



**Minutes**

Board Meeting

**Time and venue**

08.30am by Microsoft Teams

**Date**

Wednesday, 17 June 2020

**Attendees**

Board

Susan Barratt

Ian Bauckham

Delroy Beverley (until item 42/20)

Sally Collier Chief Regulator

Mike Cresswell

Lesley Davies

Hywel Jones

Catherine McClellan

Dame Christine Ryan

Roger Taylor Chair

Matt Tee

Mike Thompson

Frances Wadsworth

In attendance

Nick Payne

Independent Member of the Audit and Risk Assurance Committee (item 38/20 and 39/20)

Ofqual

Peter Arnold

Deputy Security Adviser (item 45/20)

Phil Beach

Executive Director, Vocational and Technical Qualifications

Niamh Field

Board Secretary

Daniel Gutteridge

Director of Legal

Michael Hanton

Director of Strategy and Markets

Katy Harding

Associate Director, Finance and Commercial

Matthew Humphrey

Director of Legal Moderation and Enforcement

Cath Jadhav

Director of Comparability and Standards

Kate Keating

Director of Communications

Andy Lester

Senior Strategy Manager

Michelle Meadows

Executive Director, Strategy, Risk and Research

Sean Pearce

Chief Operating Officer

Ian Stockford

Director of Strategic Projects (item 41/20)

Julie Swan

Executive Director, General Qualifications

Anona White

Private Secretary to the Chief Regulator

Research Fellow (item 42/20)

**35/20 Welcome and apologies for absence**

There were no apologies.

**36/20 Declarations of interest**

There were no declarations of interest.

Matt Tee reported that he had taken up the role of Interim Strategic Director of Communications at NHS England/Improvement in April 2020. The Register of Interests had already been updated to reflect the change of employment.

**37/20 Minutes and Matters Arising**

The Board approved the minutes from the meeting held on 25 March 2020 subject to the amendment of 90/19 to say *The Board was given an update on the current situation and made aware that the workforce could be reduced due to staff becoming ill and caring responsibilities.*

The Board approved the minutes from the Emergency Board meetings held on 01 April 2020, 15 April 2020, 22 April 2020 and 04 May 2020.

The Board noted the matters arising and the reports from the Audit and Risk Assurance Committee (ARAC) and the Finance and HR Committee.

**38/20 Ofqual Annual Report and Accounts 2019/2020**

**i. Financial Position Report / Outturn 2019/20**

The Board noted the update on Ofqual's financial performance for the year ending 31 March 2020.

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

The Board congratulated the Associate Director, Finance and Commercial, and her team, on the well-managed outturn during this difficult period. The accounts closure and the final audit had gone smoothly given the additional challenges of remote working. ARAC members highlighted that the External Auditors had been very complimentary about how exceptional the process had been.

**ii. Receive the Annual Report on Governance, Risk Management and Control**

The Board received the Annual Report on Governance, Risk Management and Control that outlined the work of ARAC in providing assurance of the management systems and controls that applied in Ofqual during the period 1 April 2019 until 31 March 2020.

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The Chair of ARAC thanked the Executive and ARAC committee members and reported that the support and input from Nick Payne, the Committee's Independent Member, had been invaluable.

**iii. Ofqual Annual Report and Accounts 2019/20**

It was reported that Board members and the NAO had requested that the report contain more information on key risks and mitigation which would be added prior to the report being finalised.

**RESOLVED:**

The Board resolved to delegate the final sign-off of the Annual Report and Accounts to the Chief Regulator prior to publication.

**iv. Receive the report from the External Auditor and Management Representation Letter**

The Board received the Audit Completion Report 2019/20 and Management Representation letter. Given the situation with COVID-19, the External Auditors were required to seek additional assurance that the Going Concern assumption remained sound. The Associate Director, Finance and Commercial indicated that as Ofqual was funded by government funding, the Going Concern would not be an issue.

**v. Receive the recommendation of the Audit Committee to approve the Annual Report and Accounts 2019/20**

On behalf of the Committee, the Chair of the ARAC recommended the approval of the Annual Report and Accounts 2019/20.

**RESOLVED:**

The Board resolved to approve the Annual Report and Accounts 2019/20.

**39/20 Strategic Risk Register and Risk Appetite**

The Board had previously considered the Strategic Risk Register (SRR) at its 25 March 2020 meeting and its appetite for each risk at its Strategy Day in February 2020. Since that time, the ARAC had agreed nine new or merged risks identified by management relating to the regulatory and corporate impact of COVID-19.

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The Board endorsed ARAC's expected impact of planned mitigations (risk appetite) for the new risks which had been agreed.

**40/20 Chief Regulator's Report**

The Chief Regulator reported that staff had, and continued to, work tirelessly since the Secretary of State (SoS) for Education made the decision to cancel the summer examinations and she thanked all staff for the work.

In General Qualifications (GQs), it was reported that c96% of all centre assessment grades (CAGs) had been received across the four exam boards. The Executive Director for GQs was in discussions with teaching unions regarding the potential influx of Subject Access Requests (SARs) from students and teachers about CAGs.

*This section has been redacted, as it contains legally privileged information.*

The Chief Regulator reported that relationships with teaching unions, trade unions and representative groups were good and they had been fully engaged on equalities issues.

The Chief Regulator and the Executive Director for Strategy and Risk had attended the Education Select Committee (ESC) on 10 June 2020. The focus had been on bias, teacher judgements and appeals. The Chair of the ESC had asked whether Ofqual could set up a helpline to support disadvantaged students around appeals. Gender diversity at senior management level was also raised by the ESC and it was suggested that practical examples of what Ofqual had done to make changes and what would be done in the future be reported. The Chief Regulator thanked the staff that had been involved in the preparation for the ESC appearance.

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The Institute for Apprenticeships and Technical Education's consultation on proposals to simplify the EQA landscape concluded on 21 May and the decisions were now expected to be published in July.

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

#### **ACTION: SC**

The Executive Director for Vocational and Technical Qualifications (VTQs) reported on T Levels. Wave one had been approved by the Institute and accredited by Ofqual, and first teaching would begin in September 2020. Some providers of the first wave T Levels had withdrawn due to the Covid disruption, and there was concern for the impact of teaching and learning of those students. It was noted that the timeline for the delivery of wave two remained very tight. Ofqual was in the process of evaluating recognition applications for wave three.

The DfE's publication of its decisions following the Higher Technical Education consultation had been delayed from the spring until July.

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

It was reported that Ofqual had seen a very significant heightened media interest since March 2020 which focused on key announcements including the exceptional arrangements for awarding GQs and VTQs, consultation launches and outcomes and the autumn series consultation launch. There had been a surge in public enquiries both by telephone and email and the team had been handling these enquiries sensitively.

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A Board Communications Working Group had been established to provide advice and oversight, and would meet on 19 June 2020. The Board also noted that the focus groups to develop Ofqual's message to promote public confidence regarding the autumn exam series and the summer 2021 exam series would shortly begin.

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A new Learning and Development strategy was being developed but this had been paused due to COVID-19. A three-year strategy to improve technology would also be developed.

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**ACTION: MT**

**41/20 Standardisation Model Update**

The Director of Strategic Projects gave a presentation on the standardisation of GCSE, AS, A level, EPQ and AEA maths qualifications in summer 2020. At the Emergency Board Meeting on 3 June 2020, board members reviewed the decisions that had already been made regarding the principles of the standardisation approach and a number of detailed operational decisions. The decision had been taken to follow an approach grounded in the Direct Centre-level Performance approach for the standardisation of CAGs in summer 2020.

A number of issues required resolution, however. They were the handling of centres with a small entry in a subject; the handling of subjects with a small entry; adjusting for the prior attainment in different age groups and applying adjustments at the arithmetic grade boundaries. The Board also requested further analysis of the performance of the standardisation model for different centre types.

The board discussed small entry issues, recognising that the statistical evidence base for centres with small entries would be inherently less strong. The Board noted the need for a mechanism to ensure the data for small centres was not out of line. Given the general profile of small centres, it was likely that CAGs would be higher than the standardised grades which would be awarded in the large centre.

For subjects that had less than 100 candidates, the CAG would be accepted. The standardisation model would be used for subjects with more than 100 candidates.

The main concerns in the sector were inflation and small number of centres being over awarded rather than ensuring the process was equal.

The Board noted that the External Advisory Group would meet on 26 June 2020 and would report any concerns to the Board.

The Board commended the work that had been undertaken and was fully supportive of the approach proposed.

**RESOLVED:**

The Board resolved to approve that:

- i. Outcomes to be set without taking into account the differential handling of small centres. The consequences will likely be a low-level inflationary impact in most cases and will not disadvantage candidates from medium and large centres.
- ii. A function of the form described is adopted for the standardisation of small centres with values of  $n_{thresh}$  and  $n_{small}$  notionally set to 5 and 15, respectively. Specific values to be reviewed following receipt of 2020 data.
- iii. Subjects with fewer than 100 candidates to be awarded based on centre assessment grades.
- iv. Subjects with fewer than 500 matched candidates (but not fewer than 100 candidates) to be standardised based on the statistical model, but without adjusting overall outcomes to meet an overall subject level prediction.
- v. The adjustment for changes in prior attainment between the historical data and the current year is based on candidates from the target age for the qualification only.
- vi. The final decision regarding the approach to standardisation at the arithmetic grades is delegated to Roger Taylor, Mike Cresswell and Michelle Meadows, with visibility of the decision and the rationale being subsequently reported to the Board.

**42/20 Consultation document on the rationale for the approach and the proposed criteria for appeals**

The Executive Director for GQ reported that following further analysis of the impacts of changes to demographics, it was proposed not to consult on centre appeals on this basis for the summer 2020 examinations series. Research had shown that there would be a very small, often not statistically significant, impact of demographic/socio-economic centre composition on results variability, with only a few centres potentially affected.

A Research Fellow, gave a presentation on the variables considered to analyse the data: gender; SEN status; EAL status; FSM eligibility; IDACI score; major and minor ethnicity grouping; and interactions between major ethnicity group and gender and major ethnicity group and FSM eligibility. The relationship with prior attainment for all the demographic groups was comparable to that in prior cohorts of students. If there was a cohort with no prior attainment, the model would choose an average from similar centres. Further work was being undertaken on this.

It was noted that examples of potential appeal routes were discussed at the Emergency Board Meeting on 3 June 2020. The Board considered that if there were mistakes in the data, there would be grounds for appeal and there needed to be a mechanism for Ofqual to look into appeal routes for centres dealing with issues that could not be foreseen.

The Board requested that further thinking was undertaken to explore all possible avenues for appeals.

**43/20 GCSE, AS and A Level exams and assessments in 2021**

The DfE had announced its expectation that GCSE, AS and A level exams would take place in summer 2021 if it was safe and possible. Teachers and students were seeking information about how the disruption to teaching and learning would be considered and exam boards, students and teachers would need to prepare for any changes to arrangements.

It was Ofqual's intention to consult on options for adaptations now even though there was considerable uncertainty about both the amount of teaching and learning that would be lost, and the conditions in which schools would function in the next academic year. The draft consultation document would be considered at the Emergency Board Meeting on 24 June 2020 and it was anticipated that it would be published shortly afterwards. Ofqual was awaiting on clarity of the DfE's policy position including measures to mitigate lost teaching and learning.

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**44/20 Corporate Plan 2020/21 Update**

This item was deferred to the Emergency Board Meeting on 24 June 2020. Board members were encouraged to submit comments in advance of the meeting so that the Corporate Plan 2020/21 could be approved at the meeting.

**45/20 Board Security Recommendations**

This item was deferred to the Emergency Board Meeting on 24 June 2020. Board members were encouraged to submit comments in advance of the meeting so that the recommendations could be approved at the meeting.

**46/20 Publication of papers**

The Board agreed to the publication of all open papers.

**47/20 Any Other Business**

There was no other business.

The meeting ended at 12.37pm.