

## **CCEA**

Minutes of a Special Council meeting held via MS Teams on Wednesday 13 May 2020, at 4.00 pm.

**Present:** Mr T Carson (Chair) Mr RJ Thompson  
Mrs C Harpur Mr C McKinney  
Ms R Byrne Mrs C Fitzsimons  
Dr L Caul Dr A Kerr  
Dr N Morton Mrs K O'Hare  
Mrs P Leitch Ms P Slevin  
Mr B Wilson

Mr J Edwards (Chief Executive)  
Mrs L Scott (Director Finance & Corporate Services)  
Miss M Farragher (Director of Education)

Miss N Kennedy (Manager, Council Secretariat)

### **Apologies**

An apology was received from Mrs S Kirk and Mrs S King.

### **Chair's Business**

The Chair thanked everyone for joining the meeting and reminded members of the protocols for participation.

### **Main Business**

#### **COVID-19 Situation Report**

The Chief Executive advised that the NI Executive has released its Coronavirus – Executive Approach to Decision Making '5 Step Plan'.

#### ***Corporate 'Safe Resourcing'***

The Chief Executive confirmed that arrangements are being put in place to bring the Clarendon building back into operation and is currently being managed by skeleton staff. The project team is reviewing the full range of fire, health and safety procedures to ensure the necessary checks are being carried out in preparation for staff returning to work once it is safe to do so.

He confirmed that remote working had been embedded successfully across the organisation with all contingencies being progressed satisfactorily.

#### ***Finance***

The Chief Executive advised that no budget allocation had been received for 2020/21 from the Department of Education, however cover for spend has been provided.

#### ***Sickness Absence***

The Chief Executive was pleased to report that sickness absence has remained stable since the last update, with no new COVID-19 related cases in recent weeks.

*IT*

The Chief Executive confirmed that work continues on the new data capture system (teacher professional judgement). No requests for additional resources have been made at this time.

Members were content with the information provided

### **Awarding Implementation**

The Chief Executive confirmed that approval had been granted to proceed with appointing external providers to work with the model testing, and for additional statistical worker support. He said that all contracts and conditions of employment had been signed off, and all arrangements were in place for the awarding team.

Engagement has begun between the Awarding Organisation and Regulation on the implementation of awarding and approvals.

*Private Candidates* : Guidance on provision for private candidates has been released to centres. Issues will be discussed with DE as they arise.

*November series* : work has started on a draft programme of work to fit into DE's programme for recovery. The Chief Executive said he had discussed the issue with DE and confirmed the need to begin a phased approach to the re-opening of schools and be in a position to respond to issues as they arise.

The Chief Executive will meet with the PS (DE) on 14 May to discuss the wider implementation of re-opening schools, and future proofing of examination arrangements.

### *4 Jurisdictions*

Ofqual have begun consideration of arrangements for future examinations. Scotland are in the initial stages, however continue to focus on the implementation of summer series. Wales has not yet begun.

The Chief Executive expressed concern that the devolved differences on the relaxing of restrictions could create a different approaches to 2020-2021 examinations between the jurisdictions. He advised that he was seeking a meeting with the Chief Executive of Ofqual to explore the issues in more detail. The matter will be raised with DE and Council advised accordingly.

The Chair added his concern in regards to the different phased approach and asked that developments be monitored and appropriate action taken.

Members were content with the update.

### **Regulatory Matters**

The Chief Executive advised that :

- work continued on the model for General Qualifications;
- considerable progress on arrangements for Vocational Qualifications (VQs);
- Ministerial Direction had been received to proceed with calculated grades for all VQs;
- Awarding Organisations have begun communication with centres in regards to Essential Skills

- A range of contingency arrangements would be put in place for short courses and those who have a 'work placement' assessment element.

He confirmed that the issue of results date would remain as August 2020, and Phase 3 would be critical in the transition of all Vocational Qualifications and related activity.

### *General*

A Council member suggested that it would be helpful if the 5 step plan was circulated to provide clarity on implementation of phases. He also sought clarification on the approach that would be taken for staff to return to the Clarendon site.

The Chief Executive confirmed he would prepare a paper outlining the phases and implications for CCEA (as far as possible), and assured members that all health and safety measures were being considered on how staff will return to the building. He confirmed that this would not commence until Phase 4 or 5 and would be a partial and staggered approach.

The DoFCS assured members that a baseline audit of space was being undertaken to give an overview of the capacity available to allow staff to return safely taking all factors into account. A risk assessment is also being carried out in compliance with the HSE and Government guidance for working in offices. It is anticipated that this will be implemented at Phase 5. A paper outlining a proposed implementation plan would come forward to Council in the next few weeks.

She was pleased to report that home working had proved successful, with a rise in productivity levels in some cases.

The Chair sought and received confirmation that the issue in regards to capacity for delivery in regards to one Awarding Body had not materialised. The Chief Executive confirmed that engagement of AOs in regards to progressing the alternative/adaptive arrangements is working well with one slightly behind the curve. He assured members that CCEA would maintain a watching brief to ensure engagement with NI centres happens as necessary.

The Chair suggested he make contact with the Permanent Secretary to seek further clarification on the timeframe for receipt of the 2020/21 budget allocation. He raised this in the context of concerns being raised by Chairs at a recent Chair's Forum meeting in regards to appropriate governance in relation to proceeding with spend without notification of budget in the event of an investigation. The Chief Executive advised that the Chief Executives (or senior officials) of some ALBs had met with the Head of the Civil Service to review lessons learned so far. He confirmed he had highlighted the importance of providing a mechanism for long-term financial planning. Stability in budget would be important for the Director of Education, and Head of Regulation as next year's awarding will be challenging.

Clarification was sought on plans to future proof examinations and assessment, in particular a way in which children could obtain full grades by building on the work underway at present. The Chief Executive advised that all options would be considered moving forwards, however there was no clarity in the timing of phases and how they will be introduced. He confirmed that discussions around assessment; lessons learned on Essential Skills, and the November and January 2021 series were required with a view to developing a programme of work for discussion with DE.

A Council member said it would be important to take the opportunity to think radically and creatively about assessment moving forwards.

## **Assessment**

The Chief Executive advised that no decision had been made on the advice submitted to the Minister of Education on Statutory Assessment and reporting arrangements.

He confirmed that a further Ministerial Direction under Article 101 of the Education and Libraries (NI) Order 1986 and Article 78(3) of the Education (NI) Order 1998 had been received on 13 May (also known as the 'nuclear' article) providing cover to direct CCEA to continue with the work instructed to do so.

A Council member urged caution on the use of Article 101, however understood it was necessary at this time.

## **Curriculum**

The Chief Executive advised the EA have launched their website and CCEA will provide appropriate support as required. Work continues with the BBC on their 'Bitesize' Learning resources, and feedback on CCEA's website, resources and materials continues to be positive.

Clarification was sought on whether any data had been captured on the performance of children through home learning. The Chief Executive said that he was aware that a sampling piece of work had been carried out by EA on primary and post primary and offered to provide the report if required.

## **Communications**

The Chief Executive confirmed that a large scale package of communications continues to be rolled out. This covers a variety of media, to include BBC, Irish News, CCEA blog and podcasts. Requests have also been received for BSL and ISL (Irish sign language) signing of the podcasts from Deaf Associations, and work is in progress to include this on the blogs to accommodate the full range of constituents and stakeholders.

He advised that to date over 300 responses had been received on the Examination Appeals Process Consultation.

The Chair welcomed this and stated he was reassured that we can respond to and accommodate requests as they arise.

## **Logistics and Closure**

The Chief Executive advised that the Logistics team running the helpdesk field between 30 and 100 calls on a daily basis. The majority of queries are regarding the technical application of teacher professional judgement components and clarification on misconceptions. He confirmed that a range of enquiries in regards to private candidature were being dealt with on an individual and centre basis, however these are in connection with technical understanding on implementation.

Planning of logistical controls around the issue of results has begun.

The Chief Executive confirmed that entries close on Friday 15 May and was pleased to report that CCEA was ahead in terms of resolving issues at this point in time.

Members were content with the information provided.

The concluded the Chief Executive's briefing on COVID-19 related matters.

## **Papers for Discussion**

The Chief Executive asked members to observe confidentiality on the content of the papers provided. The issues were for discussion and not decision at this time.

He advised that this issue had been assessed in depth, including the limit of powers of the Chief Executive in terms of payments and contract issues that could potentially arise with examiners and invigilators.

DE is currently considering the options outlined in both papers, and also identifying where the risks lie with the ALBs.

A Council member raised the matter of accountability. The Chair confirmed that he had been apprised of the issues in advance. He stated that the papers provided were for initial consideration, and following advice from DE (and Council) will come back for further consideration and decision.

The DoFCS said that her responsibility was to advise the Chief Executive as Accounting Officer, and this is the context in which the papers have been written. She wished to place on record that the circumstances were unprecedented, however the recommendations have been drafted within the compliance framework, supported by CPD and Government guidance. The Chief Executive advised that some options were beyond the potential scope of his authority for spend and would require Departmental Approval.

She advised that the two categories under consideration were Examiners/Markers (Paper 1), and Invigilators (Paper 2).

### **Options Paper on Payment of Examiners (Markers) Summer 2020**

**CB/13May/1**

The DoFCS drew attention to the detail provided and confirmed that Examiners/Markers are engaged by CCEA as contractors – not CCEA employees. A contract is issued for each series and there is no continuous engagement spanning a full year. She advised that CCEA has engaged with other Awarding Organisations in England, Scotland and Wales with a view to taking a consistent approach for all contractors in the examinations market including Examiners.

The DoFCS gave an overview of the range of options outlined in the paper together with associated risks, and recognised the dependence of CCEA on markers whose assistance was key to the successful operation of the examinations series. She stated that the preferred option was Option 1 – Status Quo (Do Minimum) as all other options were outside CCEA's delegated authority limits.

CCEA was awaiting direction from DE on how to proceed.

Members sought and received clarification on a range of matters and were content with the explanations provided.

In regards to the possibility of making a goodwill/retention payment, the Chief Executive advised that this was being considered by SQA, however, should CCEA wish to make a payment it would be novel and contentious, and require DE approval.

Members discussed the issue of reputational damage to CCEA by not making any payments. A Council member said that at present this had not been raised as an issue in the teaching profession and sought clarification on whether significant correspondence had been received by CCEA. The Chief Executive confirmed that a small amount of correspondence had been received from examiners seeking clarification. The matter has been raised at the NI Assembly seeking information, however he was concerned that this would become an issue over the coming weeks.

The Director of Education stressed that no decision would be made at this point and expressed concern that not making a payment could be deeply unpopular and could impact on CCEA's reputation.

The Chair recognised the exceptional circumstances and the working environment everyone was currently operating within. He confirmed that further detail would be brought back to Council for consideration, once DE had provided direction.

### **Options Paper on Payment of Invigilators Summer 2020**

**CB/13May/2**

The DoFCS gave an overview of the Options provided on payment of invigilators in light of the cancellation of the summer examination series and the fact that the services of invigilators are therefore not required.

She confirmed that at the time of the Minister's announcement, invigilators had been nominated by schools and CCEA had issued the calendar of examinations sessions. However legal advice obtained by CCEA stated that this does not necessarily constitute a contractual obligation, and therefore the preferred option would be Option 1 – Status Quo (Do minimum). This has also been submitted to DE and CCEA are waiting on direction on how to proceed.

The Chair sought and received confirmation that the issues were similar to that encountered with the Examiners/Markers, however recognised that there would be discontent amongst invigilators, and could have a more negative impact for CCEA should the decision be taken not to make any sort of payment.

The Chief Executive highlighted the 3 main factors:

- This group does not have a contract
- There is a higher degree or risk of challenge
- This group are lower paid earners

He advised that SQA were also considering non-payment.

Members, whilst recognising the challenges, suggested that it would be disadvantageous to discriminate between the two groups (Examiners & Invigilators), and said it would be preferable if the decision was consistent for both.

The Chair thanked members for their contributions and advised that this would be brought back to Council for further consideration, following response from DE.

The Chief Executive said it would be preferable to have this cleared as soon as possible and would update Council on progress.

The DoFCS advised that a third group was also affected – Senior Examining Teams, she recognised that teachers were also fundamental to the success of CCEA's examinations series and suggested that a communications campaign be put in place to encourage the teaching profession to support CCEA in light of the COVID-19 restrictions. She advised that a range of options will be brought forward to Council for discussion in due course.

### *General*

A Council sought clarification on whether DE was aware of how seriously the Council were taking the impact of restrictions on CCEA's business, and the convening of weekly meetings of Council to provide advice and support to the Executive Team. The Chair said he would ensure the Permanent Secretary was fully aware of the extensive support Council was providing to the organisation during this time.

A Council member sought clarification on the status of the appeals process. The Chief Executive confirmed that consultation closes on 21 May. Following this feedback will be consolidated into a report for Council consideration, and convene an extraordinary meeting to discuss the outcomes and ensure an agreed position is adopted.

He confirmed that this was a public consultation through public channels. He had notified the trade union and representative Head Bodies asking them to disseminate the consultation amongst members and other bodies to include the NI Assembly and Children's Commissioner. He would welcome this being promoted through CCEA members contacts also.

The Chair thanked members for their contributions.

### **Any Other Business**

None identified.

### **Date of Next Meeting**

The Chair advised that the next Council meeting would take place on Thursday 21 May 2020 at 1.30 pm. There would be no Chief Executive's briefing on Wednesday 20 May 2020.

He also confirmed that the weekly briefings would continue for the foreseeable future. Members would be advised of dates and times in due course.