



Professor Deborah Ashby OBE FMedSci, President
Sharon Witherspoon MBE FAcSS, Vice-President
Royal Statistical Society
12 Errol Street
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21 August 2020

Dear Deborah, Dear Sharon,

I am writing to address an issue raised in your letter of 14 August to Ed Humpherson, Office for Statistics Regulation, about the Ofqual approach to moderating teacher assessed exam grades.

Your letter states: “The proposed confidentiality agreement [from Ofqual] would, on our reading, have precluded these Fellows (who were suggested precisely because of their relevant statistical expertise, and lack of ties to qualification regulators or exam-awarding bodies) from commenting in any way on the final choice of the model for some years after this year’s results were released. We set out our concerns about the terms of the proposed non-disclosure agreement, and restated our willingness to help if a more suitable agreement could be reached. In the end, we did not get an official response to those questions, and our offer to help was not taken up.”

This is incorrect both in terms of your reading of the confidentiality agreement and in relation to the correspondence with Ofqual.

The confidentiality agreement which we are making public, does not preclude anyone from commenting on the model. It only precludes the disclosure of confidential information shared within the group.

This approach is a normal and entirely ethical mechanism to ensure people can speak freely in the discussions and can see analyses of confidential data without fear of information being made public during the deliberative process. Those in the group are not precluded from making general comments about the process publicly so long as they do not disclose confidential information about those discussions. The moment information is published – and we published details of the model on the day results were released – there is no restriction on any member of the group commenting on it.

Contrary to your letter, you emailed us your concerns and received a reply on 3 July giving assurances about the purpose of this contract.

Your letter and comments to the press have led to widespread misunderstanding and suspicion of Ofqual's process. I would ask that you take all measures you can to correct this impression. We will also be publishing this letter along with a copy of the NDA. This is important not least because the suggestion in your letter calls into question the reputations of all those who did take part in the advisory group and who, I am sure, would not have signed up to the restrictions you have incorrectly alleged.

We believe it is important that experts are able to examine our approach and comment freely. In that spirit, we are exploring how we might make the entire data set available through the ONS secure research service to enable others to look at how different approaches to moderation would have worked.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Roger Taylor', with a stylized flourish at the end.

Roger Taylor
Chair