



**Minutes**

Board Meeting

**Time and venue**

08.30am by Microsoft Teams

**Date**

Wednesday, 16 September 2020

**Attendees**

Board

Susan Barratt	
Ian Bauckham	
Delroy Beverley	
Mike Cresswell	
Lesley Davies	
Hywel Jones	
Catherine McClellan	
Dame Christine Ryan	
Dame Glenys Stacey	Acting Chief Regulator
Roger Taylor	Chair
Matt Tee	
Frances Wadsworth	

Ofqual

Phil Beach	Executive Director, Vocational and Technical Qualifications
Niamh Field	Board Secretary
Lorna Fitzjohn	Acting Executive Director, Vocational and Technical Qualifications
Daniel Gutteridge	Director of Legal
Michael Hanton	Director of Strategy and Markets
Katy Harding	Associate Director, Finance and Commercial (135/20 – 136/20)
Matt Humphrey	Director of Legal Moderation and Enforcement
Andy Lester	Private Secretary to the Chief Regulator
Michelle Meadows	Executive Director, Strategy, Risk and Research
Naomi Nicholson	Director Regulation of National Assessments (137/20 only)
Jane Parsons	Acting Director of Communications
Sean Pearce	Chief Operating Officer
Natalie Prosser	Director of Executive Office
Julie Swan	Executive Director, General Qualifications

In attendance

Amanda Spielman	Chair, Recovery Committee (until item 134/20)
-----------------	---

**126/20 Welcome and apologies for absence**

Apologies were received and accepted from Mike Thompson.

**127/20 Declarations of interest**

None further to those already declared on the Ofqual Register of Interests.

**128/20 Minutes and Matters Arising**

Consideration was given to the DRAFT minutes for Board and Emergency Board Meetings held between 13 May 2020 and 29 July 2020 which had been circulated for approval. The Chair proposed that an Emergency Board Meeting be convened week commencing 21 September 2020 to approve the DRAFT minutes of the meetings held between 04 August 2020 and 03 September 2020 as further refinement was required. There was an urgency to approve the DRAFT minutes as it had been reported to the Education Select Committee (ESC) on 02 September 2020 that all the minutes would be signed off at this meeting and published soon after.

In discussion, the Board agreed that it would be its preference to approve all the DRAFT minutes in one sitting. The DRAFT minutes (04 August 2020 to 03 September 2020) would be circulated to the Board in Word documents by close of business on 18 September 2020 and Board members would submit their comments by the morning of 21 September 2020. The DRAFT minutes from 13 May 2020 to 29 July 2020 would be recirculated to Board members for further comments by close of business on 18 September 2020. An Emergency Board Meeting would be convened week commencing 21 September 2020 to approve the minutes as a whole. **ACTION: NF**

Board members suggested that the decisions recorded at the meeting on 09 July 2020 be revisited to ensure the summary of decisions taken can be reflected in subsequent minutes. **ACTION: DG**

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

Board members would welcome the opportunity to reflect on lessons learned from the summer.

**129/20 Decisions taken under Powers of Urgency**

The Board noted the decision taken under Powers of Urgency on 07 August 2020 by the Chief Regulator and Chair to approve the Terms of Reference for the Technical Panel on Appeals.

**130/20 Decisions taken by Electronic Business**

The Board noted the decision taken by Electronic Business to delegate Chief Regulator powers to Dame Glenys Stacey on 27 August 2020.

**131/20 Chair's Update**

The Chair reported that Dame Glenys Stacey and Amanda Spielman had made a significant impact in their first weeks at Ofqual. The ESC had been a useful opportunity to explain events this summer and the Chair thanked the two Executive Directors for their contributions on the day. The recruitment of a

permanent Chief Regulator was now a priority and he had discussed this with the Chair of the Finance & HR Committee.

### **132/20 Acting Chief Regulator's Report**

The Acting Chief Regulator presented the report which outlined her key priorities following her appointment namely, stabilising the organisation, resourcing and external relations so that Ofqual was prepared to manage that work alongside the task of evaluating and learning lessons from summer 2020. Important first steps had begun, including meeting with key stakeholders, attendance at the ESC, the establishment of the Recovery Committee, interim working arrangements with Ofsted and a number of key interim appointments.

There were many organisations interested in conducting research and reviews into the technical elements of the standardisation model and how the process had been agreed. Ofqual would be open and transparent with all interested parties. Ofqual itself would conduct its own internal review into the summer and the governance arrangements for this review would be discussed with the Recovery Committee.

Public First had completed their report on strategic communications and the recommendations would be considered by the Recovery Committee in due course. Board members would welcome some lines to take or a narrative around the summer. **ACTION: JP**

Going forward, the key areas of focus for Ofqual would be awarding 2021 General and Vocational and Technical Qualifications (VTQs), VTQ policy and the imminent publication of the FE White Paper and the safe and reasonable re-occupancy of Earlsdon Park. Building capacity and resource with support from Ofsted was paramount. The permanent recruitment of key senior posts would also be a key priority.

The Board welcomed Ofqual's approach to engage proactively with stakeholders which demonstrated a willingness to learn from the events this year.

In response to questioning, the Executive Director for Strategy, Risk and Research reported that the Maths National Reference Test (NRT) results had demonstrated continued improvement and had calculated grades been awarded an increase in outcomes had been built in. The dip seen in previous years in performance in English NRT results had reversed this year. Given the variability of the NRT English results, a decision was made to make no adjustment to outcomes.

Board members questioned the reduction of Risk Q (school and college closures undermine validity and fairness in summer 2021) and it was reported that when the register was updated, this was adjusted to reflect the decisions taken in light of Ofqual's consultation to put in place special arrangements for 2021. However, following discussion with ARAC members, it was agreed that it was too early to reduce this rating and this would be updated at the next review of the risk register.

**133/20 Report from the Chair of the Recovery Committee**

Amanda Spielman reported that the Recovery Committee held its inaugural meeting on 10 September 2020. The minutes of the meeting would be circulated to the Board once approved by the Committee. The Recovery Committee lacked a member with assessment expertise and Amanda would use her second nomination once that appropriate expertise had been secured. The DfE had been invited to nominate a member but this had not yet been forthcoming.

Fortnightly calls with the Chair of the Board would take place and the Committee's papers would be shared with him. The Chair of the Board would update the Board after each meeting of the Recovery Committee.

Amanda thanked staff for facilitating a smooth transition – in some cases postponing holiday and starting new jobs. She introduced the Board to two colleagues from Ofsted who had joined Ofqual on an interim basis – Lorna Fitzjohn (Acting Executive Director for Vocational and Technical Qualifications) and Jane Parsons (Acting Director of Communications). In addition, Ofsted would provide support to Ofqual's call centre function.

She also noted that looking forward, there would be considerable interest in the data beyond the centre assessment grades of summer 2020 and how schools, colleges and universities also responded.

**134/20 The Board and its sub-Committees**

The Board considered the report that outlined how the committees of Ofqual's Board would interact whilst the Recovery Committee was in situ. The Board Communications Working Group, which had been established to provide advice on communications matters relating to the exceptional arrangements for 2020 and 2021, was no longer required as the approval and oversight of the communication strategy would sit with the Recovery Committee. In addition, the Board had delegated policy and technical proposals to the Recovery Committee therefore the Technical Committee would not be convened.

The Board noted the process for reporting to the Board as outlined in paragraph 17 of the report. The Recovery Committee papers and minutes would be circulated to the Chair, who would provide a fortnightly written update to the Board. The Chair of the Finance and HR Committee had no concerns regarding interaction with the Recovery Committee. The strategic risk register would now be considered by the Recovery Committee in addition to ARAC fulfilling its role in line with common practice. It was agreed to confirm responsibilities and the flow of risk reporting to both ARAC and the Recovery Committee. **ACTION: AL**

The Board considered whether the Recovery Committee papers could be shared with all board members. In discussion, it was noted that a rigorous reporting arrangement had been put in place and noting the concerns raised from the summer, it was agreed that the minutes from the Recovery Committee would be shared as and when they were approved via the Chair of the Board's fortnightly update. Should board members require further information on the minutes or on the Chair of the Board's update, they could ask the Ofqual Board

members on the Recovery Committee for more information. If Board members considered that the Recovery Committee was not acting in accordance with its delegated authority, they could contact the Chair of the Board and an emergency board meeting could be convened if required.

**RESOLVED:**

The Board resolved to agree to wind up the Board Communications Working Group.

**135/20 Comprehensive Spending Review 2020**

The Comprehensive Spending Review 2020 (CSR20) set out the government's detailed spending plans for the next three financial years (the settlement period). The report outlined the scope, priorities and financial strategy for Ofqual's proposed submission to Her Majesty's Treasury (HMT) on 24 September 2020. The report had been reviewed and agreed by the SMG on 08 September 2020 and by the Recovery Committee on 10 September 2020. The Recovery Committee agreed to refer the paper to the Board for approval.

The key objectives of the submission were:

- i. To achieve a flat real settlement, i.e. with pay inflation included, for as much of the settlement period as possible;
- ii. To embed the permanent elements of Reform funding into Ofqual's baseline settlement, including appropriate uplifts to ensure that Ofqual had sufficient capacity to deliver Reform effectively;
- iii. To secure additional resources to allow permanent post-Ofsted capacity building to restore stability and build confidence in a vulnerable system and to develop system resilience, which would go beyond 2021; and
- iv. To address unavoidable contractual obligations, including where Ofqual had been provided with costs by the Government Property Agency and the Government Security Function.

The Associate Director for Finance and Commercial reported that HMT required Ofqual to explain how it would meet the requirements of the commission. A number of strategic assumptions were considered which outlined how Ofqual would meet the CSR20 objectives. The proposed priorities for the settlement period aligned well to government priorities including in skills and ensuring every pupil received a superb education. This had been welcomed by HMT and was viewed as a key strength of Ofqual's submission. The exploration of approaches to improving resilience in high stakes assessment, potentially through greater use of technology, was also included.

Consideration was given to the following elements of the financial strategy. Pay inflation of £1.6m over three years. HMT expected a flat cash submission which meant there was no allowance for pay inflation. Whilst the DfE was expecting savings, Ofqual was submitting a 2% pay increase request as it had worked hard to ensure its pay was comparable to other sectors and for the recruitment and retention of a skilled workforce to deliver its priorities. It was anticipated that there could be an increased staff turnover due the pressure of summer 2020 and the next 12 – 18 months would be equally challenging. Should efficiencies need to be made to manage pay to a cash flat settlement, this would be equivalent to a reduction of six to eight FTE per annum based on

average salary. This would have a material effect on our ability to deliver our priorities.

Reform funding totalled £16.4m over the settlement period and £10m of this had been approved by the DfE in principle. The DfE was supportive of uplifts to meet additional expected volumes of work and to cater for the impact of the Reform Programme slippage, such as the delay to the consultation outcome for EQA. Ofqual was requesting £500k per annum more from DfE which would be shown as a debit-credit situation which HMT was comfortable with.

Ofqual was perceived to be value for money by HMT.

Board members suggested that the unknown impact of COVID-19 over the next one to three years could generate other cost pressures which should be considered in the submission. The Chief Operating Officer reported that the submission would be updated to reflect that any new reform work was subject to the impact of COVID-19. **ACTION: KH**

Ofqual was on track to meet the submission deadline and did not foresee any other issues. Officials in HMT had indicated their support for the bid to be submitted for a final decision. The final decision may require further negotiation – for which Ofqual was prepared, as outlined in the paper.

**RESOLVED:**

The Board resolved to approve Ofqual's Comprehensive Spending Review 2020 submission.

**136/20 Financial Update**

The Board noted the report which provided an update on Ofqual's financial performance to 31 July 2020 and noted a forecast underspend for the year of £171,000. The Associate Director for Finance and Commercial advised the Board that this had reduced to £130,000 on the 31 August 2020 due to additional costs incurred during the summer awarding period. Ofqual had declared an underspend of £306,000 of ringfenced EQA funding to the DfE following the delayed EQA consultation. In return, the DfE confirmed that it would provide £306,000 in additional un-ringfenced funding to support Ofqual's in-year pressures. This would enable budget to be released to deliver the discretionary projects that were currently on hold.

**137/20 Diversity & Inclusion Strategy and Equalities Update**

The Board considered the report which set out the outcomes of Ofqual's review of its approach to Diversity and Inclusion (D&I) to consider what more it could do to promote equality, including race equality, across Ofqual. Ofqual's D&I Strategy had launched in January 2020 with two key priorities: creating opportunities to increase Black, Asian and minority ethnic (BAME) representation at senior levels and, creating a culture where people felt comfortable in declaring disability so that Ofqual could readily provide support.

Following further review, including engagement with staff and review of external research and guidance, six priority areas for further action were identified: leadership and culture; staff development; recruitment; decision-making; regulation; and governance.

The Board's D&I Champion reported that D&I had progressed in the past year and the organisation was moving in the right direction. The Board considered the scope of the challenge and the need for improvement in diversity across the wider assessment and regulatory sectors. At Ofqual, BAME representation at Executive Director and SCS levels was zero and this would be a key focus in the recruitment process for the senior appointments in coming months. Board members were committed to supporting this ambition.

The funding allocated to D&I was outlined and resources would continue to be targeted.

**RESOLVED:**

The Board resolved to endorse plans to update Ofqual's D&I Strategy and noted that it would have the opportunity to discuss this area further at the Board Strategy Away Day on 15 October 2020.

**138/20 Proposed Board and Committee meeting dates 2021/22**

The proposed Board and Committee meeting dates for 1 April 2021 to 31 March 2022 were presented for discussion.

**RESOLVED:**

The Board resolved to approve the proposed Board and Committee meeting dates 2021/22.

**139/20 Publication of papers**

The Board agreed to the publication of all open papers.

**140/20 Any Other Business**

The Board thanked Phil Beach for his valuable contributions to the work of Ofqual and wished him well in his new role.

The Board also thanked Mike Creswell for his valuable contributions on the Board and various Committees and to Ofqual's work over the years.

The meeting ended at 11.51am.