



Rt Hon Gavin Williamson CBE MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Sally Collier, Chief Regulator, Ofqual
Earlsdon Park, 53-55 Butts Road
Coventry
CV1 3BH

13 August 2020

**DIRECTION UNDER S 129(6) OF THE APPRENTICESHIPS, SKILLS,
CHILDREN AND LEARNING ACT 2009**

Dear Sally,

On 18 March, I confirmed to Parliament that, due to the COVID-19 pandemic, the 2020 summer exam series for GCSEs, AS and A levels in England could not proceed as planned. I made clear in that statement that my over-riding priority was that the cohort of students who had been due to sit exams this summer should receive grades that reflected the work they had put in and would support them to progress to the next stage of their lives. On 31 March I issued a Direction under section 129(6) of the Apprenticeships, Skills and Children and Learning Act 2009 which communicated the specific aspects of Government policy to which I expected Ofqual to have regard in putting in place the arrangements for awarding GCSEs and A and AS levels on that basis.

Since then, Ofqual has been working with the exam boards to ensure that students can be issued with calculated results for A and AS levels and GCSEs this month, based on their exam centres' judgements of their ability in the relevant subjects, supplemented by a range of other evidence. Schools and colleges have submitted the grades they believed their students would have achieved had exams gone ahead. They have carried out the task of submitting these centre assessment grades with integrity and professionalism in very difficult circumstances. In line with my Direction of 31 March, the grades have then been standardised by the exam boards to make sure that students are treated consistently and so that the national picture is broadly in line previous years. I am very grateful to Ofqual and the exam boards for all the work that has gone into putting these arrangements in place in such a short period of time.

I am confident that the approach which Ofqual has designed means that the vast majority of students will get the grades they deserve this summer. I note too that Ofqual has put in place, following consultation, a robust appeals mechanism that is consistent with the request in my Direction of 31 March that

there should be a right of appeal focused on whether the process used the correct data and was correctly applied, rather than seeking to overturn teachers' professional judgements. I also welcome the clarification in Ofqual's final guidance, published on 6 August, that these arrangements will allow for appeals where a school or college can provide evidence that grades are lower than expected because previous cohorts are not sufficiently representative of this year's students, or where a qualifying 'event' (such as change in proprietor) has taken place.

However, we know that these arrangements as they stand may still leave some students who have demonstrated what they are capable of in a valid mock exam, with a grade below that which they achieved in their mock, including where their centre assessment grade is also higher than their calculated grade. My view is to ensure that the grading system is as fair as possible and as many students as possible are supported to progress, it is essential to provide an additional safety net for such students. Putting in place such an arrangement would provide a "triple lock" for students – allowing them either to accept their calculated grade, appeal on the basis of a valid mock exam or take an exam in the autumn as an alternative route to improve their grade.

The purpose of this letter, in line with section 129(6) of the Apprenticeships, Skills, Children and Learning Act 2009, is therefore to direct Ofqual on the Government's policy in relation to extending the current arrangements for summer grading appeals so that they go even further in ensuring a fair outcome for all students. For the reasons set out above, it is the Government's policy that there should be an extension to this year's appeals process. Schools and colleges should be able to appeal on behalf of students whose calculated grade was lower than the grade they achieved in any valid mock exam taken in relation to the relevant qualification, with successful appeals resulting in students being awarded their mock grade. I should be grateful if Ofqual would set out criteria for what should constitute a valid mock exam for this purpose (for example that it was a correctly marked mock exam, taken under exam conditions).

This policy should apply to GCSE, AS, A levels, Project and Advanced Extension Award students, wherever they were in the calculated grade distribution. I recognise that since not all students will have taken a valid mock exam this route will not be available to all students, but I believe it is right that students who can provide the necessary evidence have access to this additional route of appeal, alongside the existing routes of appeal which will address other potential inequities in outcomes, and the right to sit autumn exams which will be available to all.

I would be grateful if Ofqual would now work urgently with the exam boards to determine the way in which such appeals should be carried out, so that the policy position I have outlined can take effect. I would also welcome Ofqual's advice on how this approach might be adapted to ensure that students taking vocational and technical qualifications have a similar safety net.

The Government has announced that where a successful appeal means a

student meets the terms of their offer, that student will be exempt from the student number controls, so universities can hold the place open to them. I know that the exam boards have committed to doing all they can to process the appeals on which progression to higher education depends, by 7 September. Ofqual should work with the boards to ensure that appeals based on valid mock results are also reviewed within this timeframe if at all possible.

This letter will be published as a direction under section 129(7) of the Apprenticeships, Skills, Children and Learning Act 2009. I am copying it to: Roger Taylor, Chair of Ofqual; Robert Halfon MP as chair of the Education Select Committee; to Kirsty Williams AM and Peter Weir MLA as Education Ministers in Wales and Northern Ireland respectively; and to John Swinney MSP as Cabinet Secretary for Education and Skills in the Scottish Government.

A handwritten signature in blue ink, appearing to read 'G. Williamson', with a large, stylized initial 'G'.

Rt Hon Gavin Williamson CBE MP
Secretary of State for Education