

Second meeting of the Ofqual Committee

Minutes of the meeting held on Wednesday 9th July 2008
At Spring Place, Coventry

Present:

Members

Kathleen Tattersall	Chair
Tim Balcon	
Sandra Burslem	
David Butler	
Phillip Fletcher	
Maggie Galliers	

Observers

Mike Clancy	Welsh Assembly Government, Department for Children, Education, Lifelong Learning and Skills (DCELLS)
Matthew Coffey	Ofsted
Alison Townsend	Attending as observer until taking up appointment at Ofqual as Governance Officer

Ofqual

Isabel Nisbet	Acting CEO
Alan Greig	Head of Policy and Regulations
Helen Knee	Acting Head of Communications
Dennis Opposs	Head of Monitoring and Comparability
Pauline Sparkes	Head of Awarding Body Performance
Steven Harrison	Head of Business Management

QCA

Natalie Prosser	Solicitor, Legal and Corporate Affairs
Darryl Nunn (for Andrew Hall)	Head of Finance

Apologies for absence:

John Townsley	Observer until formally appointed as Committee member
Stephen Meek	Department for Children, Schools and Families (DCSF)
Paul Cohen	Department for Innovation, Universities and Skills (DIUS)

1. Minutes and Matters arising

- 1.1 The Chair welcomed new members of the Committee, new Ofqual staff and all those in attendance, to the Coventry offices.
- 1.2 The minutes of the meeting on 6 May 2008 were **agreed** as an accurate record.
- 1.3 Minute 4.3: Committee members had asked for a protocol to be circulated guiding members on communication with the media. It was **agreed** that this would be completed following the arrival of the Governance Officer who would be servicing the committee.
- 1.4 Minute 4.4: Committee members had received a letter from the QCA solicitors, Beachcroft, concerning indemnity for individual committee members. Following a discussion, the Committee asked for formal assurance to be obtained from the DCSF confirming the Ofqual committee members' position in relation to indemnity. **(Action: Natalie Prosser)**
- 1.5 Minute 5.: The Acting Chief Executive confirmed that the two specific risks identified from the register by the Committee:
- (a) The quality of Ofqual's work could be significantly diminished due to the loss of knowledge and expertise caused by relocation;
- (b) Ofqual's ability would be undermined by the lack of an appropriate mix of leadership, management experience and skills in its senior management structure;
- had been presented to the QCA Board who had noted that risk (a) was common across QCA.
- 1.6 Minute 8.2: The Committee's comments had been incorporated into the specification for the work on fees and efficiency which had now gone out to tender. An award had been made in relation to the fees project but not the efficiency project. These were high profile projects and were controversial with awarding bodies.

2. Chair's report

- 2.1 The Chair reported that the previous meeting of the Committee had taken place prior to the public launch of Ofqual; this had been a successful event and had generated considerable interest particularly in relation to the reliability study.
- 2.2 The Chair reported on a number of engagements including meetings with:
- John Dunsford, General Secretary and Jane Lees, Vice President of ASCL
 - John Chowcat, General Secretary of Aspect
 - Nigel Snook, Chief Executive EDI
 - Greg Watson, Chief Executive of OCR and Simon Lebus from Cambridge Assessment.
- 2.3 A contribution had been made to the celebrations of 150 years of Cambridge Assessment by the Chair giving a key note speech at their event, which focussed on the changing relationships of assessment bodies.
- 2.4 The Chair had met the Secretary of State for Children Schools and Families on 7 July 2008.
- 2.5 National Curriculum Tests: The Chair had held an accountability meeting with the National Assessment Agency (NAA) on 3 July 2008 to discuss the progress with marking

the tests for the end of key stages 2 and 3. That meeting had confirmed reports from monitoring over previous weeks that there were significant delivery problems and the previously announced date for delivery of test results would not be met. As a result the Chair had decided to commission an independent inquiry into the regulation and delivery issues around this year's tests. Stewart Sutherland (Lord Sutherland of Houndwood) had been appointed to undertake this inquiry. A copy of a letter from the Chair to the Secretary of State which explained the action being taken was circulated at the meeting, together with the draft terms of reference for the inquiry. The Chair explained that Lord Sutherland would also inquire into other aspects of this year's tests identified by the Secretary of State and that the report of the inquiry would address these separately to the Secretary of State.

- 2.6 The terms of reference for Lord Sutherland's Inquiry were still being finalised but it was anticipated that work would commence on the inquiry shortly, although the bulk of the detailed work would begin in September. There was a concern to ensure that the report would be on time to feed into the arrangements for 2009.
- 2.7 There had been press reports questioning the quality of marking. The Chair's letter to the Secretary of State, sent on 4 July 2008, included the sentence: "While results will be delayed and I cannot predict the volume of reviews that schools will request this year, from the processes we have observed, the quality of marking is at least as good as in previous years and justifies issuing the results". If there were evidence to question the quality of marking, or severe risk to public confidence, then Ofqual might need to come back to the Committee over the summer with additional proposals for action.
- 2.8 There was some discussion about the type of evidence that might call the quality of marking into question. The Acting Chief Executive suggested that one indicator would be a step change in the proportion of reviews leading to a change of level, compared to previous years. The Committee suggested that Ofqual should define indicators in advance of any potential issues.
- 2.9 Members suggested that press coverage would inevitably lead to greater interest and a higher number of reviews which was not necessarily an indicator of a problem. Upheld reviews would be a better indicator.
- 2.10 The Acting Chief Executive explained that the meeting on 3 July, led by the Chair, was comparable to processes for holding awarding bodies to account for the delivery of general qualifications. The Acting Chief Executive had also written to the Managing Director of the NAA earlier in the summer seeking assurances. This year represented heightened risk with a new contractor in place.
- 2.11 There was concern that the way in which Ofqual had responded to this issue could set a precedent for the future. The Acting Chief Executive said that the regulatory framework for national curriculum tests was already in place and that Ofqual had been transparent in dealings with the NAA. Comment was also made on the proportionality of the action in relation to the issue.
- 2.12 The Committee gave the Chair full endorsement of the action taken to date. The Chair undertook to keep the Committee abreast of developments.

3. Acting CEO's Report

- 3.1 The Acting Chief Executive introduced her report and drew attention to the following key points:

- 3.2 In relation to resourcing it was likely that at least 50% of existing staff would not move to Coventry and 25% who moved temporarily would not remain. However, the generic recruitment campaign had commenced with at least 300 expressions of interest and 150 applications with a likely interview list of 60. This was the first of up to three such campaigns. It had to be noted that total renewal of the organisation was putting considerable pressure on business.
- 3.3 GCSE mathematics consultation has been launched with 300 responses from the mathematics community. The outcome of consultation would be reported to the next Committee meeting.
- 3.4 There was some discussion of the powers which Ofqual should have under the legislation which was under preparation. Members felt that Ofqual's power of direction must be stronger than that of QCA under current legislation. The Committee **agreed** that they should invite the Department to attend part of a Committee meeting to discuss the legislation in more detail, when plans for it were further progressed. (**Action:** Secretariat)

4. Corporate Business

- 4.1 The Acting Chief Executive introduced the corporate business paper:

Performance Scorecard

- 4.2 The Committee welcomed the scorecard framework as a living document particularly as its methodology would be familiar to stakeholders in Whitehall. A Committee member expressed concern that the KPI in relation to response levels to correspondence could be demanding at a time when Ofqual might receive above normal levels of correspondence. The Acting Chief Executive responded that this was an important KPI for a regulator but should a significant influx take place she might have to come back to the Committee to request a temporary modification of the KPI.
- 4.3 Committee members commented that it would be important to identify delivery outcomes where there was shared ownership, and that some additional work would be needed to firm up delivery outcomes.
- 4.4 It was **agreed** that the Acting Chief Executive should report to the Committee on performance against KPIs particularly if operational demands significantly rose. Performance information would be published on the website. It was **agreed** that the Acting Head of Communications and the Head of Business Management would return to the next Committee meeting with a publications proposal.

Risk Register.

- 4.5 The Committee commented on the overall clarity of this document. A Committee member commented that risks 7 and 8 were particularly pertinent at this time and that there was a need to review ownership as currently only the Acting Chief Executive and the Acting Head of Communications were shown as owning risks.
- 4.6 A Committee member commented on the link between the underspending on staffing costs coupled with Risk 1 in the register– "the quality of Ofqual's work is significantly diminished due to the loss of knowledge and expertise caused by relocation". The Acting Chief Executive commented that there had been an issue with the speed of recruitment. As a consequence a review in the length of time taken to recruit had taken place and a

recovery plan agreed with the HR department. Some key appointments had been slow and that had been flagged as a major issue. Interims would be utilised where appropriate to enable Ofqual to deliver upon all its remits. However, progress on recruitment had recently improved significantly.

- 4.7 The Head of Business Management commented that this was a live document and subject to continual review.

Finance

- 4.8 The Head of Finance presented the Ofqual financial statement and advised the Committee that the overall budget was now fully in place. The set-up segment of the overall budget was, however, under review. The Committee **noted** that the Department would be paying for the Sutherland Inquiry that was discussed earlier in the meeting.
- 4.9 Committee members asked if there was any likelihood of a contingency or roll forward from this year's budget. The Head of Finance advised that previous requests by QCA for this facility had been unsuccessful.
- 4.10 Committee members also suggested caution about any suggestion of entering into a shared service environment. The Acting Chief Executive commented that in the project plan there was a decision point when the Committee would be asked to make any decision in relation to considering shared service arrangements.
- 4.11 The Committee **agreed** that there was a further risk to be added to the risk register in relation to additional funding requirements as a result of additional Ofqual remits.

Register of Members' Interests

- 4.12 A consolidated list of Ofqual Committee members' interests had been prepared following submissions from the Committee.
- 4.13 Members of the Committee suggested that some of the questions were unnecessarily intrusive and said that more guidance was needed over the judgments required.
- 4.14 The QCA legal representative agreed to circulate the Cabinet Office guidance to members of the Committee. (**Action:** Natalie Prosser) Surprise was also expressed at the need to review the document three times per year.
- 4.15 It was agreed that the Acting Chief Executive and the Chair would review the information provided with advice from Legal and Corporate Affairs and discuss any significant differences with members of the Committee. (**Action:** Chair and Acting Chief Executive)

5. The Reliability of Results Programme

- 5.1 The Head of Monitoring and Comparability introduced a paper which covered the programme of work and the steering arrangements.
- 5.2 In discussion, concern was raised that specific funding was only identified for 08/09. However, the Head of Monitoring and Comparability gave an assurance that funding for the second year had been agreed in principle.
- 5.3 Members approved of the proactive nature of the paper but had some concerns over the timescale for delivery. The Head of Monitoring and Comparability responded that there

would be an interim report in the autumn coupled with outputs from focus groups.

- 5.4 Following a discussion, Dame Sandra Burslem agreed to chair the steering group, which will meet approximately three times a year. Members were invited to send any suggestions for membership of the Steering Group. (**Action:** all members) There was a suggestion that it could be extended to include an employer.

6. Development of guidelines for the application of electronic item banks for assessment purposes

- 6.1 The Committee **approved** this paper and the commencement of the scoping study.

7. Criteria and Operating Rules

- 7.1 This paper was noted by the Committee. It was **agreed** that an agenda item should be brought to the next Committee meeting on the regulatory significance of the QCF.

8. Any Other Business

- 8.1 A revised proposal for a strategy day would be circulated.

Learner Panels.

- 9.3 The Committee **noted** the content of the paper. It was **agreed** that the Acting Head of Communications should approach further organisations such as NIACE to engage adult learners.

Publication Scheme

- 9.4 The Acting Head of Communications presented an updated paper which incorporated comments from the last meeting. The Acting Chief Executive commented that on occasion Ofqual might need to have some flexibility and discretion to ensure publications were managed with intelligence.

The meeting closed.