



2021 Committee – REVISED terms of reference

1. The Ofqual Board ('the Board') has established a Committee (the "2021 Committee") to oversee and support Ofqual with all matters relating to the regulation of all regulated qualifications and assessments in the academic year 2020/2021.
2. The 2021 Committee shall be wound up on 31 December 2021, unless by review of the Board before this date, its term is extended. The 2021 Committee, will, in any event, remain temporary and time limited.

Membership

3. The 2021 Committee is appointed by the Board and shall consist of:
 - An Independent Chair (the "2021 Committee Chair")
 - The Chief Regulator
 - At least three Ofqual Board members nominated by the Board, after consultation with the 2021 Committee Chair
 - Up to three Independent Members nominated by the 2021 Committee Chair, and agreed by the Board
4. The 2021 Committee Chair may invite an observer from each of the Department for Education and The Office for Standards in Education, Children's Services and Skills to attend meetings. The observer shall have no voting rights.
5. The Chair of the Board has the right of attendance at the 2021 Committee as an observer.
6. As 2021 Committee members are in some instances linked to another organisation they will sign an appointment letter setting out terms and being clear they are appointed to act in the interests of Ofqual and are required to manage any conflicts, actual or perceived.
7. To provide important continuity to Ofqual in its regulation of qualifications in the 2020/2021 academic year, the Board has elected to appoint Dame Glenys Stacey as 2021 Committee Chair.
8. If the 2021 Committee Chair is not able to attend a meeting, then the 2021 Committee Chair will nominate a member of the 2021 Committee, who is not the Chief Regulator, as chair for that particular occasion.
9. Appointments are made for the period from 01 January 2021 to 31 December 2021.
10. If the Chief Regulator is absent, the Deputy Chief Regulator shall attend the 2021 Committee as a Member on his/her behalf. Alternates are not permitted in any other case.



Purpose and Role

11. The 2021 Committee has been established to oversee and support Ofqual with all matters relating to the regulation of qualifications and assessments in the academic year 2020/2021.
12. The 2021 Committee, Ofqual's 2021 Programme and the 2021 Joint Programme Board with the Department for Education will be aligned to ensure an efficient governance structure is in place.
13. The role of the 2021 Committee is to oversee and support the regulation of regulated qualifications and assessments for the 2020/2021 academic year including:
 - any response required to the autumn series of general qualifications
 - the summer series of general qualifications
 - national assessments
 - vocational and technical qualifications awarded under the extended extraordinary regulatory framework (whether in schools, colleges or any other context) before 31 August 2021
 - any changes to the regulation of apprenticeship end-point assessments for delivery in the 2020/2021 academic year that arise from COVID-19
14. The Board has delegated authority to the 2021 Committee as outlined in the scheme of delegation at ANNEX A. The 2021 Committee is authorised by the Board to make any decision within its delegation.
15. Without prejudice to the 2021 Committee's authority to make such decisions, decisions of material strategic significance to Ofqual's statutory objectives which fall within the 2021 Committee's delegation will be referred to the Board. The 2021 Committee Chair shall determine decisions of material strategic significance in consultation with the Chair of the Board and the Chief Regulator.
16. In the course of its business, the 2021 Committee may necessarily be required to consider matters which have impact for qualifications to be awarded both within and beyond its term. For the avoidance of doubt, such business shall fall within the terms of reference of the 2021 Committee. Matters which have impact exclusively beyond the 2020/21 academic year shall be considered by the Board. The 2021 Committee Chair shall consult as required with the Chair of the Board and the Chief Regulator to ensure business is considered in the appropriate forum. The 2021 Committee may refer any decision to the Board.
17. When referring a decision to the Board, the 2021 Committee shall ordinarily provide its recommendation or advice to the Board.
18. The Board Secretary shall maintain a forward schedule of business for the 2021 Committee and the Board. The forward schedule shall be regularly



reviewed by the Chief Regulator, the Chair of the Board and the 2021 Committee Chair. The forward schedule shall be circulated to the 2021 Committee and the Board at each of their respective meetings.

19. The 2021 Committee is authorised by the Board to undertake any activity within its terms of reference. It is authorised to seek any information it requires from any Committee of the Board, or directly from any Board Member or member of staff of Ofqual.

Propriety

20. At all times, and with regard to the purpose and role of the 2021 Committee as indicated above, the 2021 Committee shall:
- act only within the limits of Ofqual's statutory authority
 - discharge Ofqual's duties under the Apprenticeships, Skills, Children and Learning Act 2009 as amended by the Education Act 2011 and all other relevant legislation
 - ensure that high standards of corporate governance are observed (see Appendix 2 of the Governance Framework – Six principles of good governance)
 - act in accordance with the Equality Act 2010 including the Public Sector Equality Duty.
21. Whilst oversight of the below matters is for the Ofqual Board, in discharging its business the 2021 Committee shall:
- ensure that public funds are properly safeguarded and that at all times Ofqual conducts its operations as economically, efficiently and effectively as possible with full regard to relevant statutory provisions including the requirements set out in Managing Public Money
 - review the delivery of planned results by monitoring performance against agreed strategic objectives and targets relating to its terms of reference

In each case, referring matters to the Ofqual Board as is necessary.

Meetings and decision making

22. The 2021 Committee shall meet as and when required but initially every two weeks. 2021 Committee Chair may call additional meetings as he/she deems necessary.
23. The 2021 Committee shall be quorate if:
- the Chief Regulator is present or has nominated an alternate, and
 - one of the Ofqual Board members is present, and
 - an Independent member is present
 - no less than four members are present
24. The 2021 Committee Chair may occasionally invite other individuals (including Board members) to attend meetings. The invitation may be for the entire



meeting or for a specific item(s). This may include individuals independent of Ofqual with particular expertise relevant to the matters in discussion.

25. Meetings of the 2021 Committee will normally be attended by the Ofqual Executive Directors, Chief Operating Officer, Director of Legal, Director of Strategy and Markets, Senior Responsible Officer for 2021 (GQ), Senior Responsible Officer for 2021 (VTQ) and the Board Secretary. Other members of Ofqual staff may be asked to attend meetings to assist it with its discussions on any particular matter.
26. The 2021 Committee may ask any or all of those who normally attend but who are not members of the 2021 Committee to withdraw to facilitate open and frank discussion of particular matters.
27. The schedule of meetings for the 2021 Committee shall be set as soon as possible for the period up until 31 December 2021.
28. The agenda and papers for meetings will be circulated as early as possible in advance of the meeting. Papers may exceptionally be tabled at a 2021 Committee meeting or circulated after the agenda with the permission of the 2021 Committee Chair. All papers shall be circulated simultaneously to members of the 2021 Committee and the Chair of the Board.
29. Decisions of the 2021 Committee shall be made by consensus. Failing consensus, decisions will be referred to the Board.

Reporting

30. The 2021 Committee Chair shall meet regularly with the Chair of the Board to discuss the business of the 2021 Committee.
31. Minutes will be taken of each meeting of the 2021 Committee. Minutes shall be agreed by the 2021 Committee as early as possible after each meeting. Minutes of the 2021 Committee shall be circulated to the Board promptly after they are agreed. Minutes of the 2021 Committee shall be published in line with Ofqual's procedures for publishing Board minutes.
32. The 2021 Committee Chair shall attend Board meetings to report on the Committee's work. An exceptional meeting of the Board shall be scheduled in between ordinary Board meetings such that the Board shall receive a report of the 2021 Committee monthly. The 2021 Committee Chair shall update the Board in writing where necessary outside of these Board meetings.

The role of the 2021 Committee Chair

33. To provide important continuity to Ofqual in its regulation of qualifications in the 2020/2021 academic year, and its management of critical regulatory



relationships during 2021, it is proposed that the 2021 Committee Chair has an active role in such relationships to the extent they relate to the 2021 Committee's terms of reference.

34. An exemplification of the roles of the 2021 Committee Chair alongside the role of the Chair and the Chief Regulator is set out in ANNEX B. The functioning of the roles at ANNEX B shall be regularly reviewed by the Chair, the 2021 Committee Chair and the Chief Regulator, noting that there is expected to be transition between Chief Regulators during the period in which the 2021 Committee is established.
35. The Chair, the 2021 Committee Chair and the Chief Regulator shall regularly consult and agree as necessary their respective roles in respect of any particular matter. At all times the role holders will act in the interest of Ofqual.

Review

36. These terms of reference form part of the Ofqual Governance Framework and may be reviewed by the Board as and when required.
37. As provided for in the Ofqual Governance Framework¹, as the Board has established the 2021 Committee, only the Ofqual Board can wind the 2021 Committee up and can do so at any time.

¹ Para 28,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864633/Ofqual_Governance_Framework_Nov_2019.pdf