

Equalities:

Managing the impact
of the COVID-19
pandemic on
the awarding of
qualifications



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Summary

1. The COVID-19 pandemic led to the need for alternative assessment arrangements for the awarding of GCSEs, AS, A levels and vocational qualifications for two successive summer examination series. The summer 2020 examination series was cancelled in March 2020 and the alternative arrangements were planned and implemented at pace and the options available were limited. Contingency planning for summer 2021 began in April 2020 and has included consideration of a range of potential options. Ultimately, due to the continued impact of COVID-19 on education in the 2020/21 academic year, the only viable approach to mitigate the disruption on learning has been for centres to determine grades within a flexible model, balancing assessment evidence with professional judgement.
2. The alternative arrangements for summer 2021 allow learners to achieve qualifications and progress. Throughout the development of these arrangements, the impact of the arrangements have been considered in relation to fairness to learners, manageability of the process, public confidence and national standards. We have sought to mitigate these risks where possible.
3. Our priority has been to develop an approach that is as fair as possible for all learners. Qualifications in themselves cannot address the inequities that exist within society, but we are committed to doing all that we can to prevent them from adding disadvantage or exacerbating existing disadvantages.
4. The disruption to face-to-face teaching and learning has impacted upon learners differently. As outlined in our Equalities Impact Assessment (Appendix A), it is possible that some learners who share protected characteristics may have been more negatively impacted by this disruption than other learners. Whilst the arrangements put in place are not intended to discriminate against these learners, it is not possible for qualification assessment arrangements to address or resolve disadvantage caused by other factors. For example, some learners may have had more limited access to online resources or lower levels of engagement and support whilst learning at home compared to other learners. This could have an impact on the outcomes they achieve in summer 2021. We will evaluate the summer 2021 outcomes to consider whether attainment gaps are different to those seen in a normal year. If changes are seen, it may not be possible to confidently identify the cause(s) of these changes, given the range of possible factors and the unusual level of divergence in learners' experiences over the past year.

Section 1 - Introduction

1.1. Overview

This document outlines how Qualifications Wales has considered equalities issues as part of our response to managing the impact of the COVID-19 pandemic on awarding qualifications. Whilst it briefly outlines our regulatory work and stakeholder engagement in any 'normal' year, it focuses mainly on our ongoing equalities related work since the start of the pandemic.

This document supplements our Annual Equalities Report, where we report our activity against our strategic equality objectives, as required by the Equalities Act 2010 and Wales 2011 Regulations. This will be published in summer 2021.

1.2. Background

Fairness for all is a core consideration in our work. Qualifications in themselves cannot address the inequities that exist within society, but we are committed to doing all that we can to prevent them from adding disadvantage or exacerbating existing disadvantages.

In 2020 and 2021, the pandemic led to the closure of exam centres¹ and the cancellation of exams and other assessments across the UK. It has had a significant impact on all qualifications, including general qualifications (GQs) (GCSEs, AS and A levels) and vocational qualifications (VQs). Alternative assessment approaches put in place from summer 2020 have sought to minimise the impact of the pandemic on learners due to complete qualifications and, wherever possible, enable learners to progress to the next stage of their learning or employment. Our focus has been to promote fairness to all learners as we have developed alternative assessment arrangements. The approach taken has intended to minimise the negative impact on learners, including those with protected characteristics.

The approaches taken are born from necessity and are often different from the assessment arrangements in place before the pandemic. Whilst they have provided an alternative approach for awarding grades during unprecedented circumstances, they are not without challenges.

1.3 Our equalities duty

Qualifications Wales regulates awarding bodies offering qualifications in Wales, with a focus on publicly funded qualifications.

We have a responsibility to look across the qualifications system to check that it is working in the interest of all learners, and to act or advise others to do the same, if necessary. We protect the value of qualifications, make sure that they are awarded fairly, and review and develop them as the needs of learners change.

As a public body, in carrying out our functions we have a duty under the Equality Act 2010, which includes the Public Sector Equality Duty (PSED), to have due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
2. advance equality of opportunity between people who share a relevant protected characteristic and those who do not
3. foster good relations between people who share a relevant protected characteristic and those who do not.

We are required by law to report our activity against our equality objectives on an annual basis. The work outlined in this document is activity that supports our objective 'Regulated qualifications are designed and assessed in a way that is fair for all learners'.

¹ School or college or other educational establishments.

We published our current strategic equality objectives in May 2019. Their purpose is to strengthen our performance in relation to the PSED, and ensure we make progress in advancing equality and inclusion. Our regulatory equality objectives are aimed at promoting equality and inclusion for all learners, including those who share any of the relevant protected characteristics. We meet these equality objectives through our regulatory work and through our communications and engagement with relevant stakeholders. Our equality objectives and more information about our equalities-related work can be found in our annual [Equality Report](#) on our website.

Although Qualifications Wales is not currently subject to the Well-being of Future Generations (Wales) Act 2015 (FG Act), we consider that our role supports its purpose and that its requirements are compatible with how we work. Therefore, we have voluntarily adopted its provisions to underpin how we deliver our functions and have set out to maximise our contribution to the seven well-being goals and to set and publish supporting objectives, reporting on progress annually. Delivering our regulatory objectives directly supports the [Well-being of Future Generations Act](#), ensuring that qualifications keep their value over time and continue to meet learner needs. We published our [Well-being of Future Generations Progress Report](#) in September 2020.

1.4. Equalities in our regulatory work

Equality impacts are considered, monitored and mitigated as part of our regulatory work. We require awarding bodies to comply with equalities law through our [Standard Conditions of Recognition](#) and we support awarding bodies by providing guidance documents such as [Fair Access by Design](#), which sets out ways to address accessibility within qualification assessment design.

We monitor awarding body compliance with our equality-related rules, as stated in our Standard Conditions of Recognition. These are that qualifications must be fit for purpose, which includes that they minimise bias, and that they are accessible for learners. This means that exams or assessments should not feature unnecessary or inappropriate barriers that prevent a learner demonstrating the required knowledge, skills and/or understanding.

We also require that awarding bodies have appropriate procedures for applying reasonable adjustments in their qualifications for learners with disabilities, such as allowing extra time for a learner to complete an assessment or providing modified questions papers in a larger font size or in braille.

In Wales, all approved² GCSEs, AS and A levels are currently provided by the awarding body, WJEC. Approved vocational qualifications are provided by WJEC and City & Guilds, and also EAL from September 2021. WJEC, City & Guilds, Pearson and Agored Cymru award Essential Skills Wales qualifications, which are also approved. As the regulator in Wales, we require awarding bodies to develop and deliver qualifications that properly measure a learner's knowledge, skills and understanding. Their assessments must differentiate between learners on the basis of their

² Approved qualifications are regulated qualifications eligible for use on publicly funded programmes of learning that are Approved under the Qualifications Wales Act 2015, awarded in Wales and that have met Approval Criteria.

attainment in assessments. Special regulatory requirements have been put in place to allow the award of qualifications in extraordinary circumstances in summer 2020 and summer 2021.

Along with the other UK qualifications regulators, we are active members of the Access Consultation Forum.³ This group meets at least twice a year to consider issues affecting the accessibility of qualifications and assessments for learners with a disability who are taking regulated qualifications anywhere in the UK and/or National Tests in England.

As part of our work to comply with the Equality Act 2010 and the PSED we complete Equalities Impact Assessments to inform key policy decisions that could have a significant impact on different groups of people who share particular protected characteristics. These are usually incorporated into Integrated Impact Assessments. At the core of all our considerations is fairness to all learners, whether they share these particular protected characteristics or not.

Section 2 - General qualifications (GCSEs, AS and A levels)

2.1 Summer 2020

2.1.1 Developing the alternative approach for summer 2020

In March 2020, when the pandemic took grip, Welsh Government [announced](#) that summer 2020 exams would be cancelled and that learners in Wales should receive calculated grades.

We worked closely with regulators in other jurisdictions, WJEC and awarding bodies within the Joint Council for Qualifications (JCQ), to consider approaches to providing qualification grades in the absence of the usual assessments and exams. Two of the key aims were to develop an approach to awarding grades that was as fair as possible to all learners, whilst seeking to manage national standards. Plans had to be developed at pace and the tight timeline and context in which everyone was working limited what could be put in place.

From an early stage in the development of an alternative assessment approach, it was identified that the fairest and most manageable option would be to ask centres to provide grades for learners (Centre Assessment Grades), and for there to be a process to standardise them, to account for local differences in the application of national standards. Acknowledging that grades would be based on a prediction of what learners would have achieved in exams, but without the associated assessment evidence from exams, it was also felt that standardisation would help avoid biases that could theoretically result in those sorts of grading decisions in the circumstances. This option was also preferred by regulators in other UK jurisdictions.

2.1.2 Consultation on arrangements for summer 2020

In developing the alternative approach for summer 2020, we consulted on the key aspects of the proposed arrangements. In our [consultation on arrangements for summer 2020](#) we gave respondents an opportunity to comment on our Equalities Impact Assessment. [Findings from the consultation](#) indicated that the Equality Impact Assessment was generally comprehensive but there were some concerns about a potential negative impact on learners who share particular protected characteristics. We directly addressed these concerns on pages 41 – 43 of our [Decisions taken following consultation](#).

³ [Access Consultation Forum - terms of reference - GOV.UK \(www.gov.uk\)](#)

In total, we had 4057 responses to our consultation on arrangements for the summer 2020 exams series, including from key stakeholder organisations such as the Equalities and Human Rights Commission (EHRC) Wales. We provided a formal response to EHRC Wales in May 2020.

Our [Consultation Decisions Report](#) included the final Equalities Impact Assessment that had underpinned our decision-making. Following the consultation decisions, WJEC developed standardisation models which we considered and approved. Whether any particular group or groups of learners would be disadvantaged or discriminated against by the model was considered at all stages of development. This led to different approaches being used for different qualifications, in order to achieve the fairest solutions. See [Standardisation arrangements for summer 2020 in Wales](#) for further information.

We also consulted on changes to the appeals process and decided on a simplified process that allowed WJEC to quickly identify and correct any obvious errors in the way that calculated grades had been generated. The grounds for appeal were focussed on administrative and procedural errors at centre or WJEC level and there was also provision for learners to raise concerns related to bias and discrimination. This was important since some of the concerns shared about the grades for learners with protected characteristics related to concerns over unconscious bias and discrimination. In the first instance, learners were advised to ask their centre to check if they made an error in producing their grade. In cases where that may not have been appropriate, or where their centre did not find an error, learners could pass evidence of what they believed to be bias or discrimination on to WJEC, which could then decide to investigate the matter as alleged malpractice by the centre. This was communicated to learners in our [Learner guide: appeals, malpractice and maladministration complaints](#).

Specifically for private candidates, following consultation, we allowed grades to be calculated for those who had sat some of the qualification in an earlier series, but for whom their entering centre was not able to enter a centre assessment grade and rank order. A similar method to that used for learners unable to sit all exams due to illness or other exceptional reasons was used. This process maximised the awarding of grades to private candidates and enabled their progression to careers or further education where this might have otherwise not been possible. There was still a small number of private candidates who were not eligible for this method. This was outlined in our [Private candidate policy statement](#).

2.1.3 Stakeholder engagement for summer 2020

As well as considering the consultation responses when developing our alternative approach for summer 2020, we engaged with various stakeholder groups including our Head Teacher Reference Group, Trade Unions and Representative Organisations group, the Association of Directors of Education Wales, Regional Consortia and EHRC Wales. We also held other events, such as a webinar for a range of equalities stakeholder groups where attendees included Race Council Wales, Citizens Wales and Ethnic Minorities and Youth Support Team Wales provided feedback on our proposals. We published a [Learner pack](#), in which we signposted learners to

the Equality Advisory and Support Service (EASS), an independent advice service providing information, advice and support on discrimination and human rights.

2.1.4 Change in policy for summer 2020

Following A level results day, Scotland and England changed their policy decisions and the original Centre Assessment Grades were awarded rather than the standardised grades. This change led to a change in Welsh Government's [policy position](#). Following a Ministerial direction to award Centre Assessment Grades without standardisation, Qualifications Wales required WJEC to issue learners with their Centre Assessment Grades for GCSE, AS, A level and the Welsh Baccalaureate Skills Challenge Certificate qualifications, unless the calculated grade produced by the standardisation model, or the previous AS result (in the case of A level qualifications), was higher.

2.1.5 Post-August 2020 results days statistics release

Shortly after results were issued, we published an [overview](#) of AS, A level and Advanced Skills Challenge Certificate outcomes and an overview of GCSE and KS4 Skills Challenge Certificate outcomes. Both reports included an initial equalities analysis, focusing on how overall attainment gaps compared to previous years, with analysis by free school meal eligibility, age, special educational needs and sex. The reports contained analysis of standardised grades, Centre Assessment Grades, and the final, issued grades (referred to as revised grades). This contributed to the limited evaluation we were able to do on the impact of the approach on learners from groups with particular protected characteristics.

On 29 October, we published an official statistics release that provided a more detailed equalities impact analysis that built on the initial analysis we had published in the summer. This release also provided a response to a request for further information from the Children, Young People and Education Committee (CYPE). We confirmed our initial findings that grades overall were substantially higher when compared to previous years. The report noted that care should be taken when interpreting the differences in attainment gaps compared to previous years, as these may have been influenced by other confounding factors, such as subject selection and prior attainment for which it was not possible to take account of with the available data. Since attainment gaps often vary by subject and also from year-to-year, it was impossible to conclude that inequalities were a factor.

The report included these key points:

- In most subjects, gender attainment gaps have been in favour of females in recent years. Compared to recent years, the gender attainment gaps for the 2020 (revised) grades tended to be wider (more in favour of females) for the top grades for GCSEs, AS and A levels, and narrower (less in favour of females) for the middle grades for A level. However, these patterns were not consistent across all subjects.
- The free school meal eligibility attainment gaps for the 2020 (revised) grades tended to be wider (more in favour of learners not eligible for free school meals) for the top grades for GCSE and AS, and narrower (less in favour of learners not eligible for free school meals) for the middle grades for A level, compared to previous years. However, these patterns were not consistent across all subjects.

- The special educational needs provision attainment gaps for the 2020 (revised) grades tended to be wider (more in favour of learners without special educational needs provision) for the top grades for GCSE and AS, compared to previous years. However, these patterns were not consistent across all subjects.
- Comparison of 2020 (revised) grades to 2019 by broad ethnic group shows increases in results for all broad ethnic groups for both the high and middle grades for all qualification types.

2.1.6 Qualifications in the spotlight – post summer 2020

The events of the summer resulted in the qualifications system in Wales coming under intense scrutiny; this was also true across the whole of the UK. Qualifications Wales, Welsh Government and WJEC were publicly criticised for decisions made regarding summer 2020 arrangements for awarding grades and the events of the summer had a negative impact on public confidence in qualifications and the qualifications system. On 28 August 2020, Welsh Government announced the establishment of an [Independent Review of the summer 2020 summer arrangements for awarding grades, and considerations for 2021](#). An interim report was published on 29 October 2020, and a final report on 22 January 2021. Both reports contained lessons learnt from 2020 and recommendations for 2021.

The concerns raised in relation to the award of qualifications in summer 2020 has highlighted the need for us to be more transparent in our work, particularly on issues related to fairness for learners.

2.2 Summer 2021

2.2.1 Our planned approach - Adaptations to assessment in summer 2021

From as early as April 2020, it was clear that COVID-19 would continue to have an impact on education and assessment.

We knew that learners who would be sitting qualifications in summer 2021 had experienced sustained disruption to their learning from March 2020, so worked with WJEC to consider the steps that could be taken to minimise the ongoing impact into summer 2021. We knew the risk of further disruption to teaching and assessment was high and that qualifications that included the assessment of practical skills may be more challenging to deliver if there were further lockdowns or public health restrictions. We were also aware that the disruption to learning and face to face teaching would have different impacts on different groups of learners.

On 3 July 2020, the Education Minister for Wales issued us with a [Direction](#) regarding considerations for general qualifications for 2021; to prepare for examinations in 2021 to go ahead as normal, albeit with some modifications to take account of any loss of learning time. Having considered the Minister's policy direction, the ongoing disruption to teaching and learning and the policy positions that informed our arrangements for spring and summer 2020, we decided that adaptations should be made to GCSE, AS, A level and the Skills Challenge Certificate qualifications in Wales. We structured our regulatory approach for 2021 around a set of overarching principles that WJEC should apply when adapting assessments, and more

detailed requirements that WJEC had to comply with when making those adaptations. Our regulatory requirements for awarding bodies to comply with accessibility requirements continued to apply to the adapted qualifications. On 15 July 2020, we published our [Requirements for Adapting Assessments for GQ Qualifications in 2021](#) and [Special Conditions for Adapting Assessments for GQ Qualifications in 2021](#) and wrote a [letter](#) to centres outlining the approach. The requirements reiterated the need for WJEC to ensure that in making any adaptations to assessments it should minimise bias, as far as possible, as well as complying with our Standard Conditions⁴.

As required by us, WJEC consulted with teachers on their proposed adaptations to approved qualifications. The adaptations sought to mitigate lost teaching and learning time through reducing the pressure of assessment whilst maintaining the development of knowledge, understanding and skills across a broad and suitable curriculum. It was also important that the adaptations did not disadvantage or advantage learners relative to their peers taking other types of qualifications, or in different jurisdictions, and did not undermine the validity, reliability and credibility of the qualifications in Wales and outside Wales. WJEC's proposed adaptations generally received broad support.

WJEC provided detailed information and guidance to centres, on an individual qualification basis, for GCSEs on 21 July 2020 and for AS and A levels on 6 August 2020. WJEC also made adaptations to the Skills Challenge Certificate qualifications according to our requirements and communicated these to centres in August 2020.

2.2.2 Further contingency planning for summer 2021

As part of our ongoing contingency planning, we considered a range of options for each qualification type, ranging from continuing with exams and the adaptations to assessment, through to centres awarding grades. An Equalities Impact Assessment, which was part of an Integrated Impact Assessment (dated 29 September 2020), informed decisions on the most suitable approaches at that time through consideration of the potential impact of a range of possible options and scenarios.

Although not a statutory requirement, as part of this work, we also considered how our preferred option for each qualification type impacted upon relevant articles from the United Nations Convention on the Rights of the Child (UNCRC). For example, as far as possible, we strived to make sure that the preferred option was non-discriminatory (Article 2) and in the best interests of the child (Article 3). We also considered how we could best ensure that children could express their views (Article 12) and access relevant and reliable information (Article 17).

On 16 October, we gave [advice](#) to the Minister with a recommendation that grades should be awarded through a combination of exams and in-class assessment. Whilst the risk of disruption to a national exam series, as well as the impact of ongoing disruption to face-to-face learning was high, our view was that the fairest approach to awarding qualifications would retain some assessment through national, unseen exams, where possible. In the interest of fairness, the

⁴ Condition C2.3(h) (Arrangements with Centres), Condition D2 (Accessibility of qualifications) and Condition G6 (Arrangements for Reasonable Adjustments).

advice differed slightly for GCSE and A level to take into account the different uses of the qualifications in terms of learner progression.

The cancellation of exams was an option we had analysed but was not our preferred approach at this time because it introduced potential risks, including risks related to managing bias (see 2.2.4). The approved GCSEs, AS and A levels had been designed to be assessed wholly or partly via examination⁵, and we did not consider we were yet at the point where the impact of the pandemic would have made timetabled assessments impossible.

2.2.3 Recommendations of the Independent Review's interim report

The recommendations published in the Independent Review's [interim report](#) in October focused on prioritising the needs of, and fairness to, learners and included that assessment should be undertaken by a learner's educational setting and not through an exam series. Some of the risks of this recommended approach were identified in the review report. These included the risk to learner equity, which recognised that some groups of learners, for example 'those from an ethnic minority background and those with additional learning needs, could receive less favourable treatment through centre assessments due to unintentional bias by teachers.'⁶ The report suggested that with effective training and development in place for teachers and lecturers, this risk could be successfully overcome. This was based on evidence of 'excellent work already taking place in Further Education Colleges (where lecturer assessment is common for vocational qualifications) to recognise unintentional bias as a risk and put training and other measures in place to minimise it'⁷. The report stated that 'such mitigating actions must be a key part of the assessment approach for 2021.'⁸

The report also recommended that an advisory group be established to develop workable proposals which could deliver the Minister for Education's policy on qualifications in 2021. The [Design and Delivery Advisory Group](#) was established by the Minister to carry out this function.

2.2.4 Cancellation of exams in summer 2021

Due to the ongoing public health crisis, the Minister for Education made the [decision](#) in November to cancel the summer 2021 exams. Subsequently, Welsh Government directed Qualifications Wales to this effect, whilst acknowledging that the final decision regarding arrangements for the summer examination series and any alternative assessment arrangements would be for us to take and implement. Whilst this had not been our preferred approach initially, the Qualifications Wales Board recognised the impact of the level of disruption within centres and the variability in learner experiences and consequently decided to regulate these qualifications in line with the Direction.

⁵ Exception – approved GCSE, AS and A levels in Art which are all via non-examination assessment.

⁶ Page 2 [Independent Review of the summer 2020 arrangements to award grades, and considerations for summer 2021](#)

⁷ Page 13 [Independent Review of the summer 2020 arrangements to award grades, and considerations for summer 2021](#)

⁸ Page 13 [Independent Review of the summer 2020 arrangements to award grades, and considerations for summer 2021](#)

Alongside Welsh Government, the Design and Delivery Advisory Group, WJEC and other key stakeholder groups, we worked together to develop an approach to allow learners in Wales to be awarded GCSE, AS and A level qualifications in summer 2021 to progress to further learning or into employment. As part of this decision-making, in meetings on 10 December and 15 December, the Board considered an updated⁹ Equality Impact Assessment, that reflected more recent developments, to support their decisions. On 15 December, the Board discussed the numerous risks and challenges in relation to the approach, but agreed that in the exceptional circumstances these could not be eliminated. In the best interests of learners, the Board decided to regulate WJEC, and therefore approved GCSEs, AS and A levels, in line with the adopted policy position of the Minister for Education and the recommendations of the Design and Delivery Advisory Group. The Design and Delivery Advisory Group shared reflections and areas of [consensus](#) with the Minister on 16 December, which proposed a three pillared approach to assessment: non-examination assessment (NEA), internally managed assessment and externally set and marked assessment.

2.2.5 The Centre Determined Grade approach in summer 2021

In late December 2020, the second wave of COVID-19 infections accelerated quickly, and an [alert level 4](#) lockdown was introduced over the Christmas period. On 4 January 2021, the Minister for Education announced that centres would not reopen for face-to-face teaching following the Christmas holidays.

In light of the level of disruption to teaching and learning and significant questions over the viability of the three-pillared approach, we worked with WJEC, the Design and Delivery Advisory Group and Welsh Government to develop alternative approaches to assessment for summer 2021. Options included learners completing alternative assessments in class and grades being produced by either WJEC or by centres directly, with some standard assessments being used and quality assurance processes in place. These options were also explored widely with various other stakeholder groups, including the EHRC Wales, the Children's Commissioner for Wales, Headteachers' Reference Group and our Trade Union and Representative Organisations group. On the basis of discussions and further work, amended proposals were put forward by the Design and Delivery Advisory Group in a [letter](#) to the Minister, in which it was proposed that centres should determine an appropriate grade for each learner in each qualification.

On 20 January 2021, the Minister for Education announced the policy position that learners undertaking approved GCSE, AS and A levels would have their qualifications awarded through a Centre Determined Grade model, meaning that grades would be determined by centres based on their assessment of learner work.

On 18 & 19 January 2021, the Qualifications Wales Board considered the Minister's anticipated policy direction based on the advice to her in the Design and Delivery Advisory Group's letter. As part of its decision-making, the Board made use of an interim Equality Impact Assessment, that considered the impact of the Design and Delivery Group's preferred approach. Following

⁹ Impact assessments and equalities impact assessments were updated to reflect current proposals but the changing nature of the proposals, along with very short timelines resulted in these documents becoming iterative documents, rather than absolute, final versions.

the Minister's policy announcement, on 20 January 2021, Qualifications Wales publicly committed to:

1. change regulations for approved GCSE, AS and A levels in Wales to allow for Centre Determined Grades
2. work with WJEC to put in place an assessment framework to support centres.

In addition, WJEC would develop and operate a quality assurance process to confirm that centres put in place appropriate procedures.

Whilst our Board took the decision to regulate these qualifications in line with this approach, we understood there were a number of significant risks and issues that needed to be considered and mitigated for, where possible. These limitations were outlined to the Minister in Qualifications Wales's [response](#) on 23 February 2021, and included the following risks and mitigations relating to managing bias:

- The flexibility of the model allows teachers and lecturers to create their own assessments. However, designing summative assessment materials used in high-stakes qualifications requires specific skills. There is some concern that assessments may not be designed sufficiently well to address equality issues. To mitigate this risk, we will draw centres' attention to our 'Fair Access by Design' guidance, which is normally intended for awarding bodies, and WJEC will provide training on designing assessments. Additionally, WJEC will provide adapted past papers for centres to use either as stand-alone assessments or from which to select questions that have been impact assessed for equalities.
- Evidence from Centre Assessment Grades awarded in summer 2020 shows atypical attainment gaps were associated with certain protected characteristics. This could support an assertion that bias was present in these awards. Training to raise awareness of conscious and unconscious bias can be put in place, but each centre will have to accept responsibility for considering equalities issues and ensuring that its public sector equalities duty has been upheld.
- Examinations usually have very specific arrangements that allow for learners with specific needs to have fair access to assessments (for example 25% extra time). In the 2021 arrangements, evidence may be used in determining a learner's grade where suitable access arrangements were not in place, as the assessment was considered low stakes when it was undertaken. Centres will need to ensure that consideration of appropriate access arrangements has been undertaken when determining grades.
- Learners with additional learning needs often have support in their learning and assessment from multiple specialists. Grades should be determined by centres with sufficient input from specialist teachers and guidance will need to ensure that they determine grades using the full range of appropriate input.

Even though the Centre Determined Grade approach had been put forward in exceptional circumstances to protect the interests of all learners in Wales, there was the risk that the impact of this approach would be different for some groups. However, our analyses of impacts on equalities suggested that the risks related more to wider system issues, such as engagement in

learning, home support for learning and access to resources, than directly to the alternative arrangements. Qualifications cannot mitigate inequalities or unfairness in the education system, or in society more widely, which might affect, for example, learners' preparedness to engage with qualifications.

Whilst we have planned to consider attainment gaps as part of the evaluation of the impact of the approach this summer, it is unlikely that we will be able to make conclusions about any changes to these attainment gaps. Attainment gaps at subject level also change from year to year, and this is likely to be driven by changes such as the ability of the learners that choose to take the subject, and factors such as changes to entry practices, or group-level prior attainment. As well as differences in the learners taking each qualification, there are many other differences in the assessment arrangement this year, both in context and approach, that could alter performance and change attainment gaps. Without exams, there is no way of knowing what attainment gaps would have resulted from exams this year. We will not be able to conclude, just from changes in attainment gaps in Centre Determined Grades, that there is bias in the process.

2.2.6 Equalities in our communications and engagement for summer 2021

2.2.6.1 The Design and Delivery Advisory Group Equalities Sub-Group

To develop the alternative assessment arrangements at the necessary pace, the Design and Delivery Advisory Group members formed sub-groups to focus on key areas of the process, and to provide feedback to us and WJEC about some of the more detailed aspects of the Centre Determined Grades approach.

The Design and Delivery Advisory Group sub-group on equalities and learner voice considered and agreed written materials from Diverse Cymru on avoiding unconscious bias and a joint training offer from Diverse Cymru and WJEC on unconscious bias for centres, as part of WJEC's training programme for Summer 2021. In addition, the sub-group provided feedback on EHRC Wales' bespoke guidance for centres on complying with the PSED when determining Centre Determined Grades this summer.

In considering centres' compliance with the PSED, the sub-group on equalities and learner voice produced a draft Equality Impact Assessment to support centres with completing their own Equality Impact Assessments for determining Centre Determined Grades. The draft Equality Impact Assessment was shared with EHRC Wales, and the chair of the sub-group accepted all feedback from EHRC Wales. The final Equality Impact Assessment was made available to centres on Welsh Government's digital platform, Hwb¹⁰.

The group also considered routes for private candidates to be able to be awarded GCSEs, AS and A levels this summer, to ensure, as far as possible, that there was equality of opportunity for these learners. Whilst there is a lack of data on the protected characteristics of private candidates, anecdotally, we understand that some private candidates may share particular protected characteristics, such as disability, religion and belief.

¹⁰ Hwb is the digital platform for learning and teaching in Wales <https://hwb.gov.wales/>

2.2.6.2 Stakeholder engagement developing our Equalities Impact Assessment for the Centre Determined Grades approach in summer 2021

In March, we completed an Integrated Impact Assessment, which included an Equalities Impact Assessment specific to the Centre Determined Grades approach. The Integrated Impact Assessment also considered the potential impact of the Centre Determined Grades approach on relevant articles from the United Nations Convention on the Rights of the Child (UNCRC). Interim impact assessments that had been used to inform earlier decisions supported production of this Integrated Impact Assessment, which was strengthened by further stakeholder work to inform decisions on more detailed aspects of the approach. The Equalities Impact Assessment is included in Appendix A.

As part of our analysis of the impact of the more detailed arrangements for summer 2021 we engaged with equalities organisations Citizens Wales, Muslim Council for Wales, Race Council for Wales, Cytûn (Churches together in Wales), Welsh Refugee Council, Show Racism the Red Card, Travelling Ahead, Diverse Cymru, and Samaritans Cymru. Our engagement focused on groups of learners who share the particular protected characteristics and who may experience more inequality than other groups.

These stakeholders provided us with details of the inequalities facing certain groups of learners that they feel had been exacerbated since the beginning of the pandemic. They shared concerns about the extent to which learners' mental health has been affected by the pandemic and issues they faced in relation to remote learning. They also discussed the additional difficulties faced by certain groups of learners who may share more than one relevant protected characteristic. These difficulties may have impacted on the level of access to, or engagement these learners and their parents or carers may have had with, our information about the Centre Determined Grade approach.

Furthermore, stakeholders provided anecdotal evidence about the potential for private candidates to share one or more of the relevant protected characteristics.

Stakeholders raised concerns about the impact of digital exclusion, differential learning loss, whether reasonable adjustments were being applied throughout the learning experience, the availability of accessible communications to learners, parents and carers, and the potential for bias to influence Centre Determined Grades for those learners who share particular protected characteristics such as race, disability, gender, religion and belief, and those learners from a socio-economic disadvantaged background.

While some of the concerns raised are outside the scope of qualifications, we worked to address them as far as possible through supporting teachers and centres to comply with the PSED, as well as publishing relevant guidance as outlined in the following sections.

2.2.7 Our work to support teachers and centres to comply with the Public Sector Equalities Duty (PSED)

In February, we first published our [Guidance on alternative arrangements for assessment in summer 2021](#). This guidance included a specific section on equalities, highlighting to centres the need to comply with the PSED, as well as information about the equalities-related training that was made available.

We secured support from EHRC Wales, which produced guidance on complying with the PSED to support centres. The Design and Delivery Advisory Group sub-group on equalities provided positive feedback on this guidance prior to EHRC Wales publishing it. We wrote to centres about this guidance, and it has been made widely available via the EHRC Wales' website¹¹, WJEC's secure website and Welsh Government's Hwb¹² website. The EHRC Wales guidance reminds centres of the need to assess the impact of their assessment plans for summer 2021 against the needs of the PSED, consider relevant evidence relating to learners who share a relevant protected characteristic, take account of any equality impact assessment in respect of the assessment plans, publish the results of the equality impact assessment and monitor the impact of the plans. A key risk of the alternative arrangements is that of unconscious bias in the judgements that centres make in the determination of learners' grades. This was also raised as a risk in the Independent Review¹³.

Support on avoiding unconscious bias was planned into WJEC's comprehensive programme of professional learning. We worked with WJEC and Diverse Cymru, a Welsh charity committed to supporting people faced with inequality and discrimination because of particular protected characteristics, to support training for teachers on avoiding bias when producing Centre Determined Grades. Diverse Cymru produced written materials on bias which comprised: 'What is unconscious bias', 'How to discover your own biases', 'Common types of unconscious bias' and a 'top tips' document to mitigate the risk of unconscious bias. These documents are available to centres on WJEC's secure website and on the Hwb website.

Diverse Cymru also took part in a live Q&A session as part of WJEC's Summer 2021 training programme for centres in March 2021. WJEC shared Diverse Cymru's written materials in advance of the Q&A session, and centres were able to submit questions prior to the event, and during the event, for clarification. The Q&A session was recorded and is available on WJEC's secure website. The live session was attended by 150 teachers. Diverse Cymru's written materials were also referenced in WJEC's training presentation on objectivity and unconscious bias to complement the specific assessment content produced by WJEC. All training materials and sessions are available bilingually.

2.2.8 Private candidates

In summer 2020, there were around 500 learners in Wales who entered WJEC qualifications as a private candidate. Private candidates represent a diverse group of learners, and their individual needs vary significantly. We considered the suitability of any alternative assessment arrangements for learners who may need to enter qualifications as private candidates. As suggested by some of the stakeholders we spoke to when considering the arrangements, we understand that many private candidates may share particular protected characteristics and the impact of our approaches were highlighted for further consideration as part of our Equalities

¹¹ <https://www.equalityhumanrights.com/en/advice-and-guidance/our-approach-public-sector-equality-duty-and-guidance>

¹² Hwb is the digital platform for learning and teaching in Wales <https://hwb.gov.wales/>

¹³ Page 2 [Independent Review of the summer 2020 arrangements to award grades, and considerations for summer 2021](#)

Impact Assessment. For instance, we believe that some learners may be educated at home due to religious beliefs, or due to a disability.

As part of this work, we also engaged with the Elective Home Education network to consider how communications could be as effective as possible. We were able to include consideration of the issues identified for some groups who share particular protected characteristics in our planning for, and deciding on, the final approaches to be taken. Consideration of options by the Design and Delivery Advisory Group equalities sub-group ensured issues were fully assessed, considered, and mitigated for where possible. Our [Guidance on alternative arrangements for assessment in summer 2021](#) gave an overview of the arrangements specifically for private candidates.

Due to the nature of the way grades are being awarded this year, it was not possible to establish an approach for private candidates that would be directly comparable to learners who are fully enrolled at, and attend, a centre. Ensuring private candidates were able to be awarded grades for qualifications they expected to get grades for was a priority, and we endeavoured to develop an approach that was as comparable as possible and that did not advantage or disadvantage learners whether they were private candidates or not. An approach was agreed which would involve centres hosting private candidates and WJEC taking responsibility for determining the centre assessed grade. Involvement of WJEC in direct assessment in this way is not a feature of the arrangements put in place for the majority of learners this summer, but it was felt to be the best solution in the extraordinary circumstances. Issues that might affect learners who share particular protected characteristics accessing this approach were considered carefully and included: accessibility in relation to the need for private candidates to attend centres, access to resources, parity in relation to use of assessments completed at the centre and at home and parity in relation to all stages of the appeals processes. As for other aspects of planning for summer 2021, we sought the views of various other stakeholder groups, including the Children's Commissioner for Wales and received positive feedback on the arrangements.

Once the approach was agreed, Welsh Government worked with local authorities to ensure there were centres that would accommodate private candidates, and that these were available and accessible across Wales, and we worked with WJEC to agree final arrangements. In March we published specific arrangements for [centres entering private candidates](#). In April, we published an accessible version of the arrangements as guidance for [private candidates](#) to support their access to grades this year.

2.2.9 Appeals

The Centre Determined Grade approach puts teachers, lecturers and centre leaders at the heart of delivering a system that will enable learners to progress. They also have a key role to play in making sure every learner has access to fair review and appeals processes this year. Our [Guidance on alternative arrangements for assessment in summer 2021](#) includes guidance on how learners can request a centre review on the grounds that there has been an error in its determination and, following this, how they can appeal their grade on the grounds of procedural error or academic judgement (see 2.2.5.5). To produce this guidance, we drew on relevant feedback from the stakeholder engagement and our equalities impact assessment, as outlined above.

Qualifications Wales sets the overall requirements that WJEC must follow in delivering the appeals process. We have engaged with the Children’s Commissioner for Wales and the EHRC Wales in the development of the approach. We have sought to balance the workload implications for centres alongside the need to provide a fair and meaningful appeals process for all learners. The appeals framework put in place is compliant with legal requirements and delivers natural justice for learners.

The centre review and appeals process this year is designed to be accessible to every learner, parent and/or carer, taking into account any relevant protected characteristics, and any relevant reasonable adjustments that are needed to access the process. We have provided guidance to centres on the reasonable timescales for requesting centre reviews and appeals so that learners and their parents and/or carers can make reasoned decisions, with appropriate support from centres. In May, we published our [Information for centres on centre reviews and appeals in summer 2021](#). We have also published [Appeals information](#) specifically designed for learners.

The potential impact on learner well-being was considered during the development of the appeals process and is central to the approach agreed. Our information for centres on centre reviews and appeals states that learners should be made aware of the counselling, pastoral and well-being support services available at their centre. We also provided links to relevant external support services on our website.

Section 3 - Vocational qualifications (VQs)

3.1 Overview

Many VQs taken in Wales are also taken in England and/or Northern Ireland. These are referred to as “three-country VQs” in this section. In our “business as usual” work, we work with our fellow regulators (Ofqual in England and CCEA Regulation in Northern Ireland), to make sure that learners’ experience of these qualifications is the same, regardless of where they study. We continued to adopt this principle during the pandemic.

Some vocational qualifications, such as Essential Skills and those in Health and Social Care, and Childcare, are only available in Wales. As regulator for qualifications, we have made sure that the approach to awarding approved vocational qualifications is consistent with the approaches for similar qualifications taken in other jurisdictions.

3.2 Spring and summer 2020: The Extraordinary Regulatory Framework

3.2.1 Developing the alternative approach for spring and summer 2020

From March 2020, we worked with Ofqual on a regulatory framework (the Extraordinary Regulatory Framework (ERF)) to allow awarding bodies to adapt their assessments for learners due to complete their assessments on or after 20 March 2020. We aligned our framework with Ofqual’s to meet the principle of ensuring that learners taking three-country VQs across the UK would experience the same adaptations regardless of where they lived. The ERF allowed awarding bodies to provide calculated grades for three-country VQs that are similar in their delivery and assessments to GCSEs, AS and A levels and to provide adapted assessments for

other VQs. The ERF also allowed awarding bodies to delay assessments that confirm occupational competence where the assessments could not take place due to social distancing restrictions or closure of settings.

3.2.2 How the impact of arrangements on equalities was considered

Ofqual launched the [consultation on the proposed regulatory framework](#) on 24 April 2020. The consultation included an equalities impact assessment for each approach: calculated grades, adaptations or delay, and sought views on any other possible equality impacts and mitigations. We did not hold a separate consultation but encouraged stakeholders to reply to Ofqual consultation.

During this period, we regularly engaged with stakeholders in Wales. We asked centres about how they felt particular groups of learners had been affected by the pandemic and whether the proposed approaches would impact learners in different ways. Throughout these conversations, we ensured that our stakeholders understood that assessments for qualifications confirming competence in areas such as health and safety and safeguarding had to continue, even if there were a negative impact on some learners.

During spring 2020, we also met with stakeholder groups to understand the impact of the pandemic on the delivery of teaching and assessments for approved VQs in Health and Social Care and Childcare. We used these groups to consider possible adaptations for legacy Health and Social Care and Childcare qualifications delivered in Wales and Northern Ireland, but not in England. These conversations considered the equalities impacts of the proposed approaches to assessment on learners taking these qualifications. The agreed approaches, announced in April 2020, balanced learner and sector needs.

We met with centres to discuss adaptations for Essential Skills qualifications. Learners taking Essential Skills qualifications are more likely to be from a diverse range of backgrounds than those taking GCSEs, AS and A levels in centres. Centres expressed concern that these learners would be less likely to return to complete their qualifications following absence due to COVID-19. As Essential Skills are often delivered as part of apprenticeship frameworks, there were significant concerns about the number of learners who were unable to complete their apprenticeships and therefore access employment because they were unable to take their Essential Skills assessments. To meet the principle that results should be issued to as many learners as possible, whilst maintaining the validity of the Essential Skills qualifications, we decided to allow awards based on Centre Assessment Grades, whilst enabling learners who were able to take assessments to take just one out of the two assessments required for the Application of Numeracy and Communication Essential Skills qualifications at levels 1 to 3. The adaptations put in place enabled learners to complete their qualifications and progress, reducing the potential disadvantage for all learners, including those who share relevant protected characteristics.

Throughout the discussions about possible adaptations to VQs in 2020, concerns were raised about plans to introduce adaptations such as remote assessment and remote invigilation which might disadvantage or not be accessible to some learners. The regulators discussed this point with centres to understand their views. Following consultation, it was set out in the ERF that

awarding bodies should minimise disadvantage for particular groups of learners as far as they could, but as there were difficult balances to be struck, the ERF allowed awarding bodies to take an approach to issue results or adapt assessments for the majority of learners, even if a group of learners were to be disadvantaged. This point is explored in greater detail in the equalities impact assessment included in [Ofqual's decision paper on arrangements for assessment and grading in 2020](#).

3.2.3 Impact of decisions made for GCSEs, AS and A levels

Three-country VQs that followed a similar approach for awarding to GCSEs, AS and A levels in 2020 were impacted by the changes in the policy on calculated grades for these qualifications described in section 2.1.4 above. The impact on learners taking BTECs in particular, was well-publicised, with a late decision to allow centre assessed grades for VQs similar to GCSEs, AS and A levels, like BTECs, resulting in delays in learners receiving their results. For other VQs where assessments were either adapted or delayed, or had been awarded using banked units, the arrangements put in place remained the same throughout spring and summer, albeit the ERF permitted awarding bodies to develop their approaches as the situation evolved.

3.3 Summer and autumn 2020: The Extended Extraordinary Regulatory Framework

3.3.1 Extending alternative arrangements into 2020/21

We continued to engage with stakeholders throughout spring and summer 2020 to understand the impact of the arrangements on learners and centres and the challenges (and successes) experienced by awarding bodies when issuing results. From June 2020, these conversations included consideration of what longer-term measures would need to be put in place to mitigate the loss of teaching and learning experienced by learners who were not due to certificate in 2020 but would continue their programme of learning into 2020/21.

We continued to work with awarding bodies, sector bodies and centres to agree adaptations for approved VQs in Health and Social Care and Childcare, and Essential Skills in 2020/21. As before, we engaged with centres and sector bodies to understand the impact of our proposals on learners.

Ofqual published their [consultation on an extension to the ERF for 2020/21](#) in August 2020. As before, we did not consult separately, but we encouraged stakeholders in Wales to respond to the consultation. The Extended Extraordinary Regulatory Framework (Extended ERF) adopted the starting point that assessments would take place during the rest of 2020 and in 2021. The Extended ERF allowed awarding bodies to make changes to assessments and qualifications to ensure that as far as possible learners had the opportunity to receive fair results and to not be disadvantaged by longer-term impacts of the pandemic. We published the Extended ERF on 12 October 2020.

The consultation on the extension to the ERF included a [further equalities impact assessment](#), which echoed the themes covered in the consultation for the ERF and again sought respondents' views on whether there were any further impacts. In this consultation, it was proposed that the provision in the ERF allowing awarding bodies to put in place adaptations

that might disadvantage some learners if it allowed the majority of learners to access assessments or receive results would be removed. This proposal reflected the different circumstances of delivery and assessment in summer and autumn 2020, including the reopening of centres, more flexible delivery models and the use of technology.

Another key difference in the Extended ERF was the removal of the ability for qualifications to be awarded on the basis of calculated grades. This also reflected the reopening of centres and increased opportunities for assessment. In the Equalities Impact Assessment included in the Ofqual consultation, it was explained that this would reduce disadvantage for learners with particular protected characteristics, as some of these learners may be less likely to have sufficient evidence on which to base a calculated result, for example due to absence as a result of disability or long-term illness.

3.4 2021: The Vocational Qualifications Contingency Framework

3.4.1 Planning for awarding in 2021: approved VQs

In late 2020 and early 2021, we considered the appropriateness of arrangements in place for approved VQs, particularly, in light of the Minister's decision in November 2020 to cancel exams for GCSEs, AS and A levels. For approved VQs in Health and Social Care, and Childcare, we engaged with centres and the awarding bodies to understand the impact of the policy decision to cancel exams on assessment for these qualifications. For qualifications in the suite that have a January exam series, we talked to centres to understand whether their learners wanted to sit the January assessments. As there was no consensus on this point, we made the decision to continue with the January series for these qualifications, but put measures in place to ensure that learners who either did not take the assessments or took the assessments but did not achieve to the level that they expected, would not be disadvantaged when qualifications were awarded in summer 2021. This action mitigated the risk of disadvantage for all learners, including those who share relevant protected characteristics.

For approved qualifications in Health and Social Care and Childcare that confirm competence and are required for registration with the workforce regulator, we reviewed the existing arrangements and held discussions with centres, sector bodies and awarding bodies. Following these discussions, we extended the existing arrangements until 31 August 2021. As access to workplace assessment remained challenging, with the impact of delays for some learners, the need to ensure competence in learners who would be working with vulnerable individuals meant that further adaptations to assessment would not be acceptable. This would have an impact on all learners, including those who share relevant protected characteristics, but would not specifically disadvantage learners who share relevant protected characteristics compared to their peers.

For Essential Skills qualifications, we also engaged with centres to understand the challenges that they were facing. For these qualifications, centres continued to experience challenges with learner engagement and assessment similar to 2020, with the backlog of learners waiting to complete their qualifications growing and becoming harder to manage. As a result of these conversations, we agreed that facilitating completion for as many learners as possible remained a priority. On 9 February 2021, we wrote to the Essential Skills awarding bodies to confirm that

learners who were unable to access assessments and would be negatively impacted by delaying assessments would be eligible to receive results based on teacher judgements made using alternative evidence. The existing adaptations to assessments also remained in place.

3.4.2 Developing an approach for all VQs in Wales

From January 2021, as the policy positions across the UK nations regarding centre closures and assessments were announced, work began on regulatory arrangements for awarding in 2021. We took the position that, in order to ensure consistency and fairness for learners in Wales, we would again align our regulatory framework for all VQs with that of Ofqual. CCEA Regulation took the same decision in Northern Ireland.

We undertook an Equality Impact Assessment in respect of our decision to align with Ofqual's regulatory approach to awarding vocational qualifications in 2021. We considered Ofqual's [consultation on the alternative arrangements for the award of vocational and technical qualifications and other general qualifications in 2021](#), which was published on 15 January 2021 and included their Equality Impact Assessment. We also considered Ofqual's [consultation decisions paper](#) on the Regulatory arrangements for the awarding of Vocational and Technical and other General Qualifications in 2020-2021, which was published in March 2021 at the same time as their [Vocational and Technical Qualifications Contingency Regulatory Framework](#). In the Equality Impact Assessment in the decisions paper, Ofqual set out that the arrangements should be as fair as possible for all students and that their aim for the Vocational and Technical Qualifications Contingency Regulatory Framework was for it to be sufficiently flexible, to ensure students are able to receive results where possible. Ofqual recognised that whatever the arrangements in place, it may not be possible to fully mitigate the disadvantage faced by some students, including as a result of them sharing a protected characteristic. The Vocational and Technical Qualifications Contingency Regulatory Framework requires an awarding body to ensure that in making any adaptations to an assessment for a VQ which it makes available, it minimises bias.

3.4.3 Impact of arrangements for GCSEs, AS and A levels

We published our [Vocational Qualifications Contingency Regulatory Framework \(VCRF\)](#) on 27 April 2021. Whilst aligning with the Ofqual framework, the VCRF recognises that the arrangements for GCSEs, AS and A levels are different in England and Wales. The VCRF therefore gives awarding bodies that deliver three-country VQs in Wales the flexibility to align their approaches for VQs that are most like GCSEs, AS and A levels with either the [Ofqual General Qualifications Alternative Awarding Framework](#) or the Qualifications Wales General Qualifications Alternative Awarding Framework for Wales, as appropriate.

As described in Section 2 above, we considered equality impacts during the development of the regulatory requirements for approved GCSEs, As and A levels. In January 2021, Ofqual held a joint [consultation with the Department for Education in England on the policy decisions underpinning the arrangements for GQs in 2021](#), which included an Equality Impact Assessment. The VRCF also requires an awarding body to comply with equality considerations, in particular Conditions D2 and G6 as set out in our [Standard Conditions of Recognition](#); this applies to the decision to align their VQ approaches with the GQ framework in either England or Wales.

3.4.4 Stakeholder engagement in 2021

We established a VQ Stakeholder group with representation from Work Based Learning and Further Education, ColegauCymru, National Training Federation Wales and Welsh Government. The primary purpose of the group is to provide a platform for us to discuss with key stakeholders the challenges faced by the post-16 education and training sectors as a result of the pandemic in delivering and assessing regulated qualifications. The aim is to work collaboratively to identify key risks and challenges faced by the sector and explore possible solutions or steps that could be taken to mitigate the impact for learners and centres.

The immediate focus of the discussions in early 2021 was on the impact on the delivery, assessment and award of regulated qualifications in 2021. However, it is intended that discussions also consider the wider dependencies and impacts on qualifications, including learner progression, funding implications, apprenticeships and future developments.

The group meets monthly and has enabled us to gain feedback on the proposed solution for Essential Skills qualifications in particular, enabling us to have confidence in the agreed arrangements put in place until 31 August 2021.

Section 4 - Looking forward

4.1 2021 equalities monitoring, analysis and evaluation of the impact of our alternative arrangements

4.1.1 Monitoring of GCSEs, AS and A levels and VQs

We can monitor some aspects of the alternative arrangements that have been agreed and implemented, some of which we refer to as actions in our Equalities Impact Assessment. We will not monitor all aspects of the approach in as much detail as we would wish, as this may place an unreasonable load upon centres. This means we will not have a full overall picture of some aspects, such as details of the groups of learners who request a centre review.

For GCSEs, AS and A levels, we have set out requirements for WJEC to provide updates on their external quality assurance processes, such as submission of centre assessment policies for checking and submission of the Head of Centre declarations (which requires centres to confirm their own compliance with the PSED). We can also confirm other actions have been completed, such as delivery of planned training events by WJEC and provision of additional guidance via Diverse Cymru and EHRC Wales. However, the nature of the alternative arrangements for summer 2021 and the various factors that have to be balanced means that it is not possible to monitor the impact of the arrangements as they are implemented. We will require WJEC to share Centre Determined Grade data with us, so we can review the outcomes, but since there is no programme of maintenance of standards this year, we will not intervene in outcomes in any way. We will also be collecting data from WJEC on the number and outcomes of centre reviews and appeals at an aggregate level. We will require WJEC to provide a high-level equalities analysis as part of our review of outcomes for summer 2021.

For VQs, Ofqual has organised readiness reviews with the awarding bodies offering VQs, which we have attended and contributed to. These reviews have explored the awarding bodies'

adaptations, their communications with centres and operational issues connected with awarding qualifications under the VCRF. These discussions have provided opportunities for awarding bodies to identify any issues relating to impacts on learners who share relevant protected characteristics. As with GCSEs, AS and A levels, the nature of adaptations made to assessments and the varied use of Centre Determined Grades mean that it is not possible to monitor the impact of the adaptations as they are implemented. The collection of data relating to the adaptations in a way that will provide meaningful information about equalities impacts is also challenging.

4.1.2 Evaluation

In our results day overviews, we will again include some initial analysis of attainment gaps. The analysis will include attainment gaps over time by the following characteristic:

1. Age
2. Sex
3. Special educational needs
4. Broad ethnic background
5. Eligibility for free school meals

We are also planning to publish an Official Statistics release on equalities impacts, subject to finalising a data sharing agreement with Welsh Government. We are conducting research to explore the feasibility of enhancing the analysis with a technical analysis of the results.

We will be able to carry out a limited evaluation of the impact of the alternative arrangements to assessment in summer 2021 on learners from groups who share relevant protected characteristics using this data. It will be difficult to separate the impact of the alternative arrangements from other aspects that link to education in general. We are fully aware that there is evidence to show that some groups of learners might be more negatively affected by disruption caused by the pandemic, with factors, such as different levels of support at home, variation in levels of access to digital resources and variation in engagement with digital learning, having a substantial impact on them. However, these aspects are not a product of the alternative assessment arrangements themselves. The results analysis will allow us to comment on any changes in attainment gaps from summer 2019 and 2020. In most cases, we will be unable to conclude that differences in any attainment gaps would not have occurred in a 'normal' series, since they may relate to the cohort of learners taking some qualifications, rather than the alternative arrangements this year. Given the small numbers involved for some of the groups, it is likely to be difficult to carry out further meaningful quantitative analysis, though we are considering what might be possible and useful. We will also plan for some qualitative evaluation through further stakeholder engagement.

4.2 Communications and engagement

Our engagement with equalities organisations will continue into the next academic year so that we can better understand the impact of the alternative arrangements on learners, including those who share relevant protected characteristics, and to inform planning going forward. We will adopt a range of methods from public webinars to focus groups and use surveys to gather feedback. Working within public health guidelines, we will consider a range of physical and

virtual engagement activities and use existing established events to secure audience reach. All engagement will include follow up communications to support stakeholder understanding of the approach adopted.

4.3 Working with learners

In response to the recommendations of the Independent Review to engage more effectively with learners, we established a Learner Advisory Group in April 2021. Whilst this group was not established in time to have input into decision-making for summer 2021, it will contribute to our contingency planning for summer 2022. We have also received feedback from the group which has informed our communications and some final details of the processes for summer 2021.

It is intended that members have a broad range of experiences and backgrounds. However, future recruitment will be targeted to continue to attract members from a more diverse range of backgrounds for wider representation of learner voices in Wales. We engaged with a number of education stakeholders and promoted the vacancies on our website and social media. The recruitment processes encompassed a cross-departmental working group to scrutinise and shortlist, as far as practicable and possible at the time, a membership representative of the learner demographic in Wales. This included a balance of male and female learners from Welsh- and English-medium backgrounds, a variety of socioeconomic backgrounds, geographical locations and educational settings.

We worked closely with the Children's Commissioner for Wales to ensure a children's rights approach to the establishment of the group. Several UNCRC articles are at the heart of the group, specifically those which deal with rights to participation; children have the right to say how they feel, be listened to, and taken seriously, and these articles will be reflected in the continued running of the group. Engagement takes place using virtual platforms.

Qualifications Wales already engages with learners through regular learner letters (via centres) and on social media. Further work to involve the learner voice in our activity has included the recent launch of our Instagram account. We are also engaging in wider reach dialogue with learners and launching a regular "Have your say?" survey for learners to share their thoughts and feedback with us. We have also published more accessible versions of our guidance specifically for learners. These include [2021 qualifications – All you need to know](#), [Centre Reviews and Appeals 2021](#) and [Guidance for Private Candidates](#).

4.4 Summer 2022 series

In our contingency planning for awarding qualifications in 2021, we have been mindful of the impact our decisions would have on qualifications in 2022 and beyond. It was also part of the Design and Delivery Advisory Group's remit to be mindful of implications for 2022 in developing their 2021 approach, particularly for learners who were in Year 10 and 12 at the time. In March 2021, we started to explore options for 2022 in more detail. We have already confirmed that adaptations will be made to assessments for 2022 and have published our [Requirements for adapting assessment for GQ qualifications in 2022](#) and [Special Conditions for Adapting assessments in 2021/2022](#). As was the case for summer 2021, the requirements reiterate the need for WJEC to ensure that in making any adaptations to assessments it should minimise bias, as far as possible. WJEC is consulting with centres to inform final decisions on a subject basis. WJEC has also designed accessible versions of the proposed adaptations and consultation

questions specifically for learners. This learner-friendly consultation will be published in June. We will be undertaking a separate Equalities Impact Assessment on the approaches to assessment and contingency planning for 2022.

Section 5 - Appendices

Appendix A

Equalities Impact Assessment – for a Centre Determined Grade approach (March 2021)

Introduction

Due to the ongoing public health crisis, the Minister for Education made the decision in November to cancel exams. Since then, Welsh Government, the Design and Delivery Advisory Group (DDAG), Qualifications Wales, WJEC and other key stakeholder groups have worked together towards a solution for ensuring that learners in Wales are awarded GCSE, AS and A level qualifications in summer 2021 that will enable their successful progression to further learning or into employment.

On 20 January 2021, the Minister for Education, having considered the amended proposals put forward by DDAG, publicly announced the policy position that learners undertaking GCSE, AS and A levels approved by Qualifications Wales will have their qualifications awarded through a Centre Determined Grade model, meaning that grades will be determined by schools and colleges based on assessment of learner work.

Qualifications Wales's Board considered the Minister's anticipated policy direction on 18 and 19 January 2021. As part of this decision-making, the Board had access to the December 2020 equality impact assessment. Following the Minister's policy direction, on 20 January 2021, Qualifications Wales publicly committed to changing regulations for approved GCSE, AS and A levels in Wales to allow for Centre Determined Grades, and to working with WJEC to put in place an assessment framework to support schools and colleges. In addition, WJEC will develop and operate a quality assurance process to confirm that schools and colleges have appropriate procedures in place.

This document sets out the Equalities Impact Assessment of awarding grades through a Centre Determined Grade model. As a public body, Qualifications Wales has a duty under the Equality Act 2010, known as the Public Sector Equality Duty (PSED) to have due regard in the carrying out of its functions to eliminate unlawful discrimination, particularly against those who share a protected characteristic (listed below), to advance equality of opportunity and to foster good relations.

The Centre Determined Grade model has been put forward in exceptional circumstances to protect the interests of all learners in Wales, but the effect of this approach will inevitably be different for some groups. However, qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, learners' preparedness to engage with qualifications. Most qualifications are optional to enter, and entries change from year to year. Attainment gaps at subject level also change from year to year. This is

likely to be driven by changes, for example, in the ability of the learners that choose to take the subject. Without exams, there is no way of knowing what attainment gaps would have resulted from them this year. We will not be able to conclude, just from changes in attainment gaps in Centre Determined Grades, that there is bias in the process, as we will not know what gaps would have resulted from exams.

While a wide range of factors can have an impact on a learner's ability to achieve a qualification, our influence in the current context is limited to the assessment framework and quality assurance process arrangements for the Centre Determined Grades. Monitoring approaches will not work at a national level, as the model predisposes itself to an understanding of the individual learner. In any event, it would be difficult to monitor inequalities, for example, a change in attainment does not necessarily mean that something is wrong or that the Centre Determined Grades are biased. Details of potential mitigation are referred to below, in respect of each protected characteristic, some of which are potential mitigation actions that are relevant to the role and responsibilities of Welsh Government, centres, and WJEC, for example. Timescales for mitigation actions have been specified when it has been possible to do so; timescales will be added and/or updated when further decisions are taken.

The equalities considerations below relate to the Centre Determined Grade model. However, the general equalities landscape detailed below is still fundamental to the alternative 'do nothing' approach. The 'do nothing' approach, at this point in time, refers to the planned assessment approach previously agreed by the Qualifications Wales Board in December 2020, which was already significantly different to the usual assessment arrangements for GCSEs, AS and A levels. With the increased spread of new variants of COVID-19 and the speed at which public health guidance changed, along with the implementation of another wave of national lockdown at the start of the year, this was no longer a feasible option in the circumstances. If the approach had not been changed, there would have been additional risks related to some groups of learners with protected characteristics (in relation to their ability to complete assessments within specified time frames, for instance), and there being less flexibility for centres to adjust to their local contexts.

As the detail of the assessment framework and quality assurance process is agreed, this Equalities Impact Assessment will be reviewed and updated accordingly. Any further regulatory decisions that we take will be assessed with regards to their impact on equalities.

1. What relevant information or evidence has been considered?

- The myth of 'catching up' after Covid-19 | Adoption UK Charity
- Children's Rights in Wales, Welsh Government
- How the coronavirus has affected equality and human rights | Equality and Human Rights Commission
- Is Wales Fairer? 2018, Equality and Human Rights Commission, October 2018

- The Right Way, Children’s Commissioner for Wales
- Student-level equalities analyses for GCSE and A level, Ofqual
- Assessing impact and the equality duty in Wales, Equality and Human Rights Commission
- Racism in Wales? (Exploring prejudice in the Welsh education system), Show Racism the Red Card, May 2020
- Teachers’ Bias Against the Mathematical Ability of Female, Black, and Hispanic Students, (2020) Copur-Gencturk, Cimpian, Lubienski, Thacker
- Summer 2020 Equalities Impact Analysis: GCSE, AS, and A level, Qualifications Wales, October 2020
- Provision for secondary school-aged Gypsy, Roma and Traveller pupils, Thematic report, Estyn, April 2019
- Gender difference in GCSE, Cambridge Assessment Research report, October 2015
- Compassion in Education toolkit, Samaritans Cymru
- Exclusion from school in Wales – the hidden cost, Samaritans Cymru, August 2019
- Equality Act 2010
- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

1.1 EIA Stakeholder engagement with the following groups/individuals:

- EHRC Wales: 14 and 18 January 2021
- Muslim Council for Wales, Race Council for Wales, Citizens Wales: 27 January 2021
- Cytûn (Churches together in Wales): 3 February 2021
- Welsh Refugee Council, 5 February 2021
- Show Racism the Red Card, 5 February 2021
- Travelling Ahead, 8 February 2021
- Diverse Cymru, 8 February 2021
- Samaritans Cymru, 11 March 2021

2. What are the different effects of the Centre Determined Grade model on each of the following groups?

What are the different effects of the approach on each of the following groups? What are the mitigating actions where relevant?	
	Centre Determined Grade model
Disability	<p>Learners with disabilities are likely to have been more at risk of losing teaching and learning time in this academic year, and the previous academic year (due to being more vulnerable to COVID-19 and needing to isolate earlier or more often). Learners with disabilities could also be at risk of greater barriers to learning through online/remote learning, due to access to suitable resources and/or hardware. Some learners will have experienced significant regression in terms of their behaviour and ability to do certain tasks. Centres will be able to take this into account in their assessment planning.</p> <p>Learners with disabilities have been more likely to have experienced significant interruption to their education and have received a different level of support in their remote learning. This differential learning loss threatens attainment levels and widens inequalities with their peers. Attainment levels are already substantially lower for children with Special Education Needs (SEN) than those without SEN. Children with severe learning difficulties and children with profound and multiple learning difficulties experience the lowest attainment. Low attainment at the end of compulsory education in Wales is experienced by pupils with social, emotional and behavioural impairments, speech, language and communication needs, general learning difficulties, and moderate learning difficulties. Due to evidential gaps, less is known about the education experiences of learners with different types of impairments¹⁴. Welsh Government has indicated that it will be announcing plans to address the differential learning loss.</p> <p>A similar approach, that of centre assessment grades, was used to award grades in Summer 2020. Both those with and without SEN received higher results than in recent years. The attainment gap for learners with SEN gaps for the 2020 (revised) grades tended to be wider (more in favour of learners without SEN provision) for the top grades for GCSE and AS, compared to previous years. However, these patterns were not consistent across all subjects¹⁵.</p>

¹⁴ Is Wales Fairer? 2018, Equality and Human Rights Commission

¹⁵ Summer 2020 Equalities Impact Analysis: GCSE, AS, and A level, Qualifications Wales, October 2020

Some learners may have experienced an adverse effect on their mental health and wellbeing. Some learners may have developed a mental health condition (or their pre-existing condition has been exacerbated) due to school closures and remote learning, and feelings of isolation. Some learners with autism will have been affected by the change in their routine, for example, due to school closures, which may mean they have not been learning as they would like, and this may cause anxiety. Mental health issues may affect learners' ability to engage with the process for determining their grades based on assessment evidence. Centres will be able to take this into account in their assessment planning. Centres may also be able to provide support if learners' mental health is a concern¹⁶.

There is a perception that enabling teachers, who know learners best, and are used to teaching learners with disabilities, to make the overall judgement is fairer than external assessments might have been. However, others may disagree, particularly if there is concern that the overall judgement would be affected by bias in relation to race (see below). Training and advice should be provided to centres on how to avoid this. There is differing evidence as to whether training on unconscious bias is effective, and so this may not mitigate the possible risk completely. WJEC will be providing training resources, on the centre approach to assessment and quality assurance, for example, as well as on ensuring objectivity in assessing learners' evidence, which will include managing bias. As part of WJEC's training programme, WJEC, in conjunction with Diverse Cymru, is providing training on unconscious bias.

Modified assessments, in line with the learner's normal way of working, should be used. WJEC's optional adapted past paper assessments will ideally be provided in modified formats, as they would be for exams, at the request of the centre (for learners entitled to reasonable adjustments that require modified papers). Guidance will be updated and reissued to centres by WJEC. Access arrangements for both assessments and assessment materials, as well as accessible remote teaching/learning situations (including clear communications to learners and their parents/carers), will be important considerations for centres, so that learners with disabilities are supported. Whilst some centres will be used to teaching learners with disabilities, centres should seek guidance from specialist disability teachers and support workers, and/or specialist charities, to ensure that appropriate reasonable adjustments are in place at the appropriate time (if they do not already do so). Issues with access arrangements and reasonable adjustments may form the basis of some requests for the Centre Determined Grade to be reviewed and for some appeals.

¹⁶ Compassion in Education toolkit, Samaritans Cymru

	<p>Learners with disabilities may be disproportionately represented in home school figures, and in rates of exclusion. Whilst there is a lack of data on the protected characteristics of private candidates, there is an assumption, that some learners with disabilities are likely to be private candidates. Emerging plans for their assessment will need to consider this.</p> <p>Centres will need to comply with the PSED, and QW guidance will remind Centres of their obligations. Centres may also find it useful to access guidance on complying with the PSED from the EHRC Wales¹⁷.</p> <p>Schools and colleges will have internal quality assurance processes in place to ensure grade decisions are as consistent as possible (within subjects and across subjects). WJEC will provide the external quality assurance to check the processes that schools and colleges are using to award grades are appropriate. Additionally, processes that might help establish a network of support, and foster a shared understanding of the Centre Determined Grade process, with the potential for also sharing good practice are being explored by Welsh Government, so that learners can be confident in their grades. Quality assurance processes will need to include equality considerations.</p> <p>Learners will be able to ask centres to review their provisional Centre Determined Grade on the grounds of judgement and/or a procedural error has been made. The second stage of the appeals process allows for an appeal to WJEC of a grade, on the grounds that the judgement that the centre has made is unreasonable and/or a procedural error has been made.</p>
Gender reassignment	Due to evidential gaps, less is known about the educational experiences of certain at-risk groups in Wales, such as those who share this protected characteristic. Some learners who are proposing transition may have difficulty returning to learning or accessing assessments.
Race	Ethnic minority learners may be more vulnerable to COVID-19 and affected by family illness or bereavement, and so they may have had greater levels of loss of teaching and learning. This could require levels of adjustment by teachers (as long as a grade can still be awarded on the basis of evidence).

¹⁷ In addition to the PSED, local authorities have statutory duties to identify, assess and make provision for learners' SEN.

There is also some evidence to suggest that some learners in this group may have spent less time on remote learning. There is some evidence that this applies to Pakistani and Bangladeshi learners¹⁸, for instance. Teachers will be able to take this into account in their assessment planning.

Learners from different ethnic backgrounds will have been likely to have experienced significant interruption to their education and may have received a different level of support in their remote learning. This differential learning loss threatens attainment levels and widens inequalities with their peers. Attainment levels are already substantially lower for children from different ethnic groups achieving different educational attainment outcomes in Wales, and Gypsy, Roma and Traveller children have the poorest attainment levels at school (only one in five Gypsy, Roma and Traveller children leaves school with five GCSEs at A-C grade)¹⁹.

Gypsy, Roma and Traveller learners have particular issues accessing remote learning due to higher rates of digital exclusion²⁰. Gypsy, Roma and Traveller learners may not be supported by their parents/carers if their parents have limited literacy and digital literacy skills, and their home environments may not be conducive to learning. Gypsy, Roma and Traveller learners are likely to have significantly disengaged from education, with some learners not having accessed learning and teaching since March 2020. Some local authorities have dedicated Gypsy, Roma and Traveller support services, that have provided holistic support and delivered hard copies of schoolwork when public health restrictions allowed. It may be helpful for centres, as well as local authorities, to proactively engage with learners and their families to provide direct support in accessing the relevant information. Whilst there is a lack of data to confirm the numbers of Gypsy, Roma and Traveller learners who are home schooled, it is likely that these learners are disproportionately included. Similarly, these learners are often reflected in low attendance and exclusion rates²¹. Due to evidential gaps, it is unclear as to whether these learners would be included in private candidate numbers. If so, emerging plans for the assessment of private candidates will need to take this into account.

¹⁸ [Equality and Human Rights Commission \[EHRC\] – How coronavirus has affected equality and human rights 2020 \(equalityhumanrights.com\)](#) -Page 27

¹⁹ Is Wales Fairer? 2018, Equality and Human Rights Commission

²⁰ [Equality and Human Rights Commission \[EHRC\] – How coronavirus has affected equality and human rights 2020 \(equalityhumanrights.com\)](#) - Page 28

²¹ Provision for secondary school-aged Gypsy, Roma and Traveller pupils, Estyn, April 2019

If English or Welsh is not the home language for learners²² in this group, then it their parents or carers may be less able to support them in their remote learning. This could impact on the accessibility of information about the approach to assessment and, importantly, information about access to and opportunities to appeal their Centre Determined Grades. In addition to centres providing clear and transparent information to learners, parents/carers, it may be possible for centres to reach out to community champions to provide additional support to learners and their families if centres do not already undertake this type of activity.

There is a potential risk of unconscious bias in teacher assessment, which has a negative impact on ethnic minority learners (including Gypsy, Roma and Traveller learners). Training and advice would need to be provided to support centres in making judgements and avoiding this. There is differing evidence as to whether training on unconscious bias is effective, and so this may not mitigate the possible risk completely. WJEC will be providing training resources, on the centre approach to assessment and quality assurance, for example, as well as on ensuring objectivity in assessing learners' evidence, which will include managing bias. As part of WJEC's training programme, WJEC in conjunction with Diverse Cymru, is providing training on unconscious bias. Learners will be able to ask their centre to review their Centre Determined Grade if they believe it is wrong.

Learners will be able to ask centres to review their provisional Centre Determined Grade on the grounds of judgement and/or a procedural error has been made. The second stage of the appeals process allows for an appeal to WJEC of a grade, on the grounds that the judgement that the centre has made is unreasonable and/or a procedural error has been made.

Schools and colleges will have internal quality assurance processes in place to ensure grade decisions are as consistent as possible (within subjects and across subjects). WJEC will provide the external quality assurance to check the processes that schools and colleges are using to award grades are appropriate. Additionally, processes that might help establish a network of support, and foster a shared understanding of the Centre Determined Grade process, with the potential for also sharing good practice are being explored by Welsh Government, so that learners can be confident in their grades. Quality insurance processes will need to include equality considerations.

²² [Equality and Human Rights Commission \[EHRC\] – How coronavirus has affected equality and human rights 2020 \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/news-and-articles/news-articles-and-reports/equality-and-human-rights-commission-ehrc-how-coronavirus-has-affected-equality-and-human-rights-2020) – Page 28

	Centres will also need to comply with the PSED, and QW guidance will remind Centres of their obligations. Centres may also find it useful to access guidance on complying with the PSED from the EHRC Wales.
Age (please also consider Rights of the Child and Future Generations)	<p>No specific impacts have been identified.</p> <p>The protected characteristic of age does not apply to learners in schools.</p>
Sex	<p>There is a possible risk of unintended bias and misperception in teacher assessment linked to gender stereotyping. For example, teacher assessment could be more likely to disadvantage BAME girls in subjects such as mathematics²³. Teacher assessment may also have a negative impact on boys if, for example, they have low expectations of boys, particularly if they are from a socio-economic disadvantaged background.</p> <p>Training and advice would need to be provided to support centres in making judgements and avoiding unconscious bias. There is differing evidence as to whether training on unconscious bias is effective, and so this may not mitigate the possible risk completely. WJEC will be providing training resources for centres, on the centre approach to assessment and quality assurance, for example, as well as on ensuring objectivity in assessing learners' evidence, which will include managing bias. As part of WJEC's training programme, WJEC, in conjunction with Diverse Cymru, is providing training on unconscious bias. Centres may also find it useful to access guidance on complying with the PSED from the EHRC website, and also to receive training on the PSED.</p> <p>Learners will be able to ask centres to review their provisional Centre Determined Grade on the grounds of judgement and/or a procedural error has been made. The second stage of the appeals process allows for an appeal to WJEC of a grade, on the grounds that the judgement that the centre has made is unreasonable and/or a procedural error has been made.</p>

²³ Teachers' Bias Against the Mathematical Ability of Female, Black, and Hispanic Students (2020), Copur-Gencturck, Cimpian, Lubienski, Thacker.

	<p>It is commonly thought that boys often do better in terminal assessment, and so cancelled exams and assessments based more on internal/ongoing work could disproportionately affect boys²⁴. Historically, a higher percentage of girls than boys achieved the equivalent volume of five GCSEs at grade A*-C, including English or Welsh first language and mathematics²⁵. Therefore, for those groups who already perform less well, attainment gaps may widen, due to the different assessment model this year (centre determined grades), and different levels of support for remote learning.</p> <p>A similar approach, that of centre assessment grades, was used to award most grades in Summer 2020. Both male and female learners received higher grades in recent years. The gender attainment gaps for the 2020 (revised) grades tended to be wider (more in favour of females) for the top grades for GCSEs, AS and A levels and narrower (less in favour of females) for the middle grades for A level. However, these patterns were not consistent across all subjects²⁶.</p> <p>Schools and colleges will have internal quality assurance processes in place to ensure grade decisions are as consistent as possible (within subjects and across subjects). WJEC will provide the external quality assurance to check the processes that schools and colleges are using to award grades are appropriate. Additionally, processes that might help establish a network of support, and foster a shared understanding of the Centre Determined Grade process, with the potential for also sharing good practice are being explored by Welsh Government, so that learners can be confident in their grades. Quality assurance processes will need to include equality considerations.</p>
Sexual orientation	Due to evidential gaps, less is known about the educational experiences of certain at-risk groups in Wales, such as Lesbian, Gay, Bisexual and Transgender (LGBT) learners. However, no impact on LGBT learners from the options analysed has been identified.
Marriage and civil partnerships	Marriage and civil partnerships, as a protected characteristic, does not apply to learners in schools. It is noted that learners in colleges may be married or in a civil partnership, but no specific impact has been identified as far as the Centre Determined Grade model is concerned.
Pregnancy and maternity	Due to evidential gaps, less is known about the educational experiences of certain at-risk groups in Wales, such as those who are pregnant. However, learners in this category might be more at risk of losing more teaching and learning time in

²⁴ Gender difference in GCSE, Cambridge Assessment, October 2015 (page 32)

²⁵ Is Wales Fairer? 2018, Equality and Human Rights Commission

²⁶ Summer 2020 Equalities Impact Analysis: GCSE, AS, and A level, Qualifications Wales, October 2020

	<p>this academic year (due to needing to isolate earlier or more often). This could require levels of adjustment to be made by teachers (as long as a grade can still be awarded on the basis of evidence).</p>
<p>Religion or belief</p>	<p>Due to evidential gaps, less is known about the educational experiences of learners who may share this protected characteristic. Those who share this protected characteristic can often also experience issues connected with race, and experience a socio-economic disadvantage. Therefore, these learners may experience significant disruption to their learning, and have difficulties accessing remote learning.</p> <p>This group may include Catholic Christians, Evangelical Christians, Muslims, Jehovah Witnesses, and the Jewish religion, for example. In addition, Gypsy, Roma and Traveller learners are often deeply religious.</p> <p>Muslim learners will practise the Holy Month of Ramadan between 13 April and 12 May this year, during which time they are likely to be fasting from dawn to dusk. They may feel some disadvantage compared to their peers. Centres may be used to providing support during Ramadan and likely have a flexible approach for assessment evidence.</p> <p>Due to evidential gaps, less is known as to whether learners with particular religious beliefs may be concerned that judgements made by centres will include bias based on their religious beliefs. There is differing evidence as to whether training on unconscious bias is effective, and so this may not mitigate the possible risk completely. As part of WJEC's training programme, WJEC, in conjunction with Diverse Cymru, is providing training on unconscious bias.</p> <p>Learners will be able to ask centres to review their provisional Centre Determined Grade on the grounds of judgement and/or a procedural error has been made. The second stage of the appeals process allows for an appeal to WJEC of a grade, on the grounds that the judgement that the centre has made is unreasonable and/or a procedural error has been made.</p> <p>Some private candidates may share this protected characteristic because they are not educated in school due to religious beliefs. Some learners with religious backgrounds may be taking minority language qualifications, which are regulated by Ofqual. These learners are often registered as private candidates. There are data gaps in relation to the protected characteristics of private candidates, and so it is difficult to know the proportion of learners affected.</p>

	<p>Emerging plans for their assessment would need to consider this and address the accessibility of information about the approach to assessment and, information about access to and opportunities to appeal.</p> <p>Schools and colleges will have internal quality assurance processes in place to ensure grade decisions are as consistent as possible (within subjects and across subjects). WJEC will provide the external quality assurance to check the processes that schools and colleges are using to award grades are appropriate. Additionally, processes that might help establish a network of support, and foster a shared understanding of the Centre Determined Grade process, with the potential for also sharing good practice, are being explored by Welsh Government, so that learners can be confident in their grades. Quality insurance processes will need to include equality considerations.</p> <p>Centres will also need to comply with the PSED, and QW guidance will remind Centres of their obligations. Centres may also find it useful to access guidance on complying with the PSED from the EHRC Wales website.</p>
<p>Other identified groups (e.g. different socio-economic groups, geographical, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access, e.g.</p>	<p>Socio-economic groups</p> <p>Learners from disadvantaged socio-economic backgrounds may be more vulnerable to COVID-19 and affected by family illness and bereavement²⁷, as well as experiencing mental health deterioration, which could result in lost learning. This could require levels of adjustment by teachers (as long as a grade can still be awarded on the basis of evidence). Learners may also suffer a deterioration to their mental health and well-being if they are part of a family that has experienced financial and job security worries brought about due to the impact of COVID-19.</p> <p>Learners from disadvantaged socio-economic backgrounds may have home environments that make it more difficult to engage with online/remote learning. This could be due to resources (for example, access to laptops, internet data) that are available to them, the physical environment they live in and/or the capacity of parents/carers to encourage and support home schooling. They may therefore be more likely to be disproportionately affected by lost teaching and learning time. In addition, learners are likely to be at significant risk of disengaging from their education or to have been excluded from school, which could impact on mental health and wellbeing, as well as educational attainment²⁸. Learners from disadvantaged socio-economic backgrounds may also experience issues connected with race and disability.</p>

²⁷ <https://www.theguardian.com/world/2021/feb/08/inequality-high-covid-toll-south-wales-valleys>

²⁸ Exclusion from school in Wales – the hidden cost, Samaritans Cymru, August 2019

<p><i>carers, homeless)</i></p>	<p>Learners who are homeless, or who do not have access to stable accommodation, may not have an environment that is conducive to study. They may experience significant interruption to their education, due to school closures and lockdowns, and have considerable difficulty accessing remote teaching and learning. They may also have limited access to mobile phones, laptops and internet data.</p> <p>There is a clear association between socio-economic status and educational attainment across the UK. Even high-attaining children from disadvantaged family backgrounds are less successful later in life than those from better-off families.</p> <p>There are a number of barriers to looked after children and young people achieving positive educational outcomes due to the transitory nature of looked after children and young people's (LACYP) living situations and lack of continuity of support. Some professionals have low expectations of this group²⁹.</p> <p>Only half as many pupils eligible for free school meals (FSM) achieved the equivalent volume of five GCSEs at grade A*–C, including English or Welsh first language and mathematics compared with pupils not eligible for FSM. Attainment is an issue particularly for white boys on free school meals or from disadvantaged backgrounds. There are high levels of exclusion for certain groups, including for those in poverty³⁰. Therefore, attainment gaps may widen for these learners who already performed less well than their peers, due to issues such as differences in support for remote learning³¹.</p> <p>A similar approach, that of centre assessment grades, was used to award most grades in Summer 2020. Both learners eligible and not eligible for FSM received higher grades in recent years. The FSM eligibility attainment gaps for the 2020 (revised) grades tended to be wider (more in favour of learners not eligible for FSM) for the top grades for GCSE and AS and narrower (less in favour of learners not eligible for FSM) for the middle grades for A level, compared to previous years. However, these patterns were not consistent across all subjects³².</p>
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²⁹ Is Wales Fairer? 2018, Equality and Human Rights Commission, October 2018

³⁰ Is Wales Fairer? 2018, Equality and Human Rights Commission

³¹ How coronavirus has affected equality and human rights, Equality and Human Rights Commission, October 2020

³² Summer 2020 Equalities Impact Analysis: GCSE, AS, and A level, Qualifications Wales, October 2020

Other identified groups

Due to evidential gaps, less is known about the educational experiences of certain identified or at-risk groups in Wales. However, there are issues that could affect some groups specifically. For example:

- Carers can be at risk of experiencing significant lost teaching and learning, either due to their own health and need to isolate, or their family or people they care for. They may also be at risk of receiving less support and time for home schooling.
- Refugees and asylum seekers may experience disadvantage connected with race, religion, and socio-economic background. Learners who are asylum seekers may not be able (or have been able) to enrol in schools due to the asylum process. Learners who are refugees or asylum seekers may not have an environment that is conducive to study (or even stable accommodation) and experience significant interruption to their education due to school closures and lockdowns, and the ability to access remote teaching and learning. They may also have limited access to laptops and internet data. If English or Welsh is not their home (or community) language, these learners may not receive appropriate support for remote learning from their parents or carers. This could also relate to the accessibility of information about the approach to assessment and, importantly, information about access to and opportunities to appeal. Centres may be able to reach out to community groups, who may be able to provide additional support to learners and their families, and help centres communicate to learners and their families in a clear and accessible way.
- Learners who use the Welsh language, may have less access to Welsh-language resources online, which could affect their remote learning. In addition, parents who do not use the Welsh language may have difficulty in providing appropriate support whilst centres are closed. It may be helpful for clear and accessible information to be provided by centres to learners and their parents to assist.

For all learners affected by these issues, teachers will be able to take this into account in their assessment planning and in their final judgements (as long as a grade can still be awarded on the basis of sufficient evidence). There is a perception that enabling teachers who know learners best to make the overall judgement is fairer than external assessments might have been, though others may disagree particularly if learners believe that the judgements will be affected by bias. Training and advice on how to avoid bias could be provided to centres by appropriate channels. WJEC will be providing training resources on the centre approach to assessment and quality assurance, for example, as well as on ensuring objectivity in assessing learners' evidence, which will include managing bias. As part of WJEC's training programme, WJEC in conjunction with Diverse Cymru, is providing training on unconscious bias.

	<p>Learners will be able to ask centres to review their provisional Centre Determined Grade on the grounds of judgement and/or a procedural error has been made. The second stage of the appeals process allows for an appeal to WJEC of a grade on the grounds that the judgement that the centre has made is unreasonable and/or a procedural error has been made.</p> <p>Schools and colleges will have internal quality assurance processes in place to ensure grade decisions are as consistent as possible (within subjects and across subjects). WJEC will provide the external quality assurance to check the processes that schools and colleges are using to award grades are appropriate. Additionally, processes that might help establish a network of support, and foster a shared understanding of the Centre Determined Grade process, with the potential for also sharing good practice are being explored by Welsh Government, so that learners can be confident in their grades. Quality assurance processes will need to include equality considerations.</p> <p>Centres will also need to comply with the PSED and Qualifications Wales guidance will remind centres of their obligations. Centres may also find it useful to access guidance on complying with the PSED from the EHRC Wales website.</p>
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3. What are our actions?

Action	Relevant Protected Characteristic(s)	Date
Qualifications Wales to publish assessment guidance for centres on producing Centre Determined Grades	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	V1 9 February 2021 V2 4 March 2021 V3 April 2021 V4 May 2021
Qualifications Wales to confirm approach for private candidates that makes it easier for private candidates to receive grades, taking into account equality of opportunity.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	4 March 2021 Late March

Qualifications Wales to produce guidance in relation to private candidates.		April 2021
Centres to communicate their assessment approach to learners and parents/carers in clear, transparent and accessible way.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	By Easter
WJEC to provide Qualification Assessment Frameworks.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	5 March 2021
WJEC to provide guidance on the centre review process.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	5 March 2021
WJEC to provide guidance on the quality assurance process.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	5 March 2021
EHRC to produce guidance on PSED for centres.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	15 March 2021
WJEC and Diverse Cymru to provide training to centres on avoiding unconscious bias.	All protected characteristics, but particularly, disability, race, age, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	25 March 2021
Centres to put in place reasonable adjustments as appropriate, and if relevant to seek assistance from specialist disability teachers.	Disability	19-25 March 2021

Centres to comply with the PSED and take account of the EHRC's guidance on the PSED for producing Centre Determined Grades.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	19-25 March 2021
Centres will need to provide an effective mechanism for learners to request a centre review of their provisional grade.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	19-25 March 2021
Qualifications Wales to confirm the appeals process and produce guidance.	All protected characteristics, but particularly, disability, race, age, gender, religion and belief, and learners from a socio-economic disadvantaged background.	May 2021

