



Minutes

Emergency Board Meeting

Time and venue

08.30am by Microsoft Teams

Date

Tuesday, 04 August 2020

Attendees

Board

Susan Barratt

Ian Bauckham

Delroy Beverley

Sally Collier

Chief Regulator

Lesley Davies

Hywel Jones

Catherine McClellan

Dame Christine Ryan

Roger Taylor

Chair

Mike Thompson

Matt Tee

Frances Wadsworth

Ofqual

Phil Beach

Executive Director, Vocational and Technical Qualifications

Niamh Field

Board Secretary

Daniel Gutteridge

Director of Legal

Michael Hanton

Director of Strategy and Markets

Janet Holloway

Associate Director Standards for Design, Development and Evaluation of General Qualifications

Matthew Humphrey

Director of Legal Moderation and Enforcement

Kate Keating

Director of Communications

Michelle Meadows

Executive Director, Strategy, Risk and Research

Sean Pearce

Chief Operating Officer

Julie Swan

Executive Director for General Qualifications

Anona White

Private Secretary to the Chief Regulator

81/20 Welcome and apologies for absence

Apologies were received and accepted Mike Cresswell.

82/20 Declarations of interest

There were no declarations of interest.

83/20 Update on 2020 Appeals guidance

The Chair reported that the emergency board meeting had been convened to address a number of outstanding issues that had been raised at the Emergency Board Meeting on 29 July 2020: the possibility of candidates being 'outliers' and therefore receiving less reliable calculated grades, and the potential for a significant change in the shape of a centre's expected grade distribution in 2020 and the potential for appeal.

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

It was noted that the data distribution of a small cohort or entry is particularly subject to volatility, and that apparent inconsistencies between CAGs and historical data could be due to either real differences in student performance or to instability related to the size of the available historical data set. Those causes are indistinguishable when viewing or analysing the data set alone and would require additional information to differentiate.

It would require judgement to identify and remedy cases – there would need to be a defensible rationale as to whether a candidate's grade was an outlier or was not, and what the remedy ought to be. There was still further work to be undertaken around scenario planning to ensure a consistent approach to these cases. The Board noted that the appeals process would allow additional evidence to be brought to bear so that the cases could be remedied.

UCAS was aware of these issues but not the specific details of individuals.

The Board were very concerned about the prospect of some students, in particular so-called outliers, being awarded unreliable results, but accepted reluctantly that there was no valid and defensible way to deal with this pre-results, and that it would therefore have to be addressed via the appeals route.

The Executive Director for General Qualifications reported that Ofqual had consulted on the draft statutory guidance for appeals and c130 responses had been received. The publication of the statutory guidance had been delayed to allow further consideration with the exam boards on how they should consider appeals on the grounds of the use of wrong data. A number of potential exceptional cases had been explored, which included a significant change in the ability of the cohort, centres that had experienced a major change in their management and governance and centres for which there was evidence of a change in the expected distribution of grades for the 2020 cohort relative to the shape of the distribution of grades in previous years.

A Technical Panel would be established to hear appeals which Ofqual would chair. Ofqual would support exam boards with appeal cases to ensure there was a consistent approach. It was highly likely that small centres would be most

affected due to the shape of the distribution of anomalous grades and the size of entry in a subject in a centre.

Both GCSE and A levels would be affected but A levels would be most impacted. It was unknown if centres would understand fully the shape of distribution. It would need to be explained so that teachers would know when to apply it or not. It was noted that the wording of the statutory guidance was technical and it would need to be revisited to ensure exam boards and teachers could understand it. If a school believed it was in this category, they could contact the exam board to be either reassured or proceed with an appeal.

Consideration was given to the timeline of appeals by A level students who were looking to progress on to university. Any unnecessary delays were clearly undesirable. The Board had agreed at the previous Emergency Board Meeting not to intervene prior to results or before the A level results were issued to UCAS. Appeals affecting A level students going to university would be prioritised and the Technical Panel would meet daily following results to ensure they were dealt with in a timely fashion. Universities had indicated that they would hold student places until 31 August 2020. The team would liaise with exam boards to try to identify potential numbers of appeals to plan and resource appropriately.

The Technical Panel would be a Committee of the Board and therefore required the Board's approval to be established. The Panel did not require a Board member to be part of the membership. The Panel would comprise of Ofqual staff with external members. Legal advice could then be given.

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

The Director of Communications provided an overview of the student-facing media campaign that would launch on 7 August 2020 and continue until 24 August 2020. A plan highlighting the appeal system would be provided to all schools by 7 August 2020.

Consideration was given to the types of appeals that exam boards could face. A shortened triage route would be available for individuals, especially A level students, to deal with straight forward appeals. Exam boards would communicate this process to schools once Ofqual had published its statutory guidance.

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

The Chair invited Board members to outline whether they had any concerns with the proposal in relation to extending the guidance on the grounds of 'wrong data' or whether they were supportive of the approach. Board members thanked the Director of Legal and the Director of Legal Moderation and Enforcement for outlining the legal risks, issues and complications and were supportive of the proposal.

The Executive Director for General Qualifications indicated that the statutory guidance should have been published on 31 July 2020 but had been delayed. It

was anticipated that the guidance could be published on 6 August 2020 which would allow for a 24-hour consultation with the exam boards.

The Board was advised that the Technical Committee would comprise of technical staff, statisticians, legal and staff from the General Qualifications team. It would also contain technical and operational appeals staff from the exam boards. The Board asked for the Terms of Reference for the Technical Committee to be circulated.

ACTION: MHu

RESOLVED:

Subject to consultation with the exam boards, the completion of an equalities impact assessment and clarification of the wording in the statutory guidance, the Board resolved to agree that a substantive change in the distribution of the 2020 cohort compared to the historic data should be allowable grounds for appeal. The final wording would be delegated to the Chair and the Chief Regulator.

A briefing on A level results for Board members would be diarised on Wednesday, 12 August 2020. Board members would welcome a series of bullet points on Ofqual's position.

ACTION: KK/NF

84/20 Any Other Business

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

There was no other business.

The meeting ended at 10am.