

## CONSULTATION DECISIONS

Decisions on how GCSE, AS and A level grades will be determined in summer 2021

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## Introduction

As a result of the disruption to the education of students caused by the Covid-19 pandemic, the government considers that exams cannot be held in summer 2021 in a way which is, and which is perceived to be, fair.

In reaching this decision the government acknowledged that many schools are providing high-quality remote learning but there will be an impact on the coverage of the curriculum and students' exam preparation. This impact will vary between regions, schools within a region and students.

On 15 January Ofqual and the Department for Education (DfE) published a [joint consultation seeking views on how grades should instead be awarded](#).

The consultation closed on 29 January by which time we had received 100,597 responses. A full [summary and analysis of the responses](#) has been published. This document reflects Ofqual's decisions following the consultation and in light of the [Secretary of State's direction](#) to us, as the regulator of qualifications, examinations and assessments in England.

## Summary of decisions

Having considered the responses to the consultation and having had regard to the Secretary of State's direction, we have decided how grades for GCSEs, AS and A levels should be determined in summer 2021.

## Assessment and evidence

- Teachers must assess their students' performance, only on what content has been delivered to them by their teachers, to determine the grade each student should receive.
- Teachers can use evidence of a student's performance from throughout the course to inform their judgement.
- Teachers should determine the grades as late in the academic year as is practicable, and not confined to a defined window, to enable teaching to continue for as long as possible.
- Schools and colleges should use a broad range of evidence across the taught content to determine the grades before submitting the grades to the exam boards.
- Heads of centres will have to confirm that students have been taught sufficient content to allow progression to the next stage of their education, although we

will not set requirements about the minimum amount of content that students must have been taught.

- Students should continue to work on their non-exam assessment (NEA), including for Project qualifications. NEA will be marked by teachers and will contribute to the overall grade, whether or not it has been completed, but we will not require exam boards to moderate it.
- In GCSE, AS and A level art and design, the student's grade must be based on the portfolio<sup>1</sup> only, whether or not it has been completed.
- In GCSE English language, GCSE modern foreign languages and A level sciences (biology, chemistry, physics and geology), centres should determine and submit a separate grade or result for the endorsement. This result or grade should be based on work that has been completed towards the endorsement.
- Private candidates<sup>2</sup> should work with a centre to provide evidence in line with the sort of evidence that other students will produce
- Overall, it will be no easier or harder for a student to achieve a particular grade this year compared to previous years.

## Support materials

- Exam boards will provide a package of support materials to include questions, mark schemes, data about how students typically performed in individual questions and exemplar materials, as well as advice for teachers about content coverage, topic selection, marking and making grading judgements. This will be based on past questions and will include a proportion of previously unpublished questions for every subject.
- Teachers will be able to use the support materials immediately following publication and until the deadline for the submission of grades.
- Use of these exam board support materials is not compulsory; they will be part of the range of evidence teachers could use to determine the grade.

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<sup>1</sup> At A level the portfolio of work is a Personal Investigation.

<sup>2</sup> A private candidate is one who may not be a formal student at a centre but who is entered for the qualification through a registered centre, for example, home educated students.

## Quality assurance

- Exam boards will work together as far as possible to ensure that requirements for internal quality assurance (QA) and arrangements for external QA are consistent.
- Centres' internal QA arrangements will include consideration of the centre's profile of results in previous years as a guide to help them to check that their judgements are not unduly harsh or lenient.
- Exam boards will put in place arrangements for external QA to check each centre's internal QA process and, in a sample of centres, to review the evidence for one or more subjects. Sampling should be both random, and risk-based.
- Exam boards will process the grades submitted by centres only after completing, and being satisfied with, any external QA.
- Exam boards will require centres to submit a declaration by the head of centre, confirming that the requirements for internal quality assurance have been met.

## Appeals and results

- Students will be able to appeal their grade.
- A student who is unhappy with their grade will first ask their centre to check whether an administrative or procedural error had been made.
- Where a centre does identify an error in the grade submitted to the exam board, it can submit a revised grade and a rationale for the board to consider. If the exam board is satisfied with the rationale, it will issue a revised grade.
- Where a centre does not believe an error had been made, a student can ask the centre to appeal to the exam board on their behalf. The centre will submit the student's appeal to the exam board and provide the evidence on which its judgement had been made; the exam board will consider whether, in its view, the grade reflected an appropriate exercise of academic judgement. If the exam board judges that it did not, the exam board will determine the grade that the evidence would support. The exam board will also check that the centre had followed its own process.
- Results days will be on 10 August for AS and A level, and 12 August for GCSE results.

## AEA and Project qualifications

- We will treat the AEA and Project qualifications in the same way as GCSE, AS and A levels<sup>3</sup>.

## Other

- We will not prevent exams for GCSE, AS and A level in summer 2021 being taken outside the UK. In line with government policy, [we will prevent any exams taking place in the UK](#).
- Exam boards will be able to accept entries from any year group and/or age of candidate.

## Details

### Assessments and evidence

#### *Standard*

In the consultation we proposed that grades should be based on teachers' assessments of the standard at which their students are performing, and that the grade should indicate the student's demonstrated knowledge, understanding and skills. We also proposed that teachers should assess students only on the areas of content they have taught, as [requested by the Secretary of State](#). This is consistent with the planned approach in other parts of the UK.

There was strong support, including from the main teaching unions, for the proposal that grades should reflect the standard at which a student is working, assessed only on the content that their teachers have taught, so that the grade, as far as possible, reflects what a student knows, understands and can do. Eighty-five per cent of consultation respondents agreed or strongly agreed with the proposal, and 10% disagreed or strongly disagreed.

Teachers will have a good understanding of their students' performance. They will refine their understanding through continued teaching and assessment.

We have decided that teachers should make a holistic judgement of each student's performance on a range of evidence relating to the subject content that has been delivered by their teacher (either in the classroom or via remote learning).

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<sup>3</sup> Views about these qualifications were not specifically sought in the consultation but responses to other questions did include opinions about them.

We and exam boards will provide more advice about the range of evidence that centres will be able to use to support their teachers' judgements.

Centres will also be encouraged, as part of their overall quality assurance, to consider the grades for this year's cohort compared to cohorts from previous years when exams have taken place, to make sure they have not been overly lenient or harsh in their assessment of the 2021 cohort.

Given that a qualification grade should reflect what a student knows, understands and can do, we believe this approach is as far as we can go to take account of the disruption caused by the pandemic, but without breaking the link between students' attainment and the grade they receive. This link is important if grades issued in 2021 are to be meaningful for those who use them for selection.

We recognise that overall outcomes for 2021 are likely to be different to those of previous years given that exam boards will not be in a position to award against standards established through national examinations as in a normal year.

## ***Content***

Two-thirds (66%) of respondents agreed that teachers should be required to assess a certain minimum proportion of the overall content. However, it would be difficult to precisely define or measure content coverage – different topics and sub-topics in a specification are not necessarily equal in teaching time or in the types of questions that can be asked. When exams take place, there is an expectation that students will have been taught the whole curriculum, exam papers will sample from that. Students will sometimes have a choice of questions, or they might not answer all compulsory questions. There is, therefore, no absolute minimum in a normal year.

Setting a threshold would potentially mean that students who did not meet that threshold, through no fault of their own, could not get a grade, which could be unfair. It is important, that students have been taught enough content to enable them to progress to the next stage of their education or to employment, but it is difficult to define precisely what that means for individual students who will have different planned progression routes.

Therefore we are setting no requirements for the assessment of a minimum proportion of overall content. Heads of centres will confirm that students have been taught sufficient content to allow progression to the next stage of their education in their required declaration.

## ***Timing***

In the consultation we proposed that teachers' assessment should take place as late in the academic year as is practicable, so that students could continue to be taught

for as long as possible. Seventy-seven per cent of respondents agreed or strongly agreed with the proposal that students continue to engage with their education for the remainder of the academic year and 15% disagreed or strongly disagreed.

In the consultation we set out some of the advantages and disadvantages of teachers' assessments using exam board papers taking place in a defined window. However, we recognised that while there would be some benefit in using a window for new, unseen material, there would be little to be gained if materials were largely based on past papers or questions that are already in the public domain.

We have therefore decided that teachers' assessment should take place as late as is practicable but not be confined to a specific window of time to give teachers as much flexibility as possible.

### ***Range of evidence***

We asked whether work completed earlier in the course, including before the announcement that exams would not take place, should contribute to the teacher's judgement of the grade. Feedback from some students was that work from earlier in the course may not have represented their best performance. Conversely, many argued in favour of their earlier work being taken into account by their teachers. There was very strong agreement for teachers to use evidence taken from throughout the course. Ninety per cent of respondents agreed or strongly agreed, whereas 6% disagreed or strongly disagreed. We have decided that teachers can use evidence of a student's performance from throughout the course to inform their judgement.

### ***Conditions under which students are assessed***

We also asked whether additional assessments should be taken within the student's school or college and, if the pandemic makes it necessary, whether a student should be able to take these assessments at an alternative venue, including at home. Respondents expressed concerns about how the authenticity of the work would be ensured, with many comments referencing the potential for cheating and the challenges of exam invigilation outside of the school or college.

Given our decisions about the timing of the assessment, we do not believe that we should specify where the assessments take place. Rather it is for teachers to judge what is appropriate and, given the circumstances of the pandemic, what arrangements they can reasonably put in place. They will want to be confident that the work is that of the student but they may need to be flexible about where that work is completed.



## ***Non-exam assessment***

It is in the interests of students to continue with their learning for as long as possible. We will, therefore, encourage students to continue with and complete any non-exam assessment (NEA), given that subjects only have NEA where the relevant skills or knowledge cannot be assessed by exam. In the consultation, we proposed that, in subjects with NEA, teachers should take account of the student's NEA when determining their final grade.

We proposed that students should not be penalised if they had been unable to complete their NEA due to circumstances beyond their control caused by the pandemic (for example lack of access to specialist equipment).

There was broad support for these proposals, with 90% supporting the proposal that NEA is taken into account when completed, and 80% supporting the proposal that partially completed NEA should be taken into account. Overall, 85% of respondents agreed that teachers should mark it, with 77% of teachers agreeing with this. Just over half (55%) of respondents supported the suggestion that teachers' assessment of NEA should not be moderated. There were opposing views about teachers' marking of NEA and whether it should be moderated by the exam boards. Many respondents commented that moderation would not be possible or appropriate due to the different levels of completion of NEA, as a result of the pandemic and school closures, self-isolation periods and restricted access to specialist rooms and equipment. Conversely, others commented that moderation should take place as it is the only way for the use of NEA to be fair, to prevent grade inflation and secure public confidence.

Teachers should mark the NEA according to the normal mark scheme (in whole or in part, depending on whether students have been able to complete their NEA); this will give teachers an objective source of evidence on which to base their grade decision. Where students have been unable to undertake sufficient work on their NEA to produce meaningful evidence for teachers to mark, the exam boards will provide guidance on how work they have been able to complete could be considered as an alternative source of evidence.

The exam boards will not make further changes to the NEA requirements beyond the adaptations already confirmed for some subjects, but NEA that cannot be undertaken in line with the normal requirements could anyway form part of the evidence teachers use to assess their students.

We will not require the exam boards to moderate teachers' marking of NEA this year, for several reasons. First, if not all students are able to complete their NEA, it will be difficult for moderators to make judgements on incomplete work, and it would not be fair only to moderate completed work. Second, moderation is important in a normal year because the marks from NEA are aggregated with marks from the exam(s) and

it is important to ensure consistency; since there will be no exams this year, there is no requirement to aggregate marks. Third, preparing and despatching work for moderation would mean additional workload for centres.

Given that teachers' judgements in 2021 will be based on a number of different sources of evidence, which will vary from centre to centre, moderating centres' marking of NEA to achieve consistency of marking will be of little benefit in ensuring consistency of overall judgements.

## ***Art and design and endorsements***

For GCSE, AS and A level art & design, which are wholly assessed by NEA, students' grades will be based on their portfolio only; students should not be penalised if, due to circumstances beyond their control, they were unable to complete their portfolio.

We did not ask a specific question about this proposal but views expressed in responses to the open question were supportive.

There were mixed views in the consultation responses, relating to our proposal that endorsed grades or results should continue in GCSE English language, A level science and GCSE MFL in 2021. Some respondents suggested that these endorsement grades or results should be disregarded and others suggested carrying on with the usual approach, as summarised in the analysis document.

Not recording these grades or results in GCSE English language and A level sciences in 2021 could put students at a disadvantage relative to students in previous and future cohorts, because their results would appear different. In GCSE MFL teachers have been provided with common criteria to assess their students level of achievement in speaking. We made clear that assessment depended on teachers' judgements and no recordings or separate evidence of performance would be required. If we now included this in the basket of evidence for judging a students' grade then evidence would be required which would be an additional burden on teachers and students. In some cases, this might not be achievable at all. Therefore, we have decided not to change the arrangements we put in place and to retain the additional grade (pass, merit or distinction) for speaking.

On balance we believe it is in students' interests that this grade or result is recorded, and that centres will be able to make a judgement based on the evidence they have already collected.

## ***Private candidates***

In the consultation we proposed four options for private candidates: to complete externally set papers only; to work with a centre to provide the same sort of evidence

as for other students; to undertake a separate exam series in summer; or to undertake a separate exam series in autumn.

Responses to the consultation expressed concerns that a summer series for private candidates would be unfair and create a two-tier system and an autumn series would be too late for students to move to further or higher education in 2021. In addition, reliance on an exam series would be subject to all the risks of disruption due to the pandemic (or other events) that we have previously considered.

There was strong support (61%, increasing to 68% from respondents who were private, home-educated students of any age) for private candidates to have, as far as possible, the same experience as other students – working with a centre to provide a range of evidence to enable teachers to determine a grade. This option would allow some flexibility on assessment topics to take account of any missed learning. While some private candidates' learning has not been affected, others have been disrupted for a variety of reasons including tutors not being available, increased anxiety, family and caring responsibilities. Working with a centre will provide the flexibility needed to take account of these circumstances.

We have decided that private candidates should be assessed in a similar way to other students, by a recognised exam centre using a range of evidence. This evidence could include taking the exam board provided assessment materials in a suitable form. Centres will be asked to assess candidates based on what they have studied, and allowed to conduct assessment remotely.

Centres will be supported by guidance to determine the evidence on which grades for private candidates will be based, taking into account their different circumstances. The head of centre will need to complete the appropriate declaration to the exam board and the candidate should be aware of the assessment approach the centre will use.

Although Ofqual cannot require particular centres to accept students, we will make sure that exam boards provide sufficient guidance on an assessment approach and support materials, as described above, to those centres that wish to carry out this role.

DfE is exploring ways to make sure there are affordable opportunities for private candidates to work with centres, and to encourage centres to work with private candidates.

## **An autumn exam Series**

As noted above, an autumn exam series was not the preferred solution for most private candidates. However, we noted that many students who responded to the consultation said they would welcome the opportunity to take an exam if they were

disappointed with the summer grade. We will consult on whether we should regulate for an autumn series to be held and open to all students who were expecting to take exams this summer.

## Support materials for teachers

In the consultation we proposed that, to help teachers assess their students, exam boards should provide a package of support materials, including papers, guidance and training. Teachers would mark any papers they give to their students.

Parents and carers agreed (51%) that exam board papers should be provided, as did teachers (69%) and senior leadership team respondents (72%). Conversely, students (62%) disagreed that exam board papers should be provided. We did not propose that the papers would be used as formal exams, but instead as a tool for teachers to use, as appropriate, to help them assess their students. However, the proposal to use such papers generated many negative comments in the open responses to the consultation, including in the context of teacher workload and students' mental health.

Exam boards favoured the use of questions from past papers, from which teachers would be free to select to assess the content that they have taught their students.

Past questions also bring certain advantages – the mark schemes have been tested and revised in live marking, exam boards have data that could be used to support teachers' judgements about grades to be awarded, and past student work could be used to provide exemplar materials. In addition, exam boards will generally already have produced modified versions of the questions (for example in large font, or modified for hearing impaired students, or in Braille) and any errors in the questions and mark schemes will have been identified and corrected. Some past papers will not yet have been published.

New questions would have untested mark schemes. However, for some subjects in the [later phases of reform](#), there may not be sufficient past papers to supply questions to cover all of the content areas, and exam boards might need to provide additional resources based on specimen papers, legacy past papers (if appropriate) or provide new questions.

We have decided that the exam boards should provide a package of support materials including sets of questions, advice for teachers about content coverage, topic selection, marking and making grading judgements that they could use if they wished to help them assess their students. Most of the materials will use past questions. In line with the Secretary of State's policy, a proportion of previously unpublished questions will be included in all subjects.

We also asked whether the use of any exam board materials should be compulsory, whether they should include familiar question types, whether teachers should have a choice of topics, and whether teachers should be required to cover a minimum amount of content for each subject. Respondents' views differed by group but generally there was more support for papers not being compulsory to afford teachers more flexibility. There was support for papers using familiar question types and for assessment to cover a minimum level of content.

A compulsory assessment taken by all students would provide a benchmark for standards. However, this could not accommodate students having been taught different areas of content and might not be possible for all students to complete in the current context. Instead, teachers will be able to decide how and on what to assess their students. The conditions under which the papers are used might also vary widely. And an exam board would not want to withhold a grade from a student who, through no fault of their own, had not been able to complete one of the assessments. It would therefore be potentially unfair to enforce compulsory use of these materials.

We have decided that the use of exam board materials will be optional and not to specify a minimum level of content coverage to enable flexibility for teachers to ensure students are assessed on only that which their teachers have taught them.

## Internal and external quality assurance

In the consultation we proposed that exam boards would provide support and information for schools and colleges on the requirements for internal quality assurance (QA), to secure as much consistency as possible about the standard of performance required for each grade for each subject.

We proposed that internal QA would include:

- agreement about the approach to assessment, including whether and, if so, how exam boards' materials and other evidence would be used
- internal standardisation arrangements, so that all teachers in a centre making judgements in a subject did so in a consistent way, including a process for internal sign off of grades
- a declaration by the head of centre that the grades submitted had been determined in line with the centre's agreed approach and the exam boards' requirements

We proposed that **external QA** should be carried out by exam boards and should include:

- a check that all school and college leaders know what is expected of them and that they have put in place appropriate internal QA arrangements to support their teachers
- sampling, at subject level, the evidence on which grades were based

We proposed that exam boards should not issue grades to a centre until they were satisfied with its internal QA and the outcome of any external QA.

There was general support from respondents for an internal QA process, although there were some concerns that it should not be overly bureaucratic. There were, though, some suggestions that teachers already do this for NEA and other assessments and so could be trusted to do it for summer 2021. Many respondents noted that putting an internal QA system in place would take a number of weeks, and that they would need clear advice and guidance from exam boards.

On the need for external QA, views were more mixed. Some respondents felt that if appropriate internal QA was put in place, there was no need for external QA and that exam board scrutiny was unnecessary. Others felt that external QA would help achieve greater consistency between centres, reduce the possibility of bias and discrimination, and reduce the risk of grades being inflated. It was noted that external QA could also protect centres from persistent complaints or appeals, some of which were still ongoing from summer 2020.

We will require exam boards to put in place requirements for centres' quality assurance, and for the exam boards to do all they can to work together so that the approach across boards is consistent.

We will not specify the exact arrangements to be followed, to allow for flexibility and to avoid unnecessary burden. Instead we will specify the outcomes we wish to achieve and then allow exam boards the flexibility to put in place an approach (or approaches) that are likely to deliver those outcomes.

We will require exam boards to put in place appropriate external QA. Every centre should have a check on its internal QA approach. The external quality assurance arrangements will be focused on making sure that the process and evidence used by centres to determine a grade is reasonable; it will not involve second-guessing teachers' judgements.

In addition, exam boards will carry out more detailed checks of a sample of centres, reviewing the evidence for one or more subjects. Some centres will be selected from a random sample that is representative of different centre types and some will be selected based on risk.

Changes to grades will only be made if exam boards find that the grade is not a reasonable exercise of academic judgement, rather than as a result of marginal

differences of opinion, and only following discussion between the exam board and the centre.

The head of every centre must submit a declaration, to confirm that QA has taken place. A number of other assurances will be included in that declaration, including confirmation that students had been studying for the course (to mitigate the risk of inappropriate entries) and to confirm sufficient content coverage. The head of centre declaration will include at least the following points:

- the centre considers the grades to be accurate
- any information given by the centre about the evidence relied on is accurate and takes into account evidence from other centres a student has attended
- the centre has completed QA as specified by the exam board and their own internal procedures
- students entered were those who were already studying the course and had intended to enter for the qualification
- students have completed sufficient content to enable them to progress to the next stage of their education
- the centre is satisfied that work completed by each student is their own
- where students required access arrangements or reasonable adjustments these were provided, with appropriate input from the SENCo and/or other specialists
- the centre has taken note of any guidance issued by the exam boards about how to minimise bias and discrimination and is confident that their judgements are fair
- the evidence and all relevant records are available for inspection

## Appeals

We have been clear that students should have the right to appeal. In the consultation we proposed that students should be able to appeal to their centre if they believed an error had been made, and that the centre should consider the appeal, with an opportunity to appeal next to the exam board on the grounds that the centre did not follow the correct process. There was strong support for this from all respondent groups, including teachers, although some teachers noted this could be difficult for schools and individual teachers, adding to their workload, and that many schools were still dealing with complaints about Centre Assessment Grades (CAGs) in 2020.

However, in discussions as part of the consultation process with school leaders, and particularly with teacher unions, there was considerable opposition to appeals being

considered by centres. Unions believe appeals should be made directly to exam boards. This view was also reflected in some responses to the consultation.

In light of such concerns and the direction from the Secretary of State, we have decided that students who believe their grade does not reflect the standard of their performance should ask their centre to check whether it made an administrative or procedural error. If it finds it made such an error and that, as a result, it submitted the wrong grade to the exam board it will explain the nature of its mistake and ask the exam board to change the grade.

If a student believes their centre's judgement was wrong they will ask their centre to submit an appeal on their behalf to the exam board. The centre will provide the exam board with the evidence used to determine the student's grade, together with the centre's justification for the grade, the student's concerns and, if the exam board does not already hold it, details of the process used to determine the grade.

The exam board will consider whether the evidence of the student's performance indicates that the grade represents a reasonable exercise of academic judgement. If it decides the grade is supported by the evidence it will not change the grade. If it does not, it will change the grade. The exam board might also consider the process used by the centre.

The evidence on which centres' judgements will be based will vary between centres and sometimes between students within a centre, as will the conditions under which the evidence was produced. This contrasts to a normal year in which grades are based on a student's performance in exams, taken under controlled conditions, set and marked by the exam boards. Exam boards will be able to identify cases in which there is a clear mismatch between the evidence and the grade. However, an exam board will only revise a student's grade at appeal where the board finds the evidence on which the grade was determined cannot reasonably support that grade, rather than as a result of marginal differences of opinion.

A student's grade could go up or down following an appeal.

To reduce the number of errors made and, in turn the volume of appeals, centres will be expected to tell their students the evidence on which their grades will be based, before the grades are submitted to exam boards. This will allow issues associated with, for example, absence, illness or reasonable adjustments to be identified and resolved before grades are submitted.

The date by which all appeals will have been considered will depend on the volume made, and the date by which the materials are submitted to the exam boards. As in a normal year, we expect the exam boards to prioritise appeals where the outcome will determine whether the student will be accepted onto a higher or further education course.



## **Results days**

In the consultation we asked whether we should seek to bring forward results days, in order for appeals to begin earlier and if, we did, should we decouple when a student is informed of their results and when universities are informed for the purpose of admissions decisions. Seventy-nine per cent of respondents agreed with the proposal to bring results day forward to enable appeals to be considered prior to confirmation of places on courses students aspired to progress to. Some responses, including those from Higher Education representatives, disagreed with the proposal to decouple results, emphasising that this would lead to additional burden and confusion for them and students. They also flagged the potential risk of a decoupled arrangement widening the gap in equal access to university.

[Government policy is that results days should be in early](#) August and that AS, A level and GCSE results should be released in the same week.

## **Advanced Extension Award and Project Qualifications**

The Advanced Extension Award (AEA) in maths is offered by a single exam board and is taken by a small number of students who are also taking A level maths. It is a linear qualification assessed entirely by exam. Project qualifications at levels 1 and 2 are taken alongside GCSE and the level 3 Extended Project Qualification (EPQ) is taken alongside A levels. A number of awarding organisations offer these qualifications.

Having considered the responses to the consultation, where reference to these qualifications was made, we believe it is appropriate to take the same approach as for GCSE, AS and A level for the AEA and Project qualifications. We will therefore include the AEA and the Project qualifications in any requirements, as appropriate.

## **Other**

### ***Exams outside the UK***

In 2020 we put in place regulations to cancel the summer exam series wherever the assessment was due to be taken. In our recent consultation, we asked whether we should prevent exams for GCSE, AS and A level being taken in England only, or in the UK, or anywhere else. We noted that it might be considered fair for exams to be taken safely elsewhere in the world.

Respondents generally thought that we should prohibit GCSE, AS and A level exams from taking place in any country in summer 2021 (69% yes, 39% no). Of those who

disagreed, 65% would allow anyone to enter, 17% would allow only those outside the UK to enter, 2% would allow UK students outside England to enter, and 16% would allow private candidates to enter.

We will regulate to prevent exams taking place in the UK in summer 2021. We will not prevent them taking place elsewhere in the world, where it might be considered safe and fair for exams to go ahead (but neither will we require the exam boards to offer exams elsewhere).

### ***Which students should be able to receive a result***

Whilst this was not a question in the consultation we are conscious that in summer 2020 the decision to cancel exams was made after the deadline for entries of 21 February. We required exam boards to issue grades to those students who had been entered by the entry deadline, and we allowed them to issue grades to other students who might reasonably have expected to be entered but whose entry might have been late. Those students who were entered could receive a result in 2020. We originally consulted on preventing year 10 and other 'early entries' from receiving a grade but changed our view on that, following consultation.

For 2021, the cancellation decision was made before the entry deadline. The consultation was silent on the issue of early entry or any particular year groups. Our position is that any student who has been preparing to take a qualification, either in a school or college or as a private candidate, should be able to receive a grade so long as they are able to become registered with an exam board centre who is able to determine a grade for them. The head of centre declaration will include confirmation that the centre has submitted grades only for those students who had been preparing to take the qualification, while making sure that this does not preclude any centre from taking on private candidates.

## Equalities impact assessment

The government has decided that it would not be fair to assess students by exam this year. We have sought to identify how alternative arrangements that will allow students to receive grades in 2021 in the absence of exams could have a positive or negative impact on students because of their protected characteristics and how any negative impacts could be removed or mitigated. We have undertaken this analysis in line with the public sector equality duty in section 149(1) of the Equality Act 2010.

We considered the potential impact on different students as we developed the options on which we consulted. As part of the consultation, we asked a number of questions about the impact of the options according to people's protected characteristics. We have provided [a full analysis of those responses](#). The following assessment explains our equality impact assessment in respect of the decisions we have made following the consultation.

While mental well-being is not a protected characteristic, the impact on mental health and student well-being were particular concerns for many who responded to the equality impact section of the consultation. It is unlikely, through Ofqual's regulation, that we can directly address the impacts on students' mental health caused by the effects of the pandemic generally or by the cancellation of exams specifically. However, we can seek to ensure that the arrangements put in place do not make these impacts worse, and there are steps that were recommended by respondents which may reduce some of these impacts.

It is clear from the responses to the consultation that there is a range of views about which of the options available would best support students' well-being. Some who responded to the consultation argued, for example, that no work already completed should be used to determine a grade (as students want a chance to catch up with their education and to know in advance when work will be used to determine their grade), whereas others argued that students should not be required to complete any further assessments (in the interests of their mental health).

We have decided to build considerable flexibility into the way that centres can gather evidence to determine their students' grades. This should provide all students with opportunities to generate evidence of their performance and for evidence that already exists to be used where appropriate. We have not identified that such flexibility will have a negative impact on any groups of students because of their protected characteristics. It could have positive impact, for example allowing evidence to be produced at different times and in different places to accommodate students who are absent from school because they are shielding or have studied with a different centre, for example Gypsy, Roma and Traveller students.

Our decision that students should only be assessed on content that has been delivered to them by their teachers will go some way to address the impact on students of the disruption to their education caused by the pandemic. Nevertheless, there is evidence that the impact of disruption has affected students from disadvantaged groups more than others.<sup>4</sup> Some students will have a poorer knowledge and understanding of the topics they have been taught because of the impact on them of the disruption to their education, for example limited access to resources. If qualifications are to continue to link higher grades with higher standards of performance, none of the options available can fully remove the way the disruption to a student's education might have an impact on the grade they will receive.

We will not know until results are issued the extent to which the different impacts of the pandemic on students' education will affect their results. The government has put in place additional support and catch up measures for particular students which should help to reduce the negative impact of the disruption to their education. We will continue to encourage those who rely on qualification grades to make selection decisions to be sensitive to the context in which the results will be produced in 2021 and to how the pandemic will have had different impacts on students' education. The government has also appointed an Education Recovery Commissioner to advise it on the approach for education recovery, with a particular focus on helping students catch up on learning lost as a result of the pandemic.

We have considered the impact of the arrangements on disabled students. The approach will be sufficiently flexible to allow students to be assessed in a range of environments, and at different times if their circumstances require this. We will require that heads of centre make sure SENCos and specialist teachers have input to the grading decisions being made within their centres. Centres have a responsibility to put in place reasonable adjustments for disabled students and we expect that reasonable adjustments should be made for disabled students when taking assessments. If, for some reason, evidence is produced without a reasonable adjustment being in place, centres will be asked to take that into account in their judgement.

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<sup>4</sup> See, for example, research by Andrew, et al, 2020; Sharp, et al, 2020; Yeeles, et al, 2020.

Andrew, A., Cattan, S., Costa-Dias, M., Farquharson, C., Kraftman, L., Krutikova, S., Phimister, A. & Sevilla, A. (2020). [Family time use and home learning during the COVID-19 lockdown](#). IFS Report R178. Institute for Fiscal Studies.

Sharp, C., Nelson, J., Lucas, M., Julius, J., McCrone, T. & Sims, D. (2020). [The challenges facing schools and pupils in September 2020](#). Slough: National Foundation for Educational Research.

Yeeles, P., Baars, S., Mulcahy, E., Shield, W. & Mountford-Zimdars, A. (2020). [Assessing the early impact of school and college closures on students in England](#). The Centre for Education & Youth/University of Exeter Centre for Social Mobility.

We have also considered the impact of the proposals on those students studying across multiple centres, for example in Pupil Referral Units or Hospital Schools. Centres will be able to draw on evidence of student performance produced in multiple settings when they make their judgements.

Consultation respondents also raised concerns about the potential for some students to be disadvantaged by teacher assessment because of conscious or unconscious bias or discrimination. This was a concern in 2020 and we provided guidance to centres to mitigate this risk. The overall results for 2020 did not show any systematic bias or discrimination against any groups of students; we do not know whether any individual students were affected in this way. We will again provide guidance to centres to help them make objective assessments and to avoid conscious or unconscious bias or discrimination.

We will help students understand how they can raise concerns if they think they have evidence of bias or discrimination against them. We will work with the Equality Advisory and Support Service so that students with evidence of discrimination can be made aware of this service as a means to seek informal advice on possible rights within the Equality Act. Such evidence would be investigated by the exam boards as potential malpractice

We have decided to make provision for students to appeal their grade on the grounds of either a procedural failing or an unreasonable exercise of academic judgement. This will allow students who believe they have been given the wrong grade (including for reasons of bias or discrimination) to have their grade reviewed. We will make sure there is clear information available to students about how the appeal arrangements will work.

Private candidates are not a homogenous group of students. Students enter as private candidates for a range of reasons, including because they are re-taking a qualification after leaving school or college, because they are home-educated or because they are studying for a community language that is not taught within their school or college. Some private candidates are adult learners who are studying independently.

We believe that disabled candidates are disproportionately represented among private candidates. Black, Asian and Minority Ethnic students are likely to be disproportionately represented in private candidate entries for community language qualifications.

We have taken decisions that should allow all private candidates to receive a grade in summer 2021, by working with a centre with which they already have a relationship or by working with a new centre that is willing to accept new candidates for this purpose. The general flexibility of approach should help private candidates to produce the evidence necessary for them to receive a grade.

Ofqual does not have the power to limit the fees charged to private candidates by such centres. The government is, however, exploring ways to make sure private candidates have affordable options. We have asked the exam boards to remind centres that it is unlawful to charge disabled students for making reasonable adjustments.

Centres and exam boards will be required to comply with the obligations under The Equality Act, however grades are awarded. Awarding organisations will continue to be subject to our regulatory requirements to comply with equalities law too.

## Regulatory impact assessment

We sought views on the costs and savings that would be introduced by the approach on which we consulted. Understandably, and particularly as the consultation set out a range of options for some aspects rather than a preferred approach, few respondents provided estimates of the likely costs or savings they expected from the approach. The figures that were provided ranged widely. A full summary of the responses we received is included in the consultation analysis report.

One of the recurring themes – and concerns - was the impact on teachers, and the schools and colleges for which they work, of marking any further assessments undertaken by students and determining students' grades. Many respondents argued that teachers should be paid for taking on this additional work. Some suggested that schools and colleges would need to employ supply teachers to free permanent teachers up to take on this work.

The potential need for teachers to be available during their summer holidays to deal with appeals was another recurring theme.

We have considered whether the burden on teachers of marking and their role in appeals could be reduced. We cannot see how this burden can be avoided, given that government policy is that exams are cancelled and grades must be determined by teacher assessment instead.

Although many teachers clearly felt that the use of exam board materials would impose added burdens on them, others saw benefits in doing so, rather than producing assessment materials themselves. We propose that the use of such materials is optional, in any event.

Many respondents called for the exam boards to reduce their fees, as they would no longer be paying markers. In response to the cancellation of exams in summer 2020 the exam boards each refunded (by way of 'credit notes') a proportion of their fees to schools and colleges. They have indicated an intention to do so again for 2021 if their savings exceed any additional costs.

Ofqual has no say in whether teachers should be paid for their role in determining this summer's grades.

Many respondents to the consultation suggested there would be additional costs to schools and colleges of assessing students before determining their grades. There were references, for example, to the need to employ additional invigilators and to secure additional exam accommodation and to the difficulties of doing both in the context of the pandemic. While a school or college might wish to assess students in a typical exam environment, under formal invigilation arrangements, we would not

require this. Other respondents suggested schools and colleges would save on such costs as exams had been cancelled.

A number of respondents said the arrangements would be less burdensome if the exam boards adopted a consistent approach. We intend to build such a requirement into our regulatory requirements and we know that the exam boards are, in any event, planning to work together to produce guidance and to undertake quality assurance.

The exam boards identified a range of both savings and costs associated with not printing, distributing, scanning and marking exams and with developing new guidance for schools and colleges, quality assuring their arrangements and developing new systems to collect the required data.





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