

CONSULTATION DECISIONS

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 in maths

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Introduction

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 critical workers and vulnerable children after 20 March, until further notice. Exams scheduled for the summer would not take place. The Secretary of State said that the government would work with the education 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. 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 Ofqual to have regard to this policy. On 1 April the Ofqual Board decided to 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 15 April we published a consultation seeking views on our proposals for the key aspects of the arrangements by which students would receive grades this summer and the basis on which appeals could be made in respect of those grades.

The consultation closed on 29 April, by which time we had received 12,623 responses and a further 62 responses by email. A [full summary and analysis](#) of the responses has been published at the same time as this decision document.

We have indicated in this document which of our decisions relate to which question from our consultation, so that it is easy to cross reference between the documents. Some of the questions in our consultation document gave respondents an opportunity to comment on our proposals. We have not included the numbers of these questions, as comments often spanned a number of the proposals on which we consulted.

Summary of decisions

The Ofqual Board took early decisions on 2 aspects of the arrangements at its meeting on 4 May 2020 – on whether there should be any restrictions by age or year group to eligibility to receive a calculated grade this summer (Question 4) and on the way private candidates will be able to secure a grade (Question 9). These decisions

were prioritised to give certainty to [affected students and their teachers, parents or carers and to enable the exam boards to finalise their operational systems](#).

We are now providing our decisions on the other aspects of the proposals. These decisions relate to:

- centre assessment grades
- issuing results
- impact on students
- statistical standardisation of centre assessment grades
 - aims
 - considering centre trajectory
 - correcting potential bias in centre assessment grades
- incorporating the approach into the regulatory framework
- appealing the results
 - professional judgements
 - procedure – centres
 - procedure – exam boards
 - the statistical standardisation process
 - Exam Procedures Review Service (EPRS)
- qualifications to which the exceptional regulatory measures apply

Taking account of the consultation responses, we have decided to implement the majority of the proposals we set out in the consultation document.

We have not made a final decision on our proposal relating to the autumn exam series (Question 31). The Board reserved its decision on this matter subject to feedback to [our consultation on our wider proposals for that exam series](#). However, the Board is minded to agree that the autumn exam series should only be open to students who had entered for the cancelled summer 2020 exams or who the exam boards consider had intended to enter.

Details

Centre assessment grades

We invited views in the consultation on our proposals to incorporate into our regulatory framework for this summer the requirement for exam boards to collect information from centres on centre assessment grades and their student rank orders in line with our published information document. (Question 1)

There was a high level of support for this proposal (82%). Some respondents were concerned that by building the requirements into our regulatory framework we would give the exceptional arrangements for summer 2020 an unnecessary and undesirable permanence. We will, in fact, be producing a regulatory framework that will be specific to our response to the Coronavirus (COVID-19) pandemic and its application will be limited.

We have decided to adopt our proposal to incorporate into our regulatory requirements for this summer the requirement for exam boards to collect information from centres on centre assessment grades and their student rank orders in line with our published information document.

We also invited views in the consultation on our proposals 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 had made a declaration as to their accuracy and integrity (Question 2)
- Heads of Centre should not be required to make a specific declaration in relation to equalities law (Question 3)
- inappropriate disclosure of centre assessment grades and rank order information should be investigated by exam boards as potential malpractice (Question 5)

There was strong support for the first (83% in favour) and third (81% in favour) of these proposals; responses to the second proposal were more mixed (36% in favour, 27% against) although a high percentage of responses (37%) neither agreed nor disagreed and a large number of respondents (2,159) did not respond to this question.

Some respondents raised concerns about the rank ordering of large cohorts of students and others suggested the need for a defined process for both determining centre assessment grades and rank ordering. The exam boards have been discussing with centres that have particularly large cohorts how the rank ordering might be managed. We have deliberately avoided prescribing a process that centres must follow. Any such prescription would necessarily have to adopt a lowest common denominator approach as, given current limitations on working arrangements and time constraints, we could only (through the exam boards) impose a way of working that we could be sure every school or college could fulfil. This would then limit opportunities for perhaps the majority of centres to take a more suitable approach.

We have decided to adopt our proposal 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.

A number of respondents specifically agreed with our observation that schools and colleges are subject to duties in the Equality Act 2010, so it was not necessary to require the Head of Centre to make a specific declaration in this regard; Heads of Centre should, as a matter of course be considering their responsibilities under the Act. Others, however, were concerned that without a requirement to make such a declaration bias might influence the data provided for individual students to the exam boards.

We have concluded that, rather than changing the Head of Centre declaration to require a statement about the completion of an equalities impact assessment, we should include in our updated [information for Heads of Centre](#) a reminder of centres' duties under equalities law and suggestions about how they might use data from previous years to indicate any systematic tendency within the centre to under or over predict likely performance that is associated with students' particular protected

characteristics. We have also included some practical advice on how centres might ensure their judgements are objective.

We have decided to adopt our proposal that Heads of Centre should not need to make a separate declaration in relation to equalities law. We have updated the information for Heads of Centre to remind them of their duties under the Equality Act 2010 and to suggest how they might identify indicators of systematic under or over prediction within their centre in past years.

The majority (81%) of respondents agreed with our proposal that inappropriate disclosure of centre assessment grades and rank order information should be investigated by the exam boards as potential malpractice. A number of respondents wanted clear rules about what would constitute inappropriate disclosure in order to withstand pressure from students and parents or carers to disclose centre assessment judgments. Others agreed with the proposal but wanted there to be a more flexible application of the rule as in the current working climate innocent mistakes could be made. We are considering with the exam boards how they might investigate evidence or allegations of malpractice in the unusual context of this summer.

We have decided to adopt our proposal that inappropriate disclosure of centre assessment grades and rank order information should be investigated by exam boards as potential malpractice and that we should build these provisions into the arrangements for summer 2020.

Issuing results

We invited views in the consultation on our proposal that we should incorporate into the regulatory framework a requirement for all exam boards to issue only calculated results this summer, and that we would subsequently specify the way in which those results must be calculated. (Question 7)

There was a high level of support (83%) for the proposal and a number of those who disagreed then went on to make comments that suggested that they did, in fact, agree with the proposal. Some concerns were expressed about students receiving their results in the normal, face to face, way for both health and social distancing reasons but also because of the personal involvement of the teachers in assigning the grades this year. We do not normally prescribe how centres should communicate results to students; we regard this as a matter for centres to decide in line with government and public health advice, and, therefore, we do not intend to prescribe how results should be communicated this year.

We have decided to adopt our proposal 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.

Impact on students

We invited views in the consultation on our proposals to incorporate the following provisions into our regulatory requirements for this summer:

- that the arrangements we put in place to secure the issue of results this summer should extend to students taking the qualifications in the rest of the UK (Question 10)¹
- 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 11)

Both these proposals had high levels of support. The first was supported by 82% of respondents, and 81% were in favour of the second. Likewise, both had exceptionally low levels of disagreement of 2% and 3% respectively. No comments were received that would suggest that it would be inappropriate to apply our proposal.

We have decided to adopt our proposals 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 qualification.

Statistical standardisation of centre assessment grades

Aims

We invited views on our proposed aims of the standardisation process (Question 13):

- 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

There was strong support for the proposed aims, 89% of respondents agreed or strongly agreed, and the pattern of responses was similar for all groups of respondents. However, some respondents told us that they thought our aims would

¹ For clarification, our decisions only apply to the qualifications we regulate, some of which are taken by students outside of England.

be difficult to achieve and we accept that providing students with the grades that they would most likely have achieved had they been able to complete their assessments will be challenging, but we will seek to do so as far as is possible.

Some respondents told us that they believe that the transparency and simplicity of the model should be less of a priority compared to achieving fair outcomes for students. We agree with this view and believe that the aims need to be balanced against each other. Indeed, the list was not intended to be in order of priority.

Nonetheless, we have decided to adopt the proposed aims but we have decided to reorder them such that aim iii, regarding the method's transparency and simplicity, appears at the end of the list so as to not overstate its importance.

We invited views as to the relative weight that the model should place on historical evidence of centre performance (given the prior attainment of students) versus the submitted centre assessment grades. We proposed that using an approach which emphasises historical evidence of centre performance (given the prior attainment of students) is likely to be fairest for all students. (Question 14)

More respondents (54%) agreed or strongly agreed with the proposal than were against it (33%).

Respondents raised a range of concerns about the effects of this proposal on different groups of student or types of centre.

Some respondents told us that they were concerned that such an approach would be unfair to individuals who might have excelled this year and whose grades would be affected by the poor performance of their predecessors. A statistical approach will mean that an individual student's grade will be informed by their position in the centre's rank order for that subject, their prior attainment where available, and the centre's past performance. It is true that a highly statistical standardisation model will operate at centre not individual student level. It cannot reflect the possibility of individual students doing better or worse than would be predicted by the statistics. We recognise that there will be individuals who believe that their performance in the examinations, if they had taken place, would have resulted in them achieving a higher grade than the calculated grade they will receive this summer. This underlines the importance of the autumn examination series as an opportunity for students disappointed with their results to show what they can do. We believe, however, that placing more weight on centre assessment grades would be less likely to ensure that a consistent standard is applied across centres and so would be less likely to be fair to students overall.

Some respondents expressed concerns regarding the impact of statistical standardisation on small centres, for which the data would be weaker. We will ensure that the standardisation model is sensitive to the size of error in the statistical predictions for small centres.

Some respondents also raised concerns about the impact of the model on centres with GCSE students with no prior Key Stage 2 data. We are currently testing the predictive accuracy of different models and are paying careful attention to centres with little or no prior attainment data. Any model is likely to be somewhat weaker for such centres, but our testing indicates that such centres should not be systematically advantaged or disadvantaged.

Another concern raised by some respondents related to the impact of the model on centres for which results significantly fluctuate from year to year. For example, respondents raised concerns that the model might be unfair for students with special educational needs and disabilities (SEND) because cohorts of these students can fluctuate in attainment. The vast majority of larger centres, however, show small fluctuations from year to year² and, as noted above, the model will need to be sensitive to the statistical uncertainty associated with small centres.

We have considered the possibility that particular groups of students might be disadvantaged within these stable larger centres, but take the view that, provided the proportion of such students within each centre remains similar to previous years, and if their ability is properly reflected in their position in the rank order, these students should not be disadvantaged. These include:

- students with SEND within larger often mainstream education settings
- students who have made better than the expected progress since KS2, particularly students for whom English is an additional language who may have recently arrived within a centre, black, Asian and minority ethnic (BAME) students and students who attract the pupil premium
- private candidates

There is a risk, however, that there might be a significant increase or decrease in the proportion of these students within some centres this year. This would potentially reduce the accuracy of the model and increase the likelihood that students at these centres might receive lower or higher grades than if they had an opportunity to sit their exams. Whilst we do not believe there is a fair or reliable way either to identify or to correct for this possibility in the standard application of the model we are exploring further whether there may be a way, which does not make outcomes less fair overall, of enabling centres subsequently to make a case to their exam board about the reliability of the data used to produce the calculated grades. A summary of our consideration of this issue can be found below, when we consider appeals, under the section 'The statistical standardisation process' (Question 28).

The autumn series will be an important opportunity for students who believe they have received a lower calculated grade than they would have achieved had they been able to sit the summer exams to show what they can do.

An additional consideration is the possibility of a small number of distance-learning centres entering relatively large numbers of private candidates this year. The exam boards have approved these centres to support private candidates being eligible to receive a calculated grade. Exam boards know which centres they are and special care will need to be taken in how the model deals with them. We are currently engaging with these distance learning providers to understand whether candidates in previous years who were taught in this way, but entered through other centres, can be identified. This may then allow the historical data to be reconstructed for use in the statistical model.

Given that there has not been the opportunity to train all centres to apply a given standard when making their judgements this summer, it is likely that there will be some significant variation between centres in the standard applied. Ultimately, there

² https://analytics.ofqual.gov.uk/apps/GCSE/CentreVariability_Link1/

is unfortunately no way that the process can distinguish between unconscious optimism on the part of centres, inflation in centre assessment grades and the possibility that individual students or cohorts of students would actually have done much better this year than statistics from previous years would predict. There is a significant risk that if we give more weight to centre assessment grades to seek to mitigate these shortcomings, we will create a less level playing field for all centres and their students. Specifically, it would risk students in centres which had unconsciously or consciously inflated centre assessment grades receiving better outcomes than students in centres which had sought to do the right thing or had been inadvertently pessimistic in their judgements.

We want to complete testing of the predictive accuracy of the standardisation model before we come to a definitive view regarding the circumstances under which we will place significantly more weight on the statistical evidence than on the centre assessment grades. Further, for small centres (which will include many Pupil Referral Units and Special Schools) and subjects with a small entry the balance will be different than for large centres and subjects. We know that it is important that the standardisation model is sensitive to the size of error in the statistical predictions for small centres.

Some respondents proposed that centres should be allowed to provide supporting evidence if they believe that this year's cohort should receive a different outcome than that predicted by historical data.

We understand the desire to allow such additional evidence to be submitted, particularly for centres which consider this year's cohort would have performed significantly better than past cohorts. However, we have concerns about the fairness of such an approach. A summary of our consideration of this issue can be found below, as part of our consideration of possible grounds of appeal, under the section 'The statistical standardisation process' (Question 28).

Overall, application of the standardisation model will need to take into account its predictive accuracy, which we are testing. In certain circumstances (such as for small centres and low entry subjects), it may be appropriate to place more weight on centre assessment grades than previous centre performance.

We have decided therefore to adopt a modified form of our proposal. The statistical standardisation model should place more weight on historical evidence of centre performance (given the prior attainment of students) than the submitted centre assessment grades where that will increase the likelihood of students getting the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020.

Considering centre trajectory

We invited views as to whether the standardisation model ought to seek to reflect any trends in improvement or deterioration in outcomes over previous years (the trajectory of the centre) (Question 15). We proposed that the model should not seek to do so.

While 45% of respondents strongly agreed or agreed with our proposal that centre trajectory should not be part of the statistical standardisation process, school or college respondents were more likely to agree than teachers responding in a

personal capacity or parents/carers. A sizeable percentage of respondents neither agreed nor disagreed (29%) and 27% strongly disagreed or disagreed.

While we recognise that it would be desirable if it were possible accurately to reflect centre trajectory in the issued calculated grades, we remain of the view that the lack of stability over a 3-year period in improvements or deteriorations in performance for the overwhelming majority of centres³ means that any statistical model is likely to be unacceptably unreliable in predicting trends in performance in 2020.

The issue of centre trajectory was also raised by respondents in relation to possible grounds of appeal. We have considered the possible use of such evidence at appeal below under the section 'The statistical standardisation process' (Question 28).

Having considered all the options available to us in the circumstances of awarding grades in summer 2020, we have decided to adopt our proposal that the trajectory of centres' results should not be included in the statistical standardisation process.

Correcting for potential bias in centre assessment grades

We proposed that the individual rank orders provided by centres should not be modified through the standardisation process, to account for potential bias regarding different students according to their particular protected characteristics or their socio-economic backgrounds. (Question 16)

Most respondents (64%) strongly agreed or agreed with the proposal and 17% strongly disagreed or disagreed.

We believe that seeking to correct for possible bias via the standardisation model would lead to arbitrary changes to the rank orders provided by centres. This is because it would be impossible to identify whether teachers or centres did or did not submit centre assessment grades and rankings which were affected by bias, and, even were it possible to do so, it would not be possible to identify the extent or impact of any such bias. Rather we believe it is preferable to support centres to make objective judgements.

We have discussed the issue of bias with a number of stakeholders and have also reviewed the assessment research literature to gather ideas as to how to support centres to make sure their judgements are objective. We drafted some additional support to centres which we tested with stakeholders. We have added this guidance to our [information for Heads of Centres](#) that has been refreshed in the light of these decisions.

We will evaluate the impact of choice of statistical standardisation model on centres with varying levels of students with a range of background and protected characteristics. We will choose the model which most accurately predicts student grades while ensuring that this is not at the expense of accuracy for centres with higher proportions of students with particular protected characteristics or from lower socio-economic backgrounds.

We have decided to adopt our proposal that the individual rank orders provided by centres should not be modified to account for potential bias

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746952/6432_designed.pdf

regarding different students according to their particular protected characteristics or their socio-economic backgrounds.

In confirming this we have also provided further guidance to Heads of Centres and reminded them of their duties under equality law. We will consider potential issues of bias when finalising our statistical standardisation model.

Incorporating the approach into the regulatory framework

We invited views as to whether we should incorporate the standardisation approach into our regulatory framework (Question 17). Most respondents, 62%, strongly agreed or agreed and some commented that this would support consistency across the exam boards. 11% strongly disagreed or disagreed and some commented that they thought that the standardisation approach should only be very cautiously adopted or that the maintenance of standards should be relaxed.

We have decided to adopt our proposal that we should incorporate the standardisation approach into our regulatory framework.

Appealing the results

Professional judgements

We invited views in the consultation on our proposals that students should not have an opportunity to seek a review, through an appeal or otherwise, of the professional judgements underpinning the centre assessment grades (Question 19), and rank order positions (Question 20), which centres intended to submit to exam boards.

Responses to these 2 questions were similar and strength of opinion was, at times, finely balanced. For the first question, 44% agreed or strongly agreed, 15% neither agreed nor disagreed and 40% disagreed or strongly disagreed (Question 19). For the second question, 50% of those who responded to the question either agreed or strongly agreed, 11% neither agreed nor disagreed and 38% disagreed or strongly disagreed (Question 20).

In both cases, students, parents and carers were more likely than other types of respondent to disagree with our proposal.

We have considered how, given the strength of feeling among students in particular, a student could challenge a centre's judgement of their centre assessment grade and/or their position in the rank order for a given subject. The responses to the consultation suggest there are 2 broad reasons why a student might wish to appeal:

- a. the student believes their centre underrated their likely performance in the exams, had they gone ahead, possibly because of bias against them; or

- b. the centre assessment grade does not reflect their performance in mock exams, classwork and other formative assessments.

Other than in a straightforward case where an administrative mistake has been made, which we consider below, an appeal on either of these grounds would require someone to evaluate the professional judgements underpinning the centre assessment grades and rank order decisions made by the centre, and to decide whether those judgements were accurate. We explained in our consultation that because there is no common assessment to inform the necessary professional judgements, there is no common benchmark or standard against which those judgements could be evaluated by a reviewer or appeal decision maker. In those circumstances, we explained, we did not consider it would be possible for a third party fairly to consider whether those professional judgements were right or wrong. None of the responses to the consultation suggested any workable solutions to this issue.

Even setting aside this problem, however, to allow appeals at this stage time would need to be built into the system to allow for those appeals to be determined. It seems likely the submission of the data to the exam boards would have to be delayed by at least one month to allow for the appeals to be considered. This would delay the issue of results beyond the published dates and impact on some students' ability to progress to the next stage of their lives in a timely way.

In addition, if the centre's original rank ordering was revised following a successful appeal by a student, other students who were affected by the change would then also have to be allowed to appeal against their new position in the rank order – and so on – as each time one student was moved up in the rank order at least one other student would be moved down. This would build in further delay.

Practically, to allow students to be able to appeal against either their centre assessment grade or their position in the rank order before the information was provided to the exam board, students would first need to know both the centre assessment grade and their rank order position. This would require us to reverse the principle we established when we first published information on the arrangements on 3 April that this information should remain confidential, so as to protect the integrity of the process and enhance the reliability of the data. Information about a student's position in the rank order would only be meaningful and facilitate an appeal if the student was given information about at least the students either side of them in the rank order. This would raise issues of confidentiality.

Additionally, we continue to believe – in line with most teachers and their representative bodies who responded to the consultation - that the overall reliability of the model would be compromised if information about centre assessment grades and rank orders was disclosed before being submitted to the exam boards.

There may be rare cases where a student considers centre assessment grades or rank order information was demonstrably affected by bias. If there was evidence of actual bias, which the student could provide, then this could be investigated. Evidence of bias could, regardless of any appeal facility, be raised by a student with their centre as a complaint that would need to be investigated. Similarly, evidence of bias could be presented to the exam board who would then investigate the matter as

alleged malpractice. Our existing conditions allow an exam board to correct results where it concludes that these are incorrect as a result of malpractice or maladministration. There is, therefore, already an opportunity for evidence-based concerns regarding bias to be investigated and addressed, including by correcting results where this is appropriate.

We recognise the possibility that centres might make administrative mistakes in the collation of centre assessment grades and rank order information, or the submission of that data to exam boards. We consulted on a proposal that a centre should be able to appeal on the grounds that it made such a mistake. This will be an extra safeguard to rectify errors. However, as a further safeguard for students, we have decided that we should build into the declaration made by the Head of Centre confirmation that an administrative error check has been undertaken by the centre.

As we explained in our consultation, a student who, on receipt of their results, believes the centre must have made an administrative mistake when submitting their centre assessment grade and/or rank order position to the exam board, could ask their centre to review whether they had made a mistake, including when they submitted data on their behalf to the exam board.

We have decided that we should adopt our proposal that we should not provide an opportunity for students to challenge their centre assessment grade or their position in the centre's rank order through an appeal. A student will be able to ask their centre to check whether they made an error when submitting a centre assessment grade and including them in the centre's rank order. They will be able to raise a complaint to their centre if they have evidence of bias or that they were discriminated against; they could also pass such evidence on to the exam board who could investigate for potential malpractice.

This is in line with the Secretary of State's direction to Ofqual in which he said the appeals process should focus on whether the right data was used and correctly applied, rather than on teachers' professional judgment.

We have also made a further decision to update the wording of the declaration to be made by the Head of Centre to confirm that the centre has undertaken an administrative check of the accuracy of the data it is submitting to the exam boards.

Procedure – centres

We sought views on our proposal that we should not provide for appeals in respect of the process or procedure used by the centre (Question 21).

Thirty eight per cent agreed or strongly agreed with our proposal, 17% neither agreed nor disagreed and 45% disagreed or strongly disagreed. As with questions 19 and 20, students, parents and carers disagreed most with the proposed approach.

We have not prescribed the process or procedures that centres should follow and neither have the exam boards. As explained above, if we prescribed the process and procedures we would need to take a lowest common denominator approach which could prevent more suitable practice being used for particular centres. In the

absence of a defined process or procedure it is not clear on what basis a student could appeal against the centre's process or procedures. We have explained above how an individual student who had evidence of bias could seek for that to be investigated and how a student who thinks an administrative mistake was made can raise that with their centre.

We have decided to adopt our proposal that we should not provide for an appeal in respect of the process or procedure used by a centre, although a student could ask a centre to check whether it had made a mistake when it submitted data about the student's likely grade to the exam board.

Procedure – exam boards

We proposed that centres should be able to appeal to an exam board on the grounds that the exam board made a procedural error, including that it used the wrong data when calculating a grade and/or that it incorrectly allocated or communicated the grades calculated (Question 22).

Ninety per cent of respondents to this question agreed or strongly agreed with this proposal.

Although there was strong support for this proposal some respondents raised concerns about how it would work and asked for clarity. The risk that the facility could be misused was also raised, for example a centre, knowing that its students' grades would be protected (see decision relating to exam boards not putting down grades of other students as a result of an appeal submitted on behalf of another student (Question 25) below) could claim it had made a mistake with the data it provided in order, post standardisation, to bring about some upward grade changes. In practice, a centre bringing an appeal on the grounds of its own mistake will have to prove its case with evidence.

We have decided that we should adopt our proposal 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 grades, and/or incorrectly communicated the grades calculated.

We have additionally decided to make clear in guidance, to address the risk raised, that an appeal brought on the grounds that a centre made an error in the data it submitted to the exam board must be supported by clear evidence that an error had been made by the centre.

We expect the exam boards to publish information on their appeal arrangements.

We have noted concerns from some centres that an exam board might not take into account significant changes in the demographic make-up of the centre's cohort in one or more subjects. The standardisation model used by the exam boards will assume that the progress made by a centre's 2020 GCSE cohort since KS2, and its 2020 A level cohort since GCSEs, is in line with the progress made by its students in previous years. However, in a small number of centres a significant change this year in the demographic make-up of the cohort might bring that assumption into question.

We are investigating whether it is possible to identify from previous years' national data how, and the extent to which, specific significant changes in the demographic make-up of a centre's cohort typically affects a centre's performance relative to previous years. If we can identify such a relationship, we will look for a way to enable a centre to make a case that the exam board had not used reliable data when it standardised its centre assessment grades for a subject. We would need to be assured that the approach was fair to students overall.

It will not be possible, in the time available, for the exam boards to take into account such changes in the demographic make-up of a centre's cohort before results are issued. The exam boards will not have all the necessary data available and we will need to be assured that, if certain demographic changes were taken into account, results overall would remain fair to students in all centres. If the data was available and used before results were issued, exam boards would also need to take into account changes that would indicate the exam performance of a centre's 2020 cohort would have been weaker as well as stronger than that of the previous years' cohorts. This means that if we do decide, following our investigations, that there should be provision for a centre to ask an exam board to review the data it used for standardisation, because of a significant change to its demographic make-up, this would need to be done after results had been issued, potentially as an additional ground of appeal.

We will aim to make and announce a decision on this possibility before the end of June.

Who should be able to submit a request for an appeal?

We invited views on our proposal that exam boards should only consider appeals submitted by centres and not those submitted by individual students (Question 23). Forty-seven per cent agreed or strongly agreed, 11% neither agreed nor disagreed and 42% disagreed or strongly disagreed. Again, most of those who disagreed were students, parents and carers.

Normal practice is for the exam boards only to accept requests for review of marking and appeals from a centre; requests are allowed directly by private candidates. Arguments put forward in favour of allowing individual students to appeal directly to an exam board typically focused on concerns from students and parents or carers that their centre might not wish to pursue an appeal against a decision of which they were a part.

We have considered whether we should replicate in the requirements for this summer the provision that normally applies whereby the exam boards require centres to operate an internal process through which a student can challenge a centre's decision not to appeal to the exam board on the student's behalf.

As such a provision exists within the normal review and appeals arrangements for these qualifications and, given the strength of feeling of students and parents about direct student access to an appeal facility, we have decided to include a similar requirement for this summer. This means a student who, having received their results, considers an administrative mistake must have been made can ask their school to consider an appeal on this basis. If the school refuses, the student must be able to appeal that decision to someone else within, or appointed by, the school.

We have decided to adopt our proposal that exam boards should only consider appeals submitted by centres, not by students directly. We have also decided that the regulatory requirements for 2020 will require exam boards to make sure centres provide for students to appeal within the centre:

- (i) against a centre's decision not to seek from the exam board any information the exam board holds that would be needed for an appeal; and/or**
- (ii) not to appeal to the exam board.**

Obtaining consent

We proposed that we should not require an exam board to ensure consent had been obtained from all students who might be affected by the outcome of an appeal before that appeal was considered (Question 24). Forty-seven per cent agreed or strongly agreed with this proposal; 24% neither agreed nor disagreed and 28% disagreed or strongly disagreed.

We also proposed, however, that exam boards should be prevented from putting grades down as a result of an appeal for any student other than the student, or students, on whose behalf the centre submitted the appeal (Question 25). Eighty five percent agreed or strongly agreed; 10% neither agreed nor disagreed and 5% disagreed or strongly disagreed.

These 2 questions should be considered together. Respondents' comments made it clear that seeking consent would be important if other students' grades could go down and significantly less important if the proposed grade protected in was in place.

We have decided to adopt our proposal 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.

We have decided to adopt our proposal that where an appeal is brought on behalf of one or more (but not all) students in a centre's cohort, the regulatory requirements for 2020 should protect the grades of those students not involved in the appeal.

Correcting results

In their responses to our consultation, some of the exam boards sought clarification on what they should do if, through an appeal or more generally through their own checks they found they had made a mistake, resulting in some students receiving the wrong grades.

We had intended that the normal provisions would apply whereby the exam board would have regard to our guidance on what to do when it finds it has issued the wrong results. This guidance takes the exam board through a number of questions to consider before it decides whether to correct the error in all, some or no cases.⁴

⁴ <https://www.gov.uk/guidance/ofqual-handbook/section-h-from-marking-to-issuing-results>

Who can evaluate the grounds for appeal and a simplified appeal process

We proposed that, in order to allow exam boards to quickly identify and correct any errors in the way results were calculated, we should permit exam boards to allow people who were involved with the initial calculation of grades to be involved in the evaluation of appeals (Question 26).

Seventy three per cent agreed or strongly agreed with our proposal; 14% neither agreed nor disagreed and 13% disagreed or strongly disagreed.

Linked to the previous proposal (Question 26), we proposed that exam boards should be allowed to run a simplified appeal process (Question 27).

Eighty per cent agreed or strongly agreed; 11% neither agreed nor disagreed and 9% disagreed or strongly disagreed.

Our proposals on these 2 points were premised on the desirability that obvious errors in the way calculated grades had been generated for one or more students should be quickly found and corrected, with a full and formal appeal facility remaining available should a centre wish to use it.

We have decided to adopt our proposals that the exam boards should be permitted both to involve in their evaluation of appeals people who had been involved in generating the original grade(s) and to run a simplified appeal process.

The statistical standardisation process

We invited views on our proposal that we should not provide for appeals in respect of the operation of the statistical standardisation model (Question 28).

Twenty six per cent of respondents to this question agreed or strongly agreed; 28% neither agreed nor disagreed and 46% disagreed or strongly disagreed.

The strength of opposition varied across respondent groups with students, parents and carers disagreeing heavily (agreement rates of less than 20%) but a greater degree of support coming from teachers, schools and colleges, academy chains, awarding bodies and subject representative or interest groups (ranging from 30% to 45%).

In many cases respondents' disagreement, as explained in their comments, reflected their concerns about our proposals for how the statistical standardisation process will operate. For example, respondents who disagreed with our proposal that the trajectory of centres' results should not be taken into account at the statistical standardisation stage, or who considered that the impact of changes in the make-up of a centre's cohort of students might undermine the fairness of the statistical standardisation model, tended also to disagree with our proposal not to allow appeals against the operation of the statistical standardisation model. Respondents' specific concerns have been covered under the analyses for the relevant questions (Questions 13 to 18) but their comments and concerns have been considered in reviewing this proposal also.

We know that some centres might believe that their students in 2020 would have performed better, had exams taken place, than their 2018 and 2019 cohorts, even when prior attainment was taken into account. We also recognise the potential for

such centres to feel dissatisfied if results this year were constrained by the performance of their students in recent years. In most cases, the best way for students to demonstrate their abilities will be to take exams in the autumn series.

However, as explained above, we have decided to investigate whether it would be possible, using previous years' national data, to identify how any significant changes in the demographic make-up of a centre's cohort would likely have affected its students' exam performance this year, relative to previous years and how such evidence could be used in an appeal by a centre about the reliability of the data used by an exam board when it standardised its centre assessment grades.

We will aim to make a decision on this possibility, and publish that decision, before the end of June.

We have given further consideration to whether a centre should be able to challenge the operation of the standardisation model on grounds other than a significant change to the demographic make-up of its cohort. This could be through an appeal against the operation of the standardisation model or potentially through an application, alongside the submission of centre assessment grades and rank order information, for some exceptional circumstances to be taken into account.

Whatever the timing of any possible challenge to the standardisation model, we have not been able to identify any evidence that could be presented in support of such a challenge which could be considered in a way that would be fair for all students and centres.

We have considered suggestions made in response to our consultation, for example, whether a centre should be able to base an appeal on an Ofsted report which showed a dramatic turnaround for the school. However, Ofsted reports are written at school level so a report would provide limited insight into how the 2020 cohort might have performed in each subject (and it is rare that all subjects improve in an even way and to the same timescale even where the quality of education has improved). Ofsted reports are not written to provide evidence of likely improvements in exam performance and there is insufficient evidence of an immediate correlation between rapid improvement against Ofsted criteria and dramatic improvement in exam results. Not every centre who was expecting to see improved grades this year would be able to draw on a recent Ofsted report as evidence.

We have considered whether a centre should be able to put forward evidence of improvements using standardised tests of aptitude. Although these might provide a more direct link to academic performance and a closer correlation to potential exam results, they are 'curriculum free' measures of aptitude rather than measuring ability in specific subjects. Many centres do not use standardised tests. If we allowed those that did to put the outcomes forward as evidence of likely improvement in its 2020 cohort's performance relative to previous years we would be making a provision that would not be accessible to all centres. Such inconsistency of provision and process between centres would, in our view, risk inconsistency in the standards applied and therefore less fair and reliable results.

Other reasons why, in their responses to the consultation, respondents told us they had expected to see a notable improvement in their students' grades this year relative to previous years' cohorts included: the impact of a new teacher; the reduced overlap this year relative to recent years of Ramadan and the exams timetable; a takeover or merger of the school; and increased familiarity with the

teaching of the new specifications (which would apply to all centres). We have not been able to identify how, with any confidence, evidence of any of these factors could be provided by a centre that would demonstrate its 2020 cohort would have performed notably better than those of recent years.

This is not to dispute the view that in some cases individual students or cohorts of students may have done better than the statistical model suggests if the examinations had taken place this summer. Some teachers will have a high degree of confidence that they know this would have been the case. However, because we cannot distinguish between cases where cohorts would and would not have performed better in the exams than the statistics suggest we cannot take into account teachers' views, however strongly held, in setting grading standards nationally.

Even if it were possible to identify categories of evidence which could fairly be taken into account as exceptional circumstances, it is not clear how such evidence should be used to alter results. A decision would have to be taken in each case as to whether the standardisation model should be set aside completely, so the centre assessment grades were unaltered, or whether the model should instead be modified to a greater or lesser extent. This would introduce additional subjectivity and, potentially, unfairness into the model.

We said in our consultation that we considered the consistent application of the statistical standardisation process was 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 at other centres and would undermine standards. Having carefully considered this issue again in light of the consultation feedback, we have identified one possible limited exception but otherwise remain of that view. We continue to consider that we should generally treat the statistical standardisation model as something broadly analogous to the setting of grade boundaries in normal years, against which no appeal is permitted.

Having considered all the options available to us in the circumstances of awarding grades in summer 2020 we have decided not to provide for appeals in respect of the operation or outcome of the statistical standardisation model. However, we are investigating whether it might be possible and appropriate to allow for appeals where there is reliable evidence of a significant demographic difference between the centre's cohort and the historical data used for statistical standardisation.

Exam Procedures Review Service (EPRS)

Our final question on appeal arrangements concerned the Exam Procedures Review Service (EPRS). We proposed that that access to the EPRS should be available to centres for results issued this summer (Question 29).

Seventy-six per cent of respondents agreed or strongly agreed, 23% neither agreed nor disagreed and 2% disagreed or strongly disagreed. There were no clear comments or rationales provided on why the service should not be available to centres.

We have decided to adopt our proposal that the Exam Procedures Review Service, operated by Ofqual, should be available to centres for results issued this summer.

We received a range of further comments on the appeal arrangements for this summer.

We did not consult on who should cover the costs of appeals, although a number of respondents suggested that exam boards should not charge for appeals this year. We intend to carry forward the normal provisions that allow the exam boards to charge for appeals if they wish. We know the exam boards are considering how the exceptional arrangements for 2020 should be reflected in fees charged for their qualifications.

Concerns were also raised about the timeliness of appeal outcomes – both with an eye to the entry date for the additional autumn exam series and for entry to university. It is not possible to say how long it will take the exam boards to complete their evaluation of appeals because we do not know how many will be received. We have, however, considered the manageability of possible appeal arrangements when we have considered the possible options. In particular, we recognise that it would be undesirable if the number and / or complexity of appeals means some, or all, cannot be completed before the autumn exams can be taken.

We received many comments about the on-going confidentiality of centre assessment grades and rank order information, particularly given data protection legislation. [The Information Commissioner's Office has recently endorsed our view](#) that the exemption for data generated through the writing of exams will extend to centre assessment grades and to rank order information this year. This will allow 40 days after results days for responses to subject access requests for this information. A number of teachers and schools and colleges asked that the information be permanently protected from disclosure. This would require a change to legislation by government.

The autumn exam series

We summarised in the consultation the key issues we were considering about the autumn exam series.

We sought views on our proposal that entries to the autumn series should be limited to students who had entered for the summer series or to those who the exam board believes have made a compelling case about their intention to have entered for the summer series. We also proposed students who would normally be entitled to take GCSEs in English language and maths in November should also be able to take exams in those subjects (Question 31).

Seventy-three per cent of those who responded to this question agreed or strongly agreed with our proposal. 16% neither agreed nor disagreed and 12% disagreed or strongly disagreed.

Given the responses to the consultation we currently see no reason to change our proposal on who should be able to take the exams in the autumn. However, as we work through and consult on the detail of the arrangements for the autumn series issues might arise that will cause us to wish to refine the proposed eligibility provisions.

We have decided to defer taking a formal decision on this until we confirm the other arrangements for the autumn exam series, although we are minded, as we proposed in the consultation, to limit entry to the exams to students who had entered for the summer exams and to students who the exam board believes had intended to enter for those exams.

To which qualifications will the exceptional regulatory measures apply?

We invited views on our proposal that for this summer results for Extended Project Qualifications (EPQ) and the Advanced Extension Award in mathematics should be determined in the same way as GCSEs, AS and A levels and awarded on this basis (Question 32 and Question 35).

Seventy-seven per cent of those who responded to the question agreed or strongly agreed with 4% disagreeing or strongly disagreeing. 18% neither agreed nor disagreed.

Some who responded to this question argued that students studying the EPQ should complete (if they have not already done so) their project which should then be marked by teachers and moderated by the exam board in the normal way. Others argued that given the availability of the final or near final projects teachers would be able to provide reliable centre assessment grades for EPQ students.

We understand from talking to the exam boards that award EPQs, and having read the responses to the consultation, that students' projects will have been at different stages of completion when schools and colleges were closed for normal teaching. While we understand that some centres might be able to mark completed projects this will not be the case for all. In the interests of fairness, we propose there should be a consistent approach taken to the grading of all EPQs this year and that this should use the calculated grade approach. As most EPQ work will be at least almost complete, there will be a strong basis for centre assessment grades.

The Advanced Extension Award in mathematics, provided by just one exam board, is assessed by exam. Some respondents argued in favour of issuing results as we proposed but others thought the number of students who take the qualification is so few (355 entries this year) that teachers would find it difficult to provide accurate centre assessment grades and that the qualification should not be awarded this year. Centres that decide it would be preferable for calculated grades not to be issued for this qualification could withdraw their candidates.

We have decided to adopt our proposal that we should apply the same provisions as GCSEs, AS and A level qualifications to all Extended Project Qualifications and to the Advanced Extension Award in maths.

Building the arrangements into our regulatory framework

We also sought views on whether we should confirm that exam boards will not be permitted to offer opportunities for students to take exams in May and June 2020 (Question 34). The majority of respondents (75%) to this question either strongly agreed or agreed and many commented on the need for fairness for students,

reflecting on the disruption to their learning and examination preparation, as well as the implications if there were to be a dual approach to awarding grades this summer. A common comment from those that disagreed or strongly disagreed with our proposal (14%) referenced the availability of examinations as a means of enabling students, who would not otherwise be able to receive a centre assessment grade, to achieve their qualifications.

Given the current health and safety advice we do not believe that it is feasible for exam boards to offer examinations in May and June and, were they to do so, it is not feasible for centres to set up and operate the required examination arrangements.

We have decided to adopt our proposal that exam boards will not be permitted to offer opportunities for students to take exams in May and June 2020

Implementation timescales

Following the publication of these decisions we will consult with the exam boards which offer the relevant qualifications as we create the framework of conditions and requirements to implement the decisions.

We will publish our conditions and requirements in early June, as soon as possible following the technical consultation.

Equalities impact assessment

The approach we are putting in place to allow the timely provision of results this summer has raised a number of concerns about a potential negative impact on a range of students who share particular protected characteristics. The concerns fall within 4 broad themes:

- that centres will systematically give certain groups of students centre assessment grades lower than the students would have achieved had they taken exams this summer, and/or put them lower in the rank order than appropriate
- that the statistical standardisation model will depress the results of certain types of centre in which particular groups of students are more likely to be based
- that some students will not have access to a grade at all this summer – or not at a cost they can afford
- that students entered earlier than usual for certain qualifications would not be able to receive grades

Under the first of these themes, consultation respondents raised concerns that centres might systematically give lower centre assessment grades than they deserve to a range of students, including:

- black and minority ethnic (BAME) students
- students whose first language is not English
- Students from Gypsy and Traveller communities
- disabled students and students with special educational needs
- female students taking sciences
- boys who perform better in exams than their coursework or mock results would suggest
- students who are poor attenders or who have had long and/or regular absences from school, including because of illness, disability or special educational need
- students studying in alternative provision, including Pupil Referral Units and hospital schools
- students from lower socio-economic backgrounds
- looked after students

The reasons given for such concerns include conscious and unconscious bias; teachers' lack of familiarity with particular students/the lack of visibility of the students to the teachers; and students' under-performance in classwork and mock exams relative to their likely performance in the summer exams had they gone ahead.

As explained above, we have included, in our updated information for Heads of Centres on centre assessment grades and rank ordering, some additional information on objective decision-making. We also propose to remind Heads of

Centres of their duties under the Equality Act 2010 and to suggest how they might use data to check for indicators of systematic bias (conscious or unconscious) on likely student performance within their centre. We have carefully considered whether it would be possible to centralise checks for systemic bias within centres. We concluded that this would be very difficult, if not impossible, to do in a timely fashion. Further, a centralised approach might be perceived to undermine rather than support teachers.

We have provided more information on how accurate centre assessment grades and rank ordering might be achieved for students who have moved between schools and/or colleges, who are studying in alternative provision settings and who receive support from specialist teachers, for example visually impaired and deaf students.

As explained above, we are evaluating the impact of choice of statistical standardisation model on centres with varying levels of students with a range of background and protected characteristics. We will consider this evaluation when we finalise our choice of model.

Under the second theme, that the statistical standardisation model will suppress results from certain types of centre in which particular groups of students are more likely to be based, many of the concerns focused on centres on an upwards trajectory. Respondents suggested that such centres, which were focused on whole-school improvement, typically taught students from lower socio-economic backgrounds. They argued that, unless the statistical standardisation model recognised that performance in this year's exams, had they gone ahead, would have been better than performance in recent years, their students would miss out on the grades they would likely have achieved. Some respondents also raised concerns about SEND students, including those studying in small centres. We discuss these concerns earlier in this document under Question 14.

Centres teaching SEND students raised concerns that given the typically small number of students in their centres, data from previous years would not reliably predict the likely performance of this year's students. Again, we recognise these concerns and we have considered them under Question 14 in this document.

Within this theme were concerns raised by a centre, a teacher and one other organisation, that centres with a large cohort of Muslim students who have been concerned that their students' exam performance in recent years might have been depressed by the coincidence of the summer exam series and Ramadan, were expecting to see improved outcomes this year, given the reduced overlap this year of the exam timetable and Ramadan. They raised concerns that the standardisation model will reflect centres' recent years' outcomes and not take the changed context, had examinations gone ahead, into account. As explained under the Statistical Standardisation Process (Question 28) above, even if we could reliably identify centres that might have been affected in this way, it would not be possible for the standardisation model to identify and reflect statistically unexpected outcomes.

The concerns raised under the third theme – that some students might not be able to receive a grade at all this summer – focused on private candidates who had studied independently outside of a school or college. We have previously considered the options available to these students and welcomed the additional provision made by the exam boards that will allow more of them to receive a grade this summer.

Concerns raised under the fourth theme – that students who had been entered for certain qualifications earlier than most were addressed by our decision on 6 May 2020 that there should be no age or year group eligibility requirements for receiving a calculated grade this summer.

Some who responded to the consultation suggested the exceptional arrangements being put in place for this year provide an opportunity to close the attainment gap between different groups of learners. This is not the purpose of the arrangements which are to replicate, as far as possible, the outcomes that would have been seen had the exams not been cancelled.

We recognise the range of concerns that the exceptional arrangements for providing results this summer lack the fairness of exams, in which students can demonstrate their abilities in the same, controlled ways and have their performance objectively marked. We have set out how we can address these concerns as far as we can. We will evaluate the approach to determine the extent to which any of the concerns were realised. We acknowledge that the summer 2020 arrangements will be sub-optimal but, as noted by many respondents, we judge it to be ‘the best possible under the current circumstances’. Importantly, it will allow most students to progress to the next stage of their lives without further disruption.

Regulatory impact assessment

A wide range of issues were raised in response to our questions about the activities associated with the development and delivery of this year's exceptional arrangements, their costs and suggestions for alternative approaches that could reduce the burden on the parties involved.

The exam boards that responded listed a range of additional activities that they will be undertaking this year – both to issue results in the summer and to run an additional exam series in the autumn. They also listed activities that they will not be undertaking, notably marking exam papers. They have not yet attempted to quantify the overall additional costs and savings, noting the unknown nature of the cumulative burdens they are facing, including, potentially, to assessment arrangements in autumn 2020 and summer 2021.

Some of the issues raised were not directly connected to the options on which we consulted or within our power to address, for example whether and, if so, how much exam boards should pay their examiners whose services they will not engage this summer because the exams are not taking place.

Responses included a number of comments about the potential costs that would be incurred by individual students if eligibility to receive a centre assessment grade was restricted by age or year group – we have decided there should be no such restrictions.

The costs incurred by private candidates were raised by a number of respondents – the costs already incurred and the additional costs they might incur if they have to take exams in the autumn or next summer because they cannot secure a centre assessment grade. Some referred to lost opportunity costs in this context. We have previously considered the particular issues for private candidates of this year's exceptional arrangements and we have acknowledged that unfortunately some private candidates will not be able to progress as they had expected because of the [exceptional arrangements](#) in place for this summer.

Some teacher and centre responses set out the costs to them of producing centre assessment grades and rank order data. The rank ordering requirement was highlighted as particularly challenging by some respondents, especially for centres with large cohorts and for subjects with tiered entries. The exam boards are offering particular support to very large centres to help them manage their rank ordering.

Concerns were raised about the potential burden on centres of responding to multiple subject access and freedom of information requests once the prohibition on releasing centre assessment grades and rank order information is lifted (once results are published). As noted above, the Information Commissioner's Office (ICO) has recently endorsed our view on the exemption for data generated through the writing of exams extending to centre assessment grades and rank order information.

The need for clear guidance on how teachers should determine centre assessment grades and rank orders was raised by some respondents, including guidance on how to avoid bias and on seeking input from relevant specialist staff. We have updated our information for Heads of Centre.

Some respondents suggested the proposed approach was as good as it could be in the circumstances. Others noted that centres would make cost savings by not

running the exam series, for example through savings on invigilator costs and the furloughing of exams officers.



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