

**Minutes**

Board Meeting

**Time and venue**

08.30am by Microsoft Teams

**Date**

Thursday, 11 February 2021

**Attendees****Board**

Ian Bauckham	Interim Chair
Susan Barratt	
Delroy Beverley	
Lesley Davies	(until 11.30am and from 11.54am)
Hywel Jones	
Simon Lebus	Chief Regulator
Dr Catherine McClellan	
Dame Christine Ryan	
Matt Tee	
Mike Thompson	(until 09.20am and from 10.17am)
Frances Wadsworth	

**Ofqual**

Beth Black	SRO VTQ 2021 Programme
Niamh Field	Board Secretary
Lorna Fitzjohn	Acting Executive Director, Vocational & Technical Qualifications
Daniel Gutteridge	Director of Legal
Michael Hanton	Director of Strategy and Markets
Matthew Humphrey	Director of Legal Moderation and Enforcement
Janet Holloway	Associate Director, Standards for Design, Development and Evaluation of General Qualifications
Cath Jadhav	SRO General Qualifications 2021 Programme
Catherine Large	Interim Executive Director, Vocational & Technical Qualifications
Emma Leary	Associate Director, VTQ Policy
Andy Lester	Private Secretary to the Chief Regulator
Michelle Meadows	Executive Director, Strategy, Risk and Research
Jane Parsons	Director of Communications
Sean Pearce	Chief Operating Officer
Julie Swan	Executive Director, General Qualifications
Lydia Waine	Associate Director, Legal Establishment

**195/20 Welcome and apologies for absence**

There were no apologies.

**196/20 Declarations of interest**

There were no new declarations of interest.

**197/20 Minutes and Matters Arising**

The minutes from the Board Meetings held on 09 December 2020 and 28 January 2021 were approved subject to the following amendment:

- i. Revision of 160/20 to read: Board members asked what work Ofqual was undertaking to consider regional inequality

There were no matters arising.

**198/20 Summer 2021 – Legal Advice**

**RESOLVED:**

The Board resolved to act in accordance with the recommendations in the advice.

**199/20 Alternative arrangements for awarding some VTQs in 2021**

The Board received a presentation highlighting the key areas for consideration and the respective recommendations for alternative arrangements for awarding some VTQs in 2021.

The Extraordinary Regulatory Framework (ERF) was introduced in May 2020, and the Extended ERF in October 2020. A new framework was needed to consolidate the two, retaining key features such as a permissive approach with principles and some key requirements around elements of arrangements.

Consideration was given to the different groups of qualifications and the most appropriate approaches to awarding based on their characteristics and the rationale for alternative arrangements.

The Board reiterated the importance of clear communications for students and parents this year. Students need to understand what will be assessed and how, as the arrangements, while rational, were complex and differed from qualification to qualification. The explainer tool, which had been accessed by more than 30,000 students in 2020, would be implemented again this year. It was also anticipated that VTQ results day would be close to A levels and GCSE results days. Communications would be prepared for international results day.

**RESOLVED:**

The Board resolved to agree:

- i. **Recommendation 1:** that the framework outlining the alternative arrangements for 2021 is based on the previous 2 frameworks implemented (the ERF and Extended ERF), carrying forward many of the provisions in the previous drafting, but consolidating and revising drafting as necessary.

- ii. **Recommendation 2:** note the recommended qualification groupings, noting these will guide development of the framework.
- iii. **Recommendation 3:** to note these groupings will support early high-level communication around alternative arrangements so that centres have clarity for VTQs in a similar way and timescale to GQ.
- iv. **Recommendation 4:** that the framework has 2 sets of principles, one for each part and that Part A principles are to update the Extended ERF principles.
- v. **Recommendation 5:** that the new framework for Part B includes the Principles in Table 2 and that these are set out on a hierarchical basis.
- vi. **Recommendation 6:** that the approach to awarding in scope qualifications is as summarised in the paper.
- vii. **Recommendation 7:** that the principle that conventional awarding practices involving calculations (for example, aggregation of internal assessment components) should not be discouraged in the framework, but we will remind AOs of their duties under Data Protection Law.
- viii. **Recommendation 8:** that awarding organisations are permitted to make awards when not all internal assessments have been completed in qualifications in scope of the new regulatory arrangements.
- ix. **Recommendation 9:** that the approach to internal assessment as outlined in the paper (internal assessment to continue where it is helpful to form an evidence base for a teacher judgement (or is necessary as a basis to determine a result)).
- x. **Recommendation 10:** the alternative regulatory arrangements will apply to all learners expecting to sit exams or assessments for the qualifications identified as in scope in Part A of this consultation (meaning, certificating and non-certificating learners).
- xi. **Recommendation 11:** that we develop guidance for AOs, to inform the choices they can make around issuing results to in-flight learners.
- xii. **Recommendation 12:** that for qualifications such as Functional Skills, that we take the approach outlined in the paper.
- xiii. **Recommendation 13:** to note that the main mitigations around GQ/VTQ fairness are that substantially the same process is followed for those qualifications used alongside or instead of GCSEs and A levels.
- xiv. **Recommendation 14:** that non-certificating learners who were absent from January examinations should receive results through the alternative arrangements.
- xv. **Recommendation 15:** that learners who did sit the examinations who found the context detrimental should also be eligible for alternative arrangements for these assessments.
- xvi. **Recommendation 16:** in line with the approach taken in the ERF, to take a permissive approach to appeals, so that AOs can design their own appeals process appropriate to their qualifications (as governed by GCR I1), but with supplementary guidance which will steer the approach AOs should take for qualifications most similar in nature to GQs to be similar to the approach taken in GQs.
- xvii. **Recommendation 17:** in line with the approach taken in the ERF, we require AOs to consider how they can take account of private candidates in their arrangements, and set an expectation that where a qualification is similar to GQ, a similar approach to provision should be taken where possible.

- xviii. **Recommendation 18:** other general qualifications should be included within the VTQ framework, but we would expect that AOs are required to consider adopting similar approaches to those required under the GQ framework, where relevant.

In relation to feedback received to Part B of the consultation (the Ofqual section) together with a series of recommendations not covered in the main body of the Board paper, the Board resolved to agree:

- i. **Recommendation A1:** We permit awarding organisations offering the types of qualifications described in Part A of the consultation to award their qualifications in situations where exams and internal assessments do not take place.
- ii. **Recommendation A2:** For qualifications which sit outside the scope of alternative arrangements, we require assessment to continue, though such assessment may be subject to adaptations as permitted under the Extended ERF.
- iii. **Recommendation A3:** For other general qualifications, and other qualifications which are similar to GCSEs, AS and A levels but which remain in the VTQ framework, we will emphasise within the framework the importance of AOs considering implementation of similar approaches to those adopted within GCSEs, AS and A levels.
- iv. **Recommendation A4:** we do not develop a definition of exams in the context of the VTQ framework.
- v. **Recommendation A5:** that arrangements should be put in place to authenticate the eligibility of candidates or claims for the award of in scope qualifications - these arrangements will be based on, and enhance, those implemented in the original ERF.
- vi. **Recommendation A6:** we will require awarding organisations to communicate with their centres clearly and in a timely way and will set out in the framework the information and guidance that awarding organisations must provide to their centres
- vii. **Recommendation A7:** To retain the guidance on Special Consideration developed for the Extended ERF – which will apply where assessments continue (meaning, for qualifications falling out of scope for alternative arrangements, or where internal assessment continues for in scope qualifications).
- viii. **Recommendation A8:** Implement our proposal for qualification level certification that awarding organisations should issue certificates (where appropriate) as normal and should not refer on the certificate to a result having been determined under the arrangements in the regulatory frameworks.
- ix. **Recommendation A9:** To consult on disapplying Condition H6.1(a) in the next stage of consultation.
- x. **Recommendation A10:** In line with the approach taken in the ERF, to permit AOs to award on the basis of alternative arrangements internationally, providing it does not undermine the validity of qualifications and the risks around malpractice, and the need of particular needs of the international market are considered and addressed.
- xi. **Recommendation A11:** In line with the approach taken in the ERF, and Extended ERF, we propose to:

- require AOs to maintain a decision record (provided to Ofqual on request) relating to the approach they implement under the Framework
- retain the ability to issue Technical Advice Notices to AOs operating under the Framework

Finally, the Board resolved to delegate the final sign off of the consultation outcomes analysis, decisions document and the technical consultation to the Chief Regulator in consultation with the Chair.

## **200/20 Summer 2021 Assessment Arrangements for General Qualifications**

The Board was provided with a paper concerning the proposed arrangements for summer 2021 for General Qualifications.

In discussion, it was noted that there was strong support for the Direction to state that teachers should continue to teach as much as possible given the importance of maximal curriculum coverage for progression. The intention that students would only be assessed on content they had been taught by their teacher would help to compensate for students whose education had been most disrupted, for example because of poor access to online learning.

The Board noted Ofqual's strategic intent for 2021 assessments, and the principles that had guided its joint work with DfE to develop the proposed approach.

Consideration was given to the package of support materials for teachers. Questions from past papers would be supplemented, where necessary, with new material and marking schemes to help teachers to source evidence to be used. It was proposed that exam boards provide question banks, intended as a low-tech solution that centres could use to access materials in a coherent way, for example by topic area. An indication of possible sources of evidence would be provided. Conversations were ongoing with DfE in relation to the development of grade descriptors, noting that this was more challenging if all subject content had not been covered. It was noted that Wales had opted to issue them for alternate grades.

The Board agreed that students should continue to work on their NEA and that it should be marked and contribute towards the overall grade. With regard to GCSE, AS and A level art and design, the student's grade would be based on the portfolio only. In GCSE English language, GCSE modern foreign languages and A level sciences (biology, chemistry, physics and geology), centres should determine and submit a separate grade for the endorsement.

### **RESOLVED:**

The Board resolved to agree:

- i. **Recommendation 1:** to note principles that have guided our joint work with DfE to develop the proposed approach.
- ii. **Recommendation 2:** that teachers are asked to judge their students' performance only on the content they have been taught, and then to consider those grades in the context of the centre's profile of results in previous years.

- iii. **Recommendation 3:** that AEA and Project qualifications are treated in the same way as GCSE, AS and A levels, as appropriate.
- iv. **Recommendation 4a:** that exam boards provide a package of support materials to include questions, mark schemes, attainment data and exemplar materials, as well as advice for teachers about content coverage, topic selection, marking and making grading judgements. Wherever appropriate, this would be based on past questions.
- v. **Recommendation 4b:** that assessment should take place as late in the academic year as is practicable, to enable teaching to continue for as long as possible.
- vi. **Recommendation 4c:** that all materials, for all subjects and all boards, are made publicly available at a date to be agreed. These materials would be available for teachers to use immediately and remain so until the deadline for submission of grades.
- vii. **Recommendation 4d:** that teachers should be able to use evidence of a student's performance from throughout the course to inform their judgement.
- viii. **Recommendation 4e:** that use of exam board support materials should **not** be compulsory but part of the range of evidence teachers could use to determine the grade.
- ix. **Recommendation 4f:** that we do **not** set any requirements about the amount of content that should be taught or assessed, but that we include a statement in the head of centre declaration about ensuring sufficient content coverage for progression.
- x. **Recommendation 5a:** that we do **not** regulate to prevent exams for GCSE, AS and A level and AEA being taken outside England, and if the direction sets out that government policy is to prevent any exams taking place in England, we will put in place regulations to enact that policy.
- xi. **Recommendation 5b:** that students are encouraged to continue to work on their NEA including for Project qualifications, and for it to be marked by teachers and contribute to the overall grade, whether or not it has been completed, but exam boards are not required to moderate it.
- xii. **Recommendation 5c:** that in GCSE, AS and A level art & design, the student's grade should be based on the portfolio only, whether or not it has been completed.
- xiii. **Recommendation 5d:** that in GCSE English language, GCSE modern foreign languages and A level sciences (biology, chemistry, physics and geology), centres should determine and submit a separate grade for the endorsement.
- xiv. **Recommendation 6a:** that exam boards are required to work together as far as possible to ensure that requirements for internal QA and arrangements for external QA are consistent.
- xv. **Recommendation 6b:** that exam boards are required to put in place arrangements for external QA to check, where possible, each centre's internal QA process **and** in a sample of centres, to review the evidence for one or more subjects. Sampling should be both random and also based on identified risk factors.
- xvi. **Recommendation 6c:** that exam boards are required to accept the grades submitted by centres only after completing, and being satisfied with, any external QA.

- xvii. **Recommendation 6d:** that exam boards are required to require centres to submit a declaration by the head of centre, with final wording to be discussed with key stakeholders and agreed by exam boards.
- xviii. **Recommendation 7:** that exam boards are not required to offer an exam series (either in summer or autumn) for private candidates, but instead we ask private candidates to work with a centre (or with a centre set up by an exam board) to provide evidence in line with the sort of evidence that other students will produce.
- xix. **Recommendation 8:** that exam boards are permitted to accept entries from any year group, providing there are some additional checks on new early entry or suspicious entries as part of the exam boards' external QA, and that the head of centre is required to confirm that all entries are appropriate.
- xx. **Recommendation 9a:** that a student who is unhappy with their grade would first submit an appeal to the centre, for them to check whether an administrative or other error had been made.
- xxi. **Recommendation 9b:** that where a centre does identify an error in the grade submitted to the exam board, it can submit a revised grade and a rationale for the board to consider. If the exam board is satisfied with the rationale, it will issue a revised grade.
- xxii. **Recommendation 9c:** that where a centre does not believe an error had been made, a student can appeal to the exam board, with the evidence and ask the exam board to consider whether, in its view, the grade submitted by the centre is reasonable. If the exam board judges that it is not, the centre would be asked to re-consider the evidence and, if necessary, submit a revised grade and a rationale.
- xxiii. **Recommendation 10:** that the Board delegates authority for the decisions document and the technical consultation to the Chief Regulator, in consultation with the Chair.

## 201/20 Any Other Business

### Communications Strategy

The Director of Communications reported that the post-consultation communications strategy would prioritise Ofqual's visibility, engaging in debate and explaining, in student-friendly language, the way ahead. The Communications team would be working with DfE and exam boards to ensure clarity of messaging. **ACTION: NF**

### Contingency Emergency Board meeting on 17 February 2021

The Board Secretary would confirm as soon as possible if the contingency meeting on 17 February 2021 would proceed. **ACTION: NF**

The meeting ended at 12.28pm.