

Seventh meeting of the Ofqual Committee

Minutes of the meeting held on Tuesday 17 March 2009 at Ofqual, Spring Place, Coventry

Present:

Members

Kathleen Tattersall Chair
Tim Balcon
Sandra Burslem
David Butler
Philip Fletcher
Maggie Galliers
John Townsley

Observers

Andy Walls DIUS (for Paul Cohen)
Jeremy Benson DCSF
Charlie Henry Ofsted (for Matthew Coffey)

Ofqual

David Christopher Programme Leader, Policy and Legislation (for the matter the subject of minute 9 below only)
Matthew Lumby Acting Director of Communications
Isabel Nisbet Acting CEO
Dennis Opposs Head of Standards
Fiona Pethick Director of Regulation
Steven Harrison Head of Corporate Management
Kevin O'Sullivan Programme Leader, Economic Regulation (for the matter the subject of minute 10 below only)
David Saunders Manager, Economic Regulation (for the matter the subject of minute 10 below only)
Alison Townsend Governance Officer

QCA

Darryl Nunn Acting Director of Strategic Resource Management
Emma Teale Solicitor, Legal and Corporate Affairs

1. Apologies for Absence

- 1.1 Apologies for absence had been received from Mike Clancy (DCELLS), no substitute, Paul Cohen (DIUS) substitute Andy Walls and Matthew Coffey (Ofsted), for whom Charlie Henry substituted.

2. Declarations of Interest

2.1 There were no declarations of interest.

3. Minutes and Matters Arising

3.1 The minutes of the meeting held on 27 January 2009 were **agreed** and signed as a true record.

3.2 The Committee considered and **noted** a paper by the acting Chief Executive that set out the progress on matters arising from previous meetings of the Ofqual Committee as summarised below:-

Minute 4.2, 27 January 2009. The Statement of Intent between QCA, DCSF and Ofqual had been circulated to members of the Ofqual Committee.

Minute 4.4, 27 January 2009. The paper on lessons learned from the Sutherland Inquiry considered by the Committee at their last meeting, had been considered at a meeting with the Inquiry Secretariat and the DCSF. The Committee's concerns, particularly those regarding the arrangements around the publishing of the report, had been accurately relayed.

Minute 7.1, 27 January 2009. An update on the internal review relating to the challenge by an awarding body to Ofqual's decision not to consider their specification for two GCSEs in advance of the next opportunity in accreditation timetable was included in the paper considered at minute 5 below.

Minute 8.2, 27 January 2009. The Strategic Visions and Priorities for Ofqual had been updated in line with the discussion at the last meeting.

Minute 8.3, 27 January 2009. The Risk Register had been updated and was included in the paper considered at minute 7 below.

Minute 8.5, 27 January 2009. Costs for the development of the 2009/10 Ofqual Business Plan had been reviewed and had reduced from that reported at the last meeting.

Minute 9.1, 27 January 2009. Letters between the Chair and Secretary of State had been exchanged on publication of The Bill, these were appended to the paper considered at minute 9 below.

Minute 9.3, 27 January 2009. The views made by the Committee regarding the draft legislation had been reported at the meeting with DCSF.

Minute 10.1, 27 January 2009. A communications strategy for the GCSE Science report had been developed and was referred to in the paper considered at minute 6 below.

4. Chair's Report – February to March 2009

4.1 The Committee considered and **noted** a paper by the Chair that summarised her commitments for the period February to March 2009. The Committee's attention was drawn to items of significance including:-

- A meeting with John Denham, Secretary of State, Department for Innovation Universities and Skills and Sion Simon, Parliamentary Under-Secretary, Department for Innovation, Universities and Skills on 26 February 2009.
- A meetings with Ed Balls, Secretary of State for Children, Schools and Families on 16 March 2009, discussion had included the vesting date for Ofqual, the power to fine, Functional Skills and the Diploma.
- The Chair had given oral evidence to the Bill Committee on 3 March 2009, two Awarding Bodies and QCA had also been present at the meeting.
- The Chair has spoken at a FEEdS Consultancy Ltd seminar on 25 February 2009.
- A reception had been held at the House of Commons, to coincide with the launch of the Bill.
- Work on the first Chief Regulator's Report was underway; this would be presented to the Committee at their next meeting and would be formally launched at an event in Coventry on 7 May.

4.2 The Committee raised questions on several aspects of the paper including the potential to hold joint meeting with the Secretary of State for both relevant Government Departments; how Ofqual might raise it's profile in relation to the Diploma and the timing/frequency of the Chief Regulator's report.

5. Acting CEO's Report

5.1 The Committee considered a paper by the Acting Chief Executive that summarised key issues from the period since the last meeting of the Committee in January 2009. A summary of correspondence received by Ofqual's Information and Investigations team in January and February 2009 together with details of the Acting Chief Executive's main external engagements were annexed to the paper submitted. A further annex to the paper that set out Ofqual's proposed statement on the quality of marking of National Curriculum tests in 2008 was tabled at the meeting. The Committee's attention was drawn to the following points:-

- Whilst the recent recruitment campaigns had been largely successful there had been some slippage, internal promotions had also created further vacancies.
- The first group of staff to leave by redundancy had left the organisation at the end of February 2009; a variety of support was available to staff leaving in these circumstances and a leaving event had been held. Twenty staff were scheduled to relocate to the Coventry office at the end of March 2009.
- Work on the 2009/10 Ofqual Business Plan was in its final stages. Isabel Nisbet enquired whether a member of the Committee would be willing to act as a 'critical friend' to the plan; any member interested in this role was asked to contact Isabel Nisbet. (**Action** : All Members)
- QCA was scheduled to publish reports on the outcome of reviews of marking of National Curriculum Tests in 2008 together with research reports on the reliability of marking in previous years. Ofqual were intending to make a statement on the quality of marking of the 2008 tests to coincide with this, the Committee considered and commented on the proposed statement. The Committee **agreed** the statement subject to its revision along the lines agreed at the meeting. (**Action** : Isabel Nisbet/Matthew Lumby)
- Ofqual was due to publish three reports the following day covering Access Arrangements and Special Consideration, Enquiries about Appeals and Malpractice; the reports related to the summer 2008 exams at GCSE and A Level. Copies had been provided to Committee Members.
- The internal review into the concerns of an awarding body regarding a decision not to consider their specification for GCSEs in advance of the next opportunity in the accreditation timetable was now complete. The Chair would be writing to the awarding body shortly and a copy of the letter would be forwarded to Members. (**Action** : Isabel Nisbet)
- Work had been taking place with A level awarding bodies to ensure that the approach to setting grade boundaries in the new AS assessments was consistent and appropriate. As a result of this work Ofqual was satisfied that the AS results scheduled to be released in mid March 2009 were consistent, appropriate and fair; a public announcement on this would be made on the date results were announced, Committee Members would be copied into this. (**Action** : Matthew Lumby)

5.2 Members questioned the Acting Chief Executive on aspects of the paper including the position with the Diploma phase 1 and phase 2 Principal Learning submissions that had not been accredited, it was noted that it was for the Awarding Body making the submission to consider how they wished to proceed. The Committee suggested that it was an opportune time to consider lessons learned to be taken forward for future phases of the diploma; a paper on this matter would be submitted to the next meeting of the Committee. (**Action** : Isabel Nisbet)

6. Publication of Ofqual's Standards Review Reports

- 6.1 The Committee considered a joint paper by the Head of Standards and the Team Leader Comparability that set out the background to a review of examination standards that covered both standards over time and across Awarding Bodies in a range of subjects. The reports covered GCSE English Literature, A level Mathematics and GCSE and A level Physics. In most cases the study findings were relatively reassuring however there were significant issues raised concerning a decline in standards in GCSE Physics. The reports were due to be published on 27 March, the report on GCSE Science, considered by this Committee at their meeting on 27 January 2009 (minute 10 of that meeting refers), would be published on the same day; it was thought likely that a link between the decline in standards in Physics and Science would be made by the press.
- 6.2 The Committee went on to consider aspects of the report and findings. It was felt that the identification of problems demonstrated that Ofqual was doing its job; these qualifications were developed before Ofqual was in place. It was noted that action plans would be published to accompany the reports, it was agreed that any statements should objectively state the findings of the report, in addition any text needed to be clear what was being done to safeguard students currently studying for these awards. It was **agreed** that the plans to manage the publication of the reports and associated text would be refined bearing in mind the discussions at the meeting. (**Action** : Matthew Lumby/Dennis Opposs)

7. Corporate Business

- 7.1 The Committee considered and **noted** a report by the Acting Chief Executive that presented the Ofqual finance report for the ten month period ending 31 January 2009, the updated strategic risk register and provided an update on the set up of the interim regulator.
- 7.2 With regard to finance the 2009/10 financial year was nearing its end, the Committee noted the forecast outturn position and the reasons for any under/over spends. It was noted that funding for Ofqual for the 2009/10 financial year had effectively been confirmed by DCSF.
- 7.3 The Committee received a brief update on the position with the set up of the independent regulator, since the report had been published the Set Up Board had met and the status of the overall project had been reduced from Amber/Red to Amber as the position with several of the component projects had improved.
- 7.4 The Committee briefly considered the Strategic Risk Register which had been updated in response to discussions at the meeting of the Risk Management Sub Group on 27 January and to take into account suggestions made by the Ofqual Management Group. The Committee made several comments on the register in particular in relation to the red risks that were present and the need to ensure

that these were under control. Isabel Nisbet agreed to give consideration to the potential risks associated with a change in government although it was noted that the organisation kept in touch with MPs of all parties. (**Action** : Isabel Nisbet)

8. Establishing Corporate Services for Ofqual

- 8.1 The Committee considered a paper by the Head of Corporate Management that set out the findings of a review that had been undertaken to establish the most efficient way to provide corporate services to the independent Ofqual. The review had resulted in two reports, both of which were appended to the paper submitted. The Committee discussed aspects of the report. In particular whether any research had been carried out to establish how other organisations of a similar size procured corporate services, the potential for the organisation to be a junior partner if it commissioned shared services with a disproportionately larger organisation and the implications of Ofqual staff becoming Civil Servants. It was noted that benchmarking had been part of the commission.
- 8.2 The Committee **agreed** the recommendations for the provision of Corporate Services to the Independent Ofqual as set out in the paper submitted.

9. Ofqual Legislation

- 9.1 The Committee briefly considered and **noted** a paper by the Director of Regulation that provided an update on the progress of the Apprenticeships, Skills, Children and Learning Bill, the paper highlighted key issues associated with the Bill and outlined how they were being taken forward. The Bill had its first reading in the House of Commons on 4 February 2009 and was published the following day; the excellent working relationship with DCSF throughout the process leading up to the first reading was highlighted to the Committee.
- 9.2 In terms of the way forward, the progress of the Bill would be tracked closely through Committee Stage to ensure that Ofqual remained informed about key issues and was able to respond to amendments. After the Committee Stage the Bill would go through the Report Stage and then to the Third Reading. After this it would be sent to the House of Lords where it would go through a similar process to that in the House of Commons.
- 9.3 Work to implement the changed powers provided by the new legislation was underway and a timeline for the consultation on how Ofqual would use its new powers was currently being developed.
- 9.4 The Committee questioned the Director on aspects of the report, in particular the power to require information. It was noted that Ofqual would have the power to put conditions on recognition; such conditions could include the provision of information.

10. Ofqual Assessment of Efficiency and Fees 2008-09

- 10.1 The Committee considered a paper by the Director of Regulation that provided an update on the Efficiency of the Qualifications Market and Reasonableness of Fees for 'Other Widely Used' Qualifications studies as well as an overview of the current work of the Economic Regulation Team. The Executive Summary for each study was appended to the report submitted.
- 10.2 With regard to the study into the efficiency of the Qualifications Market, the study had found that changes to the qualifications system imposed costs that were difficult to phase over the life of a qualification as the life cycle of the qualification was not known at the outset. This work was the first strand of work for a wider efficiency study of the regulated qualifications system in England, Wales and Northern Ireland.
- 10.3 The Reasonableness of Fees for 'Other Widely Used' Qualifications study followed on from the publication in March 2008 that related to Awarding Body fees for the revised GCE A levels that analysed the fees for the new specification A levels to be first taught in September 2009. The Committee went on to consider the expected conclusions of the report. It was noted that it had been difficult to obtain information in the required format from Awarding Bodies and that one large Awarding Body had still not provided information; a letter had been sent to the Chief Executive of the organisation concerned.
- 10.4 The Committee **approved** the publication of the final reports emerging from the two studies and delegated sign off of the final reports to Kathleen Tattersall, Isabel Nisbet and Fiona Pethick and **noted** the general strategic direction of the work of the Economic Regulation Team.

11. Other Business

Meeting Start Time

- 11.1 The Chair referred to the start time of this meeting which had been brought forward from 14:00 to 13:30 as a trial and enquired whether the Committee were content with these arrangements going forward. The Committee **agreed** that future meetings of the Ofqual Committee in the afternoon commence at 13:30.

12. On Demand Testing

- 12.1 The Committee **received** the above report without comment.

13. Perceptions of A Levels and GCSEs Wave 7

- 13.1 The Committee **received** the above report without comment.

14. Media Summary

14.1 The Committee received the above report without comment.

15. Date of Next Meeting

15.1 The next meeting of the Ofqual Committee would be held on Tuesday 30 April 2009 at 10:30 am at Spring Place, Coventry.

The meeting closed at 16:45