

CONSULTATION

Consultation on an additional GCSE, AS and A level exam series in autumn 2020

Proposals for an additional exam series in autumn
2020 in response to the coronavirus (COVID-19)
pandemic

ofqual

Contents

Proposals at a glance	4
Audience	4
Consultation arrangements	4
<i>Duration</i>	4
<i>Respond</i>	4
Introduction	5
Consultation details	6
<i>The scope of the autumn series</i>	6
<i>Should the form of the exam papers be the same as those normally taken in a summer exam series?</i>	8
<i>Should non-exam assessment be taken into account in the autumn series?</i>	9
<i>Proposed approach to non-exam assessment</i>	11
<i>Separately reported results and grades</i>	15
<i>The timing of the autumn exam series</i>	16
<i>Where should the exams take place?</i>	17
<i>Which result will stand?</i>	17
<i>Reviews of marking and appeals</i>	18
<i>Certificates</i>	18
<i>Project Qualifications</i>	20
<i>The Advanced Extension Award</i>	20
<i>Next Steps</i>	21
Equality Impact Assessment	22
Regulatory Impact Assessment	25
<i>Impact on students</i>	25
<i>Impact on exam boards</i>	25
<i>Impact on centres</i>	26
<i>Impact on the FE and HE sectors and employers</i>	27
<i>Innovation and growth</i>	27
<i>Estimated costs and savings</i>	28
Annex A – Your data	29
<i>The identity of the data controller and contact details of our Data Protection Officer</i>	29
<i>How to contact us</i>	29

<i>Our legal basis for processing your personal data</i>	<i>29</i>
<i>How we will use your response</i>	<i>29</i>
<i>Sharing your response</i>	<i>29</i>
<i>How long will we keep your personal data</i>	<i>30</i>
Your data	30
Annex B – The percentage of non-exam assessment used in GCSEs, AS and A levels for each subject that includes non-exam assessment.....	32
Annex C – Ofqual’s role, objectives and duties	33
<i>The Apprenticeship, Skills, Children and Learning Act 2009</i>	<i>33</i>
<i>The Equality Act 2010</i>	<i>34</i>

Proposals at a glance

We are consulting on proposed arrangements for an additional GCSE, AS and A level exam series to take place in autumn 2020. The exceptional exam series was announced by the government when it cancelled the summer 2020 exam series as part of its response to the Coronavirus (COVID-19) pandemic. We also set out our proposed arrangements for Extended Project Qualifications and the Advanced Extension Award.

Audience

This consultation is likely to be of interest to:

- students who were expecting to take GCSE, AS and A level exams this summer but who will not be able to receive a calculated grade
- students concerned that their calculated grade might not reflect their performance had their exams gone ahead
- the exam boards that will provide the exams
- school and college leaders and heads of other types of exam centre
- teachers
- higher education institutions, employers and others who rely on the qualifications

Consultation arrangements

Duration

This consultation will be open on 22 May 2020 and close on 8 June 2020 at 23.45. We recognise this is a much shorter period than we would normally allow for consultation, but we believe it is necessary and reasonable in the current situation. The short timeline has been set in order to provide more certainty to exam boards, students and centres.

Respond

Please respond to this consultation by completing the online response at www.gov.uk/government/consultations/consultation-on-an-additional-gcse-as-and-a-level-exam-series-in-autumn-2020

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

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. Exams scheduled for the summer would not take place.¹ 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.² 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".

We have since proposed, consulted on and published our decisions on how students will receive GCSE, AS and A level grades this summer (calculated grades), as well as grades for Extended Project Qualifications and the Advanced Extension Award in maths.³

When the Secretary of State directed Ofqual to have regard to the government's policy he said:

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

We are now consulting on our proposals for an autumn exam series. The exams will provide an opportunity, for students who believe the calculated grades they receive this summer do not properly reflect their abilities, to seek to improve their grades. The exam series will also provide an opportunity for any students who were planning to take their exams this year but were not able to receive a calculated grade. These will most likely be students who studied independently for their qualifications, rather than through an established school, college or other exam centre. Many of these students will be home-educated. Some of these students will not be able to receive a calculated grade because the centre with which they were going to take their exams has been unable to determine their likely performance in the exams had they gone ahead.

¹ <https://hansard.parliament.uk/commons/2020-03-18/debates/FCD4DEB2-86A8-4F95-8EB8-D0EF4C752D7D/EducationalSettings>

² <https://hansard.parliament.uk/commons/2020-03-23#>

³ <https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020>

In setting out our proposals we acknowledge the on-going uncertainty about when schools and colleges will re-open to all students and the basis on which they might do so. We recognise that the arrangements for the autumn exam series might need to be adjusted in response to public health requirements. Nevertheless, we need to decide how, if possible, the exam series should run.

We are seeking views on our proposals to:

- require exam boards to make examinations available in all GCSE, AS and A level subjects in the autumn series
- require exam boards to base results on students' performance in exams alone and not on any non-exam assessment, with the exception of art and design qualifications
- vary the normal rules to allow exams to be held other than in May and June
- allow the exam boards to depart from the normal requirements for the issue of certificates
- adopt the normal arrangements for reviews and appeals

[We have already consulted on who should be permitted to enter the exams.](#) Having considered the responses to that consultation we are minded to restrict entry to students who had entered for the summer series or to those who an exam board believes have made a compelling case about their intention to have entered for the summer series. Students who would normally be entitled to take GCSEs in English language and maths in November should be able to take exams in those subjects. We will confirm our final decision on eligibility when we announce our decisions on the proposals on which we are now consulting.

There are already arrangements in place for GCSEs in English language and maths to be offered to certain students in the autumn. We do not, therefore, cover these qualifications in detail in this consultation.

Consultation details

The scope of the autumn series

Exam boards were not expecting to offer exams this autumn, except in GCSE English language and maths. In fact, with the exception of those subjects, our rules do not allow them to offer exams for GCSEs, AS or A levels at any time other than in May and June in any year.

The exam boards operate in a market. Once they are recognised to award GCSEs, AS and A levels, and their specific qualifications are accredited, they can decide whether to offer exams for their qualifications during the permitted months. If an exam board chooses to withdraw a qualification it must give us notice of its intention to do so and take steps to protect any students studying for that qualification. However, we do not normally require exam boards to offer exams each year. An exam board could, for example, decide that it would only offer exams for a qualification every other year. We have only previously required exam boards to offer

exams in particular qualifications when we specified they must offer opportunities for students to resit legacy AS and A levels and some GCSEs when they were replaced by reformed versions.

We do not know how many students might wish to take exams in the autumn. There will inevitably be some students who will be disappointed with the grade they receive in the summer, as there are every year. Some of these students might feel they would have received a higher grade if they had been able to take their exams and may wish to enter for exams in the autumn. Others will, despite their disappointment, progress to, and be focused on, the next stages of their lives. There will also be some students, mainly those who had studied independently for their qualifications, such as home-educated students, who will not receive a calculated grade. For them, the opportunity to take exams in the autumn will be key to their planned progression (although the progression of some will inevitably be delayed).

Unless we require otherwise, exam boards will decide whether to make exams available to students in the autumn series, and in which subjects. They might, of course, each decide to offer a full suite of exams, and they have indicated to us that, in the interests of students, they are likely to do so. However, unless we introduce new rules following this consultation, we will not be able to compel them to and our normal rules will prevent them from doing so, even if they wished to.

If exam boards decide not to make exams available in the autumn for particular qualifications then any students who consider that the results issued to them this summer do not reflect how they would have performed in an exam in that qualification will be unable to take such an exam until summer 2021. Similarly, any students who cannot receive a calculated grade this summer will be unable to take exams until next summer. There is also a risk that some exam boards would decide to offer exams in a particular subject while others decided not to. This would be unfair for some students.

We recognise that if different opportunities were available to students, according to their subjects and exam boards, the autumn series will less effectively mitigate any unfairness which students and centres might consider arises from the exceptional arrangements for issuing grades this summer. The autumn series will only provide an opportunity for students to demonstrate their abilities in an exam to the extent that exam boards decide to make those exams available.

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

However, if we compel exam boards to make exams available in all subjects, including those for which they have only a handful of entries, they might incur significant financial losses in the autumn series. If they seek to recoup those losses in the future then centres might experience higher fees than they otherwise would.

We do not yet know what savings the exam boards might make from the exceptional arrangements this summer, what income they might receive from the autumn series, nor what costs they might incur. Nor do we know how those exam boards that have made a public commitment not to profit from the exceptional arrangements this year will fulfil this. This makes it difficult to consider the financial consequences of any

decision we might take. We consider these issues further in the regulatory impact section of this consultation.

In deciding on our preferred position we have, therefore, given priority to the government's intention that students should be able to take exams in the autumn and we propose that we should require each exam board to make available exams for each of their GCSEs, AS and A level qualifications. To limit exam boards' extra costs and avoid them having to carry out unnecessary work we propose that, once the entry deadline for the autumn exams has passed, an exam board that has received no entries can withdraw its exams from the timetable. This will help it to avoid unnecessary costs.

This summer the exam boards were to have offered for the last time exams in a small number of A levels that have been replaced by reformed qualifications. This would have provided an opportunity for students who sat the exams in 2019 to re-sit them if they wished. We propose that the exam boards should be required to offer in the autumn the same range of exams they had intended to provide this summer.

Question: To what extent do you agree or disagree that we should require exam boards to offer exams for all of the GCSE, AS and A level qualifications this autumn they had intended to offer in the summer?

Question: To what extent do you agree or disagree that an exam board that receives no entries for a qualification by its entry deadline can withdraw the exams for that qualification from the exam timetable?

Do you have any comments on our proposal to require the exam boards to offer exams in every GCSE, AS and A level subject in autumn 2020?

Should the form of the exam papers be the same as those normally taken in a summer exam series?

We have considered whether the exams taken in the autumn should replicate or diverge from those that are normally taken in the summer. While the same approach would be more familiar and provide a more authentic experience for students, a different approach might make the autumn series more manageable for centres and for students.

Most subjects have more than one exam paper; we have considered whether to require the exams boards to provide only one of those papers. We have also considered whether we should require exam boards to write a new style of paper that would combine topics normally covered in 2 or more different papers.

We do not propose to require either of these approaches because:

- students who are taking exams in the autumn to improve on their calculated grade will need an opportunity to demonstrate their ability in the subject. If the scope of the subject in which they are examined is substantially reduced, this will limit their opportunity to demonstrate their ability to their best
- if there is only one paper, a student who is unable to take that paper because they are ill or because of another event outside of their control will not be able to receive a grade. If there are 2 or more papers, they are more likely to be

able to complete at least 25% of the assessments and therefore be eligible to receive a grade using the normal special consideration arrangements

- a new style of paper would also be unfamiliar to students, who will likely have used past papers as part of their exam preparation, and this could have a negative impact on their performance. This will be exacerbated by a lack of opportunity for teachers to help prepare students for assessments
- unfamiliar exam requirements might make the series more complicated for centres' exams officers to administer
- if we require the exam boards to write a new style of paper, they will incur extra costs, as they will not be able to utilise the papers prepared for the cancelled summer series. The exam boards would also need time to modify the new papers for disabled students who require the paper in modified form, for example in Braille

We therefore propose that the exam papers taken in the autumn should be consistent with those normally taken in a summer exam series.

Question: To what extent do you agree or disagree that for the autumn series the same number of exams should be taken by students as they would have taken if the summer exams had not been cancelled?

Question: To what extent do you agree or disagree that the exams taken in the autumn series should be in the same form for each qualification as those normally taken in the summer series?

Do you have any comments on our proposal that students taking the autumn exams should take the same number of exams in each subject as they would have taken if the summer exams had not been cancelled and that the exams should be in the same form as the ones they would have taken in the summer?

Should non-exam assessment be taken into account in the autumn series?

The Secretary of State, when he announced that exams would not take place this summer, said that there would be an opportunity for students to take exams in the autumn.

However, for a number of the qualifications to be offered in the autumn, non-exam assessment (NEA) also forms part of the overall assessment grade for the qualification, as set out in Annex B. We have, therefore, considered whether non-exam assessment should contribute to the grades awarded following the autumn exams.

Some students will have completed non-exam assessment before schools and colleges closed on 20 March, others will not have done so. Where non-exam assessment was undertaken before 20 March it is unlikely to have been marked or, where marked by teachers, it is unlikely to have been moderated by the exam boards. We have asked schools and colleges to retain any non-exam assessment that has been completed or partially completed.

We recognise that students who have completed non-exam assessment in anticipation of taking exams this summer may consider their work should be taken into account were they to take examinations in the autumn series. However, students who were unable to complete their non-exam assessment, and who decide to take exams in the autumn series, might consider they would be disadvantaged in those circumstances.

We have considered whether students taking exams in the autumn series in subjects for which there is also a non-exam assessment requirement should:

- a) have any non-exam assessment they completed before 20 March marked (and where appropriate moderated by the exam board) with the normal relative weighting of the exam and non-exam assessment applying
- b) be able to finish any non-exam assessment that was partially completed before 20 March and for that to then be marked (and moderated) and have the normal weighting applied
- c) be required to complete in the autumn new non-exam assessment task(s) in line with those that normally form part of the overall assessment requirements
- d) a combination of some of these options for different subjects
- e) have their grades determined on the basis of their exam performance only, with exam boards taking particular care to adjust the awarding of grades so as to reflect the fact that students often perform better on the non-exam assessment

In considering these options we recognise that:

- non-exam assessment assesses aspects of the subject content that cannot be assessed in an exam
- students in different schools and colleges may have been at different stages of completing their non-exam assessment when they were closed
- students' non-exam assessment will have been taken into account by centres as they determined centre assessment grades
- schools and colleges remain closed for most students, so it is currently not possible for students to complete any non-exam assessment they had started but not yet finished
- many students who might wish to take exams in the autumn will at the end of the academic year leave the school or college with which they were originally studying for the qualification and therefore have no or limited access to the resources needed to undertake non-exam assessment tasks in the autumn
- in the autumn, schools and colleges will be teaching the subjects that include non-exam assessment to new cohorts of students under potentially challenging public health restrictions and to whom they will wish to give priority
- students who study independently and enter for exams as private candidates can find it difficult to find a centre with which they can undertake any non-exam assessment under the required conditions
- some non-exam assessment tasks will be difficult or impossible to complete if social-distancing measures remain in place

- some non-exam assessment tasks are normally undertaken over an extended period of time. This will not be possible in the autumn, even if schools and colleges open at the start of the academic year
- supervising and marking non-exam assessment tasks and then facilitating, or submitting work to exam boards for moderation, will all add to teachers' workload in the limited amount of time available in the autumn between when schools and colleges open. The deadlines schools and colleges will need to set in order to complete this activity are, therefore, likely to be short
- moderating – as well as setting - non-exam assessment tasks will add to exam boards' burden and costs
- some students believe they will secure a better grade if their performance in non-exam assessment is taken into account alongside their exam performance

Proposed approach to non-exam assessment

We have considered each of the 5 options listed above.

Use of any completed non-exam assessments

The extent of non-exam assessment that had been completed before schools and colleges closed varies by subject, by centre and by individual student. In many cases even completed tasks will not have been marked by teachers. Where tasks had been marked they will not have been moderated by the exam boards.

Some non-exam tasks or activities are directly assessed by the exam board, including some that are performance based, for example dance and music. In such cases the student performs in front of the assessor who marks the student in real time. The extent to which such assessments had been undertaken before schools and colleges closed for normal teaching again varies by subject, by centre and by student.

Although we have asked schools and colleges to retain any work, we believe that to allow non-exam assessments already completed by students to contribute towards a grade issued following the autumn exams would unfairly advantage and disadvantage some students, depending on whether they had completed their tasks before 20 March when schools and colleges closed to most students.

Of course, students' performance in any non-exam assessments, whether or not complete, will be used to inform the centre assessment grades, which will be used by exam boards to generate calculated grades this summer where this is possible, so students can be assured their non-exam assessments will be taken into account.

Allowing students to complete the non-exam assessments being undertaken in the current academic year

We have considered whether, to address the unfairness associated with the previous option, students who had started but not completed their non-exam assessment tasks or who had yet to be assessed on their performance(s) could be given the opportunity to do so.

Schools and colleges remain closed for the majority of students. Most students would not, therefore, have access to their centres, or the facilities within them, to be able to complete their tasks this term.

Some tasks could be completed at home if the normal supervision requirement were lifted. However, this would likely add to the unfairness, as some students could complete the tasks in a conducive environment and with access to specialist equipment or facilities where this was needed, whereas other students could not.

The tasks could be completed within a centre at the start of the next academic year. However, we do not yet know when schools and colleges will reopen nor on what basis. In certain subjects the non-exam assessment relies on a number of individuals competing or performing at the same time; these arrangements may not be compatible with social distancing and/or they might rely on others taking part, who may not wish to take the qualification in the autumn.

Social distancing requirements might limit access to the specialist facilities needed for some subjects. Centres may want to prioritise access to those facilities for students who will be taking exams in 2021 and who might need to prepare to undertake their own non-exam assessment.

We believe that allowing students to complete their non-exam assessment so their marks could contribute to their grade from the autumn exam series would be unfair for some students.

Requiring students to undertake new non-exam assessment tasks in the autumn

We have considered whether all students who take exams in the autumn should also, for those subjects for which it is used, be required to complete new non-exam assessments. We believe that this would be unmanageable for many centres in line with our concerns under the previous option. Centres might be reluctant to enter students for the autumn series if this would require them to provide and supervise non-exam assessments. Students who were no longer associated with a centre might not be able to undertake the non-exam assessments at all.

We have considered whether we should allow some students to be assessed on the basis of their exams alone if they cannot work with a centre to complete new non-exam assessments, while permitting others to have their grades awarded on the basis of both non-exam assessments and exams. This option too would be unfair. Some students would feel they might have achieved a higher grade if they had been able to complete non-exam assessments. It would also make it more difficult to set the standard for the qualification, especially given the likely small size of the cohort.

A bespoke approach for different subjects

We have also considered putting in place different arrangements for different subjects, in which we could take into account the relative weighting of exam and non-exam assessments in each subject and the extent to which there is overlap between the skills and abilities that are assessed in the exam and the non-exam assessments.

However, any such bespoke approach would present the same problems of manageability and fairness of the options discussed above, to a greater or lesser extent. It would introduce the potential for confusion and mistakes if different approaches were used for different subjects.

On balance, we believe that using a bespoke approach for each subject would introduce unacceptable risks to fairness and manageability.

Awarding the qualifications using exams only

Non-exam assessment is used where particular aspects of a qualification cannot be assessed by exam alone. The balance of exam assessment and non-exam assessment varies by subject as does the nature of the tasks. In some subjects, such as AS and A level English and history, there is a significant overlap in the skills and abilities being assessed in the non-exam assessment and the exams. In other subjects, such as music and physical education, the non-exam assessment is assessing skills that cannot be assessed by exam.

We have considered whether, in the autumn, students' grades should be awarded on the basis of their performance in the exams alone. This would mean that some skills, including skills that are essential aspects of the qualification, would not be assessed; the validity of the qualifications could therefore be compromised, to a greater or lesser extent. As noted in the introduction, we are minded to restrict entry to the autumn exam series to students who had been entered to take exams in the cancelled summer series, with some discretion for exam boards to also allow centres to enter students who had intended to enter for the summer series. This means that students taking the autumn exams will have been taught, and will have expected to have been assessed on, all aspects of the qualification and many would have started or even completed these assessments.

Some students will expect to perform better in their non-exam assessments than in their exams. They would prefer, if they are taking exams in the autumn, to complete the range of assessments for a qualification. However, some students may worry that relying on incomplete non-exam assessment, or on non-exam assessments completed while schools and colleges are closed, would put them at a disadvantage. Others will not be able to find a way to complete outstanding non-exam assessments.

On balance we believe that the fairest of the options we have identified is for qualifications taken in the autumn to be based on students' exam performance only, with grading standards set to recognise this is the case. This will mean that, across all students, it will be no easier or harder to attain a particular grade this autumn than it would be at any other time the assessments are available. We also believe that this is the option that will make the autumn series more accessible to the largest number of students, given the constraints under which centres will likely be operating.

We therefore propose to require the exam boards to award grades based on students' performance in their exams alone.

This proposal does, however, raise a problem with art and design GCSE, AS and A level qualifications which are assessed using only non-exam assessments; there are no exams for the qualifications in this subject.

Art and design GCSE, AS and A level

If we require that qualifications awarded in the autumn use only exam assessments we will have to consider the position of students taking GCSEs, AS and A levels in art and design.

Art and design GCSE, AS and A level qualifications are assessed only by non-exam assessment. Students are required to complete a task set and moderated by the exam board (having been marked by the student's teacher) which must be completed under supervised conditions in between 10-15 hours (dependent on the qualification). This is worth 40% of the marks for each of the qualifications. In addition, they must produce a portfolio which can be completed over the course of study and is also marked by the teacher and moderated by the exam board. This is worth 60% of the marks.

One option is to prevent exam boards from offering art and design GCSEs, AS and A level qualifications in the autumn. Instead, students who are unable to receive a calculated grade in the summer would have to complete the non-exam assessments set for the summer 2021 qualifications and receive a result then. However, students who need to receive a result in order to progress, or who want to improve on their calculated grade, would miss out on the opportunity to do so. They would miss an opportunity that we propose should be available for students taking all other subjects.

For students who receive a calculated grade in GCSE, AS or A level art and design this summer, that grade will have likely largely been based on the non-exam assessments undertaken before 20 March. Teachers will use this work to determine the student's centre assessment grade. However, the non-exam assessments will not have been completed by all students before schools and colleges closed to most students. If results for the autumn series were based on the non-exam assessments undertaken to date, results would be based on a mix of complete and incomplete work, introducing unfairness between students of the types described above.

Students in all other subjects will have new grades determined by how they perform in their subject in the autumn. We believe it would be appropriate for art and design students who wish to enter for the autumn series also to produce fresh work in the autumn on which their grade would be based.

However, time will be limited and centres might have reduced capacity for students to undertake their assessments. We therefore propose that we should require exam boards to set a new task that students would need to complete under supervised conditions, during 10 hours (GCSE) or 15 hours (AS and A level) and which would be marked by the exam board. They would not produce a portfolio. This would be a reduced assessment requirement but, given the circumstances, we believe this approach would be the fairest and most manageable way of delivering valid and reliable qualifications for the subject.

Question: To what extent do you agree or disagree that, with the exception of art and design, grades for GCSE, AS and A level awarded in the autumn should be based only on students' performance in their exams, with no non-exam assessment?

Do you have any comments on our proposed approach to basing grades for the autumn on students' exam performance only?

Question: To what extent do you agree or disagree that grades for GCSE, AS and A level art and design awarded in the autumn should be based on a new task completed under supervised conditions?

Question: To what extent do you agree or disagree that any new task for GCSE, AS and A level art and design should be set and marked by the exam board?

Do you have any comments on our proposed approach to the assessment of GCSE, AS and A level art and design in the autumn 2020 series?

Separately reported results and grades

In A level biology, chemistry, physics and geology qualifications [schools and colleges](#) must assess students' practical skills. They must confirm that each student has undertaken at least 12 practical activities, demonstrated all the competencies set out in the qualifications and made a contemporaneous record of their work. Students are then awarded a 'Pass' grade or 'Not Classified' that is recorded separately but alongside their overall grade for the qualification on their certificate.

In GCSE English language qualifications students are assessed by their teachers on their spoken language. They can achieve a 'Pass', 'Merit', 'Distinction' grade or 'Not Classified'. This is reported separately but alongside their overall grade for the qualification on their certificate.

Students who receive a calculated grade in the summer for these qualifications will also receive an accompanying result for the separately reported elements. Some students may also have received a result or grade for these elements in an earlier year. As in any other year, these separately reported results will be carried forward and appear on students' certificates alongside any grades awarded for completing the examinations in the autumn.

Where a student does not have a separately reported result or grade to carry forward, because they have not had the opportunity to be assessed on these elements previously, they can choose to sit exams in the autumn and receive a separately reported result of Not Classified for the practical skills or spoken language element, or wait and sit the full assessment in a subsequent series.

Question: To what extent do you agree or disagree that exam boards should carry forward the outcome of the practical skills assessments for students who takes exams in A level biology, chemistry, physics and/or geology in the autumn?

Do you have any comments on our proposed approach to A level biology, chemistry, physics and geology practical skills assessment outcomes for the autumn?

Question: To what extent do you agree or disagree that exam boards should carry forward the outcome of the GCSE English language spoken language assessment for students who take exams in the qualification in the autumn, as in any other year?

Do you have any comments on our proposed approach to the GCSE English language spoken language assessment outcomes for the autumn?

The timing of the autumn exam series

We do not yet know when schools and colleges will re-open nor the basis on which students will return when they do. The government's policy is that the exams should be available as soon as reasonably possible after schools and colleges open again. To serve their purpose the entry date for the exams must be after the issue in the summer of calculated grades - 13 August for AS and A levels and 20 August for GCSEs. Students who are using their grades to gain entry to higher education or further study will want to know, before deciding whether to enter for the autumn exams, whether they have secured a place. They will want to seek advice on their options. The decision might be more straightforward for students who are not able to receive a calculated grade in the summer.

While we would not set the entry deadlines – this will be for the exam boards to decide – we would expect these would not be before the end of August in order to allow students to understand if their calculated grades support their progression to the next stage of their learning or into employment and to receive support or advice on their next steps.

If schools and colleges are open for the start of the academic year, they will be focused on settling students in. They might also be adjusting to public health safeguards. Students who decide to take exams in the autumn will need time to prepare.

Given the current uncertainty about when schools and colleges will re-open we are not consulting on the exact dates when the exams should take place. However, for the exams to best serve their intended purpose we envisage that, if possible, AS and A level exams should take place in October and GCSE exams in November. We propose, therefore, to put in place provision for the exam boards to offer exams from October 2020 with the exact timing being confirmed by us, having taken advice from government, the exam boards and groups representing school and college leaders and teachers.

The current rules already allow exam boards to make available a limited exam series in November, to give some students the opportunity to re-sit (or take for the first time) GCSE qualifications in English language and maths. We propose that these exams should be incorporated into the autumn series this year and we will make provision in our rules for some flexibility on the dates for these subjects in case this is needed for public health reasons. We propose that our exceptional regulatory framework should allow us to set a period during which the autumn series will take place – including the exams for GCSE English language and maths - and to change that period should we consider that is necessary in light of the public health situation. Unless public health restrictions required this, we would not expect the published dates for GCSE English language and maths exams to change.

We recognise that schools have half term holidays in October and that the timing of half term varies, to an extent, across the country. Most schools take a single week's holiday, but some take 2. We will take into account the most frequently used half term dates when confirming the exam period, but we acknowledge that if exams are held in October some will be timetabled during what, for some schools, will be half term.

We do not normally specify when results must be issued and instead require that exam boards must do all they can to issue results on the results day(s) they identify. We consider that results days for the autumn series should also be set by exam boards, in consultation with other stakeholders, as they consider appropriate and possible. We have spoken to the exam boards who believe that results for A level exams taken during October could be published before Christmas and results for GCSE exams taken in November could be published in February. The results for GCSE English and maths could be published in January, as usual.

Question: To what extent do you agree or disagree that we should put in place provisions that allow the exam boards to offer exams from October 2020, with the exact start and finish dates being confirmed by us when the position on the re-opening of schools and colleges is clearer?

Question: To what extent do you agree or disagree that we should build some flexibility into our regulatory framework to enable us to vary the start and finish dates of the series if that is necessary because of the public health situation?

Do you have any comments on the preferred timing of the autumn exam series?

Where should the exams take place?

We recognise that autumn 2020 is likely to be challenging for many schools and colleges if they are returning after a prolonged period of near full closure. Running an additional exam series in the autumn will add to those challenges.

Many students who will receive a calculated grade this summer will have left the centre with which they had entered for their summer exams. Some will have moved to another centre, likely a further education college or sixth form college. Others will have entered higher education or be in employment.

The DfE has [published a statement setting out its expectation of centres with regard to students who want to enter exams in the autumn](#).

The exam boards and DfE are exploring ways in which it might be possible to minimise additional burdens on centres, while ensuring that exams remain accessible to students.

Which result will stand?

We have explained in our publications that where a student takes exams in the autumn series, both results – from the summer and the autumn – will stand. This means students would not jeopardise their calculated grade by deciding to take exams in the autumn.

Reviews of marking and appeals

The autumn exam series is intended, as far as possible in the circumstances, to provide students with the exam experience they would have had in the summer, had the exams not been cancelled. Where possible, therefore, we propose that the same arrangements should apply as would have applied then.

As such, we propose that the normal requirements for reviews of marking and appeals should apply to the autumn series, as set out in our qualification level conditions. If any non-exam assessments are marked by teachers and moderated by exam boards (although that would not be in line with the proposals on which we are consulting) we propose that the normal provisions for reviews of moderation should also apply.

Question: To what extent do you agree or disagree that the normal review of marking, moderation and appeal arrangements should apply to the autumn exam series?

Do you have any comments on our proposal that the normal reviews of marking and appeals arrangements should apply and, if needed, the normal reviews of moderation arrangements?

Certificates

Exam boards issue a single certificate following each exam series, which includes the results for all of the qualifications of any given type a student has been awarded by that board in that series.

Government policy is clear that calculated grades issued this summer should be indistinguishable from grades issued in any other year. The certificates must, therefore, present the results in exactly the same way. Certificates showing results from the summer will not indicate that they were calculated grades.

Nevertheless, we said in our first policy consultation that we were considering the possible arrangements for certificates this year. We are conscious that students who are disappointed by the results issued in the summer, and who achieve a better grade in the autumn, may wish the autumn grade to be the only result recorded for the purposes of progression and employment in the future. We also recognise that a student who takes several autumn exams and betters their calculated result in only some of those exams, may in the future need to reveal their lowest grades in some subjects in order to show an employer, for example, their best grade in other subjects. It is possible that some students would, therefore, prefer to have either their calculated grade or their result from their autumn exams (whichever is the higher) shown on their certificates rather than have certificates that show both results, alongside the grades from other subjects.

We have identified 5 options that we could bring about through our exceptional regulatory framework for this year. We could:

- prevent exam boards issuing any certificates until results are known from the autumn series. This would ensure the better of the calculated grade and the

autumn exam grade was shown on the certificate. However, it would mean certificates were delayed for all students, the great majority of whom will probably not take exams in the autumn series. This option would require exam boards to reconfigure their systems so the results of 2 different series appeared on the same certificate, introducing additional costs for the exam boards and risks to the issue of accurate certificates

- require exam boards to issue separate certificates for results from the summer and from the autumn series – they will be required to do this under our current rules unless we vary those rules as part of our exceptional regulatory framework. This will probably be preferred by most students. Most students will simply receive a certificate that shows their summer results. Many students who take exams in the autumn will do so because they were not able to obtain a result in the summer
- **require** exam boards to issue certificates for the summer results and to issue replacement certificates that just show the higher of the calculated or the autumn series grade if a student requests this. This option would allow a student to insist on the issue of one or more replacement certificates if they would prefer that only one of their calculated or autumn series grades for a subject was recorded on their certificate. However, this option would force an exam board to make provision for such a replacement service that would combine results from more than one series. The number of students who made such requests might be very small meaning the costs of the exam boards' system changes could be disproportionately high
- **allow** exam boards to issue replacement certificates that just show the higher of the calculated or the autumn series grade if a student requests this. Such an approach would not be permitted under the existing rules and so we would have to make provision for it. This option would enable an exam board to accommodate such a request if it was able and wished to do so, but would not require it to provide for such a facility. An exam board could choose to charge for replacement certificates if it decided to offer this service

In light of the advantages and disadvantages of the options and their associated risks and likely costs, we favour the final option that would allow an exam board to respond to requests to issue replacement certificates but not require it to do so. We recognise that this could lead to a situation in which one student had access to a facility that was not available to other students who had entered their qualifications with a different exam board. However, if we required all exam boards to make this facility available they would need to change their operating systems in a way that could be costly and introduce risks to the safe and timely production of certificates.

We do not yet know how many students will enter the autumn exams nor, of those who do, what proportion might want to receive a replacement certificate. We believe it would be disproportionately burdensome to require all exam boards to make provision for a service that no, or very few, students might wish to use. On the other hand, we would not want to stop an exam board that was able and willing to provide such a service from doing so.

Question: To what extent do you agree or disagree that we should amend our rules to allow an exam board to issue a replacement certificate to a student to show either their calculated grade or their grade from the autumn exam series, but not require them to do so?

Do you have any comments on our proposal to allow exam boards to issue replacement certificates to students?

Project Qualifications

We have confirmed that the exceptional arrangements we are putting in place for results this summer will include Project qualifications at Level 3 – the Extended Project Qualification (EPQ).

EPQs are marked by teachers and moderated by exam boards. We do not specify a particular assessment period but in practice exam boards arrange opportunities for moderation to coincide with the summer series. Through our exceptional regulatory framework for this summer we will require exam boards to calculate results for EPQ in the same way as for GCSE and GCE qualifications.

Our existing regulatory framework will allow exam boards to offer opportunities for moderation in the autumn, to coincide with the autumn series (or otherwise), allowing students who are unhappy with their calculated results to complete and submit **new** project materials for assessment in the autumn.

EPQs are often entered by only a small cohort, so we do not consider that exam boards will find it more difficult, or costly, to undertake moderation for EPQs in the autumn series than at any other time.

In these circumstances, we do not consider it is necessary to require exam boards to schedule opportunities for moderation for EPQ in the autumn series, but we anticipate they will do so.

We therefore propose that we should not make any additional requirements for EPQs in the autumn series.

Question: To what extent do you agree or disagree that we should not impose any additional requirements on the exams boards that award the EPQs?

Do you have any comments on our proposal that we should not impose any additional requirements on the exams boards that award the EPQs?

The Advanced Extension Award

One exam board offers an Advanced Extension Award qualification, in maths. Students who were entered for exams for this qualification this summer will be able to receive a calculated grade, in the same way as for GCSEs, AS and A levels. We do not prescribe when the exam board can hold exams for this qualification. So it could, if it wished, offer exams during the autumn.

The entry is very small, fewer than 400 for this summer. We anticipate that very few would want to take exams in the autumn. We therefore propose to allow the exam

board to decide whether to offer exams in the autumn. It could take such a decision when it knew whether there was any demand for it to do so. We believe it would be disproportionately costly and burdensome for us to require the exam board to prepare to deliver exams that we expect no students – or very few– to want to take.

Question: To what extent do you agree or disagree that we should not impose any additional requirements on the exam board that offers the Advanced Extension Award?

Do you have any comments on our proposal that we should not impose any additional requirements on the exam board that offers the Advanced Extension Award?

Next Steps

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

Equality Impact Assessment

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

We have considered whether any of our proposals might impact (positively or negatively) on students who share particular protected characteristics.⁴ We think the following warrant particular scrutiny from an equality perspective:

- (a) The impact of the proposals on the likely opportunity for students who were unable to receive a calculated grade this summer to sit exams in the autumn;
- (b) The impact on students' preparedness to take exams in the autumn;
- (c) The use of reasonable adjustments for disabled students when they take their exams;
- (d) The proposal to base results for the autumn series on a student's exam performance, and not include non-exam assessment (with the exception of art and design) with the exam boards taking particular care to adjust the awarding of grades so as to reflect the fact that students often perform better on the non-exam assessment.

We expect that the students most likely to wish to take exams in the autumn will be those who had studied independently outside of a school or college to take exams in the summer. They will have entered to take their exams as a private candidate. Many will have been home-educated. Although some such students will be able to receive a calculated grade this summer we believe this will not be possible for all. We have estimated that about 20,000 private candidates had entered to take exams this summer, although we do not have complete or accurate data. Private candidates include home-educated students, students who are re-sitting a qualification and adult learners. While centres should indicate which of their students are private candidates, when they enter them for exams, the information is not always fully or accurately provided.

We do not yet know how many of these students will be able to receive a calculated grade this summer nor for how many that will not be an option.

We do not have any data that indicates whether private candidates are more likely to share particular protected characteristics. A number of respondents to our earlier consultation, however, referred to private candidates who were studying independently outside of a school or college because of their mental health or because they had recently arrived in the country. This suggests that disabled students and students from different countries might be disproportionately affected by the exceptional arrangements for results in summer 2020 because they are disproportionately likely to have entered for the summer as private candidates.

We have given particular consideration to how private candidates might have opportunities to gain qualifications in the autumn. We have factored into our considerations the particular barriers that private candidates are likely to face.

⁴ For the purposes of the public sector equality duty, the 'protected characteristics' are: disability, race, age, religion or belief, pregnancy or maternity, sex, sexual orientation, and gender reassignment.

The current public health situation makes it difficult to determine when it will be possible or desirable for the autumn exams to take place. As explained in the document, we do not propose at this time to fix the dates of the exam period, although we have indicated our view that it would be desirable for AS and A level exams to be held in October and GCSE exams to be held in November. In coming to this view, we have considered the possibility that some students taking A levels might be able to join one of the higher education courses that start in January if they were able to receive their results before the end of the year. Exams would need to be completed by the end of October for this to be possible. We have also considered the need for students to receive advice and guidance on their options and to prepare to sit exams if they decide to do so.

We know that some students will have been better able than others to continue with their learning since schools and colleges closed. Disabled students who normally receive specialist support in their centres might be finding it more difficult than others to continue with their learning at a distance although some will, of course, have been able to continue attending their school or college.

We have been told of particular concerns that students whose first language is not English might need extra time to catch up when they return to school, particularly if they have been living in an environment in which English is not routinely spoken. We have taken their needs into account when indicating our preference for GCSEs to take place in November.

We also want to ensure that disabled students and their centres have time to arrange, and put in place, any reasonable adjustments. Exam boards will also need to prepare modified papers where these are needed. It will be easier for reasonable adjustments to be agreed and arranged where a student is taking their exams within the centre with which they were entered for the summer. However, some students will necessarily have moved centres. We have taken this into account when indicating our preference that exams are not held – even if it were possible – immediately at the start of the new academic year. We are also mindful that some disabled students might be more vulnerable than others to coronavirus (COVID-19) and additional time might be needed to make sure they can take exams under suitable conditions.

We also note the risk that some students who may need to continue to self-isolate or shield because of COVID-19 may be unable to access the autumn series depending on the public health situation. Exam boards and centres will need to have regard to their obligations under the Equality Act when confirming arrangements for the autumn series and consider particular accessibility needs of students as a result of the public health situation.

The final aspect of our proposals that we recognise could have an impact, both positive and negative, on particular students, is that, with the exception of art and design, results for the qualification are based on exam performance alone.

We have explained in the consultation the reasons for our proposals. We believe that it could be particularly difficult for private candidates to complete, or undertake any new, non-exam assessment if they do not have an established relationship with a centre.

Generally, we believe that the pressures of undertaking non-exam assessment in the new academic year could distract students from preparing for the exams. Some

students might already be feeling anxious about returning to study. Removing the non-exam assessment might make the assessment arrangements, which will be completed in a short time, more manageable.

On the other hand, we recognise that some students, including some disabled students, might feel they would perform better in a non-exam assessment than in an exam assessment, although responses to our previous consultation also suggested that disabled students perform better in exams than their teachers expect.

On balance, we believe that basing the autumn grades on students' exam performance alone will be fairer for all students and reduce the particular challenges that private candidates might otherwise experience.

Question: Are there other potential equality impacts that we have not explored? What are they?

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

Regulatory Impact Assessment

We are proposing to require the exam boards to run an additional exam series in the autumn, to cover all GCSE, AS and A level qualifications. This is in line with the government's policy that students will be awarded a calculated grade this summer and that there will be an opportunity 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.

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

Impact on students

Students who receive calculated grades will need to decide whether to take exams in the autumn. We expect most will use their calculated grade(s) to progress to the next stage of their lives. Some, however, will be disappointed with their grade and will consider taking the exams.

Other students, notably some home-educated students and others who have studied independently will not receive a calculated grade this summer. They are more likely to want to take exams in the autumn.

Some students who wish to enter for exams will have left the school or college with which they had studied for the qualification(s). They, like private candidates, might prepare independently for their exams or secure support, for example from a private tutor or distance learning provider.

We understand there may be negative impacts, including possible financial impacts, for any students who need to take exams in the autumn. Their progression might be delayed.

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

We are also sensitive to the potential for students to be anxious during this unsettling time and are seeking in our communications to provide as much certainty as we can, as quickly as we can, about the autumn exams.

Impact on exam boards

The proposed exam series will apply to GCSE, AS and A levels regulated by Ofqual provided by AQA, OCR, Pearson and WJEC Eduqas.⁵ We expect the scale of impact will vary across each organisation according to the range of subjects offered and number of entries.

⁵ EPQs are also offered by City and Guilds and ASDAN.

We expect there will be one-off, direct costs and administrative burdens to these 4 organisations associated with the following activities, many of which would, of course, have been incurred had the summer series gone ahead:

- familiarisation with revised general and qualification level Conditions
- communication of requirements to centres
- developing an exam timetable
- developing and delivering processes and systems to collect entries and administer an extra exam series
- developing exam papers – although if exam boards decide to use the exam papers prepared for the cancelled exams in the summer this would off-set this burden
- printing, delivery, collection and scanning of exam papers and scripts
- decisions on and implementing requests for special consideration and reasonable adjustments
- identification and investigation of malpractice and maladministration arising in an exam series
- marking of scripts – including examiner recruitment, standardisation, and quality assurance arrangements
- reviews of marking, moderation and appeals
- submission of data relating to the summer series to Ofqual
- managing increased volumes of enquiries from centres and candidates due to the unusual arrangements
- additional and/or revised data submissions to Ofqual

There is no precedent that exam boards can use to estimate the likely number of students who will enter each of the exams. Arrangements for charging and payment of fees are being finalised.

We also do not yet know how much exam boards will have saved from the cancellation of the summer 2020 exam series nor their costs of running the alternative arrangements by which they will issue calculated grades.

Impact on centres

There will be one-off, direct costs and administrative burdens to centres associated with running an additional exam series, although the scale of the costs and burdens will be determined in part by the number of students taking exams in each centre which, as explained above, we cannot estimate. Centres will have to:

- make available suitable exam accommodation – taking into account any public health requirements that might be in place at the time
- advise and support students considering entering for the exams and manage enquires from parents and carers
- make entries to the exam boards

- consider and make provision for reasonable adjustments for disabled students
- pay entry fees
- familiarise themselves with the exam timetable
- recruit and pay invigilators
- manage and investigate any evidence of malpractice
- apply for any appropriate special consideration
- administer results
- decide whether to seek any reviews of marking and appeals

Centres will not have run the summer exam series, although they will have submitted calculated grades and rank order information to exam boards. While the number of students taking the exams in the autumn is likely to be considerably smaller than that entered for the summer series, the pressures on centres' staff and accommodation are likely to be higher than during a normal exam series because students will not be on study leave and because of potential on-going public health safeguards.

The exam boards and DfE are exploring ways in which it might be possible to minimise additional burdens on centres, whilst ensuring exams remain accessible to students.

The exam boards will need to recruit markers for the exams. Most markers are teachers. Teachers and their centres will need to decide whether they have capacity to mark the exams, giving rise to the risk of a shortage of markers.

Impact on the FE and HE sectors and employers

Further education colleges might find they have more students than usual who wish to be entered to re-sit exams – and in a much wider range of subjects than is typically the case.

Higher education providers might be asked by students taking exams in the autumn to accept them onto a course once they have their results. This would be after the normal start of the academic year.

Innovation and growth

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

Estimated costs and savings

Given the timescales, the uncertainty about the number of students who will enter to take exams in the autumn and the uncertainty about the timing and nature of the full re-opening of schools and colleges, we have not sought to estimate the likely costs of the autumn exam series. We do not yet know the extent of any savings from the summer exam series – for the exam boards or for centres.

We do, though, encourage respondents to share with us as much information as possible about the likely costs and administrative burdens, as well as any savings or benefits of the proposals set out in this consultation, so that we may consider this information when reaching our decisions. We encourage anyone who responds to this consultation to tell us if they think there is something we could do differently that would still achieve the same aim but would reduce costs and administrative burden.

Questions:

Are there additional activities associated with the delivery of an additional exam series in the autumn that we have not identified above? What are they?

What additional costs do you expect you will incur as a result of an autumn exam series?

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

Annex A – Your data

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

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

How to contact us

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

Data Protection Officer at dprequests@ofqual.gov.uk.

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

Our legal basis for processing your personal data

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

How we will use your response

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

Sharing your response

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

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

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

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

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

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

How long will we keep your personal data

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

Your data

Your personal data:

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

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

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

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

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

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

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

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

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

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

Annex B – The percentage of non-exam assessment used in GCSEs, AS and A levels for each subject that includes non-exam assessment

	GCSE	AS	A level
Subject	Weighting	Weighting	Weighting
Art and design	100%	100%	100%
Computer Science			20%
Dance	60%	50%	50%
Design and technology	50%	50%	50%
Drama	60%	60%	60%
Electronics	20%	20%	20%
English language			20%
English language and literature			20%
English literature			20%
Engineering	40%		
Film studies	30%	30%	30%
Geography			20%
History			20%
Food preparation and nutrition	50%		
Media studies	30%	30%	30%
Modern foreign languages	25%	30%	30%
Music	60%	60%	60%
Music technology		40%	40%
Physical education	40%	30%	30%

Annex C – Ofqual’s role, objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

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

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

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

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

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

The Equality Act 2010

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

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

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

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

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

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

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

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

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

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

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

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

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



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