



House of Commons  
Education Committee

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**Chief Regulator of  
Qualifications and  
Examinations**

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**Eighth Report of Session 2010–12**

***Volume I***

*Report, together with formal minutes*

*Ordered by the House of Commons  
to be printed 1 February 2012*

## The Education Committee

The Education Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Education and its associated public bodies.

### Membership at time Report agreed:

Mr Graham Stuart MP (*Conservative, Beverley & Holderness*) (Chair)  
Neil Carmichael MP (*Conservative, Stroud*)  
Alex Cunningham MP (*Labour, Stockton North*)  
Bill Esterson MP, (*Labour, Sefton Central*)  
Pat Glass MP (*Labour, North West Durham*)  
Damian Hinds MP (*Conservative, East Hampshire*)  
Charlotte Leslie MP (*Conservative, Bristol North West*)  
Ian Mearns MP (*Labour, Gateshead*)  
Tessa Munt MP (*Liberal Democrat, Wells*)  
Lisa Nandy MP (*Labour, Wigan*)  
Craig Whittaker MP (*Conservative, Calder Valley*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk)

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/education-committee](http://www.parliament.uk/education-committee)

### Committee staff

The current staff of the Committee are Dr Lynn Gardner (Clerk), Elisabeth Bates (Second Clerk), Penny Crouzet (Committee Specialist), Benjamin Nicholls (Committee Specialist), Ameet Chudasama (Senior Committee Assistant), Caroline McElwee (Committee Assistant), and Paul Hampson (Committee Support Assistant)

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# Contents

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	<i>Page</i>
<b>Report</b>	
<b>1 Background to the hearing</b>	<b>3</b>
Pre-appointment hearings	3
Chief Regulator of Qualifications and Examinations	3
<b>2 The post</b>	<b>5</b>
<b>3 The candidate</b>	<b>6</b>
The candidate's background	6
Lines of questioning	6
The Committee's views on the suitability of the candidate	7
<b>Appendix 1</b>	<b>8</b>
Letters to the Chair from the Rt Hon Michael Gove MP, Secretary of State, Department for Education	8
<b>Appendix 2</b>	<b>11</b>
Note from the Department for Education on the appointment process	11
<b>Appendix 3</b>	<b>18</b>
Curriculum Vitae: Glenys Stacey	18
<b>Formal Minutes</b>	<b>21</b>
<b>Witnesses</b>	<b>22</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>23</b>



# 1 Background to the hearing

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## Pre-appointment hearings

1. The *Governance of Britain* Green Paper, published in July 2007, included a proposal that the Government nominee for key positions [...] should be subject to a pre-appointment hearing with the relevant select committee [...] The hearings would cover issues such as the candidate's suitability for the role, his or her key priorities, and the process used in selection.<sup>1</sup>
  
2. The Government's proposal was welcomed by the Liaison Committee, which entered into discussions with the Cabinet Office on the framework for pre-appointment hearings and, in particular, which appointments should be subject to them. A final list of such posts was agreed between the Liaison Committee and the Government in May 2008.<sup>2</sup> Four posts were deemed suitable for pre-appointment hearings before the then Children, Schools and Families Committee. These are:
  - Chair of the Qualifications and Curriculum Development Agency
  - Chair of Ofqual
  - Children's Commissioner for England
  - HM Chief Inspector of Education, Children's Services and Skills
  
3. The Government made it clear that it would not regard any views expressed by committees on the suitability of any such appointment to be binding; but it undertook to take those views into consideration in deciding whether or not to proceed with the appointment.
  
4. The process of pre-appointment hearings has developed since 2008 and these are now a regular part of select committee business.<sup>3</sup>

## Chief Regulator of Qualifications and Examinations

5. As indicated earlier, the Chair of Ofqual is one of the initial tranche of posts which the Government agreed should be subject to a pre-appointment hearing. On 9 February 2011 the Secretary of State for Education wrote to the Committee announcing that the Department was about to begin the recruitment process for a new Chair. Under the current statutory framework the Chair of Ofqual is also the Chief Regulator of Qualifications and Examinations but, as the Secretary of State pointed out in his letter, the

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1 Cm 7170, page 29

2 The full list is set out in the First Special Report of the Liaison Committee, Session 2007–08, HC 594, *Pre-appointment hearings by select committees: Government response to the Committee's First Report of Session 2007–08*

3 See background as set out in *Appointment of HM Chief Inspector, Ofsted*, Seventh report of Session 2010–12, HC 1607-I

Education Bill which had then recently been introduced included changes to Ofqual's governance arrangements to create a Crown-appointed post of Chief Regulator with executive responsibility for Ofqual. This would mean the role of Chief Regulator passing from the Chair of Ofqual to its Chief Executive.<sup>4</sup>

6. The Secretary of State's letter set out the Government's intention to include the new Chief Executive/Chief Regulator role in the list of posts subject to pre-appointment scrutiny. He also explained that the Government proposed to make a public commitment that those holding the posts of Chair and Chief Executive at the time of the transition to the new arrangements would be transferred to the new posts in order to provide Ofqual with stable and consistent leadership.

7. At the time of the letter Glenys Stacey had recently been appointed as Chief Executive. Because she was appointed under Civil Service arrangements, the question of a pre-appointment hearing did not arise but the proposal to transfer her to a post which would be subject to such a hearing led to a commitment by the Secretary of State to provide an opportunity to the Committee to conduct a pre-appointment hearing with Ms Stacey before the transfer was made.

8. The Committee considered the Secretary of State's letter and on 2 March 2011 the Chair wrote to Mr Gove welcoming the offer of a pre-transfer hearing with the Chief Executive.

9. As a result of the appointment process for the Chair of Ofqual, Amanda Spielman was nominated as the preferred candidate. The Committee decided not to take up the option of holding a pre-appointment hearing with Ms Spielman in the light of the forthcoming change in her responsibilities.

10. The Education Act 2011 received Royal Assent in November 2011, and on 5 January 2012 the Secretary of State again wrote to the Committee, confirming that he intended to transfer the incumbent Chief Executive to the newly-constituted role of Chief Regulator of Qualifications and Examinations. He informed the Committee that he was "minded to make the Order [bringing into force the Schedule of the Act which would effect the change of role] once any pre-appointment hearing by your Committee has taken place".<sup>5</sup>

11. The Secretary of State's letters, the candidate's *curriculum vitae* and a memorandum by the Department for Education setting out the requirements of the post and details of the recruitment process, are all printed with this Report.

12. We accordingly invited Glenys Stacey to attend a pre-appointment hearing on 1 February 2012.

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4 Letter from the Secretary of State for Education, 9 February 2011

5 Letter from Secretary of State for Education, 5 January 2012,

## 2 The post

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13. The status and powers of the Chief Regulator and of Ofqual are set out in the memorandum from the Department for Education. Ofqual is a non-ministerial government department which reports directly to Parliament and to the Northern Ireland Assembly. It was formally established in April 2010 by the Apprenticeship, Skills, Children and Learning Act 2009. Ofqual is responsible for regulating qualifications and assessments in England, and for vocational qualifications in Northern Ireland. Its main regulatory powers are the recognition of awarding bodies and the accreditation of certain qualifications. It has the power to investigate complaints, to withdraw recognition from a recognised body and to give directions to a recognised body that has failed or is likely to fail to comply with any condition to which their recognition is subject. Under the Education Act 2011 Ofqual has been given new enforcement powers, including the power to fine recognised bodies. Ofqual also has responsibility for keeping under review all aspects of statutory National Curriculum and Early Years Foundation Stage assessment arrangements.<sup>6</sup>

14. The Chief Regulator of Qualifications and Examinations has no individual powers under the Apprenticeship, Skills, Children and Learning Act 2009 or under the Education Act 2011. The Government's purpose in transferring the role from the Chair to the Chief Executive of Ofqual is "to establish a clearly identifiable, single authoritative public figurehead for Ofqual, who manages all aspects of Ofqual's routine business, and who is accountable to the Ofqual Board in respect of that work, and through them to Parliament and to the Northern Ireland Assembly".<sup>7</sup> Glenys Stacey was appointed as Ofqual's first permanent Chief Executive in March 2011, by means of open competition, with the prospect of becoming Chief Regulator "explicitly in view".<sup>8</sup>

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6 See memorandum from the Department for Education for further details.

7 Memorandum from the Department for Education

8 Memorandum from the Department for Education

## 3 The candidate

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### The candidate's background

15. Before becoming Chief Executive of Ofqual, Glenys Stacey was Chief Executive of Standards for England, which regulates standards and ethics in local government. Prior to that she was Chief Executive of Animal Health, an executive agency responsible for implementing and enforcing legislation and regulations relating to animal health and welfare and public health, the control of animal diseases and the facilitation of international trade. Other chief executive posts include those of the Greater Manchester Magistrates' Courts Committee and the Criminal Cases Review Commission. Glenys Stacey originally trained as a solicitor and worked in the legal profession before moving into public sector management.<sup>9</sup>

### Lines of questioning

16. In line with the guidance drawn up by the Liaison Committee on the conduct of pre-appointment hearings, our questioning sought to test the professional competence and personal independence of the candidate. The Liaison Committee also observes that a candidate will need to be able to withstand parliamentary and public scrutiny should they take up the post, and that questioning may therefore be robust.

17. In the evidence session we explored the following areas with Glenys Stacey:

- Suitability for the post, including experience in regulation and ability to exercise independence from Government where necessary;
- The effect of the Education Act 2011 on the roles of the Chief Executive and Chair of Ofqual;
- The development of Ofqual as an organisation;
- Ofqual's role in regulating standards and healthy markets in examinations;
- The powers of Ofqual;
- The new duty on Ofqual to make international comparisons;
- The candidate's approach to innovation at Ofqual; and
- Ofqual's resources.

A transcript of the oral evidence session is printed with this report.

### **The Committee's views on the suitability of the candidate**

18. The Committee considers that Glenys Stacey has amply demonstrated her suitability for the post of Chief Regulator of Qualifications and Examinations. We are grateful to the Secretary of State for giving us the opportunity to hold this hearing and we endorse his proposal to bring forward the commencement order which will transfer the responsibilities of Chief Regulator to Glenys Stacey as the incumbent Chief Executive of Ofqual.

## Appendix 1

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### Letters to the Chair from the Rt Hon Michael Gove MP, Secretary of State, Department for Education

#### Letter: 9 February 2011

The recently introduced Education Bill includes provision to strengthen Ofqual in order to support the organisation in forcing rigorous standards and ensuring that our exams system stands scrutiny against the best systems from across the world. These provisions include changes of Ofqual's governance arrangements which will create a Crown appointed post of chief regulator with executive responsibility for Ofqual

The newly consolidated role of Chief Executive/Chief Regulator will be crucial to meeting our expectations that qualifications in this country compare with the most stretching in the world. Given the importance of this role it is our view that, under the new arrangements, appointments to this position, as well as that of Chair, should be subject to a pre-appointment hearing by the select Committee. We, therefore, propose to make this change as part of the review of posts that are subject to pre-appointment security to be conducted by Cabinet Office and the Liaison Committee.

In the preparing for the transition to the post-legislative governance arrangements we would wish to give Ofqual stable and consistent leadership over the next few years. One option for achieving this stability would be to commit to the transfer of the incumbent Chief Executive and Chair upon the creation of the new posts.

The Department is about to begin the recruitment process for a new Chair, who under the present arrangements also fulfils the role of Chief Regulator. In line with current agreements, the recruitment of this Chair will include the opportunity for a pre-appointment hearing by the Select Committee. We, therefore, propose that a public commitment to the transfer of the Chair on the creation of the new post would provide Ofqual with an important degree of stability, whilst ensuring an appropriate level of scrutiny of the appointment.

Committing to the transfer of the Chief Executive, in addition to the Chair, would provide further stability to Ofqual by avoiding any uncertainty over their future leadership. However, the recent appointment of Glenys Stacey by Ofqual under the existing Civil Service arrangements did not allow for the Select Committee to conduct a pre-appointment hearing. It is our intention that the incumbent Chief Executive would transfer to the new post of Chief

Executive/Chief regulator, but as we want to provide the Select Committee with the opportunity to conduct a pre-appointment hearing, I am prepared specifically not to commit to an automatic transfer in this case in order to allow the Committee an opportunity to express their views before we make a final decision. I would be grateful if the Committee would confirm whether they wish to take up this offer of a pre-appointment hearing so that we can make necessary arrangements in due course.

**Michael Gove**

**Letter: 6 June 2011**

I wrote on 9 February about the arrangements for the appointment of the new Chair of Ofqual and the changes to Ofqual's governance arrangements included in the current Education Bill; a letter to which you replied on 2 March. The interview process for the appointment of the new Chair/Chief Regulator is now complete and I am therefore writing with an update.

As you will be aware, the appointment process has been run in accordance with the Code of Practice issued by the Office of the Commissioner for Public Appointments and the post is a Crown appointment. The candidate I am recommending to Her Majesty is Amanda Spielman, research and development director of ARK Schools. I understand that your Committee decided on 18 May not to take up the option of holding a pre-appointment hearing on this occasion. This being so, the Order in Council which will give effect to the appointment will be submitted to Her Majesty for consideration at the Privy Council meeting on 13 July. Agreement at this meeting would enable Amanda Spielman to take up post in time for the exam season, which is clearly a key period for Ofqual.

Subject to the passage of the Education Bill, the Chair of Ofqual/Chief Regulator at the time of the commencement of the new provisions would continue in post as Chair, with the role of Chief Regulator passing to the Chief Executive. I understand from your letter of 2 March that the Committee does intend to conduct a hearing before any decision is taken to appoint the Chief Executive/Chief Regulator under the new arrangements. Officials will be in touch in due course to make the necessary arrangements.

I am copying this letter to Dame Sandra Burslem, Vice-Chair of Ofqual, the Rt Hon Vince Cable MP and Adrian Bailey MP.

**Michael Gove**

**Letter: 5 January 2012**

As you know, the Education Act 2011 will strengthen Ofqual in enforcing rigorous standards and ensuring that our examinations system stands comparison with the best in the world. One of the changes we have introduced is that the chief executive of Ofqual will be appointed by the Crown and will perform the role and have the title of Chief Regulator of Qualifications and Examinations. This measure amends the current legislation, which gives the Chief Regulator role to the Chair of Ofqual.

You will recall our earlier exchange of letters on this subject, and I am grateful to you for your letter to me of 2 March 2011. It remains my intention that, in order to give Ofqual stable and consistent leadership at this stage in its existence, the incumbent Chief Executive of Ofqual should become the new Chief Regulator.

The incumbent Chief Executive of Ofqual, Ms Glenys Stacey, is currently a Civil Servant, and as such she has not so far been required to attend a pre-appointment hearing. Although I am aware that your Committee will already have had some opportunity to examine Ms Stacey and her work, I appreciate that you may still want to conduct a formal hearing with her in connection with her moving into the new Crown appointment. As you know, I believe that if your Committee does wish to hold a pre-appointment hearing, that would be entirely appropriate in view of the importance of the role.

The statutory provision that brings the new Chief Regulator's role formally into being is contained in Schedule 7 to the Education Act 2011. This Schedule has not yet been commenced, but Ministers may bring the Schedule into force by Order. I am minded to make the Order once any pre-appointment hearing by your Committee has taken place, and I hope that you will be in favour of conducting the hearing at an early opportunity. I look forward to your views: my officials will then liaise with their Ofqual counterparts to assist the Committee as necessary.

**Michael Gove**

## Appendix 2

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### Note from the Department for Education on the appointment process

#### Appointment of Ms Glenys Stacey as Chief Regulator of Qualifications and Examinations— Memorandum from the Department for Education

##### Legal and policy context

The Government regards a strong, independent regulator as an essential pillar in its drive to raise educational standards in England. To support the regulator, Ministers' policy has been to establish a clearly identifiable, single authoritative public figurehead for Ofqual, who manages all aspects of Ofqual's routine business, and who is accountable to the Ofqual Board in respect of that work, and through them to Parliament and to the Northern Ireland Assembly.

Schedule 7 to the Education Act 2011 amends Schedule 9 to the Apprenticeships, Skills, Children and Learning Act 2009 (the ASCL Act), which relates to Ofqual governance. Under the current statutory framework, the Chair of Ofqual is the Chief Regulator of Qualifications and Examinations, a Crown appointment. Schedule 7 provides instead that the Chief Executive of Ofqual is known as the Chief Regulator of Qualifications and Examinations. The Chair of Ofqual (currently Amanda Spielman) will in consequence no longer be the Chief Regulator, although she will continue to lead the Board of Ofqual, of which the new Chief Regulator will be an *ex officio* member.

The Secretary of State has consistently made clear his intention that, in order to give Ofqual stable and consistent leadership at this early stage of its existence, the incumbent Chief Executive of Ofqual should become the new Chief Regulator. As further described below, Ms Stacey was therefore recruited to the Chief Executive role, by means of open competition, with this prospect explicitly in view.

In order to transfer Ms Stacey into the new Chief Regulator role on Schedule 7's commencement date, the person then occupying the position of Chair and Chief Regulator of Ofqual under the current terms of the ASCL Act (Amanda Spielman) will cease to be known as the Chief Regulator and will be treated as having been appointed to chair Ofqual by the Secretary of State, on the date on which she was originally appointed to chair Ofqual by Order in Council (14 July 2011). Her existing terms of appointment would in effect continue.

Provision will also be made so that Ms Stacey, assuming she is the Chief Executive in post on the commencement date, is to become the Chief Regulator. Transitional provisions will state the period for which Ms Stacey is to be treated as having been appointed.

## Background

When Ofqual was established in April 2010, the new Board set in hand the appointment of a permanent Chief Executive, a post for which the then acting Chief Executive, Isabel Nisbet, decided that she did not wish to apply. In the legislative and policy context described above, it was made clear during the recruitment process that Ofqual was recruiting to a Civil Service position which would, subject to the will of Parliament, become a Crown Appointment in due course.

Under the ASCL Act the position of Ofqual Chief Executive is an Ofqual appointment on conditions of service determined by Ofqual, although both the appointment and conditions are subject to approval by the Secretary of State. The mandatory principles that govern this recruitment process are set out in the Civil Service Commissioners' Recruitment Principles. This includes a requirement for the specific approval of the Civil Service Commissioners in making the appointment. The Minister concerned cannot interview the candidates or express a preference among them as part of the selection process.

The Chair of Ofqual would normally have played a part in the selection process for the new Chief Executive, but as that post was vacant at the time, there was no Chair involvement, although the deputy Chair was on the selection panel.

Extensive discussions took place among the parties involved, including the Civil Service Commissioner and the Secretary of State, to decide the requirements seen as important for the role, which can be summarised as follows.

1. Substantial organisational leadership experience and skills, to manage the inevitable challenges of a newly-fledged organisation.
2. Ability to shape the newly-defined regulatory role and to take a robust stance on “standards” issues, in order to ensure that the achievements of students in examinations, vocational qualifications and National Curriculum assessments are fairly recognised against objective and consistent international standards.
3. Capacity to command respect within the education sector, to be a visible figurehead for Ofqual, and to inspire public confidence.
4. Ability to maintain Ofqual's independence while acting in partnership with Ministers.

## The appointment process

Preliminary planning was carried out in August 2010 between Sir Michael Aaronson (Civil Service Commissioner), Dame Sandra Burslem (Deputy Chair of Ofqual), Lesley Longstone (then Director General, Young People, DfE), Isabel Nisbet (incumbent Acting Chief Executive of Ofqual) and Liz Reed (Head of Human Resources for Ofqual).

Having been appointed as the “executive search consultants” to the process, Gatenby Sanderson also attended the discussion, represented by Mark Turner and Juliet Taylor.

This group agreed the approach to marketing the post, covering print media advertising in the *Sunday Times* (5 and 12 September) and online (*Times Online* and *Civil Service Gateway*) from 25 August 2010. The text of the advertisement is shown in the Annex to this memorandum.

The composition of the selection panel was also agreed, as follows.

Sir Michael Aaronson	Civil Service Commissioner (Chair)
Dame Sandra Burslem	Deputy Chair of Ofqual
Mr Jon Coles	Director General, Education Standards, Department for Education
Ms Maggie Galliers	Ofqual Board member; and Principal of Leicester College

In September 2010, Sir Michael Aaronson sought additional input from the Secretary of State and from other Departments with a stake in this post: the Department for Business, Innovation and Skills, and the Department for Education and Learning in Northern Ireland.

The Panel drew up its “long list” of candidates who would be interviewed by the search consultants in October 2010. Although Maggie Galliers was unable to be present in person, her views were fed in comments via Dame Sandra Burslem. There had been 28 applicants, of whom Gatenby Sanderson had recommended ten for initial interview. The Panel then decided to add a further three of the 28 applicants to the list for initial interview.

On 4 November 2010, the Panel met to consider Gatenby Sanderson’s interview reports and to draw up a short list of candidates for final interview. Four candidates were selected, but one of them subsequently withdrew, on personal grounds concerning timing and re-location. Three candidates were therefore taken forward to the final Panel.

Before the final interviews, all three candidates underwent recruitment industry standard assessments of their personal and leadership styles, and of their critical reasoning capabilities, administered by an in-house psychologist from Gatenby Sanderson. Each candidate also took part in a media simulation exercise, also observed by the psychologist. The psychologist reported to the Panel on each candidate in advance of the final interviews.

Telephone references were made available to the Panel: from two referees each in the case of two candidates (including Glenys Stacey), and from one referee for the remaining candidate, whose second referee was indisposed at the time.

Each of the final candidates took the opportunity of a one-hour personal briefing meeting with Isabel Nisbet (the acting CEO) and one of her Director colleagues (i.e. senior executives without Board membership) at the Ofqual offices in Coventry.

Final interviews by the full Panel took place on 15 November 2010 at the University of Warwick. Each candidate was interviewed for one hour, with 15 minutes available thereafter for Panel discussion. The candidates were asked in advance to prepare a seven-minute presentation on “The key challenges facing Ofqual in the next year and how I would address them”. They were then asked a series of questions relating to the role, and given time at the end to put any questions to the Panel.

Based on all of the evidence available to them, the Panel considered that two of the three candidates were appointable. The panel then concluded that, of those two, Glenys Stacey was clearly the better candidate. The Chair of the Panel informed the Secretary of State accordingly. The Secretary of State met Ms Stacey, and accepted the Panel’s recommendation.

Glenys Stacey’s appointment as Chief Executive was publicly announced on 20 December 2010; she took up her post on 1 March 2011. When the Secretary of State wrote on 14 March 2011 to congratulate Ms Stacey on her appointment as Chief Executive, he reiterated that her subsequent appointment as Chief Regulator would not take place until the Education Committee had been given the opportunity to scrutinise her appointment at a pre-appointment hearing.

#### Status and powers of the Chief Regulator and of Ofqual

Ofqual is a non-Ministerial department and exercises its functions on behalf of the Crown— paragraph 1 of Schedule 9 to the ASCL Act. Schedule 9 to that Act sets out the governance structure of Ofqual. Paragraph 2 of Schedule 9 provides for Ofqual to consist of a Chief Regulator, who is currently also the Chair, between seven and twelve “ordinary” members and a chief executive. Ofqual may appoint one of the ordinary members as deputy to the Chief Regulator. Ordinary members are appointed by the Secretary of State, who must consult the Chief Regulator (or the deputy if it is not practicable to consult the Chief Regulator before the appointment needs to be made).

Under paragraph 10 of Schedule 9, Ofqual may delegate any of its functions to a member of Ofqual or Ofqual's staff, a committee established by Ofqual, or a joint committee. Neither the Chief Executive nor the Chair may exercise any statutory powers under the ASCL Act other than those that belong to Ofqual itself.

Schedule 7 to the Education Act 2011 amends Schedule 9 to the ASCL Act, so that the Chief Executive of Ofqual will henceforth also be the Chief Regulator of Qualifications and Examinations and will be a Crown appointment. The Chief Regulator neither has nor will have any individual powers (as distinct from those of Ofqual) under the ASCL Act either as it stands or as amended.

Ofqual is responsible for qualifications and assessments in England, and for vocational qualifications in Northern Ireland; it does not regulate degrees. Its objectives are set out in section 128 of the ASCL Act. They are:

- the qualifications standards objective (which is amended by the Education Act 2011),
- the assessments standards objective,
- the public confidence objective,
- the awareness objective, and
- the efficiency objective.

To deliver these objectives, Ofqual's main regulatory powers, as conferred by the ASCL Act, concern the recognition of awarding bodies and the accreditation of certain qualifications. Ofqual may impose conditions on such recognitions. In summer 2011, following consultation, Ofqual published its general conditions, which now apply to all recognised awarding bodies

Ofqual has the power to investigate complaints concerning the award or authentication of any regulated qualification under section 150 of ASCL Act. Ofqual also has power to withdraw recognition from a recognised body if the body has failed to comply with a condition to which the recognition is subject.

Section 151 of the ASCL Act confers on Ofqual a power to give directions to a recognised body that it believes has failed or is likely to fail to comply with any condition to which their recognition is subject. Under such circumstances, Ofqual may direct the recognised body to take or refrain from taking specified steps with a view to securing compliance with the condition.

Section 23(3) of the Education Act 2011 amends the ASCL Act to give Ofqual new enforcement powers, which include the power to impose a monetary penalty on a recognised body that it believes has failed to comply with a condition to which the recognition is subject. Ofqual is currently undertaking the necessary public consultation on how it should exercise its new powers. DfE is also consulting on how the scale of the monetary penalty will be determined. Secondary legislation is expected to be put before Parliament in spring 2012.

Separately from its responsibilities in relation to qualifications, Ofqual is required under section 161 of the ASCL Act to keep under review all aspects of statutory National Curriculum and Early Years Foundation Stage assessment arrangements. To this end, it has the power under section 162 of the Act to require information from the Secretary of State; Her Majesty's Chief Inspector of Education, Children's Services and Skills, and others.

The Secretary of State has power to specify minimum requirements (namely the knowledge, skills or understanding that a person must demonstrate to obtain the

qualification) in respect of a specified qualification or description of qualification, but before doing so he must consult Ofqual, under section 142 of the ASCL Act.

The effect of an order specifying minimum requirements is that Ofqual must perform its functions in a way which secures that those minimum requirements are met. Ofqual is not, however, required to comply if it appears to Ofqual that complying with that duty would result in the level of attainment (in terms of depth of knowledge, skills or understanding) indicated by the qualification or description of qualification not being consistent with that indicated by comparable regulated qualifications.

January 2012

AnnexJob description for the Ofqual Chief Executive

*This description was published by The Sunday Times Online on 25 Aug 2010.*

Salary: Circa £100,000 (up to £120,000 for an exceptional candidate)

Could you guarantee the rigour of examinations and qualifications, so that the achievements of students are fairly recognised against objective and consistent international standards?

Ofqual, the regulator of examinations and qualifications in England and of vocational qualifications in Northern Ireland, is seeking a Chief Executive who will provide inspirational leadership to the organisation through a time of change and transition. You will lead the organisation as the authoritative independent national regulator of qualification standards in England. You will ensure Ofqual is at the forefront of public debate in relation to its statutory objectives and show commitment to the issues faced by young people and adult learners.

As an experienced leader with proven intellectual capacity and personal credibility, you will work to improve confidence in examinations, vocational qualifications and National Curriculum assessments. Your ability to build high-value stakeholder relationships will also ensure your effectiveness as Ofqual's public face through the media and with Ministers, Parliament and the Northern Ireland Assembly.

The Government has announced its intention to legislate to give the Chief Executive the role of Chief Regulator, acting as the figurehead for Ofqual as guardian of standards. As a strong and confident communicator, your judgement, political sensitivity and understanding of the context in which Ofqual operates, will ensure you gain early respect in post.

In line with Governmental proposals to increase Parliamentary Scrutiny of appointments to key posts, the preferred candidate may be required to appear before a Parliamentary Select Committee prior to appointment.

## Appendix 3

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### Curriculum Vitae: Glenys Stacey

#### Chief Executive 'Ofqual'

March 2011 to date

Ofqual is the regulator of qualifications, examinations and assessments. Ofqual regulates some 180 awarding organisations who in turn produce regulated qualifications. It oversees the arrangements in England for national assessment testing, and regulates vocational qualifications in Northern Ireland. It employs c160 staff, and is based in Coventry.

#### Chief Executive 'Standards for England'

April 2008 – February 2011

SfE is the strategic regulator in the field of standards and ethics in local democracy. It regulates standards amongst some 80,000 people participating as elected members of local government. It employs c90 staff, together with political consultants and associate investigators, and relocated from London to Manchester in 2008. SfE is a non-departmental public body.

#### Key responsibilities:

Leadership, strategic management, managing performance, managing change. Accounting Officer for the organisation and Senior Responsible Officer for the transformation programme.

#### Key achievements:

- Shaping the strategy for the organisation
- Changing the design of the organisation—to enable it to deliver a new remit
- Managing the transfer of routine case management responsibilities from the organisation to local government, and improving by fifty per cent the time taken in complex misconduct investigations that remain the responsibility of SfE
- Establishing proportionate, dynamic and interactive monitoring arrangements, with 99% compliance from the regulated community

#### Chief Executive 'Animal Health'

October 2004 – March 2008

Animal Health is an Executive Agency employing some 1700 vets and other staff operating a 24hr GB-wide service. Working closely with operational partners, it implements and enforces specific national and EU legislation and regulations relating to animal health and welfare and public health, the control of animal diseases and the facilitation of international trade. In emergencies it implements control and eradication strategies on the ground.

Key responsibilities:

Leadership, strategic management, managing performance, contingency planning for disease emergencies and national operational command in emergencies. Accounting Officer for the organisation and Senior Responsible Officer for two critical transformation programmes.

Key achievements:

- Creating and leading an effective senior team, restoring pride in our people and trust in the organisation following the nadir of Foot and Mouth Disease 2001
- Developing our governance and stewardship, attaining Executive Agency status in April 2005, and leading mergers with other related organisations into 'Animal Health' in April 2007
- Transforming emergency capability and managing the mobilisation and field response to ten outbreaks of exotic disease (e.g. Foot and Mouth Disease 2007, Avian Influenza)
- Obtaining departmental investment in the face of other departmental pressures, and leading a modernisation programme enabling field staff with modern technology and introducing new customer-focused ways of working and a new operating model.

**Chief Executive, GM Magistrates' Courts Committee** **Nov 2000-Sep 2004**

Greater Manchester MCC employed 800 staff and worked with some 3000 magistrates to deliver summary justice in ten courthouses on a budget of some £22m. The largest provincial MCC, it played a lead role in the delivery of the government's criminal justice policies, dealing with some 800,000 cases annually.

Key responsibilities

Advising and accounting to the Magistrates' Courts Committee. Strategic management, corporate and business planning, managing performance and accounting for the organisation. Managing and accounting for fines collection. Member of the Local Criminal Justice Board.

**Chief Executive, Criminal Cases Review Commission** **Jan 1997-Oct 2000**

The Commission is an NDPB of the Home Office, responsible for the review and investigation of suspected miscarriages of justice in England, Wales and Northern Ireland. The Chairman and Commission Members (Royal appointments) constitute the Commission, supported by a Chief Executive and some 120 staff and a c£11m budget.

Key responsibilities

Establishing a new organisation from scratch. Strategic management, corporate and business planning, relationship management, managing performance, accounting for and representing the organisation.

**Previous employment (summary)**

Area Manager, northern region, Legal Aid Board	Feb 1990 – Dec 1996
Senior Solicitor, Law Society/LAB	Jun 1988 – Feb 1990
Solicitor, Law Society	Jun 1980 – Jun 1988
Articled Clerk/Solicitor, Snow & Bispham	Feb 1978–Jun 1980

**Education and professional qualifications**

2011-14	MA Educational Assessment (Warwick) – commenced
2000	MBA (The Open University)
1980	Admitted as a Solicitor
1978	Law Society Part II (two distinctions)
1977	BA (Hons) Law, 2.2

# Formal Minutes

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**Tuesday 1 February 2012**

Members present:

Mr Graham Stuart, in the Chair

Neil Carmichael  
Alex Cunningham  
Damian Hinds

Ian Mearns  
Tessa Munt

Draft Report (*Chief Regulator of Qualifications and Examinations*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 18 read and agreed to.

Papers were appended to the Report.

*Resolved*, That the Report be the Eighth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 21 February at 9.15 am

# Witnesses

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**Wednesday 1 February 2012**

*Page*

**Glenys Stacey**, preferred candidate for Chief Regulator of Qualifications and Examinations

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## List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2010-12

First Special Report	Young people not in education, employment or training: Government Response to the Children, Schools and Families Committee's Eighth Report of Session 2009-10	HC 416
Second Special Report	The Early Years Single Funding Formula: Government Response to the Seventh Report from the Children, Schools and Families Committee, Session 2009-10	HC 524
Third Special Report	Transforming Education Outside the Classroom: Responses from the Government and Ofsted to the Sixth Report of the Children, Schools and Families Committee, Session 2009-10	HC 525
Fourth Special Report	Sure Start Children's Centres: Government Response to the Fifth Report from the Children, Schools and Families Committee, Session 2009-10	HC 768
First Report	Behaviour and Discipline in Schools	HC 516-I and -II (HC 1316)
Second Report	The role and performance of Ofsted	HC 570-I and II (HC 1317)
Fifth Special Report	Looked-after Children: Further Government Response to the Third Report from the Children, Schools and Families Committee, Session 2008-9	HC 924
Third Report	Services for young people	HC 744-I and -II
Fourth Report	Participation by 16-19 year olds in education and training	HC 850-I and -II
Fifth Report	The English Baccalaureate	HC 851
Sixth Report	Services for young people: Government response to the Committee's Third Report of Session 2010-12	HC 1501
Eighth Special Report	Participation by 16-19 year olds in education and training: Government Response to the Committee's Fourth Report	HC 1572
Ninth Special Report	The English Baccalaureate: Government Response to the Committee's Fifth Report	HC 1577
Seventh Report	Appointment of HM Chief Inspector, Ofsted	HC 1607-I
Tenth Special Report	Services for Young People: the Government response: Government response to the Committee's Sixth Report of Session 2010-12	HC1736