

## Sixty third meeting of the Ofqual Board

### Minutes of the meeting held at 09:30 on Wednesday 27 July 2016 at Ofqual, Spring Place, Coventry

#### Present:

#### Board Members

Tim Balcon  
 Mike Cresswell  
 Maggie Galliers  
 Anne Heal (for items 26 to 35/16)  
 Barnaby Lenon  
 Dana Ross-Wawrzynski (for items 23 to 35/16)  
 Terri Scott  
 Amanda Spielman (Chair)  
 Roger Taylor  
 Tom Taylor (for items 19 to 29/16)  
 Neil Watts  
 Julius Weinberg

#### Ofqual

Marc Baker Chief Operating Officer  
 Jeremy Benson Executive Director for Vocational Qualifications  
 Sian Blount Senior Manager – General Qualifications Policy (for item 26/16)  
 Kate Evans Senior Manager Regulatory Implementation (for item 23/16)  
 Michael Hanton Associate Director Strategic Policy and Risk (for item 29/16)  
 Catherine Large Interim Director of Strategic Relationships for VQ (for item 28/16)  
 Donna Lewis Interim Associate Director, Finance (for item 23/16)  
 Tim Leslie Director, National Reference Test Project (for item 24/16)  
 Michelle Meadows Executive Director for Strategy, Risk & Research  
 Dennis Opposs Standards Chair (for item 24 to 26/16 below)  
 Natalie Prosser Director of Legal  
 Jan Roszkowski Chief Information Officer (for item 23/16)  
 Julie Swan Executive Director for General Qualifications  
 Alison Townsend Board Secretary

#### Observers

Jim Busher Senior Manager, Strategic Policy (for item 29/16)  
 Daniel Gutteridge Associate Director Legal Establishment (for item 29/16)  
 Bryan Horne Associate Director – Standards for VQs & and Apprenticeships  
 (item 29/16)  
 Clare Rowntree Private Secretary (for items 28 and 29/16)  
 Chris Shadforth Associate Director, Communications

19/16 **Welcome and Apologies for Absence**

Apologies for absence had been received from Sally Collier.

The Board wished Sally Collier a speedy recovery and hoped that she would be able to leave hospital shortly.

20/16 **Declarations of Interest**

There were no declarations of interest.

21/15 **Minutes**

The Board agreed the minutes of its meeting held on 18 May and 22 June 2016 as a true record.

Matters Arising

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

27/15, 29 July 2015 – the consultation on the retention of existing specifications made under s96 of the Equality Act 2010 had started on 25 May 2016 and would close on 30 August 2016.

63/15, 20 January 2016 – a paper on the outcome of the consultation on options for the award of grades 8 and 9 was on the agenda at item 28/16.

77/15, 23 March 2016 – a paper on lessons learned from the Information Management Transformation Project was on the agenda as part of item 23/16.

8/16, 18 May 2016 – the MoU with CCEA was due to be signed on 29 July 2016.

All other matters arising were picked up on the agenda.

22/16 **Chief Executive's Report**

The Board considered and noted the report. In the Chief Regulator's absence, the Executive Director Strategy Risk and Research led on this item. The Board discussed aspects including:-

- the recently commissioned review of concerns expressed about bullying in the recent interim pulse staff survey; and
- the layout of Ofqual's website within gov.uk, and how difficulties in locating published documents might be addressed.

The Board heard that the accreditation process for qualifications for first teaching in 2017 had now started and noted the work under way in relation to technical and professional education.

**23/16 Chief Operating Officer's Report**

The Board considered and noted the report. The COO gave the Board a short overview of key issues including the final outcome of the year end audit, recruitment and the results of the recent interim pulse staff survey. The Board discussed aspects including:-

- Ofqual's accommodation strategy;
- work under way to improve the analysis of complaints data;
- the latest financial position, where it was noted that Ofqual had covered some of the costs of closure of the Northern Ireland office; and
- the updated corporate plan tracker.

The Board heard that when the Finance and Audit Committees and Board had met on 23 June, the National Audit Office had not finished its year end work. This meant that it had not been possible to confirm the unadjusted misstatements at the meetings. The Board was advised that this work was now complete and the final net amount of all unadjusted misstatements was £38,000. This figure had previously been advised to the Chairs of the Finance and Audit and Risk Assurance Committees, who were both content that this was not material.

The Board received an overview of a recent review of the Information Management Transformation Project. The Board noted that the project would realise a significant cost saving over the previous RITS system and had created a flexible, future proof system. The Board received an overview of those aspects of the project that had gone well and also those that had gone less well. The Board discussed issues raised in the update including the potential for a data gap where Ofqual is not responsible for apprenticeship end point assessments. There was concern that while one organisation currently held data on all publicly funded qualifications, this would not be the case in the future; the need to consider system data in the new vocational landscape was emphasised. The Board thanked the project team for delivering the project.

**24/16 National Reference Test (NRT)**

The Board considered a paper on the NRT asking for approval to introduce the NRT and to conduct testing in schools for the next four years.

The Board received a brief overview of the project including the provisional tests that had taken place earlier in the year. The Board was advised that a sub group of the Standards Advisory Group had reviewed the performance

of the provisional reference test and had reported back to the Standards Advisory Group at its last meeting, that the quality of the NRT was sufficient and that following further development work the tests have the potential to be used in GCSE awarding; the Standards Advisory Group had endorsed the advice.

The Board discussed :-

- likely public expectations on when and how the tests will be used to inform GCSE awarding, the importance of communicating how test outcomes will be used well ahead of the first set of results becoming available to secure confidence in our approach;
- student attitudes to the tests, and the messages they may get from teachers on the importance of the tests. The Board heard that there might be a short survey of pupils taking the tests to gather these views;
- concerns that independent schools were not covered by the secondary legislation that requires most state schools to take part in the tests and the effect that this could have on the sample. The Board was briefly advised about the work to ensure the tests were a representative sample;
- risks associated with the tests and their use in GCSE awarding;
- how an NRT in mathematics and English could inform GCSE awarding in subjects such as physical education or art. The Board was advised that work was taking place with exam boards and other academic experts to understand the information the tests will give on subjects other than those tested; and
- the publication of the test results and the need for this to be properly contextualised.

The Board noted that NRT test performance and how its results have been used in GCSE awarding will be reported to it annually, giving it an opportunity to consider whether any changes to the test, or how results are used, should be made. The Board also work continues on details of the test's design and intended use, and this will address the issues raised by the Standards Advisory Group NRT Sub-Group.

**The Board:-**

- (i) approved the introduction of the National Reference Test and to conduct testing in schools for the next four years, with the first tests to be held in schools in 2017.**
- (ii) confirmed that the Chief Operating Officer is authorised to approve variations to Ofqual's agreement with NFER subject to:**

- (a) **Ofqual being able to meet any resulting changes in NFER's charges from the Programme funds provided by DfE;**
- (b) **the contract variations not exposing Ofqual to materially greater risk.**

25/16 **Strategy Risk and Research Update**

The Board considered and noted the report.

The updated and reformatted strategic risk register was annexed. The Board welcomed the new format and discuss issues including:-

- *This sentence has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* The board received a short report on an event with stakeholders at which quality of marking metrics had been discussed. The Board heard that the discussion on the metrics had been sensible and constructive;
- the Board noted that while a paper on the proposed policy position on Inter Subject Comparability had originally been planned for this meeting, more work on concerns about science subjects needed to be done before the proposal could be completed;
- the Board received a short update on issues with summer 2016 awarding. The board discussed the factors that had changed this year including changes to the cohort profiles for a number of subjects that could cause difficulties in awarding and the communications work taking place in this area.

26/16 **Decisions following consultation on 'Setting the grade standards of new GCSEs in England – part 2'**

The Board discussed the paper. It had previously considered an alternative approach to the award of grades 8 and 9 (minute 63/15 refers). Following that discussion, Ofqual had consulted on the use of a 'tailored approach' to the award of grades 8 and 9 in summer 2018. The consultation had set out six proposals and these were briefly outlined together with an overview of the responses received. The Board noted that there was support for the proposal to adjust the previously announced proposals for the award of grades 8 and 9 2017 from the '20% to the "tailored approach". There was also support for the use of the "tailored approach" for all other subjects from 2018 onwards

The Board discussed the proposals consulted on and the responses received particularly the technical work needed after the first year to ensure stability in the grade 9 boundary while maintaining standards.

In taking the decisions on this matter the Board:-

- had regard to the consultation on setting the grade standards of new GCSEs in England that set out the rationale for the proposals and the analysis of the consultation responses;
- had regard to the impact assessment section of the paper submitted including an equalities impact assessment that would be published when the decisions are confirmed;
- noted that a technical consultation will take place in September 2016 to put in place Conditions to give effect to some of these decisions and that the others will be implemented in regulatory documents;
- noted that further technical work will be carried out with exam boards to confirm the detailed implementation of the proposals prior to confirming Ofqual's position in regulatory documents.

**The Board agreed that:-**

- (i) **the first award of new GCSEs from 2018 will be based primarily on statistical predictions with examiner judgement playing a secondary role. A modified approach, based on a wider range of information, may be used where needed because of the size and nature of the candidature;**
- (ii) **for the new GCSEs awarded from 2018, the grade standard established in the first award will be carried forward in the second and subsequent years;**
- (iii) **the same approach to the first awards of grades 1 to 7 in all new GCSEs will be used, as has already been confirmed for new GCSEs in English language, English literature and mathematics;**
- (iv) **the “tailored approach” will be used to award grades 8 and 9 in new GCSEs to be awarded from summer 2018;**
- (v) **the “tailored approach” will also be used to award grades 8 and 9 in those subjects to be awarded from summer 2017 – i.e. English language, English literature and mathematics a change from the previous decision to apply the 20% rule;**
- (vi) **the award of grades 8 and 9 in the second and subsequent years for all new GCSEs will be based on the standard set in the first award.**

**27/16 Vocational Qualifications Update**

The Board considered and noted the update and discussed points including:-

- the recent Enforcement Committee decision to fine City and Guilds for problems issuing results on time for some paper-based Functional Skills qualifications;
- the potential implications of the referendum result on the qualifications market; the board emphasised the increasingly global nature of the labour market; and
- the guidance due to be issued on Ofqual's approach to the regulation of new apprenticeship end-point assessments.

#### 28/16 **The Government's Post-16 Skills Plan**

The Board considered and noted a paper that considered the issues for Ofqual raised by the Government's Post-16 Skills Plan that was published in response to the Sainsbury Review of Technical Education. The potential implications for Ofqual of the Skills Plan were briefly outlined to the Board. The Board were also updated on the work to establish the Institute for Apprenticeships and the timetable for the introduction of legislation to govern it.

The Board discussed the issues raised in the paper and provided advice and guidance on Ofqual's positioning in this area. The Board emphasised the need to consider the impact of the changes on the system as a whole in order to understand the role that Ofqual might play. The Board would be updated on this work again at its next meeting.

#### 29/16 **Regulatory Strategy**

The Board considered and noted a paper on Ofqual's regulatory strategy, particularly in the context of technical education and qualification reform. The board reviewed the regulatory tools available to Ofqual and how these could be used in different scenarios.

The Board agreed to have a Board workshop to consider potential scenarios and options to inform further discussions on this matter.

#### 30/16 **General Qualifications Update**

The Board considered the update and discussed issues raised including:-

- the accreditation process. The Board noted that all qualifications for first teaching in 2016 and three qualifications for first teaching in 2017 had now been accredited;
- proposals for arrangements to incorporate minor changes to subject content, made by DfE to correct errors, into Ofqual's regulatory framework;
- an update on summer 2016 exam delivery;

- proposals by DfE in relation to the yellow label service provided by STA to collect exam scripts from schools.
- the impact of the reclassification of Computer Science as a science subject; and
- the changes to reviews of marking and appeals, particularly the requirement for exam boards to give a reason for the outcome of the review. The Board were advised that Ofqual had not put in place a common classification system but had suggested to the exam boards that they might wish to do this as they develop their systems.

**The Board agreed that where errors to subject content are corrected by DfE, the Chief Regulator can decide to make the consequential changes to Ofqual's regulatory framework to reflect the change in the content. Where the amendment to the content is of significance that further consequential changes to Ofqual's wider regulatory requirements would be needed this will be brought back to the Board.**

**31/16 Report on the work of Board Committees**

The Board considered and noted an update on the recent joint meeting of the Audit and Risk Assurance and Finance Committees and the Standards Advisory Group. The Standards Advisory Group had included a discussion on the National Reference Test, minute (24/16 above refers).

**32/16 Changes to Board Committee appointments**

The Board considered the paper.

**The Board agreed to appoint Roger Taylor as chair of the Vocational Advisory Group and Julius Weinberg as chair of the Standards Advisory Group, with immediate effect.**

**33/16 Publication of Papers**

**The Board agreed that, subject to some minor redactions, all open papers for this meeting would be published.**

**34/15 Other Business**

There was no other business.

**35/16 Date of Next Meeting**

The next Board meeting would be on Wednesday 28 September 2016.