report of the Independent Commission on Examination Malpractice

The Board noted the report from the Independent Commission that had been established by the Joint Council for Qualifications. The report, published in September, included 78 recommendations. The Board welcomed the recommendations and the exam boards' commitment to report on progress towards their implementation by the end of the year.

#### Risks to the safe delivery of the November GCSE series arising from a no-deal Brexit

The Board was advised regular discussions were being held with the Exam Boards and others regarding the safe delivery of the November exam series due to their proximity to the UK's exit from the EU.

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

Decision The Board agreed that, subject to the terms of the UK's exit from the EU, the recognition criteria and conditions should be amended to require an awarding organisation to both be legally established and have a substantial presence in the UK (or in the EU/EFTA if the Brexit arrangements make that appropriate)

#### T-Levels and Functional Skills Qualifications

The Board was advised on the progress of Wave 1 T-Level development and reformed Functional Skills Qualifications.

Accountability for Awards

The Board noted that the consultation had been launched.

Qualifications Review

The Board noted that Ofqual's response to the Department's review of post-16 level 3 and below qualifications had been well received by others in the sector. The second stage of the consultation will not take place until after Christmas.

Decision The Board agreed to delegate authority to the Chief Regulator, in consultation with the Chair, to sign off the final response to the Department's Higher Technical Education consultation.

Strengthening

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

**Action**

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

Review of the Regulatory Compliance service offer

The Board was advised of a transition plan for the Regulatory Compliance service. A new Associate Director would be recruited for the service in the next quarter and a new focus would be on evidence and intelligence gathering as opposed to just audits.

Future regulation of occupational qualifications.

The Board noted that the Department would like to clarify the respective roles of Ofqual and the Institute through legislation.

Ofqual have begun the process of negotiation and any further developments will be reported to the Board.

Progress of delivery against Corporate Plan commitments

The Board was advised that whilst all corporate plan commitments remain on track there was some risk to the delivery of some underpinning milestones due to the volume of post-summer work and the additional work on apprenticeships and reform. A further update will be provided to Board at the November meeting.

Communications

Ofqual reported that there had been a drop in coverage and fewer front pages during the last few weeks. Some of the negative stories seen over the summer were largely outside of Ofqual’s control

#### Staff Appointments

The Board was advised Andrew Knight had been permanently promoted to the role of Associate Director for Regulatory Compliance and Natalie Prosser former Director of Legal had changed jobs to become the new Director of Operations within the VTQ team.

Action The Board asked for the revised organisational structure to be emailed to them.

#### Tailored Review

The Board was given a presentation on the Tailored Review and what it meant for Ofqual.

#### **43/19 Strategic Risk Register [Closed]**

The Board noted the Strategic Dashboard.

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

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

#### **44/19 MFL GCSE grading standards**

The Board had previously agreed not to revise grading standards in all GCSE and A level subjects to achieve inter-subject comparability on a statistical basis. It had, however, decided to consider whether some subjects should be seen as exceptional cases in respect of which action should be taken to address concerns about relative difficulty.

The Board considered whether the gathered evidence supported a case to adjust grade standards for GCSEs in French, German and Spanish.

Decision The Board agreed:

- That the evidence presented a sufficiently compelling case, to adjust grading standards in GCSE French and German - but that there was insufficient evidence to justify such an adjustment in GCSE Spanish.
- To adjust grade standards in GCSE French and German to bring them into closer alignment with GCSE Spanish but not to make a greater change.
- To delegate to the Chief Regulator, in consultation with the Chair, responsibility for deciding on the precise adjustments. .

#### **45/19 Apprenticeship Transitional Planning**

The Board was advised of negotiations with the Institute of Apprenticeships and Technical Education (the Institute) regarding apprenticeships work.

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

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

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

### Enforcement Strategy

The Board was advised the current policy was written prior to Ofqual having any significant experience of using enforcement action and before it knew how the regulated sector would react where such action was contemplated. As a result, although the policy is accurate and sufficient, it does not reflect the way we now approach regulatory action.

Decision The board agreed

- That the Taking Regulatory Action policy should be revised in line with those policy proposals set out in the paper.
- That the revised Taking Regulatory Action policy should be subject to public consultation.
- That decisions as to the wording of the (proposed) revised Taking Regulatory Action policy, including any minor or consequential amendments, and the accompanying consultation document, should be delegated to the Chief Regulator in consultation with the Chair.
- That decisions on the final form of the revised Taking Regulatory Action policy, following consultation, should be delegated to the Chief Regulator in consultation with the Chair.

### **46/19 Financial update [Closed]**

The Board noted the content of the financial report. This section has been redacted, as its publication would be prejudicial to the effective conduct of public affairs.

### **47/19 Report on the work of the Board committees [Closed]**

The Board was provided with verbal updates from the Board committees.

### **48/19 Publication of papers**

The Board agreed for all open items to be published.

### **49/19 Other Business**

There were no other items of business.

### **50/19 Date of the next meeting**

Wednesday 27 November 2019