



## **Minutes**

Board Meeting

## **Date**

Wednesday, 25 March 2020

## **Attendees**

### **Board**

Susan Barratt

Ian Bauckham

Delroy Beverley

Sally Collier

Mike Cresswell

Lesley Davies

Hywel Jones

Dame Christine Ryan

Roger Taylor

Chair

Matt Tee

Mike Thompson

Frances Wadsworth

David Wakefield

### **Ofqual**

Varinder Bassan

Phil Beach

Beth Black

Daniel Gutteridge

Michael Hanton

Matthew Humphrey

Kate Keating

Emma Leary

Andy Lester

Michelle Meadows

Sean Pearce

Lucy Sydney

Julie Swan

Anona White

Acting Board Secretary

Executive Director, Vocational and Technical Qualifications

Director of Research and Analysis

Director of Legal

Director of Strategy & Markets

Director of Legal Moderation and Enforcement

Director of Communications

Associate Director, Policy, Vocational and Technical Qualifications

Senior Strategy Manager

Executive Director, Strategy, Risk and Research

Chief Operating Officer

Director of Strategic Relationships for VTQs

Executive Director, General Qualifications

Private Secretary to the Chief Regulator



**85/19 Welcome and apologies**

No apologies were recorded.

The Board noted the resignation of Jo Saxton on 22 March 2020 to take up an advisory role at the Department for Education.

**86/19 Declarations of interest**

There were no declarations of interest.

**87/19 Minutes and Matters arising**

The Board agreed as an accurate record the minutes of the meetings held on 30 January 2020 and 20 March 2020.

The Board noted the minutes of the Audit and Risk Assurance Committee held on 22 January 2020, and of the Finance and HR Committee on 24 January 2020.

The Board noted the Audit and Risk Assurance Committee's escalation of the risks associated with coronavirus, which were detailed for the Board in item 90/19 at this meeting.

**88/19 Coronavirus: Corporate and directorate updates**

Current Position – Overall

The Board was reminded of the Secretary of State's decision to cancel exams in the summer and instead issue calculated grades with the opportunity for students to sit the exams in the autumn. It noted that Ofqual had been asked to assist and consider the process by which calculated grades would be implemented.

Current Position - General Qualifications

The Board was advised on the current thinking for calculated grades. Teachers would be asked to rank order and grade students according to their judgement of the grade the student would have received they had sat the exam. Written guidance would be provided to teachers asking them to make a holistic judgement of the grade taking into account the student's classwork, homework and other non-exam assessments. The Board noted the intention to provide written guidance to teachers by the end of the week.

The Board expressed concern that the intention not to allow tied rankings may cause issues especially for those students who were part of large cohorts. It was advised that the difficulty was that teachers may then wish to give tied rankings to a high number of their students which would undermine the standardisation process.

The Board commented that the exam boards may vary in how quickly they could deliver their information management systems and asked Ofqual to look into whether it could validate their systems and ensure they were taking appropriately similar approaches.

The Board asked why a central modelling team was not delivering the whole system. It was advised that the current thinking was that the exam boards would be issuing certificates and so it was appropriate that they should take ownership of the production of the grades which they issued.

The Board was advised the detail of the model was still being considered and that a technical group comprising assessment and statistical experts was being put together to advise on the setting up of the statistical model. The Board was advised that Mike Cresswell had agreed to Chair this group.

The Board asked if the model was too complex and whether a simpler model was viable. It was advised that this would be difficult to determine until more data had been obtained.

With the caveat that the new group had not yet been involved in the discussions, the Board was advised that current thinking was that the track record of a centre would be taken over one year or averaged over a number of years. The student rank order would then allow the standardisation of grades.

The Board was informed that an infographic was being considered to explain the use of the model at a high level and further down the line Ofqual would consider how best to explain and evaluate the approach taken.

The Board was advised that there could be two potential routes for students who may be dissatisfied with their grades. The first would be for the student to take exams in the 'autumn' series and the other was for the student to appeal and challenge a perceived error in the process. This proposed approach on appeals would be subject to consultation.

The Board was advised that Ofqual was considering the risks associated in advising teachers not to reveal centre assessment grades or positions in the rank order to individual students or their parents. There were a number of reasons for this including to alleviate undue pressure on teachers; the ability for students to identify other individuals especially where cohorts are small and managing expectations as grades could be changed by standardisation.

The Board agreed that teachers should be told that this was considered to be a confidential and judgemental exercise and asked if there were any rules of conduct that existed to ensure the teachers did not give out any information. It was informed that talks were being held with teaching unions, including ASCL and other stakeholders to get them to understand this measure was being taken to protect both teachers and students alike.

The Board asked if there were any subjects where non-exam assessments had already taken place. It was advised that there were, but any non-exam assessment already undertaken might not have been moderated, so the current thinking was not to include formally in the model but rather that

it would inform centres' judgements with regard to centre assessment grades and rank orders.

The Board was advised the Secretary of State had expressed a preference for the autumn series exams to take place in September 2020. However, it was uncertain how viable this would be. Ofqual's preference would be to build the exams onto the planned November 2020 series which would give schools and students as well as exam boards more time to prepare.

The Board asked if online exams could be a possibility but was informed that this may be possible and indeed desirable for some vocational qualifications, it would not be for general qualifications in the timescale and would present exam boards and schools with additional burden at a time when they were already dealing with disruption caused by the pandemic.

The Board asked how those students who could not be given a teacher assessed grade, for example where students had been home educated, would be certificated. It was advised that unless they could find a centre to assess them then under the intended approach there would be no other option but to sit the exams in the autumn. This would again be something covered in the consultation.

The Board asked if moving the exams back to autumn would have an impact on students wishing to take them in terms of progression onto university. It was advised that talks were currently being had with UCAS and representatives from the HE sector.

### **Decision**

**The Board agreed:**

- i. To delegate to the Chief Regulator, in consultation with the Chair, authority to develop and consult on the proposals – both formally and informally.**
- ii. To agree that the model for the generation of teacher assessed grades should be developed and the necessary information given to teachers.**
- iii. That the Board should receive regular updates on progress.**

### **Current Position – Vocational and Technical Qualifications**

The Board was advised that the paper had been informed by discussions with some Board members and a number of awarding organisations.

Initially it was envisaged that the nature of VTQs meant there may have been more flexibility to reschedule some exams and assessments given the expected impact. However, whilst this was still true for some qualifications, it was no longer appropriate for many assessments given the impact of more substantial delays. Setting aside apprenticeships, FSQs, life skills qualifications and those not funded by government there were still over 800k learners who would be impacted.

The ideas set out had been tested with a series of stakeholders including teacher unions, AoC, AELP, FAB and other regulators who supported the

guiding principle which was to secure that VTQ students were awarded a qualification which fairly reflected the work that they had put in and that they were not disadvantaged (or advantaged) compared to their GQ counterparts.

The Board was also informed that whilst it was clear stakeholders were willing to help, there were a few issues where the sharp differences of opinion from across the sector did not allow a consensus to be formed.

The Board considered which qualifications should be in scope of any extraordinary measures including estimation, and further to that, for which learners this should be implemented.

The Board was asked to consider the broader systemic issues any decisions would have. For example, whilst it could possibly be desirable, from a validity point of view, to delay assessments until late autumn, parts of the system would struggle with this. Understanding which learners would be affected by the policy would also be a complex issue. It was also clear that some awarding organisations would be more able than others to estimate or adapt assessments. The Board was also advised that a single model for estimation would be unlikely given the very different assessment models in place even for similar qualifications.

The Board was advised that preference expressed from the DfE and wider sector was to estimate or adapt rather than to delay assessments, and that estimated grades would be given provided that occupational competency was not undermined, for example in a licence to practice qualification or where there was a risk to life.

The Board questioned in cases where awarding organisations may find themselves in operational and financial difficulties whether an awarding organisation could ask another awarding organisation to estimate a grade on its behalf if it did not feel it would be able to do so, and was advised that it would be difficult for learners to move from one AO to another. The Board agreed a preference to signal to awarding organisations to take all reasonable steps to estimate or adapt.

The Board was advised, in relation to Functional Skills, that the sector was split with some organisations feeling uncomfortable estimating a grade but only half thinking that adapting assessments for the majority of their learners was possible. Ofqual's current thinking was that adapting assessments rather than estimating grades appeared an appropriate response to a finely balanced issue, but consultation and engagement would continue to inform thinking before an approach was decided.

The Board was advised a separate committee would be set up to take this work forward and members would be contacted shortly.

### **Decision**

**The Board noted the approach adopted in the papers for VTQs in response to the impact of Covid-19 and agreed the principles Ofqual wished to develop and deploy should a further direction come from the Secretary of State.**

**89/19 Coronavirus: Legal Update**

The Board was advised of further comments received by the Secretary of State on his direction to Ofqual in respect of GQs which meant it could not be tabled at the meeting.

**Decision**

**The Board agreed to take this item of business electronically, if appropriate to do so.**

**90/19 Prioritisation and Strategic Risk Register**

**Prioritisation**

The Board was given an update on the current situation and made aware that the workforce capacity might be affected by staff becoming ill or needing to devote time to caring responsibilities. It was advised of steps being considered to flexibly manage resource to meet priorities.

Work has been split into three categories, priority one, two and three with priority one being essential and priority three being carried out as long as resource is available. A succession plan had also been considered for the Executive Team.

The Board did not agree that paying suppliers should be in priority two and asked for it to be moved into priority one.

**Strategic Risk Register**

The Board was informed that eight risks had increased either their likelihood or impact rating mainly due to the virus. A new risk had been introduced due to the threat of legal challenge on work for the summer and the number of risk ratings remained the same despite the fact that work would progress more slowly on them.

As there would be a number of risks which would not present themselves in the usual way due to the cancellation of exams, these would be deprioritised and de-escalated to directorate risk registers.

The Board questioned the impact of the virus on the T-Level programme and was advised that the risk was already at the highest level and therefore had not increased. It was agreed a briefing paper on T-Levels and their current situation would be provided to the Board.

**Decision**

**The Board agreed the prioritisation plan subject to the above change.**

**Action**

**The Board to be provided with further briefing on T-levels and their current position.**

**91/19 Finance Update**

The Board noted the current underspend with some new costs being incurred due to Covid-19. There were some costs which would be pushed into the next financial year along with some new costs. The underspend

was therefore likely to increase but remain within the 2% threshold for underspend.

The Board was informed formal confirmation had been received for the EQA, T-Levels and Strengthening projects funding. The Digital Functional Skills funding was still being discussed.

The Board noted that the implementation of the IFRS16 accounting standard which involved recording all leases onto the balance sheet had been deferred to 2021/22.

The Board asked if further resource would be required to deal with the current situation but was advised that as staff had been redeployed according to their expertise it was not a current issue but this may change in the future if external expertise or system development specialists needs to be bought in.

### **Decision**

**The Board agreed the 2020/21 budget of £23.026m**

#### **92/19 Publication of papers**

The Board agreed that all papers would be considered by both the Chief Regulator and the Chair to determine publication.

#### **93/19 Other Business**

The Chair noted the resignation of David Wakefield from the Board at the end of March and thanked him for his insight and support over his three-year tenure.

#### **Update to Board and Committee Memberships**

The Board agreed for all current SAG members to be re-appointed for 2020/21 and for Mike Cresswell to become an independent member of SAG once his term on the Board came to an end.

The appointment of the Chair of the Finance and Human Resources Committee would be conducted by electronic business.

#### **94/19 Date of the next meeting**

Wednesday 17 June 2020