



**Minutes**

Board Meeting

**Time and venue**

09.00am by Microsoft Teams

**Date**

Wednesday, 09 December 2020

**Attendees**

Board

Susan Barratt  
Ian Bauckham (until 155/20)  
Delroy Beverley  
Lesley Davies (until 155/20)  
Hywel Jones  
Catherine McClellan  
Dame Christine Ryan  
Dame Glenys Stacey Acting Chief Regulator  
Roger Taylor Chair  
Matt Tee  
Frances Wadsworth

Ofqual

Niamh Field Board Secretary  
Lorna Fitzjohn Acting Executive Director, Vocational and Technical Qualifications  
Daniel Gutteridge Director of Legal  
Rosalind Jackson Associate Director, Legal Moderation & Enforcement (item 161/20)  
Michael Hanton Director of Strategy and Markets  
Katy Harding Associate Director, Finance and Commercial (item 164/20)  
Janet Holloway Associate Director, Standards for Design, Development and Evaluation of General Qualifications (item 162/20)  
Matthew Humphrey Director of Legal Moderation and Enforcement  
Andy Lester Private Secretary to the Acting Chief Regulator  
Michelle Meadows Executive Director, Strategy, Risk and Research  
Jane Parsons Director of Communications  
Sean Pearce Chief Operating Officer  
Natalie Prosser Director of Executive Office  
Julie Swan Executive Director, General Qualifications

In attendance

Simon Lebus Interim Chief Regulator designate (item 156/20)  
Amanda Spielman Chair, Recovery Committee (until item 154/20)

**151/20 Welcome and apologies for absence**

There were no apologies.

**152/20 Declarations of interest**

Ian Bauckham declared, in relation to item 162/20, that he chaired the MFL Content Review Panel.

**153/20 Verbal report from the Chair of the Recovery Committee**

Amanda Spielman reported that the Recovery Committee would meet for the final time on 15 December 2020. During its tenure, the Committee had operated as intended, meeting fortnightly, to provide an appropriate and agile governance structure to manage the expected volume of business and decisions required through autumn 2020 and support Ofqual to secure the confidence of critical stakeholders and in particular government and Ministers. The membership of the Committee provided a good balance of opinion and debate on the difficult and complicated issues presented for consideration.

Board members thanked Amanda, Dame Glenys and the wider Recovery Committee for their commitment and work. In particular, Dame Glenys's leadership during this period was notable. The Executive Team also expressed thanks to both Amanda and Dame Glenys.

**154/20 Board Arrangements 2021**

The Chief Operating Officer presented the report which outlined the proposition for Board arrangements in 2021 to manage the expected demands on Ofqual's decision-making and governance structures in overseeing implementation of recently taken decisions.

From January 2021, the majority of the Board's reserved matters, currently delegated to the Recovery Committee until 31 December 2020, would return to the Board. The Acting Chief Regulator outlined a number of priorities ahead for the Board. Enforcement activity had begun again in September. Reform in VTQs and Apprenticeships was underway and staff re-engagement would be essential.

It was proposed that matters relating to the implementation of the decisions for the award of qualifications in the 2020/21 academic year would be delegated to a new Committee, called the 2021 Committee. There would be frequent and detailed communication between the 2021 Committee and the Board, and any strategically material decisions relating to 2021 would be referred to the Board.

**156/20 Introduction to the Interim Chief Regulator**

The Chair introduced Simon Lebus who would join Ofqual as interim Chief Regulator on 01 January 2021, subject to finalising the appropriate approvals. The Board had the opportunity to talk to Simon about his background and plans during his tenure.

**157/20 Minutes and Matters Arising**

The minutes and matters arising from the Board meeting held on 16 September 2020, the Emergency Board Meeting held on 25 September 2020 and the

Emergency Board Meeting held on 15 October 2020 were approved, and the matters arising were noted.

The Board noted the minutes and the verbal and written reports from the Audit and Risk Assurance Committee (ARAC), the Finance and HR Committee and the Standards Advisory Group.

**158/20 Decisions taken by Electronic Business**

The Board noted the following decisions taken by Electronic Business

- i. Factual correction to Emergency Board Meeting minutes 15 August 2020 (approved 01 October 2020)
- ii. Remuneration of independent members of the Recovery Committee (approved 26 October 2020)
- iii. Legacy technology programme contract (approved 22 November 2020)

**155/20 Chief Regulator Recruitment Update**

The COO provided a verbal update on the outstanding matters relating to the recruitment of the interim Chief Regulator.

**159/20 Chair's Update**

The Chair provided his update in the Closed Session.

**160/20 Acting Chief Regulator's Report**

The Board considered and noted the Acting Chief Regulator's report that provided an overview of areas of significant activity since the last meeting. The autumn exam series had successfully taken place. The entry was small and atypical. Grade boundaries had been set to match the summer 2020 standard. Consequently, some grade boundaries were lower than usual. AS and A level results were expected before Christmas.

Consideration was given to public facing services and the Board noted that there had been a recent increase in public contact which was due to the publication of documents outlining Ofqual's regulatory requirements for awarding organisations offering vocational and technical qualifications during the COVID-19 pandemic.

Board members asked what work Ofqual was undertaking to consider regional inequality. Considerable work was underway by Ofqual's Research Chair on lost learning.

The Board was invited to approve a Memorandum of Understanding (MoU) between the Institute for Apprenticeships and Technical Education and Ofqual, which had been originally signed by the former CEOs from both organisations in Spring 2018. The MoU sat alongside the EQA framework and clarified the roles and responsibilities of both the Institute and Ofqual in relation to EQA.

**RESOLVED:**

The Board resolved to approve the existing Memorandum of Understanding with the Institute for Apprenticeships and Technical Education.

**161/20 Amendment to the Taking Regulatory Action Policy and Consultation**

The Director of Legal Moderation and Enforcement presented the report that outlined plans to implement the changes to the Taking Regulatory Action policy (the TRA policy) on which Ofqual consulted in autumn 2019.

**RESOLVED:**

The Board resolved to agree:

- i. The new version of the TRA policy and the proposed amendments;
- ii. The proposed further amendments relating to:
  - Removing qualifications from the Register; and
  - Enforcement of special conditions imposed at recognition
- iii. The proposals should be subject to consultation with awarding organisations (only); and
- iv. To delegate all further decisions necessary for the purposes of consultation, making final decisions and publication of the new policy to the Acting Chief Regulator in consultation with the Chair.

**162/20 Assessment approach for revised GCSEs in Modern Foreign Languages**

A Senior Manager in the General Qualifications Directorate reported that the revised content for GCSE MFL French, German and Spanish had been drafted by DfE's GCSE MFL Content Review Panel following a review of both the content and assessment approach to the current GCSE MFL qualifications. As part of its evaluation work, Ofqual hosted workshops with MFL teachers to understand their views on the reformed GCSE assessments. The feedback from this evaluation work echoed much of the review of MFL pedagogy by the Teaching Schools Council which revealed a need to build greater depth and breadth in grammar use.

Ofqual had worked with an experienced MFL assessment expert to draft the assessment objectives and assessment approach in relation to tiering and the use of non-exam assessment. The revised content would be more specific on the identification of core vocabulary and grammar content which all specifications would be expected to reflect, and testing would be more directly aligned to that content. There would be far less scope for including vocabulary which was not specified for teaching. The selection of vocabulary for teaching would be aligned to frequency of occurrence in the spoken and written language in order to increase the range of texts pupils could access once they had mastered the vocabulary and grammar specified for teaching. This was because most texts consisted largely of high frequency vocabulary.

Ofqual intended to consult publicly on the assessment approach in early 2021 alongside DfE's consultation on the revised draft content.

**RESOLVED:**

The Board resolved to agree:

- i. that it was satisfied that the revised GCSE subject content for Modern Foreign Languages (French, German and Spanish) supported the development of GCSE specifications and valid assessments;
- ii. Ofqual's proposals for the assessment arrangements that would sit alongside the content and that it consults on these early in 2021; and
- iii. To delegate sign off of the consultation to the Acting Chief Regulator.

**163/20 Developing our 2021 Strategy**

The Director of Strategy and Markets presented the report which outlined a diagnosis and a series of 10 guiding policy statements aimed to shape the work of Ofqual in 2021 and develop the 2021 Corporate Plan.

**RESOLVED:**

The Board resolved to agree that the 2021 Corporate Plan would be a one-year plan, in light of both the changing circumstances and the expectation of a permanent Chief Regulator appointment in 2021.

**164/20 Financial Update**

The Board received the report from the Chair of the Finance and HR Committee.

**165/20 Publication of papers**

The Board agreed to the publication of all open papers.

**166/20 Any Other Business**

The Board thanked:

- i. Dame Glenys for her outstanding work as Acting Chief Regulator since August 2020. Her clarity of thinking and firmness of purpose had been an enormous benefit to Ofqual.
- ii. Natalie Prosser for her 10 years' service at Ofqual as senior legal counsel to the Board, as central SRO to the regulation of VTQ through the pandemic in summer 2020 and for postponing her new role to support Ofqual this autumn.
- iii. Kate Keating, former Director of Communications for her tireless work in the lead up to, and during, summer 2020.
- iv. Roger Taylor for his work and commitment to Ofqual, both as a Board member and as Chair, over the past eight years.

The meeting ended at 13.00pm.