

CONSULTATION

# Exceptional arrangements for exam grading and assessment in 2020

Consultation on specified general qualifications – GCSEs, AS, A levels, Extended Project Qualifications and the Advanced Extension Award

**ofqual**

# Contents

<b>Executive Summary</b> .....	<b>5</b>
<i>Introduction</i> .....	5
<i>Centre assessment grades</i> .....	6
<i>Who should receive a calculated grade</i> .....	6
<i>Standardising centre assessment grades</i> .....	7
<i>Appealing calculated grades</i> .....	8
<i>The autumn exam series</i> .....	9
<i>To which qualifications should the arrangements apply?</i> .....	9
<i>Putting in place the regulatory requirements</i> .....	9
<i>Equality impact</i> .....	10
<i>Engagement</i> .....	11
<b>Proposals at a glance</b> .....	<b>11</b>
<b>Audience</b> .....	<b>12</b>
<b>Consultation arrangements</b> .....	<b>12</b>
<i>Duration</i> .....	12
<i>Respond</i> .....	13
<b>Introduction</b> .....	<b>14</b>
<i>Background to the proposed approach</i> .....	14
<b>Consultation details</b> .....	<b>15</b>
<i>Centre assessment grades</i> .....	15
The Head of Centre's declaration.....	17
Which students?.....	19
Confidentiality.....	21
<i>Issuing results</i> .....	22
<i>Impact on students</i> .....	23
The impact of our proposals for results in summer 2020 on private candidates.....	23
Results for students taking qualifications outside of England.....	25
Students taking the qualifications elsewhere in the UK.....	26
Students taking the qualifications outside the UK.....	26
<i>Statistical standardisation of centre assessment grades</i> .....	27
Statistical standardisation.....	27
Aims.....	27
Considering centre trajectory.....	29
Correcting for potential bias in centre assessment grades.....	30
Incorporating the approach into the regulatory framework.....	32
<i>Appealing the results</i> .....	32
Professional judgements.....	33
Procedure.....	35

Procedure – centres.....	35
Procedure – exam boards.....	37
The statistical standardisation process.....	40
Exam Procedures Review Service .....	41
<i>An autumn exam series .....</i>	<i>41</i>
Further consultation .....	42
<i>To which qualifications will the exceptional regulatory measures apply? .....</i>	<i>45</i>
<i>Building the arrangements into our regulatory framework .....</i>	<i>46</i>
The regulatory background.....	46
Preventing exams .....	47
<b>Next steps .....</b>	<b>48</b>
<b>Equality Impact Assessment .....</b>	<b>49</b>
<i>Use of centre assessment grades .....</i>	<i>49</i>
<i>Reliability of predicted GCSE, AS and A level grades .....</i>	<i>50</i>
<i>Reliability of teacher assessment .....</i>	<i>50</i>
<i>Conclusions .....</i>	<i>51</i>
<i>Students who cannot receive an assessed grade .....</i>	<i>51</i>
<b>Regulatory Impact Assessment .....</b>	<b>54</b>
<i>Impact on exam boards.....</i>	<i>54</i>
<i>Impact on centres.....</i>	<i>55</i>
<i>Impact on students .....</i>	<i>56</i>
<i>Impact on the FE and HE sectors and employers .....</i>	<i>57</i>
<i>Innovation and growth .....</i>	<i>57</i>
<i>Estimated costs and savings .....</i>	<i>57</i>
<b>Annex A – Your data.....</b>	<b>59</b>
<i>The identity of the data controller and contact details of our Data Protection Officer .....</i>	<i>59</i>
<i>How to contact us.....</i>	<i>59</i>
<i>Our legal basis for processing your personal data .....</i>	<i>59</i>
<i>How we will use your response.....</i>	<i>59</i>
<i>Sharing your response .....</i>	<i>59</i>
<i>How long will we keep your personal data .....</i>	<i>60</i>
<i>Your data .....</i>	<i>60</i>
<b>Annex B – Ofqual’s role, objectives and duties .....</b>	<b>62</b>
<i>The Apprenticeship, Skills, Children and Learning Act 2009 .....</i>	<i>62</i>
<i>The Equality Act 2010 .....</i>	<i>63</i>
<b>Annex C – External Advisory Group on Exam Grading: Awarding General Qualifications in summer 2020.....</b>	<b>65</b>
<i>Terms of Reference .....</i>	<i>65</i>

*Exceptional arrangements for exam grading and assessment in 2020*

Membership .....	65
Role .....	65
Duties .....	66
Meetings.....	66
Reporting.....	66
Review .....	67
<i>Membership of the advisory group .....</i>	<i>67</i>

# Executive Summary

## Introduction

The coronavirus (COVID-19) pandemic has led to the closure of schools and colleges to all except the children of critical workers and vulnerable children, and to the cancellation of exams. In line with government policy we are working to enable students nevertheless to receive qualification grades.

Our aims are: to ensure students can receive grades in these qualifications this summer so they can progress to the next stages of their lives without further disruption; that the grades will be as valued as those of any other year; and that the approach will be fair.

In this consultation we are seeking views on a number of features of the exceptional arrangements for awarding GCSEs, AS and A levels in 2020. We propose to apply the same arrangements to Extended Project Qualifications and the Advanced Extension Award.

We are introducing the exceptional arrangements at speed: to enable schools and colleges to gather and consider the evidence they will submit to the exam boards; so that students will know how their grades will be awarded; and so that the exam boards can build the systems needed to issue results this summer. <sup>1</sup> We have already consulted extensively with groups representing teachers, school and college leaders and with the exam boards. We have sought views from groups that represent students. We have heard from many individual students and parents of students who had expected to take exams this summer about the way the arrangements might affect them, which we have taken into account. We have also brought together a panel of assessment and statistical experts to advise on technical issues.

In summary, the great majority of students who had been entered to take exams this summer will receive a grade calculated by the exam board for each of their subjects. Students who feel that the grade does not reflect their ability or for whom it was not possible to issue a calculated grade, will be able to take exams in the additional exams series which will be scheduled for this autumn or, if they prefer, next summer.

Aspects of the arrangements by which students will receive results this summer have already been set out by the government. However, there are implementation decisions we must make, including the changes to our regulatory framework. We propose which of our rules we plan temporarily to set aside or change.

In light of the speed with which the arrangements must be finalised if students are to receive their results in good time, this consultation will close on Wednesday 29 April 2020. We encourage everyone with an interest to read the proposals and respond.

<sup>1</sup>There are four awarding organisations, normally referred to as exam boards, that award GCSEs, AS and A levels in England: AQA, OCR, Pearson and WJEC Eduqas. These exam boards also offer the Extended Project Qualification. The Extended Project Qualification is also awarded by the awarding organisations ASDAN and City and Guilds. The Advanced Extended Award is offered by AQA. For simplicity, we refer to all 6 bodies throughout this document as exam boards.

## Centre assessment grades

As exams will not take place this summer, students' grades will instead be based on evidence of their likely performance in the exams had they gone ahead. Schools and colleges (centres) will submit to exam boards, for each student and for each subject for which they were entered, judgements on:

- the grade the student would most likely have received had the exams taken place
- the rank order of each student at each grade in each subject in that centre

These will be holistic judgements informed by evidence of students' performance during their courses of study, such as in homework, mock exams and non-exam assessments. To enable teachers working together within schools and colleges to reach these judgements fairly and objectively, they will not discuss their evaluation of the evidence or disclose the judgements they reach with students or their parents or carers. Students, parents and carers should not seek to influence the judgements made; attempts to do so may be investigated by an exam board and found to constitute malpractice, which may result in sanctions.

We published information on centre assessment grades on 3 April 2020<sup>2</sup> to enable centres to prepare to review the evidence and make judgements and to explain to students how their grades would be determined. We are, however, consulting on how we should incorporate the requirement on exam boards to gather centre assessment grades and student rank orders from centres into our regulatory framework, including the declaration to be made by the head of each centre as to the accuracy and integrity of the judgements submitted to the exam boards. We are also consulting on the principles that will underpin the model the exam boards will use to standardise grades before they are issued to students.

## Who should receive a calculated grade

The Secretary of State focused in his statements on his wish to make sure students affected by the cancellation of exams this year could progress to the next stage of their lives without further disruption.<sup>3</sup> We suggested in our information published on 3 April 2020 that students in year 10 and below who had planned to take exams did not need grades this summer for their immediate progression; they could gain the qualification by taking exams in future series. We committed to consulting on this issue.

We have since received many representations from schools, students and parents indicating that the progression of some such students would be disrupted if they were not awarded a grade this summer. This would largely be because their timetables and teaching arrangements for the next academic year assume they would have gained the qualification this summer and that further teaching in the subject would have therefore been unnecessary.

We are, therefore, consulting on whether students in year 10 and below who had been entered to take exams this summer should receive a calculated grade. While

<sup>2</sup> <https://www.gov.uk/government/publications/gcses-as-and-a-level-awarding-summer-2020>

<sup>3</sup> <https://hansard.parliament.uk/Commons/2020-03-18/debates/FCD4DEB2-86A8-4F95-8EB8-D0EF4C752D7D/EducationalSettingshttps://hansard.parliament.uk/Commons/2020-03-23#>

we believe the arguments to be finely balanced, we are proposing that, in the interests of the students who had expected to take exams, this should be permitted.

Most students taking the qualifications covered by this consultation will be based in England. Others will be elsewhere in the UK or in other countries. We propose that the same arrangements should apply to all students who were planning to take the qualifications this year.

### **Private candidates**

Some students who were expecting to take exams this summer will not have been studying in a school or college, including home learners, some students re-taking a qualification to improve their grades and some adult learners. The arrangements will allow any such students for whom a Head of Centre can, with confidence, provide a centre assessment grade and include them in the centre's rank order to receive a grade in line with other students this summer.

We also set out potential solutions on which we are working with the exam boards that might enable other private candidates for whom a Head of Centre could not currently submit a centre estimated grade or rank order information to receive a calculated grade this year. It may, however, be necessary for some students who have not been studying with a school or college to take exams in the additional autumn series or next summer.

## **Standardising centre assessment grades**

We have only a short amount of time to implement the exceptional arrangements needed to deliver summer 2020 results. Public health restrictions have closed schools and colleges for normal teaching and stopped all but essential travel. Inevitably, some teachers will have been directly affected by the virus. For all of these reasons, it will not be possible to standardise the process by which centres make the necessary judgements before they are submitted to the exam boards.

While teachers are well equipped to rank order their students, some centres will inevitably be slightly more generous and others slightly more severe than the average when they are determining centre assessment grades. As far as possible, such inconsistencies will be corrected by the exam boards when they standardise all centre assessment grades.

We are consulting on our proposed aims of the standardisation process which are:

- to provide candidates with the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020
- to apply a common standardisation approach, within and across subjects, for as many students as possible
- to use a method which is transparent and easy to explain, wherever possible, to encourage engagement and build confidence
- to protect, so far as is possible, all students from being systematically advantaged or disadvantaged, notwithstanding their socio-economic background or whether they have a protected characteristic

- to be deliverable by exam boards in a consistent and timely way that they can quality assure and can be overseen effectively by Ofqual

We are also consulting on the statistical methods we propose exam boards should use to achieve these aims, including:

- the degree of emphasis to be placed on historical evidence on students' performance within each centre and on the trajectory of centres' results
- whether the individual rank orders provided by the centres should be protected during the standardisation process or modified to account for potential bias

We are being advised by a group of assessment and statistical experts. The members of the panel and the terms of reference of the group are published in annex C.

## Appealing calculated grades

The Secretary of State said in his direction to Ofqual that students should have access to a right of appeal if they believe the process was not followed correctly in their case. He also said they would be able to take their exams as soon as reasonably possible once schools and colleges had re-opened.

We are consulting on how appeals should work this year.

The normal arrangements provide for errors in the marking of exams or other assessments to be found and corrected. As there will be no exam marking this year the normal arrangements will need to be set aside. We propose instead that appeals should be made to exam boards by centres, on behalf of one or more of their students, on the grounds that the wrong information was used to generate calculated grades or that a mistake was made when the exam board standardised the grade or communicated the grades to the centre. We propose that appeals on such grounds should normally be investigated by the exam boards and any mistakes quickly found and corrected, using a streamlined process. We also propose that exam boards should provide a formal appeal process for a centre concerned that an error remains unfound and/or uncorrected after any initial check. As usual, the grade for a student on whose behalf an appeal is made could go down as well as up following an appeal, as necessary to correct any error.

We propose a student who believes they have been given the wrong grade should ask their centre to review the accuracy of the data the centre submitted to the exam board. If the centre finds it made a mistake, the centre should ask the exam board to correct the impact of that mistake and issue the student with a revised grade if appropriate. If the centre believes the student's concern was caused by an exam board's mistake in the way it processed the centre's data, the centre should appeal to the exam board. Again, any mistake made by the exam board should then be corrected and the student's grade changed if necessary.

In his direction to Ofqual the Secretary of State said the appeals process should focus on whether the right data was used and correctly applied, rather than on teachers' professional judgment. We explain in this consultation why we do not believe it would be meaningful or appropriate for students to appeal on the basis of their centre's judgement of their likely performance in the exams, had they gone



ahead, or on their position in the centre's rank order. We also explain why we do not believe it would be fair or appropriate for students or their centres to appeal on the grounds of the standardisation model. Students who believe they would have received a better grade had they taken their exams will have an opportunity to do so in the additional autumn series.

## The autumn exam series

Calculated grades will have the same status as grades issued in any other year and will be used for progression as usual. However, subject to any public health safeguards, there will be an additional exam series in the autumn which students who had entered for the exams scheduled to have been taken this summer will be able to enter. We are working through with the exam boards and the government a number of details about the scope and operation of the exams which we summarise in this document. We will publish information about the autumn series as soon as we have confirmed the details.

## To which qualifications should the arrangements apply?

The Secretary of State's statements and his direction to us<sup>4</sup> covered GCSEs, AS and A levels. We regulate Extended Project Qualifications and Advanced Extension Awards in a similar way to that in which we regulate those qualifications. Extended Project Qualifications and Advanced Extension Awards are also used to facilitate students' progression. We therefore propose that the exceptional arrangements we plan to put in place for GCSEs, AS and A levels should apply to Extended Project Qualifications and the Advanced Extension Award too. We will be consulting separately on how grades will be issued this summer for other qualifications we regulate, including other general qualifications, such as the Cambridge Pre-U and the International Baccalaureate Diploma and for vocational and technical qualifications.

We do not regulate International GCSEs. The awarding organisations that provide these qualifications have published information about the arrangements they are putting in place for this year which reflect those being proposed for the qualifications covered by this consultation. <sup>5</sup>

## Putting in place the regulatory requirements

We propose to suspend temporarily a number of the provisions in our current rules so that the exam boards can deliver the results in line with the exceptional arrangements necessary this year. We will also put some new regulatory arrangements in place to make sure all exam boards work in line with the agreed new arrangements so that, as far as possible, standards and public confidence in the

<sup>4</sup> <https://www.gov.uk/government/publications/direction-issued-to-the-chief-regulator-of-ofqual>

<sup>5</sup> <https://qualifications.pearson.com/en/campaigns/rest-of-world-covid-19-coronavirus-update.html>;  
<https://www.cambridgeinternational.org/news/news-details/view/update-from-cambridge-international-and-guidance-for-schools-on-awarding-grades-07-april/>;  
<https://www.oxfordqaexams.org.uk/support/news>

qualifications are maintained. We propose the new regulatory arrangements should cover:

- the provision to exam boards by the Head of Centre, supported by a declaration, of centre assessment grades and student rank orders
- the issue by the exam boards of results without exams or other assessments being completed
- new appeal arrangements for use by centres, on behalf of their students for whom they have provided centre assessment grades, that are not premised on the marking of student work

To provide clarity, we also propose to prohibit exam boards from offering exams in the qualifications covered in the consultation in England, the rest of the UK or in any other country this academic year, in line with government policy. In any event, students are no longer expecting to take exams this summer and the exam boards have stopped their preparations to deliver a summer exam series.

## Equality impact

One of our key aims in developing the exceptional arrangements needed to deliver qualification results this summer is to make sure the arrangements are as fair as possible for all students – an outcome we aim for every year. We understand that there will be particular concerns about the fairness of the arrangements this year, given their exceptional and, therefore, untested nature.

Our proposed approach is that, as far as possible, students should receive the grades they would have received had they taken their exams and completed their other assessments this year. Had this happened, some students would have performed better or worse in some subjects than others and better or worse than they and their teachers had expected. Overall, the distribution of grades would not necessarily have been equally spread between, for example, male and female students in each subject or by the socio-economic group or the ethnicity of the students taking each subject. If this year's arrangements work as we propose, then we expect to see the typical differences in the distribution of grades in each subject.

We have undertaken an equality impact assessment, which we have published as part of this consultation. Our impact analysis is informed by a review of the research literature on bias in teacher assessments.

Our view is that the research findings are mixed. Some studies have identified differences in the accuracy of teachers' predictions of exam success by ethnicity and broad measures of disadvantage. But the size of such effects has not been properly estimated and they do not always survive more sophisticated analyses controlling for the impact of other potentially confounding variables.

That is not to say that there is no risk of some level of unconscious bias in centre assessment grades. However, the evidence suggests it will not exceed that which might occur in other forms of assessment, for example when teachers mark non-exam assessments. We believe that in the circumstances, centre assessment grades are the most reliable way of ensuring students get the grade they need to progress this year.

We are sensitive to concerns that some SEND students might be particularly affected by the uncertainty caused by the cancellation of this summer's exams. We have acted quickly to provide information and reassurance. SEND students will be given centre assessment grades by their teachers who will know best how they would likely have performed in their exams. In coming to a centre assessment grade, we have been clear that centres should assume that any reasonable adjustments that would have been sought for a disabled student when taking their exams would have been in place.

We have also proposed ways to protect the integrity of the centre assessment grades and the rank ordering from influence or pressure exerted by, or on behalf of, individual students. This will reduce the risk that certain students' grades or position in the rank order will be unfairly inflated to the detriment of others.

## Engagement

We have been engaging with a wide range of stakeholders as we have developed the proposals on which we are now consulting, including with groups representing teachers and school and college leaders, students, higher education institutions and technical assessment and statistical experts. They have helped us to shape the proposals and to develop an approach that we believe will be as fair as possible to students and manageable for their teachers and Heads of Centre who are working in difficult circumstances and whose schools and colleges are now largely closed. We have also heard from individual students and parents of students who had expected to take exams this summer, and taken into account their views.

## Proposals at a glance

We set out in this consultation how, in line with the Secretary of State's direction, results will be issued to GCSE, AS, A level, Extended Project Qualifications and the Advanced Extended Award students in 2020 to allow those students to progress to further study or employment and we seek views on how aspects of the approach should be implemented. We are seeking views on a range of matters, including our proposals that:

- we will require exam boards to issue grades for GCSE, AS, A level, Extended Project Qualification and Advanced Extended Award grades in the summer to students based on their school's or college's judgement of the grade they would have expected the student to have gained had they taken their exams or assessments as planned and their place in the rank order of students in the school or college entered for that qualification. This is in line with information we have already published. The arrangements are set out under the heading **Centre assessment grades**.
- we will require the exam boards to combine these judgements with other existing evidence of the likely performance of the cohort in each school or college had the exams and assessments gone ahead to standardise judgements made between centres. The exam boards will then issue results using the normal grades of A\*-E for A levels, A-E for AS and 9 to 1 for

GCSEs. The principles that we propose will underpin the standardisation arrangements are under the heading **Standardising centre assessment grades**.

- schools and colleges should be able to question, on behalf of their students, whether the correct evidence and/or process was used to determine the grades awarded to all or some of their students. This is detailed under the heading **Appealing calculated grades**.
- students who feel that their grade does not reflect their ability, or who were unable to receive a calculated grade should be able to take exams in the additional exam series to be arranged autumn term or next summer. This is detailed under the heading **The autumn exam series**.

In our equality impact assessment we consider whether the proposed arrangements might have a negative impact on particular groups of students and, if so, how that might be mitigated.

## Audience

This consultation is open to anyone who may wish to make representation. We expect a wide range of people will be interested in our proposals, but they may be of particular interest to:

- students who are expecting to be awarded GCSEs, AS, A levels, Extended Project Qualifications or the Advanced Extension Award in 2020
- the parents or carers of these students
- the teachers of these students, and other representatives from schools, colleges and other places where these qualifications are delivered
- higher education establishments, further education colleges and training providers which will be making offers to students based on the grades they receive under our proposed arrangements
- employers which might be receiving job applications from students who have received grades under our proposed arrangements
- the exam boards which will be awarding grades in these qualifications using the approach we are proposing

## Consultation arrangements

### Duration

This consultation will be open for 2 weeks starting on 15 April 2020 and ending on 29 April 2020 at 23:45.

We have set this short timeline to provide early certainty about the arrangements for students, teachers and those who will use the 2020 qualification results and to allow sufficient time for the arrangements to be put in place. We recognise this a much

shorter period that we normally allow for consultation, but we believe it is reasonable and necessary in the current situation.

## Respond

Please respond to this consultation by completing the online response form at <https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020>

For information on how we will use and manage your data, please see annex A.

# Introduction

## Background to the proposed approach

On 18 March 2020 the Secretary of State for Education told Parliament that, in response to the coronavirus (COVID-19) pandemic, schools and colleges in England would shut to all but the children of key workers and vulnerable children after 20 March until further notice, and exams scheduled for the summer would not take place.<sup>6</sup> The Secretary of State said that the government would work with the educational sector and with Ofqual to make sure students who were preparing to take GCSEs, AS and A level exams in the summer would not be unfairly penalised.

On 23 March 2020, in a written statement to the House of Commons, the Secretary of State confirmed the government's priority was that students could move to the next stage of their lives and that GCSE, AS and A level students would receive a grade that reflected their work.<sup>7</sup> The statement explained the government's intention that "a grade will be awarded this summer based on the best available evidence, including any non-exam assessment that students have already completed. There will also be an option, for students who do not feel this grade reflects their performance, to sit an exam at the earliest reasonable opportunity once schools are open again".

The statement explained that Ofqual would "develop and set out a process that will provide a calculated grade to each student which reflects their performance as fairly as possible, and will work with the exam boards to ensure this is consistently applied for all students".

On 31 March 2020 the Secretary of State directed us to have regard to this policy and on 1 April 2020 Ofqual's Board decided that we would take such measures as were necessary to implement the policy explained in the direction whilst securing standards in affected qualifications so far as was possible.

On 3 April 2020 the government published the Secretary of State's direction.<sup>8</sup> On the same date, we published a document explaining the steps we considered would be necessary to secure the issue of results this summer, including the information which we considered it would be necessary for schools and colleges to provide to exam boards.<sup>9</sup> We are publishing our response to the direction alongside this consultation.<sup>10</sup>

<sup>6</sup> <https://hansard.parliament.uk/commons/2020-03-18/debates/FCD4DEB2-86A8-4F95-8EB8-D0EF4C752D7D/EducationalSettings>

<sup>7</sup> <https://hansard.parliament.uk/commons/2020-03-23#>

<sup>8</sup> <https://www.gov.uk/government/publications/direction-issued-to-the-chief-regulator-of-ofqual>

<sup>9</sup> <https://www.gov.uk/government/publications/gcses-as-and-a-level-awarding-summer-2020>

<sup>10</sup> <https://www.gov.uk/government/publications/response-to-3-april-direction-from-secretary-of-state-for-education>

# Consultation details

## Centre assessment grades

In accordance with government policy, there will be no exams or other relevant assessment opportunities this summer for the qualifications affected by this consultation. We propose that, in line with the government's policy, this year's cohort of students should nonetheless be issued a set of results to allow them to progress to further study or employment.

In considering how a set of results might be issued this summer, we have had regard to the government's further policy that these results should be calculated based on centres' judgements of each student's abilities and standardised across centres.

We have considered how to secure that exam boards issue results this summer to all students in line with the government's policy announcements whilst at the same time, and as far as we can, securing the maintenance of standards and promoting public confidence in those qualifications, and also having regard to our other statutory duties.

On 3 April we published our document '*Summer 2020 grades for GCSE, AS and A level, Extended Project Qualification and Advanced Extension Award in maths Information for Heads of Centre, Heads of Department and teachers on the submission of Centre assessment grades*'.<sup>11</sup> In this we set out the information which we considered it would be necessary for schools and colleges to collect and submit to exam boards to allow results to be issued to this year's cohort of students.

We developed that document as swiftly as we reasonably could following the government's decision that exams would not take place this summer. We recognised that it was important for schools, colleges and students to understand as soon as possible the outline of our proposed approach to making sure results could be issued even though exams would not take place. We also recognised that centres needed as long as we could give them to gather the information which would inform those results, particularly given the public health restrictions in place.

We consulted with a variety of representative groups, as well as the exam boards, to help us develop our document and sought to avoid any narrow stipulation which might reduce our ability to secure that reliable results would be issued.

As set out in the information document, for every qualification covered by this consultation, exam boards will require each centre to submit to them the following information:

- a **centre assessment** for each student – the judgement submitted to the exam board by the Head of Centre about the grade that each student is most likely to have achieved if they had sat their exams. This professional judgement is to be derived from evidence held within the centre and which has been reviewed by subject teachers and relevant heads of department

<sup>11</sup> <https://www.gov.uk/government/publications/awarding-qualifications-in-summer-2020>

- the **rank order** of students within each grade – for example, for all those students with a grade of 5 in GCSE maths, or a grade B in A level biology, a rank order where 1 is the most secure/highest attaining student, and so on

As we explained in the information document, this should be a holistic professional judgement, balancing the different sources of evidence. Teachers and heads of department will have a good understanding of their students' performance and how they compare to other students within the department/subject this year, and in previous years.

We realise that teachers will not know precisely how each student might have performed on exam papers that they have not seen. However, they will have a good understanding of how students with similar achievements have performed in the past on similar papers written to cover the same content and assessment objectives. They should use this knowledge, combined with other evidence including from mock exams (some of which may have used past papers), homework and coursework in coming to their holistic judgements. We want heads of department and teachers to consider each student's performance over the course of study and make a realistic judgement of the grade each student would have been most likely to get if they had taken their exam(s) in a subject and completed any non-exam assessment this summer. This should include U (ungraded).

We have previously announced<sup>12</sup> that we planned to make a small adjustment to GCSE French and GCSE German in summer 2020, to align grade standards at grade 4 and grade 7 more closely with GCSE Spanish. We had already been discussing with exam boards the way in which we would make this adjustment. Our findings suggested that the adjustment needed was greater at grade 7 than at grade 4. We also said we may phase the implementation of the adjustment over two or more years, if a one-off adjustment would lead to undue unfairness between students in adjacent years of entry. We therefore proposed to exam boards that they should adjust the national predictions (based on prior attainment at Key Stage 2) as follows:

- increase the predicted percentage of students achieving grade 4 and above by 1 percentage point
- increase the predicted percentage of students achieving grade 7 and above by 2 percentage points

We will work with the exam boards so that, even in the exceptional circumstances this summer, we can still make this adjustment at national level. Schools and colleges making judgements about the centre assessment grades in GCSE French

<sup>12</sup> <https://www.gov.uk/government/news/inter-subject-comparability-in-gcse-modern-foreign-languages>



and GCSE German should **not** try to take account of this adjustment, as it will be applied nationally as part of the standardisation process. We will keep under review the need for any further adjustment in future years to align grading standards in French and German with Spanish.

We do not regulate schools and colleges and our document does not impose any requirements on centres. However, our rules already require exam boards to have in place written agreements with centres which are enforceable and through which exam boards impose requirements on centres. In particular, those agreements must include a requirement that centres take all reasonable steps to comply with any request for information made by an exam board and to do so as soon as practicable.

We know that exam boards intend to collect the information we have specified in our document from centres and we believe that centres are willing to provide that information. However, we think it is appropriate to bring the information document into our regulatory framework. The information specified in that document is central to exam boards' ability to issue results this summer and to our ability as far as possible to secure the maintenance of standards in connection with those results.

We propose to require exam boards, using the provisions of their agreements with their centres, to request that centres provide to them the information specified in our document and retain any supporting records in the event of queries about the data.

We will require exam boards to specify the timetable for centres to provide the information, the form in which the information should be provided, and how it should be transmitted.

**QUESTION – to what extent do you agree or disagree that we should incorporate the requirement for exam boards to collect information from centres on centre assessment grades and their student rank order, in line with our published information document, into our exceptional regulatory requirements for this year?**

### *The Head of Centre's declaration*

We explained in the information document that we considered it would be appropriate for each Head of Centre to make a declaration as to the accuracy and integrity of the centre assessment grades and the rank order information they submit to an exam board.

We think teachers are well placed to make the judgements underpinning centre assessment grades and rank order information. Teachers at a centre will have engaged with students through the course of study and will have seen how each student has performed in a variety of tasks, including formative tests and mock exams. Teachers will have seen the work produced by each student and have been able to compare it with the work of others and will know how previous years' students performed during their course of study, relative to the current cohort, and the grades they received after taking exams.

However, we consider it is important that teachers are supported in making those judgements by senior leaders in their centres. Those senior leaders should help teachers to work together to reach objective, evidence-based, holistic judgements which reliably represent the ability of the cohort of students in each subject.

We consider that a declaration by the Head of Centre is necessary because the accuracy and integrity of the information provided by the centre is central to the reliability of the results which will be issued this summer. Although the circumstances surrounding the issue of results this summer are unusual, the reliability of these results will be as important to students, employers and providers of further and higher education as they are in any other year.

Accordingly, we consider that results should not be issued to students from a centre if the Head of Centre has failed to make such a declaration. We propose to require exam boards to reject any centre submission which does not include such a declaration.

For reasons of practicality, we consider the Head of Centre should be required to make one declaration, or one declaration for each exam board used (subject to the system(s) put in place by the exam boards), for the entire centre cohort, across all qualifications and subjects. The Head of Centre will be unable to make such a declaration if they are not sufficiently confident that evidence-based judgements have been properly made to determine the centre assessment grades and rank order information for each student in that centre. We propose that exam boards should be required to specify that a Head of Centre should not submit centre assessment grades or rank order information for any student in respect of whom they would not be able to make the necessary declaration.

In the current circumstances, we recognise that the Head of Centre might be or become unwell, or need to care for a dependent who becomes unwell. In such a case the Head of Centre will need to delegate the submission of centre assessment grades and the making of the necessary declaration to a deputy or another senior member of staff. We propose to require exam boards to allow this flexibility, subject to appropriate safeguards being in place.

**QUESTION – to what extent do you agree or disagree that exam boards should only accept centre assessment grades and student rank orders from a centre when the Head of Centre or their nominated deputy has made a declaration as to their accuracy and integrity?**

We have considered whether, in addition to the declaration set out in the information document, the Head of Centre should be asked to include a specific declaration that they had taken into account the interests of students with protected characteristics, within the meaning of Equalities Law, before submitting the necessary information to exam boards. However, given the unusual circumstances in which the necessary information is being collated by centres and given the significance which teachers' professional judgements will have, we do not think it would be practical for a school or college to conduct an equalities impact assessment before submitting the information.

In any event, in making the declaration we proposed in the information document, the Head of Centre will be confirming that the centre assessed grades and rank order information fairly represents the data held by the school in respect of each student. That data will be drawn from normal teaching, learning and formative assessment activity over the academic year, or years, which was subject to the centre's normal policies and procedures. It is through those policies and procedures that the centre discharges its own primary duties under Equalities Law and through which its consideration of the Public Sector Equalities Duty is embedded.

In these circumstances, we do not consider it is necessary – even were it practicable – to require a Head of Centre to make any specific declaration in relation to Equalities Law, because the relevant considerations will have been taken into account in the data underpinning the centre assessment grades and rank order information.

**QUESTION – to what extent do you agree or disagree that Heads of Centre should not need to make a specific declaration in relation to Equalities Law?**

### *Which students?*

We consider it is important that results this summer are issued only to students who genuinely intended to take exams and who were prevented from doing so only as a result of the Government's decision that no exams would take place, given the current pandemic. We therefore propose to require exam boards to issue results only to those students who were entered for exams this year before the deadline set by JCQ of 21 February. We will, however, allow exam boards to exercise discretion where a compelling case can be made that a student would have been entered before the later 'late entries' deadline set by JCQ, including where centres withdrew entries in respect of students who they did not believe would be eligible to receive a calculated grade.

We recognise that entries will have been made for students in a variety of academic years who anticipated taking exams this summer. We set out in the information document we published on 3 April 2020 that we considered centre assessment grades and rank order information should be submitted to exam boards only for students in year 11 or above. In particular, we said that we did not consider it would be appropriate for results to be issued to students in year 10 and below, who might have anticipated taking exams this summer but who did not need results for immediate progression.

Our initial view reflected our concern that the exceptional arrangements we put in place to allow the issue of results this summer should be confined to the circumstances identified in the Secretary of State's direction to Ofqual. That is, results should be issued only where these are required by this year's cohort for progression to further study or employment. Given the demands the exceptional arrangements will place on centres and exam boards and the complexities of the standardisation model necessary to maintain standards this year, we wished to remove additional complexities where possible.

We have received a variety of representations since we published the information document, from centres, parents and others representing the interests of students, arguing that a decision to exclude students in year 10 and below would have an unfair impact on those students.

In particular, correspondents have explained that curriculum choices made by some schools mean that students in year 10 or below may have been planning to take exams for a qualification for which their centres will not allow them to study in the coming academic year.

Representations have been made that these students may be disadvantaged if calculated results are not issued to them this summer, as a result of choices made by their school. We have heard arguments that qualifications obtained in year 10 and below will be relevant to future progression, albeit not immediately.

In the circumstances, we recognise that there might be a sub-set of students whose centres, having entered them early for qualifications, will not provide for them to take their exams in future series. If these qualifications would be relevant to their later progression these students could then be disadvantaged relative to the great majority of their peers who will take the qualifications in year 11.

Conversely, it is likely that some students in year 10 or below who had been expecting to take exams this year will be afforded the opportunity by their centres to take exams in any autumn series and/or in summer 2021.

In the time available to us it is not possible to quantify the proportion of year 10 and below students entered for qualifications who will have no realistic opportunity to take those qualifications at a later date and who intend to rely on those qualifications for later progression.

There are also some students who are not being taught in a traditional centre and who do not identify with a particular year group, for example because they are home learners. We explore elsewhere in this document the particular challenges some of the students might face in being awarded a grade this summer. Such students will need to talk with the centres with which they had entered to take their exams about the possibility of the centre providing a centre assessment grade and including them in the centre's rank order. However, if there were no restrictions by year group, conversations about their eligibility to receive a calculated grade because of their age could be avoided.

We do not think it reasonable to require centres or students to explain to exam boards which qualifications taken by students in year 10 or below they consider will be relevant to progression and nor do we think it reasonable to require exam boards to adjudicate such issues.

In the circumstances, we can neither quantify the extent of the potential detrimental effect on students and other users of qualifications (such as further and higher education providers and employers) if we did not include students in year 10 and below in the exceptional arrangements for this summer, nor quantify the extent of the potential detrimental effect on the maintenance of standards if we include all year 10 and below students, including those who do not require results this summer for progression.

However, students in year 10 and below comprise a very small proportion of overall entries for qualifications affected by our proposals which reduces the potential impact on standards. (In 2019 there were 5,185,840 provisional GCSE entries. This included 116,065 year 10 entries, of which 29,640 were in GCSE English Literature and 26,500 were in Religious Studies, including for the short course, there were also 11,180 year 9 entries). Conversely the impact on individual students if results are not issued where a qualification is necessary for progression could, for those individuals, be significant.

In the exceptional circumstances of this summer, given it is not practical to identify which students in year 10 and below would be clearly disadvantaged in terms of their future progression because of their centre's decision to enter them early for the qualification we consider we should take an inclusive approach. We therefore now propose that centres should, if they wish, give centre assessment grades to, and include in their overall rank order, students in year 10 and below who were entered to take exams in the relevant qualifications this summer.

We recognise that some might consider this approach to be unfair, including students in year 10 and below who were not planning to take exams this summer but instead will take them in year 11. Those students might think it unfair that students against whom they might be competing for further study or employment after year 11 will be issued calculated grades this year, whereas their grades will reflect their exam performance. On balance, for the reasons we have set out, we now consider the fairest option for the affected students is that results should be issued for students in year 10 and below who anticipated sitting exams this summer.

We therefore propose that students in year 10 and below who had been entered for exams this summer should be issued results, if they wish, on the same basis as students in year 11 and above.

The Department for Education has been clear that no performance tables will be published based on 2020 results. This means that they will not include calculated grades from summer, or results from any exams in autumn 2020, in performance tables in future years. In particular, results awarded this summer or autumn for those pupils in year 10 or below will not be included in performance tables in 2021. The same will apply to students in year 12 or below who are awarded A level results this summer.

**QUESTION – to what extent do you agree or disagree that students in year 10 and below who had been entered to complete exams this summer should be issued results on the same basis as students in year 11 and above?**

## *Confidentiality*

The results issued to students this summer will be the product of centre assessment grades, rank order information and the other evidence which will inform a standardisation model. Centre assessment grades and rank order information will be informed by professional judgements made by teachers and validated by Heads of Centre based on students' performance over the course of study. Importantly, the final results students receive will not necessarily be the same as the centre assessment grades.

Moreover, to secure the maintenance of standards in the exceptional circumstances of this summer it is important that teachers' professional judgements, about individual students' position in the centre's rank order, and the centre assessment grades, are as objective, and candid, as possible.

To secure this objectivity, it is important that teachers and Heads of Centre are free to make objective judgements and not subject to any external influence, for example from students or their parents and carers.

We therefore consider that centre assessment grades, rank order information, and the judgements on which these are founded, should be confidential until after results have been issued. We consider that the endorsement grades that are provided for GCSE English language and A levels in biology, chemistry, physics and geology should also remain confidential this year, given the disruption to normal teaching and students' engagement with their centres. Where we refer to the confidentiality of centre assessment grades and rank order in this document this should be taken to include endorsement grades.

We explained in the information document that, in respect of information such as marks or other information that is processed for the purposes of determining results, an exemption exists under data protection legislation which allows Data Controllers (such as exam boards or centres) to delay disclosure of personal data until after the issuing of results<sup>13</sup>.

To further protect the objectivity and reliability of the centre assessment grades and rank order information, and to give teachers and centres certainty in responding to students and others who might ask for that information, we propose that they should be prohibited from revealing this information other than in the context of a formal request under data protection law, following the release of results. We therefore propose to require exam boards to treat any disclosure by any member of a centre's staff of centre assessment grades, rank order information, or the professional judgements which underpin them, to anyone not authorised by the Head of Centre, as malpractice or maladministration, unless such disclosure is required by law or takes place only after final results have been issued.

Our current rules in relation to the prevention, detection and management of malpractice and maladministration will remain in place this year. We recognise the possibility that some centres, students and others may try to exploit the exceptional arrangements we propose to put in place this summer, including by seeking inappropriately to influence centre assessment grades or rank order information. We expect exam boards to make sure the arrangements they have in place to comply with our current rules are flexible enough to allow this to be investigated as potential malpractice, leading to the potential imposition of sanctions.

**QUESTION – to what extent do you agree or disagree that inappropriate disclosure of centre assessment judgements or rank order information should be investigated by exam boards as potential malpractice?**

**QUESTION – do you have any comments about our proposals for centre assessment grades?**

## Issuing results

We have set out elsewhere in this consultation our proposals in respect of the principles underpinning the approach which we consider should be used to determine results this summer.

Following consultation, once we have finalised the approach to determine results, we will incorporate that approach into our regulatory framework. We know from pre-consultation work with exam boards that they are willing to determine results in accordance with the approach we have proposed, but we consider that we should nonetheless require that they do so. In particular, we consider it would undermine public confidence if an exam board failed to issue results to a student in circumstances where those results could properly have been issued and could undermine standards if results were issued which had not been arrived at in

<sup>13</sup> Where a subject access request is made before the announcement of results, the exemption extends the deadline for the information to be made available to either 40 days from the announcement of results or 5 months from the date of the subject access request, whichever is earlier.

accordance with the approach we specify. As in any other year, in the interests of fairness all grades must be arrived at in the same way.

Accordingly, we propose:

- to require exam boards to issue results for all students entered for exams this summer in respect of which centre assessment grades and rank order information have been submitted along with a relevant Head of Centre declaration
- to require exam boards to issue only results which have been determined in accordance with the approach we specify

**QUESTION – to what extent do you agree or disagree that we should incorporate into the regulatory framework a requirement for all exam boards to issue results in the same way this summer in accordance with the approach we will finalise after this consultation and not by any other means?**

**QUESTION – do you have any comments about our proposal for the issuing of results?**

## Impact on students

### *The impact of our proposals for results in summer 2020 on private candidates*

Our proposed arrangements for this summer will allow results to be issued for affected qualifications whenever a Head of Centre considers they can make the declaration we have specified. Some students will have entered the exams this summer as private candidates. They will have entered to take the exam with an approved exam centre, although they will not have been taught by that centre, for example because they are home educated. We anticipated in the information document that some Heads of Centre may be able to make such a declaration, and submit centre assessment grades and a position in the centre's rank order for some private candidates where the Head of Centre is confident that sufficient authentic evidence about the student's performance has been seen by the centre to make such a declaration.

Other private candidates will have studied with an established provider, such as a distance learning provider that is also an approved exam centre, albeit that they had intended to take their exam at another more local centre. The heads of the centres with which such students studied are likely to be sufficiently confident in their understanding of those students' likely performance in the exams to submit centre assessment grades on their behalf and include them in the centre's rank order. Such students would need to ask their centres to change their entries with the exam boards so they are entered through the provider with which they have studied.

However, other private candidates will have no existing association with an exam centre that would enable them to issue a centre assessment grade or include them in the centre's rank order.

Exam boards are exploring with us whether it might be possible for some centres, such as those with particular experience of working with distance learners, to work with those private candidates who need a grade this summer in order to progress. The centre might be able to submit centre assessment grades and a rank order for those candidates, even though there is no existing relationship between the centre and the candidate by considering a range of evidence about their likely attainment. The Head of Centre would need to be able to submit a declaration for such judgements in the same form as required for all other students. We do not yet know whether this will be possible and this will in part depend on the public health situation and the number of students who might wish to engage with centres in this way. The exam boards will continue to work with us to explore all options for how such a process could work and will provide an update on this no later than 30<sup>th</sup> April. In the meantime, private candidates should seek information about their options firstly from the centre with which they had planned to take their exams and then from the exam board with which they had entered.

There will be an additional autumn exam series this year which students who had expected to take exams this summer will be able to enter.

We have carefully considered whether results might be issued for private candidates on whose behalf a centre cannot submit a centre assessment grade and rank order.

We have considered whether to require exam boards to secure relevant information, similar to centre assessment grades, from private tutors or parents who have taken responsibility for preparing candidates for exams. However, unlike centres there is no pre-existing agreement between private tutors or parents and an exam board that could be used to secure the necessary information and no mechanism by which an exam board might require and enforce the necessary declaration.

More significantly, the professional judgements which will be made by schools and colleges to inform centre assessment grades will be informed by their experience of each student in comparison with a broad range of their peers, in the current cohort and previous cohorts. Private tutors and parents will not have this context, which we consider will inevitably affect the reliability of any judgement(s) they might make as to the grade(s) the student might have secured. Moreover, private tutors and parents will necessarily be subject, even unconsciously, to many of the pressures from which we have sought with our proposals to shield teachers when making those judgements.

Crucially, a centre assessment grade is only one part of the information which will be provided by centres, which will also include each student's position in the centre's rank order for that subject. This additional information is central to our proposed approach for the determination of results by the exam board. We consider it is unlikely that such information could be provided by a private tutor and perhaps inconceivable it could be provided by a parent. In any event, there would be no Head of Centre of an approved exam centre who could make the required declaration to the exam board.

Finally, as well as centre assessment grades and rank order information, the approach to the determination of results by exam boards relies on a variety of other information and evidence, including the prior performance of a centre's students and of prior cohorts. Much of that information will not be available for private candidates



and, where it is available, it will not be in the necessary context of a centre cohort's performance.

For all of these reasons, we propose that we should only allow an exam board to issue results for private candidates for whom a Head of Centre considers that centre assessment grades and a place in a rank order can properly be submitted.

While we understand some private candidates will be disappointed that they cannot be issued with a grade this summer, those who had entered for the cancelled exam series will have the opportunity to take exams in future exam series, including this autumn.

**QUESTION – to what extent do you agree or disagree that we should only allow exam boards to issue results for private candidates for whom a Head of Centre considers that centre assessment grades and a place in a rank order can properly be submitted?**

### *Results for students taking qualifications outside of England*

The qualifications affected by our proposals are predominantly awarded to students in England, but each year there are some students in Northern Ireland, Scotland and Wales and others based outside of the UK. Exam boards must comply with our regulations whenever they award a regulated qualification, wherever in the world the assessment is taken or the students are based.

Our proposals reflect the direction given to Ofqual by the Secretary of State for Education which explains that it is government policy that this year's cohort of students should be issued a set of results to allow progression. The UK government determines education policy for England. Education policy in Northern Ireland, Scotland and Wales is devolved to the Northern Ireland Assembly, the Scottish Government, and the Welsh Assembly.

We must therefore consider separately the position of students outside England, because the explanation of government policy in the Secretary of State's direction is less relevant to our decisions for students outside England.

We consider that our proposal to prohibit exams in these qualifications this academic year, should apply to all students, wherever they are located.

If we permit results to be issued to students outside England this summer we consider this should be on the same basis as students in England; results would be issued only where a Head of Centre can make the necessary declaration to accompany centre assessment grades. To issue results on any other basis to students outside England could be unfair and introduce unnecessary logistical risk and confusion into the process this summer. In any event, the current pandemic means that schools and colleges are closed in many countries.

If we decide that students outside England should not be issued results informed by centre assessment grades, the effect of that decision would be that those students would be unable to secure results in this academic year.

We have given separate consideration to students outside England but in the UK, and to students outside the UK.

## ***Students taking the qualifications elsewhere in the UK***

Students in the rest of the UK who are taking affected qualifications include those who anticipate progressing to further study or employment in England this year, and who will expect results to be issued this summer as a result of the Secretary of State's announcements. We consider the Secretary of State intended those students to be included within the process we are developing to secure the issue of results.

We do not know how many students in the rest of the UK intend to use results this summer to support their progression this year and we do not anticipate that this cohort could sensibly be separated from students from the rest of the UK who do not intend to use results in this way.

In the circumstances, we consider the arrangements we put in place to secure the issue of results this summer should extend to students in the rest of the UK.

**QUESTION – to what extent do you agree or disagree that the arrangements we put in place to secure the issue of results this summer should extend to students in the rest of the UK?**

## ***Students taking the qualifications outside the UK***

Students outside the UK may or may not be aware of the Secretary of State's announcements and may or may not be anticipating that results will be issued this summer. We do not know the extent to which those students might intend to use results from this summer for progression.

We consider there might be good reasons for excluding these students from the process which will result in the issue of a set of results this summer. This would reduce the number of calculated results to be issued this summer and therefore simplify the process of maintaining standards.

However, the process we propose to put in place this summer is complex and novel. Exam boards are needing to work at pace to implement new procedures to collect data from centres and for the statistical standardisation model.

Against that background, we consider we should avoid any unnecessary complexity. We recognise that excluding one category of students outside England and including others could cause complexity. There might be students which do not clearly fall within either category; we do not want exam boards to need to divert resources to address such matters.

On balance, therefore, we consider the marginal potential benefit to securing standards if we exclude students taking qualifications outside of the UK from gaining a grade this year is outweighed by the risks which excluding such students might create. Moreover, we would wish to be as inclusive as we reasonably can be in our proposals. We do not consider it is desirable for us to exclude one group of students based only on their location, particularly when we know relatively little about those students' circumstances. We therefore propose that we should not impose any geographical limit on results this summer.

**QUESTION – to what extent do you agree or disagree that the arrangements we put in place to secure the issue of results this summer should extend to all students, wherever they are taking the qualifications?**

**QUESTION – do you have any comments about the impact of our proposals on any particular groups of students?**

## Statistical standardisation of centre assessment grades

### *Statistical standardisation*

In his direction to Ofqual, the Secretary of State explained that results for summer 2020 should be based on centre judgements as well as a range of other evidence. The Secretary of State explained:

In order to mitigate the risk to standards as far as possible, the approach should be standardised across centres. Ofqual should also mandate the method of calculating final grades based on the evidence provided for each student. Ofqual should ensure, as far as is possible, that qualification standards are maintained and the distribution of grades follows a similar profile to that in previous years.

In this section we explain our proposals in relation to:

- the aims of standardisation
- the approach to standardisation – the weight given to different sources of evidence
- considering centre trajectory – the weight given to past improvements or deterioration in performance
- correcting for potential bias in centre assessment grades

In the interests of fairness, the centre assessment grades submitted will be standardised across all centres within each subject so that a common standard is applied to grading students.

### *Aims*

The proposed aims of the standardisation process are as follows:

- i. to provide students with the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020;
- ii. to apply a common standardisation approach, within and across subjects, for as many students as possible;
- iii. to use a method that is transparent and easy to explain, wherever possible, to encourage engagement and build confidence;
- iv. to protect, so far as is possible, all students from being systematically advantaged or disadvantaged, notwithstanding their socio-economic background or whether they have a protected characteristic;

- v. to be deliverable by exam boards in a consistent and timely way that they can quality assure and can be overseen effectively by Ofqual.

We will seek to meet these aims while maintaining the standard of qualifications over time. Where the aims listed above are in tension (for example, accuracy of approach versus ease of explanation), we will seek to find an optimal balance.

**QUESTION – to what extent do you agree or disagree with the aims outlined above?**

### *The approach to standardisation*

Statistical standardisation will draw on the following sources of evidence:

- historical outcomes for each centre
- the prior attainment (Key Stage 2 or GCSE) of this year's students and those in previous years within each centre
- the expected national grade distribution for the subject given the prior attainment of the national entry

Statistical standardisation will also need to accommodate small centres, any centres without historical outcomes and students without prior attainment data. Different approaches will be trialled to evaluate how best to combine evidence to most accurately standardise centre assessment grades. For example, we will evaluate the optimal span of historical centre outcomes (one, 2 or 3 years). We will select the approach that is likely to be the most accurate in standardising students' grades.

Approaches to statistical standardisation vary in the emphasis they place on historical evidence of centre performance (given the prior attainment of students) versus the submitted centre assessment grades.

An approach that places more weight on centre assessment grades would assume that these are correct unless there is statistical evidence to the contrary. This is intuitively appealing because it would minimise the number and scale of any changes between centre assessment grades submitted and final calculated grades issued. It would also better reflect the professional judgement of centres as to the grade worthiness of their students. However, it would have significant downsides.

Firstly, it is likely that differences in the standards applied by different centres would persist, which would be unfair. In particular, students from centres giving severely judged grades would be disadvantaged compared to students from centres giving accurate centre assessment grades who would, in turn, be disadvantaged compared to students from centres giving generous centre assessment grades.

Secondly, it is likely that this would produce results that were overall too lenient. Whilst recognising that the system that will be administered in England in summer 2020 is not one of simple teacher prediction / estimation, we are mindful of research that shows when teachers predict / estimate grades for other purposes such as for university entrance or to inform the grade boundary setting process, they tend to be generous more often than they are severe.<sup>14</sup> This would most likely cause the

<sup>14</sup> <https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020>

national grade distribution to not match what we might expect to see given the prior attainment of this year's cohort. This would be unfair to students in the previous and forthcoming years with whom this year's students will compete for opportunities in education, training and employment. We think this would also undermine the credibility of the grades awarded to students this summer.

Alternatively, an approach placing more weight on statistical expectations could determine the most likely distribution of grades for each centre based on the previous performance of the centre and the prior attainment profile of this year's students. It could then use the submitted rank order to assign grades to individual students in line with this expected grade distribution.

The result of this approach is that, depending on the accuracy of centre assessment grades, the final calculated grades received by centres will more often differ from those submitted. However, there are a number of advantages.

Firstly, such an approach would reflect research evidence about the likely accuracy of centre assessment grades versus rank orders. Research suggests that while around half of centre assessment grades are likely to be accurate, a third are likely to be too generous and a sixth too pessimistic.<sup>15</sup> On the other hand, research suggests that teachers can accurately rank order their students (correlations between the rank order of teacher predictions / estimates and actual grades are relatively strong at around 0.76 to 0.85).

Secondly, such an approach would be more likely to ensure a consistent standard is applied across centres, being more effective in removing generosity/severity, and so is more likely to be fair.

Thirdly, such an approach makes it more likely that the resultant national grade distribution would match that expected given the prior attainment of this year's cohort. Moreover, this could be achieved without unfairly disadvantaging those centres providing severe or accurate centre assessment grades compared to centres providing generous centre assessment grades.

Therefore, we believe that an approach placing more weight on statistical expectations is appropriate and most fair to students, particularly in light of Ofqual's statutory objective to maintain standards over time.

**QUESTION - to what extent do you agree or disagree that using an approach to statistical standardisation which emphasises historical evidence of centre performance given the prior attainment of students is likely to be fairest for all students?**

### *Considering centre trajectory*

Approaches to statistical standardisation can also vary in whether they carry forward the outcomes that centres have achieved in previous years (taking changes in the prior attainment of the students into account) or seek to reflect any trends of improvement or deterioration in outcomes over previous years (the trajectory of the centre). In the latter approach, the statistical model would predict higher grades for those centres on an upward trajectory and lower grades for those on a downwards

<sup>15</sup> <https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020>

trajectory. In other words, an assumption would be made that the trend in results which has occurred over recent years will continue.

If we could be confident in predicting continued trends in centres' results for 2020 the clear advantage of a centre trajectory approach is that it would lead to fairer awarding.

Analysis performed in 2018<sup>16</sup> considered the variability of GCSE outcomes for schools and colleges. This showed that the results for the vast majority of centres do not show a consistent trajectory year on year. In 2015 and 2016, 90% of centres were classed as having stable outcomes and 8.5% of centres were classed as having 'unstable results' that either improved and then deteriorated or vice versa. Only 0.8% of centres had results that increased by more than the national average change in both 2015 and 2016 and only 0.5% of centres had results that decreased more than the national average change in both 2015 and 2016.

This lack of stability over time in improvements or deteriorations in performance for the overwhelming majority of centres means that any statistical model may be unreliable in predicting trends in performance in 2020. Given this unreliability it might seem fairest to only apply the trajectory model to those centres who are predicted to improve and not to those predicted to decline.

Although intuitively appealing, this would advantage students in these centres compared to those in all other centres (on the basis of a predicted trajectory that might in reality not have come to pass). It could also lead to inflation in national outcomes which may undermine the credibility of the grades awarded to students this summer. Any allowance made would need not to conflict with Ofqual's statutory objective to maintain standards over time.

We have reservations over reflecting the trajectory of centres' results in 2020 due to potential unfairness caused by the unreliability of any trajectory predictions and the disadvantage that this might cause students in those centres with stable results. It is also worth noting that there is no statistical way of accommodating changes in centre trajectory that might have occurred this year (if the exams had proceeded as planned). For example, for centres expecting a turnaround in results - this year's results being significantly better than previous year's results. However, the purpose of awarding this summer is to enable progression for students and the Department for Education has been clear that no performance tables will be published based on 2020 results.

**QUESTION - to what extent do you agree or disagree that the trajectory of centres' results should NOT be included in the statistical standardisation process?**

### *Correcting for potential bias in centre assessment grades*

We must consider how to address any potential inequalities caused by bias in the system of educational assessment. Students should be rewarded based on their ability relative to the construct being assessed.

<sup>16</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746952/6432\\_designed.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746952/6432_designed.pdf)

Centres have been asked to use their professional experience to make a fair and objective judgement of the grade they believe a student would have achieved had they sat their exams and completed any non-exam assessment. However, it is possible that some degree of bias may remain in these judgements.

While there is no research evidence regarding bias in centre assessment grades, research findings on bias in predicted grades for university entrance and estimated grades for use in standard setting are mixed. The effects appear to be variable and context dependent. We discuss the findings of our literature review and consider what impact these effects might have in our equality impact assessment below.

Therefore, as a precaution we have identified three further potential mechanisms for mitigating the effects of bias. The first of these is in the proposed choice of the overarching approach to statistical standardisation. The approach has been identified with the removal of any bias in centre assessment grades in mind. Outcomes for centres would be largely maintained from previous years (where the ability of their cohort has not changed and subject to the decision on accounting for centre trajectories). Hence, the relationship between results and any centre-level demographics would also be largely maintained from previous years when assessment occurred in the normal manner – by exam and / or non-exam assessment. This way of mitigating the effects of bias assumes that centre level demographics are stable over time.

Second, in finalising the deep technical detail of the statistical standardisation model the relative impact on centres with different characteristics (such as socio-economic status (SES), special educational needs and/or disabilities (SEND), ethnicity and gender) will be carefully considered and evaluated by comparing differences in outcomes to those observed in previous years. Where possible, technical choices will be made to ensure so far as is possible, that students are not systematically advantaged or disadvantaged on the basis of their socio-economic background or their protected characteristics.

The third potential approach to correcting for bias in centre assessment grades involves statistically adjusting the standard being applied to different groups of students (for example by SES, SEND, ethnicity and gender). This would be done to replicate historical patterns of results for the different groups. This would be based on the perhaps questionable assumption that any difference in patterns found this year would reflect bias rather than the likely outcome had examinations proceeded as planned. Moreover, this would have the effect of changing the rank order of students within each centre – promoting/demoting some students over others on the basis of their SES, SEND, ethnicity or gender, for example. The final calculated grades received would no longer reflect the centres' judgements about the relative grade worthiness of individual students.

While we do propose to adopt the first two approaches, we do not propose to use this third approach to correct for any bias. So far, we have committed to not changing the rank orders submitted by centres because we believe centres are best placed to judge the likely performance of their students relative to one another at the end of the course. Moreover, any statistical model would be unreliable in predicting how individual students would perform.

It is also worth noting that we believe that such an intervention would be unprecedented in the history of qualifications in England. For example, when

qualifications are reformed, the impact of changes to assessment models on those students with protected characteristics are evaluated and carefully considered. However, there is no attempt during the standard setting process to maintain previous differences in outcomes between students who share particular protected characteristics, such as disability, ethnicity or gender, or who are from particular socio-economic backgrounds. This is in part due to the difficulty of establishing the extent to which differences in outcomes are caused by differences in educational opportunity rather than changes in the assessment models.

**QUESTION - to what extent do you agree or disagree that the individual rank orders provided by centres should NOT be modified to account for bias regarding different students according to their particular protected characteristics or their socio-economic backgrounds?**

### *Incorporating the approach into the regulatory framework.*

We propose that once the standardisation approach is finalised we incorporate it into our regulatory framework so that each exam board is required to adopt a common approach to standardisation. We will publish details before the model is applied.

**QUESTION – to what extent do you agree or disagree that we should incorporate the standardisation approach into our regulatory framework?**

**QUESTION – do you have any comments about our proposals for the statistical standardisation of centre assessment grades?**

## Appealing the results

The Secretary of State said in his direction to Ofqual that students should have access to a right of appeal if they believe the process was not followed correctly in their case; and if they do not feel their calculated grade reflects the performance they would have demonstrated in an exam they will have an opportunity to sit exams as soon as reasonably possible once schools and colleges have re-opened.

We are consulting on how the appeal process should operate this summer.

The qualification level conditions<sup>17</sup> currently allow opportunities to challenge the judgements which are made in connection with the assessment of a student's performance in exams or in formal non-exam assessments:

- through a review of marking, for marked assessment material, which will consider whether any marking error has been made, and any such errors will be corrected

<sup>17</sup> These set out the rules and regulations for all qualifications of a particular type – for example all GCSEs graded 9 to 1.

GCSE - <https://www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions>

AS and A level - <https://www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements>

Project qualifications - <https://www.gov.uk/government/publications/project-qualification-level-conditions-and-requirements>

Advanced Extension Award - <https://www.gov.uk/government/publications/aea-qualification-level-conditions-and-requirements>



- through a review of moderation, which will consider whether any moderation error has been made, and correct any such errors
- through an appeal, which will consider whether any marking error or moderation error has persisted through, or been caused by, the review process, as well as considering whether any procedural error has occurred

We also require exam boards to make sure centres have a review process in place to consider whether assessment material marked by the centre has been marked consistently.

The normal reviews and appeal processes cannot operate this summer<sup>18</sup> because there will be no assessment material marked or moderated by the exam board and no criteria against which to determine whether an error has occurred. Students this year who consider their results do not reflect how they would have performed in an exam will, however, have the opportunity to take exams in an autumn series or next summer.

We have considered whether the appeal process for this summer should include:

- an opportunity to review the professional judgements on which centre assessment grades and student rank order will be determined
- an opportunity to review the procedure followed:
  - by a centre, when submitting centre assessment grades and student rank order
  - by an exam board, when using centre assessment grades and student rank order and the statistical model to determine final grades
- an opportunity to challenge the outcome of the statistical standardisation process

## *Professional judgements*

Where the current qualification level conditions provide for a process to evaluate the marking of assessment material this is done in the context where the assessment evidence is consistent because:

- the assessment is set by the exam boards and
- the exam board sets the criteria against which a candidate's performance will be assessed, providing the decision-maker with a consistent benchmark against which to review the marking

Exam boards will have made sure assessors understand the criteria. The decision maker must evaluate for the purposes of an application for review or appeal the application of the criteria by an assessor in the individual case.

<sup>18</sup> We will leave in place the conditions which require an exam board to establish, maintain and comply with an appeals process which provides for the appeal of decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

Where assessment material is marked by a centre, which is the closest comparison to the exceptional arrangements this summer, a process must be in place to review the centre's marking of assessment materials in circumstances where students are unhappy with the marks proposed. This is usually undertaken by another teacher within the centre. This year more than one teacher will anyway be involved in determining the centre assessment grade and the rank order.

Additionally, the purpose of that review is to consider whether the marking of a particular student's assessment is consistent with the marking of the same assessment taken by other students in the centre. Importantly, the criteria against which students' performance in the assessment must have been judged is externally set by the exam board which will also have made training available to centres in respect of those criteria. The purpose of the review is to consider whether the marking of a particular assessment against the criteria is consistent with the marking of other assessments in the centre against the same criteria.

The marking at centre level is also standardised across centres through moderation by the exam board. Again, this takes the form of ensuring that the marking criteria are being accurately and consistently applied.

In the exceptional circumstances of this summer, only the statistical standardisation by the exam board can be consistent. The assessments which will be taken into account by centres and the criteria against which they will have been marked need not have been set by exam boards. Even where past papers have been used different centres may have used different papers and the exam might have been administered under different conditions in different centres. Such exams will have been undertaken at different points in students' courses. Not all of the teachers marking those assessments will have been trained as assessors by the exam board which set the papers. There has been no opportunity to train teachers to make consistent judgements for centre assessment grades this summer, other than any ongoing standardisation within individual centres.

It follows that there is no common benchmark or standard against which teachers' professional judgements, or a centre's evaluation and use of those judgements in centre assessment grades, can be evaluated.

For these reasons we consider that an appeals process premised on scrutinising individual centre judgements, the efficacy of the evidence on which centres relied and/or the grades submitted by a centre would be both undesirable and impractical.

Moreover, in the absence of a common benchmark or standard we also consider such an appeal process could be unfair. The outcome would be determined by the level of agreement between the appeal decision-maker's judgements about a centre's judgements about that student. In the absence of a common benchmark or standard there would be way no way to secure consistency between appeal decision-makers. Whereas in the normal process the appeal decision-maker will have access to all the relevant information on which a judgement must be based – the material generated by the student in the assessment and the marking criteria – and is therefore well placed to consider the appropriateness of the original mark, this will simply not be the case this year.

Accordingly, we consider that to provide for a review or appeals process premised on scrutiny of the professional judgements on which a centre's assessment grades will be determined would be inappropriate, ineffective and unfair in the current

exceptional circumstances. Our position is in line with the Secretary of State's direction to us.

**QUESTION – to what extent do you agree or disagree that we should not provide for a review or appeals process premised on scrutiny of the professional judgements on which a centre's assessment grades are determined?**

Similarly, we consider that we should not provide for an appeal challenging a student's position in a centre's rank order. In addition to the reasons we have set out in respect of centre assessment grades, which apply equally to an appeal in relation to rank order, a successful appeal on that basis would necessarily affect not just the student bringing the appeal but any student who they might displace in the rank order were the appeal to succeed. Practically, therefore, it would be necessary for all students who might potentially be affected by a rank order adjustment to be consulted before a rank order appeal could proceed. As well as being inappropriate, ineffective and unfair, therefore, we also consider an appeal in relation to a student's position in the rank order would be impracticable.

**QUESTION – to what extent do you agree or disagree that we should not provide for a student to challenge their position in a centre's rank order?**

### *Procedure*

The qualification level conditions require that an exam board must provide for the effective appeal of results on the basis that it did not apply its procedures consistently, properly or fairly in arriving at those results.

We have considered whether we should require exam boards to put in place a similar process to consider appeals this year, on the basis:

- that a centre did not apply necessary procedures consistently, properly or fairly in arriving at and submitting centre assessment grades
- that the exam board did not apply its procedures consistently, properly or fairly in determining final grades

### *Procedure – centres*

The qualification level conditions currently require that exam boards must make sure centres have an internal review process where assessment material is marked by the centre, to consider appeals by candidates unhappy with the marking of their assessment. We have explained why we do not propose such a review process should be in place this year.

We recognise that students may be concerned that a centre has not followed an appropriate or fair process in arriving at the centre assessment grades which are submitted to the exam boards. We have considered whether we should require exam boards to put in place a process to allow appeals to be brought on this basis.

Such an appeal would necessarily be brought by one or more individual students, because it would be a challenge to the process used by the centre. The appeal could potentially be determined either by the centre (as with a review of centre marking) or by the exam board. We recognise that an appeal process of this type might give students added confidence in the centre assessment grades process.

However, we consider there are a number of practical problems with such an appeal.

Firstly, although we have set out in our Information for Heads of Centre document broad guidelines to assist teachers to make professional judgements and centres to submit centre assessment grades, we have not set out any specific process and nor have we specified the evidence which must be used to support these professional judgements. We propose to require exam boards to request centre assessment grades and rank order information from each centre, but we have not proposed that exam boards should specify how individual centres must arrive at their judgements, and nor do we consider it would be reasonable to do so in the exceptional circumstances of this summer.

In particular, if we attempted to do so, there is a risk that we might undermine the accuracy of the information submitted to exam boards, because any specification we might make as to a common set of evidence would necessarily be narrow, to allow for the wide variation between centres; those with more evidence would be prevented from using it because of the need to secure parity with the centres with the least evidence. Moreover, we consider there is insufficient time available for exam boards to specify an appropriate process with which all centres can comply, and for centres to put such a process in place particularly given that most centres are currently, in the main, closed. Diverting resources into the development and implementation of such a process would put at risk centres' ability to determine and submit in a timely manner centre assessment grades and rank order information for their students. For us to require this might also undermine a centre's ability to comply with current public health requirements.

Secondly, any appeals process relating to the process used by the centre would be effective only if, as well as identifying a procedural error, that process could correct any such error made by the centre. Such correction would be of potential benefit to students only if it might lead to a different centre assessment grade and/or rank order position being submitted to the exam board. Altering that information after submission to the exam board, during the process of statistical standardisation, would be logistically complex and would give rise to unacceptable risks to the integrity and operation of that process. It follows that any appeal against the centre process would need to be determined prior to the submission of centre assessment grades and rank order information to exam boards, just as a review of centre marked assessment material must take place before provisional marks are submitted for moderation under the current qualification level conditions.

We do not consider there is sufficient time for such an appeals process this summer. It is of crucial importance for students' progression that results are issued no later than the planned results dates. To allow an appeal on the basis of procedural error by the centre would require setting aside a period of weeks for students to consider whether to appeal and for the centre (or the exam board) to determine those appeals. We do not consider this is practicable given the limited time available and the complexity of the task faced by centres, in compiling centre assessment grades, and exam boards in the statistical standardisation of those grades.

Finally, any appeal concerning the process followed by the centre would require disclosure of sufficient information to allow students to consider whether to bring a procedural appeal. In practice, this is likely to include disclosure of the centre assessment grades and rank order information which will be submitted to the exam board.

We do not consider it is desirable for this information to be disclosed to students. In particular, although obtained for the purposes of an appeal process, there is a risk that the potential for disclosure of this information in the context of an appeal could lead to pressure on teachers and centres from students, their parents or others to come to a particular judgement. That would risk introducing unfairness into the process, as teachers would be subject to pressures with respect to some students but not others. We have heard from some teachers that pressure has already been applied to them to provide a favourable judgement in respect of some students. This is unacceptable. Teachers are working under difficult conditions to support students to continue with their studies remotely and to keep centres open for vulnerable children and children of critical workers; they must be allowed to reach their professional judgements unhindered by such behaviour.

In all of the circumstances, we consider it would not be practical or effective to provide for an appeal in respect of the process or procedure used by a centre and that to allow for such an appeal process could give rise to unacceptable operational risks to the issue of results this summer, as well as the potential for unfairness.

We propose (below) that if a centre that finds it made a mistake in the data it submitted to the exam board, the centre should be allowed to appeal on that basis to the exam board and that any such mistakes found should be corrected.

Although we propose that a student who believes they have been given the wrong grade will not be able to ask the centre to review its judgements, we consider students who think an administrative error might have occurred should be able to ask their centre to review the accuracy of the data the centre submitted to the exam board. If the centre finds it made a mistake, or it considers the exam board made a mistake in the way it processed the centre's data, the centre should appeal to the exam board.

**QUESTION – to what extent do you agree or disagree that we should not provide for an appeal in respect of the process or procedure used by a centre?**

### *Procedure – exam boards*

We are consulting on the key aspects of the statistical standardisation model which exam boards will use to determine results this summer. We will specify the information which exam boards must use for the purposes of statistical standardisation, as well as the broad principles of the model itself, and we consider that exam boards should have in place, and follow, a process to make sure the relevant information is taken into account for each student.

It is possible that an exam board might make a mistake and deviate from the process it puts in place. This might lead to the issue of results which a centre, knowing the centre assessment grades and rank order submitted, might consider to be surprising and indicative of an error. We consider that a centre should be able to appeal in those circumstances, on the basis that the exam board may have failed to apply its procedures consistently, properly or fairly.

An individual student might also suspect a mistake has been made in terms of the data submitted to the exam board or the way the exam board processed that data. In such a case the student should ask the centre to check the accuracy of the data it submitted and, if the centre finds a mistake or it believes the exam board incorrectly processed the data, to raise their concern with the exam board.

We therefore propose that a centre could appeal to an exam board on the grounds that:

- the exam board used the wrong data when calculating the grade of all, some or just one of a centre's students, including because the centre erroneously submitted the wrong data and/or
- the calculated grades generated by the model were incorrectly allocated or communicated to all, some or just one of a centre's students

**QUESTION – to what extent do you agree or disagree that we should provide for a centre to appeal to an exam board on the grounds that the exam board used the wrong data when calculating a grade, and/or incorrectly allocated or communicated the grades calculated?**

For such an appeal to be effective, it will be necessary for the centre to understand the procedures the exam board had in place to determine results for the centre's students, as well as the procedures which were followed in its case, and the information used to inform the outcome.

We consider that as well as requiring exam boards to have a procedural appeal process in place, we should require disclosure of sufficient information to allow a centre to consider whether to proceed with an appeal. We consider such disclosure should take place on the request of the centre, if the centre considers the results issued are likely to be incorrect.

The current qualification level conditions allow exam boards to decide whether to accept applications for appeal directly from students, or only through the centres with which they studied (although they must accept such applications directly from private candidates). In practice, the exam boards have decided that appeals should be accepted only from centres, unless the student is a private candidate.

The appeal process we are proposing to put in place will require disclosure and evaluation of information, to allow the centre to consider whether the exam board may have made a mistake. It will not be possible for individual students to evaluate the data because the necessary contextual information will not be available to them. For example, the centre will be able to identify if an exam board has used incorrect prior attainment information for some or all of the cohort, whilst an individual student will not. Moreover, deciding whether to make an application for an appeal might involve reviewing the centre's rank order to ensure no mistake was made. The rank order includes personal data relating to all students in the centre's cohort, to which those students should not have access unless appropriate consent has been given.

For this reason, we consider we should require that for results issued this summer, exam boards should only consider appeals submitted by centres, not those submitted by individual students or their representatives.

This proposal will mean private candidates will benefit from the appeal process if centre assessment grades are submitted for them by the centre, because their results would be affected by any appeal brought by the centre. Private candidates will, for these purposes, be treated as part of the centre's cohort. Private candidates who do not have a centre assessment grade will necessarily not be included in the appeal arrangements, because no result will be issued for them this summer.

**QUESTION – to what extent do you agree or disagree that for results issued this summer, exam boards should only consider appeals submitted by centres and not those submitted by individual students?**

The conditions currently require that an incorrect result which is identified through the application of an appeal process should be corrected whether the outcome is better or worse than the original result (although we have currently retained an exemption for reviews and appeals concerning the outcome of moderation, so that marks of the whole cohort of a centre's students are not put down when an error is found). We do not consider there is any reason to deviate from the current position for this summer. Where an incorrect result is identified through the application of the appeals process, the result should be corrected whether the outcome is better or worse than that originally issued.

We recognise that exam boards will wish to ensure that centres make students aware before submitting any application for appeal that their results may be adversely affected by any appeal. Where the centre considers a mistake has been made which affects an entire cohort at the centre then all results will potentially change, and grades could go down as well as up. Exam boards might therefore consider that the consent of the entire cohort should be secured by the centre as part of the appeals process. However we do not believe we need to build this into our regulatory framework.

**QUESTION – to what extent do you agree or disagree that we should not require an exam board to ensure consent has been obtained from all students who might be affected by the outcome of an appeal before that appeal is considered?**

The nature of the process this year means centres might not know whether an appeal submitted on behalf of one student might affect the rest of the centre's cohort. Centres might be concerned, therefore, that the consent of the entire cohort may be necessary to allow one student to appeal. Exceptionally, for this year we consider we should prevent exam boards putting grades down where errors affecting students other than those named in an appeal are discovered through the application of the appeals process. However, as in any year, if an exam board finds as part of its normal quality assurance arrangements that it made an error in its general assessment process that affected a number of students, it would need to have regard to our guidance on correcting incorrect results<sup>19</sup> when deciding whether to change any grades.

**QUESTION – to what extent do you agree or disagree that exam boards should not put down grades of other students as a result of an appeal submitted on behalf of another student?**

Similarly, we will leave in place the current conditions concerning the operation of appeals to:

- allow, but not require, exam boards to charge a fee for an appeal
- require exam boards to ensure the appeals process provides for all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed

<sup>19</sup> <https://www.gov.uk/guidance/ofqual-handbook/section-h-from-marking-to-issuing-results>

The qualification level conditions currently require exam boards to ensure that all appeal decisions are taken by persons who were not previously involved in the process leading to the issue of results. In the exceptional circumstances of this summer, we do not consider it is appropriate to make such a stipulation. In particular, results this summer will be issued following a novel and complex statistical standardisation process which is likely to be fully understood by a more limited pool of exam board personnel than is usually the case. It is conceivable therefore that, whether for reasons associated with the current pandemic or otherwise, exam boards might be unable to make sure sufficient members of staff are available who are sufficiently familiar with the results process this year but also who had no involvement in the calculation of a particular result, or set of results.

In the circumstances, we consider that exam boards should be permitted to ask persons who were involved in the calculation of results to be involved in the evaluation of appeals in relation to those results. In particular, we consider that members of staff involved in the operation of the model are perhaps the most likely to identify whether a mistake has been made and quickly to correct a mistake that has occurred.

**QUESTION – to what extent do you agree or disagree that exam boards should be permitted to ask persons who were involved in the calculation of results to be involved in the evaluation of appeals in relation to those results?**

We recognise that exam boards might decide to conduct an administrative review, perhaps involving a member of staff familiar with the statistical model, as a preliminary stage in any application for appeal in order swiftly to identify and correct any cases in which a mistake has been made. We consider that the exam board should be able quickly to correct a mistake in these circumstances, without the need for a formal appeal process.

Where the exam board considers no mistake has been made, or the centre considers a mistake has persisted or been caused by any correction after an administrative review, we think it is in the interests of students, and consistent with the maintenance of standards, for exam boards to be required to have in place a formal appeal process.

We consider the formal process should involve a decision-maker who is not an employee of the awarding organisation, an assessor working for it, or otherwise connected to it, but we do not consider it is necessary for the appeal process to follow the same model as the current JCQ Stage 2 appeal. A simplified process whereby the decision-maker considers a report by the member of staff conducting the administrative review and any representations made by the centre in light of that report, may be appropriate given the exceptional circumstances this summer.

**QUESTION – to what extent do you agree or disagree that exam boards should be able to run a simplified appeals process?**

### *The statistical standardisation process*

We have considered whether centres should have the opportunity to appeal in respect of the outcome of the statistical standardisation model in circumstances where there has been no error in the process followed by the exam board but the results issued are significantly out of line with the centre's expectations.



We do not propose to allow appeals on this basis. This is because consistent application of the statistical standardisation process is central to the maintenance of standards in these qualifications this year. To vary the application of the statistical standardisation model for one student or for a centre's cohort of students, as a result of an appeal, would be unfair to other students and would undermine standards. In the exceptional circumstances of this summer, we consider the statistical standardisation model to be analogous to the exam boards setting grade boundaries in normal years. The qualification level conditions prevent an exam board allowing an appeal on the basis that grade boundaries (specified levels of attainment) were incorrect and we propose to replicate that prohibition for appeals in respect of the statistical standardisation model.

Where a student considers they were capable of better grades, these students will have the opportunity to take exams in the planned autumn series.

**QUESTION – to what extent do you agree or disagree that we should not provide for appeals in respect of the operation or outcome of the statistical standardisation model?**

### *Exam Procedures Review Service*

If, on receipt of the exam board's final appeal decision, a centre believes that a mistake remains uncorrected it will be able to apply to the Examination Procedures Review Service (EPRS).

The EPRS is an Ofqual process to provide a final avenue for a procedural appeal under the normal exam arrangements. The EPRS considers whether the exam board followed its processes properly and fairly and whether it complied with the conditions in making decisions which could affect results.

We propose to make the EPRS available to centres for results issued this summer. The EPRS will consider whether the exam board properly considered the appeal and, if any mistake was identified during the appeal in the data used to generate the calculated grade(s) and/or in the grade(s) issued, whether that mistake was properly corrected.

In light of our proposals for appeals, we propose that the EPRS will not consider applications in relation to the professional judgements underpinning centre assessment grades, the process followed by centres, or the statistical model used by the exam boards to standardise the centre's data.

**QUESTION – to what extent do you agree or disagree with our proposal to make the EPRS available to centres for results issued this summer?**

**QUESTION – do you have any comments about our proposals for appealing results?**

### *An autumn exam series*

The Secretary of State explained in his direction to Ofqual that government considered we should make arrangements for students to have the opportunity to take exams after schools and colleges re-open:

The Government considers that students who do not feel their calculated grade reflects their ability should be afforded an opportunity to sit an exam at the earliest reasonable opportunity. Accordingly, I hereby direct Ofqual to take account of this policy and work with the exam boards and others to plan to enable this group of students to sit exams as soon as reasonably possible after schools and colleges are open again, pursuant to the power of direction referenced above.

As we have explained in the preceding section, the qualification level conditions currently require that any exams for GCSE, AS and A level qualifications must take place in May or June (with the exception of GCSE English language and mathematics which are available for certain students to take in November). As well as removing that requirement to allow calculated results to be issued, we will make such changes as are necessary to permit exam boards to make additional exams available in the autumn series.

The purpose of the autumn series is to provide an opportunity for students to take exams if they consider the results issued this summer do not reflect their likely performance had they taken an exam, as well as allowing an assessment opportunity for any private candidates for whom results are not able to be issued in the summer.

We have explained in this consultation our proposal that results should be issued this summer only to those students who were entered for exams before the deadline set by JCQ (21/02/2020), although we will allow the exam boards to exercise some discretion, for example to accept entries in respect of students who had been entered but were then withdrawn because the centre did not believe they would be eligible to receive a calculated grade. We consider entries to the autumn series should be similarly limited to this summer's cohort of students and for any other students who would have been entitled to enter for GCSE English and mathematics in November.

As with results this summer, we consider that we should allow exam boards discretion where a compelling case can be made that a student would have been entered before the later 'late entries' deadline set by JCQ (21/04/2020).

**QUESTION – to what extent do you agree or disagree that entries to the autumn series should be limited to those who were entered for the summer series, or those who the exam board believes have made a compelling case about their intention to have entered for the summer series (as well as to students who would normally be permitted to take GCSEs in English language and mathematics in November)?**

### *Further consultation*

There are a number of considerations relating to the autumn series on which we cannot yet set out any proposals. We are doing further work in each of these areas and will set out further proposals for consultation as soon as we reasonably can.

Those areas include:

**Whether we should require exam boards to make exams available in an autumn series, rather than permit them to do so.**

Whether an exam board makes exams available for a qualification at the times permitted by our rules is usually a business decision it takes, although we have set conditions relating to the withdrawal of qualifications from the market. Unless we decide otherwise, the default position will be that exam boards will decide which exams to make available to students in the autumn series.

If exam boards decide not to make exams available in the autumn for particular qualifications then any students who consider that the results issued this summer do not reflect how they would have performed in an exam in that qualification will be unable to take such an exam until summer 2021. Similarly, any private candidates who cannot be included within centre assessment grades and rank order information submitted by a centre will be unable to take exams until next summer.

We recognise that this would undermine the value of the autumn series in mitigating any unfairness which students and centres might consider arises from our proposals in respect of calculated grades and appeals. The autumn series will only provide an opportunity for students to demonstrate their abilities in an exam to the extent that exam boards decide to make those exams available.

Conversely, if we were to compel exam boards to make exams available in the autumn series then any student who considers they were disadvantaged by the exceptional arrangements we put in place this summer would have the opportunity to take exams.

There are, however, a number of risks associated with compelling exam boards to make qualifications available in all subjects, including:

- the impact on teachers who are assessors, students taught by teachers who are assessors and centres who will need to release teachers to be assessors. We are mindful that the autumn series will likely take place during the first term for a new cohort of students – who might have been away from school for a prolonged period – when teaching resources will be stretched. In these circumstances it might be beneficial to the system as a whole to allow exam boards to reduce the number of exams taking place, and the consequent impact on teachers who are also assessors, even if this does detrimentally affect some students
- the costs for exam boards of providing exams for which there are very small numbers of entries

**Whether and to what extent non-exam assessment should be taken into account in the autumn series**

For a number of the qualifications non-exam assessment forms part of the overall assessment grade for the qualification. Some students will have completed non-exam assessment before schools and colleges closed on 20 March, but others will not have done so.

We recognise that students who have completed non-exam assessment in anticipation of taking exams this summer may consider it should be taken into

account were they to take exams in the autumn series. However, students who were unable to complete their NEA, and who decide to take exams in the autumn series, might consider they would be disadvantaged in those circumstances.

**Whether a student should be able to discard an unfavourable result from the autumn series**

We have explained in our publications that where a student takes exams in the autumn series, both results – from the summer and the autumn will stand. Students taking exams in the autumn will receive 2 certificates, one with summer results and one with the results of any autumn exams.

In practice, a student who performs better in the autumn exams than was reflected by the results they were issued in the summer will rely in the future on certificates issued following the autumn series. Conversely, a student who does less well in the autumn will rely on their summer results certificate.

We recognise however that a student might do better in some autumn exams and less well in others. Where both autumn exams are taken with the same exam board their best grade might be shown on different certificates, each of which will also show their other result. We recognise that these students might consider this unfair and are considering whether it might be possible for certificates to show just the better of the results.

## To which qualifications will the exceptional regulatory measures apply?

The Secretary of State specified in his direction to Ofqual, and his statements to Parliament, that results should be issued for GCSE, AS and A level qualifications this summer, to allow students to progress to further study or employment.

The Secretary of State recognised, however, that many other qualifications would be affected by the closure of schools and colleges this summer and he issued a further direction to Ofqual in respect of vocational and technical qualifications and other general qualifications on 9 April 2020.<sup>20</sup>

GCSE, AS and A level qualifications are often taken in combination with other qualifications, and some of those qualifications will be considered when we explain our proposals in respect of vocational and technical qualifications. However, some of those qualifications, in particular Extended Project Qualifications and Advanced Extension Award qualifications, are regulated by us in a similar way to that in which we regulate GCSEs, AS and A levels. Indeed, any qualifications with those titles must be in line with common rules set by us.

In particular, we recognise that the majority of students taking Extended Project Qualification and/or Advanced Extension Awards will be doing so alongside GCSE, AS or A level qualifications. Those students are as likely to rely on these qualifications for progression to further study or employment as their GCSE, AS or A level qualifications.

We regulate Extended Project and Advanced Extension Award qualifications through general conditions and qualification level conditions and many of the features of those qualifications, which we specify through the qualification level conditions, are similar to those of GCSE and AS and A level qualifications. We regulate some other qualifications that some students will take alongside GCSEs and A levels such as the Pre-U and the International Baccalaureate Diploma, however these are subject only to general conditions of recognition. We are not, therefore, consulting on these qualifications at this time.

We consider it is appropriate for the same exceptional arrangements to apply to Extended Project Qualifications and Advanced Extension Awards as apply to GCSEs, AS and A levels. In light of this we included both qualifications in the information we published on 3 April 2020, to help centres plan to gather the evidence they will need to provide in respect of students taking these qualifications.

We therefore propose that the regulatory arrangements described in this consultation should apply to:

- all GCSE qualifications
- all AS qualifications
- all A level qualifications

<sup>20</sup> <https://www.gov.uk/government/publications/direction-issued-to-the-chief-regulator-of-ofqual>

- all Extended Project Qualifications
- all Advanced Extension Award qualifications

References in this consultation to ‘the affected qualifications’ refer to all of these descriptions of qualifications unless we specify otherwise.

**QUESTION – to what extent do you agree or disagree that we should apply the same provisions as GCSE, AS and A level qualifications to all Extended Project Qualifications and to the Advanced Extension Award qualification?**

**QUESTION – do you have any comments about the qualifications to which the exceptional regulatory measures will apply?**

## Building the arrangements into our regulatory framework

### *The regulatory background*

The proposals we explain in this consultation are exceptional measures through which we intend to bring about the issue of results to students this summer based on the evidence available whilst at the same time securing the maintenance of standards in affected qualifications as far as possible.

The exceptional measures we propose to put in place are inconsistent with the current regulatory framework (which assumes exams take place each summer) and for each proposal we implement it will be necessary to use new short-term regulations to displace the existing regulatory framework.

To make sure our proposals are clear, we have in several areas explained our proposals by highlighting the difference between the effect of the established regulatory framework and the effect of the proposed exceptional framework.

For each of the qualifications affected by our proposals the regulatory framework includes three sets of conditions:

- the General Conditions of Recognition (the general conditions) which apply to all affected qualifications
- conditions which apply to each description of qualifications, known as qualification level conditions or QLCs – for example the GCSE(9-1) Qualification Level Conditions and Requirements
- conditions which apply to each subject within a particular description of qualifications, for example the GCSE(9-1) Subject Level Conditions and Requirements for Combined Science

All of the conditions can be found on our website.<sup>21</sup>

In our proposals when we explain the difference between our proposed exceptional arrangements and the current framework, we specify whether the current framework, which we propose to displace, is found in the general conditions or the qualification level conditions.

<sup>21</sup> <https://www.gov.uk/guidance/awarding-organisations-understanding-our-regulatory-requirements>

We will need to change our regulatory framework to permit exam boards to issue results which are not based solely on evidence generated during assessments conducted in accordance with our conditions and to secure standards, as far as possible, in such circumstances. We will temporarily suspend existing parts of our regulatory framework that conflict with the exceptional arrangements. We will formally codify the exceptional arrangements as this will enable us to maintain appropriate oversight and take action where needed to protect students and qualification standards.

## ***Preventing exams***

### *GCSE and GCE qualifications*

At present, the qualification level conditions governing GCSE, AS and A level qualifications require that results should be based on assessments. Except where a specified form of non-exam assessment is allowed under the subject level conditions for a specific subject, all assessments must be in the form of exams. Aside from limited exceptions those exams must only be taken in May and June in any year.

Should we do nothing therefore, in order to issue results this summer exam boards would be required to run the summer exam series in May and June, or be in breach of our regulatory requirements.

We recognise that the current public health situation in England means schools and colleges here are closed and that, as a result, it will not be possible for exams to take place in England this summer. However, we know that affected qualifications are taken in centres outside England, in a variety of other countries where the public health situation may be different to that in the UK.

We think it would be undesirable for exams to take place outside England this summer when, for the same qualifications, no exams are taking place in England. In particular, we consider that there is a risk of real or perceived unfairness if calculated grades are issued in the UK and results based on performance in exams are issued for students in some other countries. There are also logistical risks if exam boards are required to mark and award qualifications for part of the cohort at the same time as operating a complex and novel statistical standardisation model for the rest of the cohort. Moreover, we do not know whether it would even be possible for exam boards to mark exams this summer, given a significant proportion of assessors are likely to be affected directly or indirectly by coronavirus (COVID-19).

We therefore think we should provide certainty for exam boards and students by preventing exam boards from offering any opportunity for students to take exams for affected qualifications this year, other than in any autumn series which we subsequently specify.

This proposal will also prevent exam boards becoming involved in disputes should any centres which might be open in May and June consider there to be any pre-existing contractual obligation to make an exam available for students at that centre.

**QUESTION – to what extent do you agree or disagree that we should confirm that exam boards will not be permitted to offer opportunities for students to take exams in May and June 2020?**

*The Advanced Extension Award Qualification*

The qualification level conditions do not specify when exams must take place for those qualifications but specify that results should be based on assessment by exam. In practice, exams for Advanced Extension Award qualifications take place in May and June, alongside A level qualifications.

For the reasons set out above, in relation to GCE and GCSE qualifications, we consider we should prevent exams taking place this year for the Advanced Extension Award qualification, other than in the planned autumn series.

#### *Extended Project Qualifications*

Extended Project Qualifications are assessed through non-exam assessment which is marked by centres and moderated by the exam board. Following the government's decision to close schools and colleges exam boards have not moderated assessments for Extended Project Qualifications this summer. In view of the proposals set out earlier in this consultation, we propose that exam boards will not be permitted to moderate Extended Project Qualifications this summer.

**QUESTION – to what extent do you agree or disagree with our proposals that exam boards will not be permitted to offer exams for the AEA qualification or to moderate Extended Project Qualifications this summer?**

**QUESTION – do you have any comments about our proposals for building our arrangements into our regulatory framework?**

## Next steps

We will analyse and publish a summary of the responses to this consultation. We will also publish our decisions. As indicated, we will need to set aside and change some of our rules. We will consult with the affected exam boards on the proposed regulatory requirements that we will put in place to give effect to our decisions.



# Equality Impact Assessment

As a public body, we are subject to the public sector equality duty. Annex B sets out how this duty interacts with our statutory objectives and other duties.

We have considered whether any of our proposals might impact (positively or negatively) on students who share protected characteristics<sup>22</sup>. We think the following elements of our proposals warrant particular scrutiny from an equality perspective:

- the issue to students of calculated grades, informed by centre assessment grades and student rank order
- the fact that, for a variety of reasons, some students may not be able to receive a calculated grade

In relation to the protected characteristic of age, we are proposing that calculated grades should be awarded to students in year 10 and below, in which case there would be no negative impact on this group.

We have been clear in the information on centre assessment grades that a disabled student's likely performance in the exams should assume that any reasonable adjustments that were intended to have been put in place would have been put in place.

We understand that the uncertainty caused by the cancellation of the summer 2020 exam series will have been particularly unsettling for some SEND students. We have provided early information where we can. The arrangements will provide for centres, who best know and the likely exam performance of their students, to provide centre assessment grades to the exam boards.

## Use of centre assessment grades

Centre assessment grades will, by their very nature, be more subjective than grades based on results of formal assessments. As with any such judgements, there is a risk that teachers contributing to the determination of such grades might exhibit a degree of unconscious bias that disadvantages students who share particular protected characteristics.

To understand the likely nature and extent of any such bias, we have carried out a small-scale review of relevant research.<sup>23</sup> Given the urgent need to put in place arrangements for this summer, this review is not comprehensive, but rather focuses on 2 main types of research.

1. Research into the reliability of predicted GCSE, AS and A level grades. This covers both research into:
  - the teacher estimated grades that were submitted to exam boards to support awarding of GCSEs, AS and A levels prior to 2015. While some of this work is unpublished, it looks at how teacher estimated

<sup>22</sup> For the purposes of the public sector equality duty, the 'protected characteristics' are: disability, race, age, religion or belief, pregnancy or maternity, sex, sexual orientation, and gender reassignment.

<sup>23</sup> <https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020>

grades at both GCSE and A level compare with students' actual results, and as such is directly relevant to this work

- predicted A level grades used for university entry. While these predictions only cover A levels, and are made for a different purpose, they nonetheless provide helpful insight into reliability of teacher-assessed grades
2. Research into reliability of teacher assessment more generally. Much of this research is less directly relevant, and a degree of caution is required when interpreting findings from it in the context of this work.

## Reliability of predicted GCSE, AS and A level grades

As explained in our literature review, teachers tend to over-predict student performance in GCSEs, AS and A levels – with around half of students receiving the same grade as predictions, around one third receiving a lower grade than predicted, and one sixth receiving a higher grade than predicted.

Of course, a general tendency to over-predict results is not particularly relevant when considering potential equality impacts. Equality impacts will only arise if different groups of students who share particular protected characteristics tend to receive more (or less) generous predictions than the body of students as a whole.

Here, the evidence from our literature review is not definitive. Patterns of bias tend to be inconsistent across contexts and subjects and unfortunately the size of the effects have not been properly estimated. Nonetheless, the most notable findings from our review are:

- predictions for black, and some Asian, students may be less accurate, and show a greater tendency towards over-prediction
- predictions for students with a range of different disabilities do not show clear patterns, which may be due to the low proportion of students who declared a disability in the studies
- predictions may be less accurate – and show a greater tendency to over-prediction – for students from more disadvantaged backgrounds
- there are conflicting reports about the effects of age and gender on prediction accuracy, and in any event reported differences are comparatively small

In all cases, the size of any effects has not been properly estimated. This means it is unclear whether any of these findings indicate levels of bias which will impact the fairness of centre assessment grades.

## Reliability of teacher assessment

Evidence from wider research into teacher assessment is again largely inconclusive – with different studies identifying apparent under- and over-estimates of student performance compared to exams, with few clear patterns.

Several studies suggest teachers may slightly under-estimate performance of students with Special Educational Needs. But even here the observed effect is difficult to quantify, and it is not clear to what extent findings in different contexts and other countries might be applicable to centre assessment grades.

## Conclusions

Overall, the evidence of the likelihood of bias in centre assessment grades is mixed. Some studies have identified differences in prediction accuracy by ethnicity and broad measures of disadvantage. But the size of such effects has not been properly estimated and they do not always survive more sophisticated analyses controlling for the impact of other potentially confounding variables. Moreover, the effects are inconsistent – varying by the context in which the teacher predictions / estimates were being given and by subject / qualification.

That is not to say that there is no risk of some level of unconscious bias in centre assessment grades. However, the evidence suggests it will not exceed that which might occur in other forms of assessment, for example when teachers mark non-exam assessments. We believe that, in the circumstances, centre assessment grades are the most reliable way of ensuring students get the grade they need to progress this year.

Further, we have proposed ways to protect the integrity of the centre assessment grades from influence or pressure exerted by, or on behalf of, individual students. This will reduce the risk that certain students' grades or position in the rank order will be unfairly inflated to the detriment of others.

We also explain that the proposed approach to statistical standardisation has been identified with the removal of any bias in centre assessment grades in mind. Further, we have set out that in finalising the deep technical detail of the statistical standardisation model the relative impact on centres with different characteristics (such as socio-economic status (SES), special educational needs and/or disabilities (SEND), ethnicity and gender) will be evaluated and carefully considered. We have also set out a potential approach to correcting for bias in centre assessment grades that involves statistically adjusting the standard being applied to different groups of students (for example by SES, SEND, ethnicity and gender). We have explained why we do not propose that we use this approach, and are seeking respondents' views on this.

## Students who cannot receive an assessed grade

As explained above, we think teachers will be well-placed to make judgements about the majority of students' performance, but there are likely to be 2 groups of students for whom this is not necessarily the case:

- students who are not attending schools/colleges (for example, because they are being home-educated or they are adult learners who are studying by themselves)
- students who have not been at their current school or college for long enough for teachers to form a secure judgement

As a result, we think some of these students will be unable to receive a calculated grade this summer.

We think this gives rise to a number of potential equality impacts, as these groups of students are likely to contain a disproportionate number of students who share certain protected characteristics, including:

- students who are educated at home for reasons of a disability that makes it difficult for them to attend school or college, or for religious reasons
- students who have been absent for an extended period because of medical treatment for a disability or serious illness, because they are pregnant or have recently given birth, or to undergo gender reassignment, or
- students who have recently arrived in the country (who may well share the protected characteristic of race), or who change schools frequently – this will include Gypsy/Roma/Irish Traveller students

These students will be able to take exams in the planned autumn series, so will ultimately have an opportunity to obtain the qualifications they have been studying for. But in the short term they could be significantly disadvantaged. Unlike the majority of their peers (with whom they may be competing for opportunities), they may not have results they might need for progression to employment, post-16 study or higher education.

We have asked organisations that represent higher and further education providers to consider the steps that providers could take when making admissions decisions this summer for any students who do not receive a grade. They have told us that they believe that some institutions might be able to consider a range of other evidence and information for these students to allow them to progress wherever possible.

We are considering what we might do to mitigate this disadvantage for these students. But there is no easy solution; if centres lack the evidence to make a secure judgement for a student, then the exam boards will have no information on which to award a qualification in line with the appropriate standard.

The exam boards estimate about 20,000 private candidates were planning to enter for exams this summer, out of a total of 1.3million students entered.

Some of these students will have engaged sufficiently with a school, college or other provider to enable the Head of Centre to submit a centre assessment grade and include them in the centre's rank order. Others will have studied with an established provider, such as a distance learning provider that is also an approved exam centre. The heads of such centres are likely to be sufficiently confident in their understanding of the student's likely performance in the exams to submit a centre assessment grade on their behalf and include them in the centre's rank order.

A third category of students will have studied independently. The exam boards are considering whether some of these students, whose progression will be hindered if they do not receive a grade this summer, could work sufficiently closely with an established exam centre over the coming weeks for the head of that centre to submit a centre assessment grade and include them in their rank order. We do not yet know whether any centres would be willing to engage with such students in this way. The time in which they could work with the students to build an evidence base on which to form a judgement on their likely performance in the exams and their position in the rank order of students is in any case limited. It is unlikely that such an option would allow grades to be provided for all such students.

Other students, including those who had entered for a qualification for personal interest and challenge, might wait until they can take exams in the autumn or next summer.

**QUESTION: Are there other potential equality impacts that we have not explored? If yes, what are they?**

**We would welcome your views on how any potential negative impacts on particular groups of students could be mitigated.**

# Regulatory Impact Assessment

We are proposing exceptional arrangements that will enable results to be issued to students of GCSE, AS, A level, Extended Project Qualifications and Advanced Extended Awards in 2020 to allow these students to progress to further study or employment.

The government's priority is that students will receive grades for these qualifications so they are able to move on to the next stage of their lives. The Secretary of State explained the government's intention that "a grade will be awarded this summer based on the best available evidence, including any non-exam assessment that students have already completed. There will also be an option, for students who do not feel this grade reflects their performance, to sit an exam at the earliest reasonable opportunity once schools are open again".

The statement explained that Ofqual would "develop and set out a process that will provide a calculated grade to each student which reflects their performance as fairly as possible, and will work with the exam boards to ensure this is consistently applied for all students". The Secretary of State subsequently directed us to have regard to this policy.

Our assessment of the potential costs and burdens, and also savings, resulting from the proposed awarding arrangements for summer 2020 should be understood in this context. The opportunity for us to minimise regulatory burden is limited to the scope of our role in delivering a process for awarding within the parameters set down by the Secretary of State.

## Impact on exam boards

The proposed arrangements apply to GCSE, AS and A levels, Extended Project Qualifications (EPQ) and the Advanced Extension Awards (AEA) in maths, regulated by Ofqual and provided by AQA, OCR, Pearson, WJEC Eduqas, ASDAN and City & Guilds. We expect the scale of impact will vary across each organisation according to the range of subjects offered and number of entries.

We expect there will be one-off, direct costs and administrative burdens to these 6 organisations associated with the following activities:

- familiarisation with revised general and qualification level Conditions
- familiarisation with our Information to centres on provision of centre assessment grades and rank orders
- communication of requirements to centres
- development and delivery of processes and systems for the collation of centre assessment grades and rank orders from centres
- preventing, detecting and investigating any malpractice or maladministration relating to the provision of centre assessment grades and rank orders
- adjustments to systems to enable standardisation of centre assessment grades in accordance with the model agreed post consultation
- issuing of results in accordance with new arrangements

- managing increased volumes of enquiries from centres and candidates due to the unusual arrangements
- familiarisation with and delivery of the revised appeal arrangements agreed post consultation
- assessment of changed costs – both decreasing and increasing – and making any subsequent adjustments to fees, including those that may have already been paid by centres
- additional and/or revised data submissions to Ofqual

We have developed the proposed approach in collaboration with exam boards and organisations representing teachers with the aim of putting in place arrangements that are both manageable and appropriate.

We have published information for centres, as well as a range of communications for parents and students. This should help to reduce the burden on exam boards of communicating the revised arrangements - though we think it likely that many centres and candidates will nevertheless want to make contact to discuss their individual circumstances.

We acknowledge that these activities are not in addition to usual arrangements for delivery of exams in May and June, rather, they are in place of those arrangements. The range of activities that exam boards would usually be undertaking to deliver summer exams, that they will not be doing, or will be doing in a different way, this summer, may include:

- printing, delivery, collection and scanning of exam papers and scripts
- decisions on and implementing requests for special consideration and reasonable adjustments
- identification and investigation of malpractice and maladministration arising in usual exam delivery arrangements.
- moderation of centre marked assessment
- marking of scripts – including examiner recruitment, standardisation, and quality assurance arrangements
- reviews of marking, moderation and appeals
- submission of data relating to the summer series to Ofqual

Costs associated with some of these activities may already be contractually committed and so may not be recoverable in full or in part. This may be heightened by the late notice of cancellation of the series.

## Impact on centres

We expect there will be one-off, direct costs and administrative burdens to centres associated with the following activities:

- familiarisation with our Information for centres on provision of centre assessment grades and rank orders, and any additional communications from exam boards
- communication and training to teaching staff on how to make centre assessment grade judgements and determine rank orders

- departmental discussions to provide the Head of Centre with assurance needed to sign the declaration
- amendments to centre systems to enable the required information to be gathered
- adjustments to enable submission of data to exam boards in a format specified by them
- managing high volumes of enquiries from candidates and parents
- familiarisation and submission of appeals in line with the revised appeal arrangements agreed post consultation

As for exam boards, centres will be delivering this in place of, and not in addition to, the usual range of activity required to deliver summer exams in their centre including, for example, secure handling of exam papers and scripts, invigilation of exams and dealing with any cases of possible malpractice and maladministration arising in usual exam delivery.

We acknowledge that the burden of delivering the revised arrangements could be greater and more challenging for both exam boards and centres where staff availability is affected by coronavirus (COVID-19) and centres are closed for normal teaching.

While the activity to enable grades to be awarded this summer is in place of delivery of the usual summer series, there will be an exam series in the autumn. We are working through a number of details about the scope and operation of these exams and will set out the expected regulatory impacts when we develop and consult on our proposals.

## Impact on students

Students of the relevant qualifications are of course directly affected by the proposed arrangements for awarding. We are focused on making sure they are not disadvantaged and that disruption to their planned progression is minimised. While students will not be taking exams as they had expected, with the exception of some private candidates for whom it may not be possible to provide a calculated grade, students will receive grades as usual on or before the date on which they were expected in August. The grades awarded to students this summer will have equal status to the grades awarded in other years and should be treated in this way by universities, colleges and employers so that students may progress to the next stage of their lives as planned.

We understand there may be negative impacts, including possible financial impacts, for any students who need to take exams in the autumn and delay their progression. This could include those who need to improve their grades in order to progress to their chosen study or employment destination, as well as some private candidates for whom a grade cannot be calculated. We acknowledge that students in this latter category may have already paid fees for summer exams. We have explained the options we are exploring for private candidates. We have asked organisations that represent higher and further education providers to consider the steps that providers could take when making admissions decisions this summer for any private



candidates who do not receive a grade. They have told us they believe that institutions will consider a range of other evidence and information for these students to allow them to progress wherever possible.

We are also sensitive to the potential for students to be anxious during this unsettling time and are seeking in our communications to reassure students that they can have confidence in the process that will be used for awarding this year.

## Impact on the FE and HE sectors and employers

There would likely be significant negative impacts on the FE and HE sectors and employers if large numbers of students were not able to progress as planned in 2020, however our proposed arrangements aim to ensure that as many students as possible receive a grade on or before the usual results dates.

## Innovation and growth

The Deregulation Act 2015 imposes a duty on any person exercising a regulatory function to have regard for the desirability of promoting economic growth (the Growth Duty). We must exercise our regulatory activity in a way that ensures that any action taken is proportionate and only taken when needed. Growth Duty sits alongside our duty to avoid imposing unnecessary burden, as required under the ASCL Act 2009, as well as our statutory duties relating to equality and the Business Impact Target. We consider the proposals for these exceptional, one-off awarding arrangements are proportionate and necessary to achieve the aims as set out by the Secretary of State.

## Estimated costs and savings

Given the timescales, we have not sought to estimate the likely costs and savings of these one-off awarding arrangements. We also think that any overall assessment should take into account arrangements for the autumn exams, once those details are confirmed. We do though encourage respondents to share with us as much information as possible about the likely costs and administrative burdens, as well as any savings or benefits of the proposals set out in this consultation, so that we may consider this information when reaching our decisions. We encourage anyone who responds to this consultation to tell us if they think there is something we could do differently that would still achieve the same aim but would reduce costs and administrative burden.

### **Questions:**

**Are there additional activities associated with the delivery of the revised approach that we have not identified above? If yes, what are they?**

**What additional costs do you expect you will incur through implementing this approach?**

**What costs will you save?**

**We would welcome your views on any suggestions for alternative approaches that could reduce burden.**

## Annex A – Your data

### The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

### How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at [dprequests@ofqual.gov.uk](mailto:dprequests@ofqual.gov.uk) or write to us at: Data Protection Officer, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

As part of this consultation process you are not required to provide your name or any personal information that will identify you however we are aware that some respondents may be happy to be contacted by Ofqual in relation to their response. If you or your organisation are happy to be contacted with regard to this consultation, please give your consent by providing your name and contact details in your response.

### Our legal basis for processing your personal data

For this consultation, we are relying upon your consent for processing personal data. You may withdraw your consent at any time by contacting us using the details above.

### How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response.

### Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships (IFA) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. If we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFA with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Following the end of the consultation, we will publish a summary of responses and may publish copies of responses on our website, [www.gov.uk/ofqual](http://www.gov.uk/ofqual). We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded. We will not include personal names or other contact details.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

## How long will we keep your personal data

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

## Your data

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights, e.g. access, rectification, erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at [ico.org.uk](http://ico.org.uk), or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If there is any part of your response that you wish to remain confidential, please indicate so in your response.

## Annex B – Ofqual’s role, objectives and duties

### The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;

- 1) **The qualification standards objective**, which is to secure that the qualifications we regulate:
  - a) give a reliable indication of knowledge, skills and understanding; and b) indicate:
    - i) a consistent level of attainment (including over time) between comparable regulated qualifications; and
    - ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate
- 2) **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which:
  - a) give a reliable indication of achievement, and
  - b) indicate a consistent level of attainment (including over time) between comparable assessments
- 3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements
- 4) **The awareness objective**, which is to promote awareness and understanding of:
  - a) the range of regulated qualifications available,
  - b) the benefits of regulated qualifications to Students, employers and institutions within the higher education sector, and
  - c) the benefits of recognition to bodies awarding or authenticating qualifications
- 5) **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

We must therefore regulate so that qualifications properly differentiate between Students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant Students, including those with special educational needs and disabilities, of employers and of the higher

education sector, and to aspects of government policy when so directed by the Secretary of State.

### The Equality Act 2010

As a public body, we are subject to the public sector equality duty. This duty requires us to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The awarding organisations that design, deliver and award qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

When we decide whether such adjustments should not be made, we must have regard to:

- a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities
- b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred
- c) the need to maintain public confidence in the qualification

We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, sometimes conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a Student's knowledge, skills and understanding, a Student who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification.

A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification.

It is not always possible for us to regulate so that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, Students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a Student's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment.

We require awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the Students that take them. We also require awarding organisations to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a Student to achieve because they have a particular protected characteristic. We require awarding organisations to monitor whether any features of their qualifications have this effect.

In setting our proposed requirements, we want to understand the possible impacts of the proposals on Students who share a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

With respect to the public sector equality duty under section 149 of the Equality Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.



# Annex C – External Advisory Group on Exam Grading: Awarding General Qualifications in summer 2020

## Terms of Reference

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1. Ofqual has established an External Advisory Group on Exam Grading to support its role in relation to the award of GCSE, AS and A level qualifications in summer 2020.

### *Membership*

2. The External Advisory Group on Exam Grading shall consist of:-
  - Between two and five members of the Standards Advisory Group
  - Between three and seven other independent members (see paragraph 7)
3. One of the members of the Standards Advisory Group shall be nominated by Ofqual to chair the External Advisory Group on Exam Grading.
4. One of the members of the Standards Advisory Group shall be nominated by Ofqual as vice-chair of the External Advisory Group on Exam Grading, undertaking the role of chair at Ofqual's request.
5. Representatives of the Department for Education may be invited to attend meetings, as observers, at the discretion of the Deputy Chief Regulator.
6. Appointments are made by Ofqual for a period of up to five months to the end of August 2020.
7. The independent members are appointed from the statistical and assessment communities to the External Advisory Group on Exam Grading to bring particular expertise and/or sector representation.
8. Alternates are not permitted.

### *Role*

9. The role of the External Advisory Group on Exam Grading is to consider technical matters relating to the award of grades in GCSE, AS and A level qualifications in 2020 and advise the Ofqual Board on the related issues. Any

such advice shall be communicated to the Board by the Deputy Chief Regulator.

## ***Duties***

10. To consider and provide advice to the Ofqual Board in relation to the approaches to awarding grades in GCSE, AS and A level qualifications in summer 2020, as proposed by the Deputy Chief Regulator.
11. To consider these issues in the context of Ofqual's statutory objectives, and with regard to the government's policy intent as explained in the House of Commons on 19 March, in a Written Ministerial Statement of 23 March and in the direction to Ofqual of 31 March 2020.
12. To review other related technical issues at the request of the Chief Regulator, Deputy Chief Regulator and/or Ofqual Board.

## ***Meetings***

13. The advisory group shall meet as required, with the chair of the External Advisory Group on Exam Grading calling meetings as required with reasonable notice. The chair of the External Advisory Group on Exam Grading may call additional meetings as s/he deems necessary.
14. A quorum shall be considered to be three members including the chair or vice-chair, one of whom should be a member of the Ofqual Standards Advisory Group.
15. Meetings of the Technical Group will normally be attended by the Deputy Chief Regulator, the Director of Standards and Comparability, the Director of Strategic Projects and relevant members of the Strategy, Risk and Research Directorate. Other members of staff may be asked to attend meetings as appropriate.
16. The External Advisory Group on Exam Grading may invite other individuals to attend meetings, for example to hear a particular stakeholder or expert's point of view on a matter. The invitation may be for the entire meeting or for a specific item(s).

## ***Reporting***

17. Minutes will be taken of each meeting of the External Advisory Group on Exam Grading. The External Advisory Group on Exam Grading will normally report back in writing, via its minutes, to the Deputy Chief Regulator after each meeting. Meetings of the External Advisory Group on Exam Grading will be

scheduled to allow appropriately timely advice to be provided to the Ofqual Board.

18. The Deputy Chief Regulator will advise the Chief Regulator and/or the Ofqual Board as to the advice of the External Advisory Group on Exam Grading.

## ***Review***

19. These terms of reference will be reviewed at the first meeting of the External Advisory Group on Exam Grading and may be considered for revision at any point on request of the chair/vice-chair of the Group or the Chief Regulator.

## **Membership of the advisory group**

Dr. Rebecca Allen, Teacher Tapp

Prof. Jo-Anne Baird (Vice-Chair), University of Oxford

Dr. David Best, UCAS

David Blow, Ashcombe School

Jason Bradbury, Ofsted

Tom Bramley, Cambridge Assessment

Dr. Mike Cresswell (Chair), Ofqual Board

Prof. John Jerrim, UCL Institute of Education

Dr. Tim Leunig, HM Treasury

Anne Pinot de Moira, Independent consultant

Neil Sheldon, Independent consultant



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