



Minutes

Emergency Board Meeting

Time and venue

15.30pm by Microsoft Teams

Date

Friday, 14 August 2020

Attendees

Board

Susan Barratt	
Ian Bauckham	Until 1645 hours
Delroy Beverley	
Sally Collier	Chief Regulator
Mike Cresswell	
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
Richard Garrett	Director of Policy and Strategic Relationships, General Qualifications
Daniel Gutteridge	Director of Legal
Michael Hanton	Director of Strategy and Markets
Matthew Humphrey	Director of Legal Moderation and Enforcement
Cath Jadhav	Director of Standards and Comparability
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

89/20 Welcome and apologies for absence

There were no apologies.

90/20 Declarations of interest

Ian Bauckham, Hywel Jones and Lesley Davies declared that their schools/colleges could potentially use the proposed appeal system.

91/20 Ofqual’s response to the Secretary of State’s Direction of 13 August 2020

The Board had been convened to consider and decide how Ofqual should respond to the government’s policy position, as set out in the Direction given by the Secretary of State for Education (SoS) dated 13 August 2020.

The Board was reminded that the emerging policy position was initially brought to the attention of Ofqual on the evening of 11 August 2020. The Board discussed the emerging policy position twice that day and on 12 and 13 August 2020. Those preliminary discussions were prior to receipt of the Direction.

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

The Board discussed the issue. It noted the risks associated with the approach. It also noted that not implementing the policy as directed may have a very significant detrimental effect on public confidence. The Chief Regulator highlighted the risk of collapse of public confidence in the examination system, and also to credibility of Ofqual as the regulator of that system were Ofqual not to implement this policy given it had already been announced. The available, but limited, mitigations against the equalities risks were outlined in Annex 3 of the report. The key mitigation was to allow appeals on the basis of non-exam assessment results as well as mock exams, because this would open the appeal route to students who had been unable to take a mock. The proposed criteria would open the mock route to some private candidates if they had taken a mock exam which had been validated by a centre as part of the process of producing their CAG.

The Board asked about the number of appeals and about stakeholder views. It was advised that there was a low number of appeals via the existing route. Exam boards were awaiting guidance from Ofqual before they could operationalise their approach to appeals on the basis of mock grades, including issuing guidance to centres. Exam boards were anticipating a large influx of appeals on this basis following the SoS’s announcement.

However, feedback from centres and stakeholders had highlighted that it was difficult to define a valid mock, as there was no consistent approach to mocks. Stakeholders spoken to expressed concerns about fairness, as not all students take mocks. For this and other reasons they did not generally support the policy.

The meeting was adjourned at 16.05pm and reconvened at 16.35pm to allow Board members to read the report and the legal advice that had been circulated.

The Board considered specifics relating to implementation first of all.

The criteria for mock assessment had been discussed with exam boards and teacher unions earlier that day. It was expected that the professionalism and integrity of the vast majority of head teachers would ensure that the route of appeal would be used appropriately.

Turning to appeals, the Board was advised the appeal process would necessarily be automated, to enable sufficient turnaround of the likely large number of appeals in the time available. Although this might make turnaround manageable, it would inevitably mean that detailed scrutiny and consideration of individual appeals would not be possible. Board members noted that mock results should have been considered by schools, in determining CAGs.

The Board then considered carefully the difficult balance to be struck, and the competing fairness considerations. The Board considered concerns around high attainers in poor performing schools. In the time available it was not possible to quantify the considerations meaningfully and in any event, the potential effect on public confidence was difficult to quantify. The Board was clear that its decision was needed urgently.

The Board considered that the balance to be struck was between the potential detrimental effect on the maintenance of standards which would result from standardised results being replaced by a result in a mock exam and the potential benefit to public confidence in regulated qualifications of permitting such appeals. The decision would apply to both A levels and GCSEs.

The Board was of the view that following the Direction was likely to result in less valid outcomes overall, with unfairness at individual and centre level. This was to be balanced against the obvious public confidence considerations, given the announcement and the falling away of confidence in recent days.

The Board was particularly concerned that following the Direction could allow a mock result to exceed a CAG.

The Board considered that it was in the interests of fairness and accessibility (for students with protected characteristics) to enable reliance on non-exam assessment.

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

RESOLVED:

The Board resolved to:

- i. implement the Direction to allow an appeal on the basis of a student having a valid mock or non-exam assessment result which was higher than their calculated grade as set out and proposed in the paper before it
- ii. on a successful appeal, the grade awarded should not exceed the CAG; and
- iii. delegate all decisions as to any proposed and final conditions, requirements and/or guidance necessary to implement the approach to the Chief Regulator in consultation with the Chair.

One Board member indicated that they were not in a position to indicate agreement or otherwise with the proposal.

Board members noted that the guidance needed to be clear and simple for the general public to understand. The Board asked for draft communications be provided to them, for information.

The Board requested information on the distribution of data by centre and disaggregated data by gender along with information on whether CAGs would be awarded for Free Schools that did not have any trend of outcomes or performance. **ACTION: MM**

92/20 Any Other Business

There was no other business.

The meeting ended at 17.50pm.