

Forty second meeting of the Ofqual Board

**Public minutes of the meeting held at 09:30 on
Wednesday 21 May 2014 at Ofqual, Spring Place, Coventry**

Present: Board Members

Tim Balcon	(for items 1/14 to 12/14 only)
Ray Coughlin	
Mike Cresswell	
Philip Fletcher	
Maggie Galliers	
Anne Heal	
Barnaby Lenon	
Dana Ross-Wawrzynski	
Amanda Spielman (Chair)	
Glenys Stacey	
Tom Taylor	
Neil Watts	
Julius Weinberg	

Ofqual

Marc Baker	Reform Programme Director (part only)
Jeremy Benson	Director of Policy (part only)
Emma Cochrane	Head of Markets (for item 13/14 only)
Jane Farleigh	Acting Director of Regulatory Operations (part only)
Gary Fisher	Casework Manager (part only)
Richard Garrett	Head of Regulatory Relationships (for item 9/14 to 12/14 only)
Mike Jeacock	Interim Chief Operating Officer (part only)
Tim Leslie	Director of Strategic Reform (part only)
Alan Little	Head of Financial Accounting (for items 5 & 6/14 only)
Adrian Long	Director of Strategic Communications and Engagement (part only)
Nelam Madahar	Head of Management Accounting (for items 5 & 6/14 only)
Ann Nolan	Director of Reform Programme (part only)
Dennis Opposs	Director of Standards (part only)
Fiona Pethick	Director of Regulation
Natalie Prosser	Head of Legal

Clare Rowntree	Senior Economist (for item 13/14 only)
Julie Swan	Head of Regulatory Development (for items 9/14 to 12/14 only)
Alison Townsend	Board Secretariat Manager

1/14 Welcome and Apologies for Absence

Apologies for absence had been received from Roger Taylor. The Chair welcomed Michelle Meadows, Director of Research and Evaluation, to her first Board meeting.

2/14 Declarations of Interest

Julius Weinberg declared an interest in item 3/14 below (matter arising minute 59/13 – response to UCAS consultation) insofar as it related to his position as head of a UCAS subscribing organisation. The interest was not considered to be significant and he remained in the meeting during the consideration of this matter.

Maggie Galliers declared an interest in item 12/14 below headed QCF consultation insofar as it related to her position as the Chair of NIACE. The interest was not considered to be significant and she remained in the meeting during the consideration of this matter.

3/14 Minutes

The Board agreed the minutes of its meeting held on 26 March 2014 as a true record.

Matters Arising

The Board considered and noted a paper on matters arising from its previous meetings:-

11/12, 16 May 2012 – the Board noted that the 2011/12 and 2012/13 annual reports to Parliament had been redrafted and were in the final stages of approval. An outline of the 2013/14 report would be presented to the next meeting.

8/13, 22 May 2013 – Because of the linkages between the consultation on the introduction of a new condition to deliver the guided learning hours policy and the consultation on QCF regulatory arrangements (item 12/14 below) it had been agreed that both consultations would start together in June 2014.

30/13, 24 July 2013 – the Welsh Government and Ofqual had now signed the concordat and a cordial meeting had been held with the Welsh Minister.

59/13, 18 September 2013 – work on the new ESOL conditions was on hold. Meanwhile new QCF ESOL skills for life qualifications were with Ofqual for accreditation. Given the delays in the submission of the new qualifications the existing specifications would continue to be funded to January 2015.

82/13, 27 November 2013 – The Board briefly discussed issues around the use of iGCSEs and other level 1/2 qualifications in KS4 performance measures.

84/13, 27 November 2013 – the consultation on setting grade standards in new GCSEs had started on 3 April 2014 and would run until 30 June 2014.

89/13, 27 November 2013 – the Board received a verbal update on the position with the work to gain an exemption for the retention of an independent website. Ofqual was working with DfE on this matter and a letter would be sent from Liz Truss to press the case for Ofqual's exemption.

117/13, 26 March 2014 – The Board briefly discussed the approach being taken to the response to the UCAS "soft" feedback exercise on its tariff.

117/13, 26 March 2014 – Ofqual had written to all awarding organisations to set out the position on the redaction of exam papers on 31 March 2014.

4/14 **Chief Executive's Report**

The Board considered a paper that updated it on significant issues since the last meeting. The Board discussed aspects of the report including:-

- the role that Ofqual might play in strengthening apprenticeship assessment. The Board discussed issues associated with this including the organisations capacity to take on this work;
- consultation on changes to Ofqual's operating model;
- concerns among the science community regarding the previous decision on non exam assessment in Science A levels; and
- press activity as a result of pre-accreditation marketing of qualifications. The Board noted that the Chair had written to the Daily Mail in response to one story.

Regulatory Strategy Implementation

The Board considered a supplementary paper and presentation that updated it on the position with the implementation of the new regulatory strategy. The Board noted that a short (four week) consultation on the lifting of the accreditation requirement would be necessary and that the shorter consultation period had received legal clearance.

The Board went on to review the revised risk model and welcomed the progress that had been made on this. The new model moved away from reliance on Statements of Compliance towards a professional audit model. The Board discussed aspects of the report and presentation including:-

- the process for determining what was a high risk qualification;
- how the regulatory approach would be adjusted between different classes of qualification as well as within the qualification classes; and

- plans for the implementation of the strategy including stakeholder communications.

The Board:-

- (i) endorsed the approach to the implementation of Phase 1 of the new regulatory strategy;
- (ii) delegated authority to the Reform Committee to take decisions on:-
 - (a) proposals for changes to the accreditation requirements and any revisions to the accreditation criteria;
 - (b) consequential changes to the General Conditions of Recognition necessary to require awarding organisations to submit regulated qualifications not subject to the accreditation requirement directly to the register; and
 - (c) the form, content and duration of the consultation on proposals to change the approach to accreditation.

5/14 Chief Operating Officer's Report

The Board considered and noted a paper that provided an update on operational performance since its last meeting. The Board discussed aspects of the report including:-

- year end financial outturn figures. The Board noted the work that the Finance Committee had done in this area;
- progress in implementing the revised approach to risk management previously reported to the Board;
- the process to recognise exam boards to deliver GCSEs. All GCSE exam boards had been recognised to deliver the new qualifications;
- recent awarding organisation events held in London and Birmingham that looked at key issues causing difficulties for awarding organisations. 80-85% of awarding organisations had been represented at the two events;
- the appointment of Grant Thornton as Ofqual's new internal auditors; and
- the work to agree a new contract for regulatory platform support. This matter would be presented to the Board in July for decision.

8/14 Reform Programme Update

The Board considered and noted a paper that updated the Board on the reform programme and discussed aspects of the report including:-

- the process to accredit new GCSE 9-1 qualifications which would start in June. The Board highlighted the need for transparency in the accreditation process;

- adjustments to the tender process for national reference tests that would delay the award of the contract to December 2014; and
- the focus of and timescales for the work to review the Code of Practice.

10/14 Reformed GCSEs and A Levels for first teaching in 2016

The Board considered a paper that presented proposals for a consultation on regulatory expectations for GCSE and A Levels being developed for first teaching in 2016. Ofqual has to develop and put in place regulatory requirements for these subjects and make sure that the content proposed by DfE allows for effective regulation. A ten week consultation on the regulatory expectations to start in July 2014 was proposed; DfE would be consulting in parallel on subject content.

As assessment arrangements should be closely related to the content to be assessed ALCAB and the exam boards had been asked to make proposals on assessment arrangements based on the content that each were overseeing. These proposals would be evaluated and Ofqual's expectations on the regulation of the qualifications set out in the consultation. The Board noted that decisions on non exam assessment and tiering would be made in light of published principles developed to inform decisions on the group of subjects developed for first teaching in 2015.

The Board discussed aspects of the paper including reasons why the amount of non exam assessment would vary between subjects.

The Board noted the work underway to develop revised subject content and regulatory requirements for reformed GCSEs and A Levels for first teaching in 2016 and agreed to consult on the regulatory expectations for these subjects in mid July and that:-

- (i) **the decision as to whether the subject content proposed by DfE would support effective regulation should be taken by the Board by electronic business; and**
- (ii) **that decisions on regulatory requirements for the assessment of these subjects should be taken by the Chief Regulator in line with the published principles.**

12/14 Consultation on removal of the Qualifications and Credit Framework Regulatory Arrangements

The Board considered a paper that set out proposals for a 12 week consultation on the recommendations on the review of the Qualifications and Credit Framework that had been previously considered by the Board (minute 117/13 refers). The Board noted that the consultation would be presented in the wider context of the revised regulatory strategy. The Board also noted that DELNI had some concerns about the proposals and that work was under way to help them understand the background and reasons for the review.

The Board agreed:-

- (i) **to consult on the policy proposals arising from the review of the Qualifications and Credit Framework; and**
- (ii) **that the Chief Regulator, in consultation with the Chair, should approve the final consultation document.**

13/14 Regulating Endorsement

The Board considered a paper that presented the outcome of the consultation on regulating the examiner/author conflict of interest and awarding organisations' endorsement of resources and sought approval to proceed with the proposals that were consulted on.

The Board noted that responses to the consultation were largely positive although views were more mixed as to whether the changes proposed would improve public confidence. The Board discussed aspects of the paper including the management of conflicts of interest and what rules were in place to determine what information exam boards should provide routinely as opposed to what was included in text books.

The Board agreed:-

- (i) **that statutory guidance should be put in place to:-**
 - (a) **set out how awarding organisations manage conflicts of interest where a senior examiner for a qualification is also an author of resources for the same qualification;**
 - (b) **address issues around confidentiality in relation to assessments that may arise where a senior examiner prepares resources; and**
 - (c) **makes clear the expectation that awarding organisations will put in place and follow a policy regarding their consideration of the appropriateness of introducing or continuing to offer packages of other qualifications with other products and services.**
- (ii) **introduce a new General Condition of Recognition that requires awarding organisations to:**
 - (a) **run endorsement in a way that protects qualification standards and public confidence in regulated qualifications; and**
 - (b) **publish the criteria they use for endorsement.**

14/14 Report on the work of Board Committees

The Board considered an update paper on the work of Board Committees that had met since the last Board meeting. The Chair of each Committee gave a short oral update on the highlights of the meetings.

15/14 Publication of Papers

The Board agreed, that those papers indicated as open should be published with the exception of small parts of paper 5/14 that should be withheld.

16/14 Other Business

There was no other business.

17/14 Date of Next Meeting

The next Board meeting would take place on Wednesday 23 July 2014.

Forty third meeting of the Ofqual Board

**Minutes of the meeting held at 11:15 on Wednesday 18 June 2014 at
Ofqual, Spring Place, Herald Avenue, Coventry**

Present: Board Members

Philip Fletcher
Maggie Galliers
Anne Heal
Amanda Spielman (Chair)
Glenys Stacey
Roger Taylor (by telephone)
Tom Taylor (by telephone)
Julius Weinberg (by telephone)

By Invitation

Trevor Robinson Independent Member - Audit and Risk Assurance Committee

Ofqual

Alan Little Head of Financial Accounts
Alison Townsend Board Secretariat Manager

18/14 Apologies for Absence

Apologies for absence had been received from Tim Balcon, Ray Coughlin, Mike Cresswell, Barnaby Lenon and Dana Ross-Wawrzynski.

19/14 Declarations of Interest

There were no declarations of interest.

20/14 2013/14 Annual Report and Accounts

The Board considered a paper by the Head of Financial Reporting that presented the draft 2013/14 Annual Report and Accounts.

The Audit & Risk Assurance Committee had met earlier in the day and reviewed the outcome of the external audit of the accounts by the National Audit Office. The associated draft letter of representation for signature by the Accounting Officer as well as the draft Annual Report and Accounts (its minute 23/14 refers). At the meeting the National Audit Office had issued a clean Audit Completion Report and indicated that it was intending to issue an unqualified audit opinion without modification. The external audit work had identified three misstatements that reduced expenditure and increased net assets by £18k; the Board noted that the misstatements had been adjusted. The Board also noted that Cash Equivalent Transfer Values for pensions were still awaited from DWP and that these would be included in the document when available.

The Audit and Risk Assurance Committee had agreed to recommend that the Board approved the 2013/14 Annual Accounts but had recognised that there was further work to do on the text of the Annual Report. It was agreed that further work would be done on the Annual Report before circulation to Board members for comment; the Accounting Officer would agree the final Annual Report text.

The Board thanked the Director and the Finance team for their work to draw together the 2012/13 Annual Report and Accounts.

Agreed, that the Board approved the 2013/14 Annual Report and Accounts for signature by the Accounting Officer, subject to further work being done on the Annual Report text, which would be circulated for the Board for comment prior to final approval by the Accounting Officer.

21/12 Other Business

The Board received a short update on the outcome of the process to recruit an interim Chief Operating Officer and noted that Mike Bird would start work with Ofqual the following day.

22/12 Date of Next Meeting

The next meeting of the Board would take place at 10:00 on Wednesday 23 July 2014, and would be held at the Ofqual Offices, Spring Place, Herald Avenue, Coventry.

Ofqual Board

Paper 25(i)/14

Date:
23 July 2014

Title:
Matters arising from past Board meetings

Report by:
Alison Townsend, Board Secretariat Manager

Responsible Director:
Mike Bird, Interim Chief Operating Officer

Paper for information

open paper

.....

Issue

1. To update the Board on progress with actions/matters arising from previous meetings of the Board.

Recommendation

2. The Board is recommended to note the position on past actions.

Background

3. The table below sets out actions agreed at past meetings of the Ofqual Board and progress/plans to achieve these:-

Date/Minute	Action	Update
11/12 16 May 2012	<u>Annual Reports to Parliament and the Northern Ireland Assembly</u> Finalise reports to parliament and the Northern Ireland Assembly for sign off by the Chair and Chief Regulator.	An update on this matter is included at item 28/14 on the agenda for this meeting.

Date/Minute	Action	Update
	Outline of the 2013/14 report to Parliament to be presented at the July meeting.	
8/13 22 May 2013	<u>Regulation Report (Guided Learning Hours)</u> The Board agreed to consult on the introduction of a new condition to deliver the guided learning hours policy accompanied by criteria and guidance and delegated the sign off of the text to the Chief Regulator.	Because of the linkages with this work and the consultation on the QCF regulatory arrangements (see item 12/14 on the agenda for this meeting) it has been agreed that both consultations will start together at the end of July 2014.
59/13 18 Sept 2013	<u>Chief Executive's Report</u> Sign off of the final version of the conditions for English for Speakers of Other Languages (ESOL) qualifications delegated to the Chief Regulator.	Work on new conditions is on hold meanwhile new QCF ESOL skills for life qualifications are with us for accreditation. Given the delays in the submission of the new qualifications the existing specifications will continue to be funded to January 2015.
89/13 27 Nov 2013	<u>Strategic Communications and Engagement Report</u> The Board supported the principle of the retention of an independent website for Ofqual.	A letter had been sent from Liz Truss to the Cabinet Office to press the case for exemption. The issue would be taken forward with the new Minister.
117/13 26 March 2014	<u>Chief Executive's Report</u> The Board briefly discussed the approach being taken to the response to the UCAS "soft" feedback exercise on its tariff.	The response had been sent to UCAS on 22 May 2014 and a copy had been circulated to the Board.
122/13 26 March 2014	<u>Reform of remaining GCSE and A level subjects</u> The Board endorsed continuing the approach agreed at its meeting on 26 March 2014.	The consultation had started on June 4 2014 and was due to finish on 30 July 2014.

Date/Minute	Action	Update
4/14 21 May 2014	<u>Chief Executive's Report</u> The Board delegated decisions on the consultation on changes to the accreditation requirement to the Reform Committee.	The decisions were taken by the Reform Committee by electronic business on 7 July 2014. The consultation started on 9 July 2014 and was due to finish on 6 August 2014.
6/14 21 May 2014	<u>Business and Financial Plan 2014/15</u> Decision on the allocation of the £1.4m to be taken by electronic business when it was received from BIS.	The Chief Operating Officer's Report at item 27/14 on the agenda for this meeting contains an update on this matter.
7/14 21 May 2014	<u>Arrangements for Summer 2014 GCSE and A level awards</u> The Board endorsed the approaches to awarding set out in the paper.	The Chief Executive's Report at item 26/14 on the agenda for this meeting contains an update on summer awarding and a further verbal update will be given at the meeting.
9/14 21 May 2014	<u>Assessing and Reporting spoken language in new GCSE English language</u> The Board requested that criteria to underpin future decisions on the separate reporting of grades be developed.	Work is in hand to develop the criteria.
10/14 21 May 2014	<u>Reformed GCSEs and A levels for first teaching in 2016</u> Decision on whether the subject content proposed by the Board would support effective regulation to be taken by electronic business. Decision on the regulatory requirements for the assessment of these subjects to be taken by the Chief Regulator in line with published principles.	The necessary decisions were taken and the consultation started on 15 July 2014 and will finish on 22 September 2014.

Date/Minute	Action	Update
12/14 21 May 2014	<u>Consultation on removal of the QCF regulatory arrangements</u> The Board agreed to consult on the policy proposals set out in the paper.	The consultation is expected to start on 24 July 2014. Item 8/13 above also refers.
13/14 21 May 2014	<u>Regulating Endorsement</u> The Board agreed to put statutory guidance in place to govern endorsement and introduce a new general condition of recognition on this matter.	These decisions had been announced at the end of June 2014 and the new condition will come into force on 1 September 2014.

Paper to be published	YES – after the meeting
-----------------------	-------------------------

ANNEXES:

NONE