



CONSULTATION - Arrangements for summer 2020 exam series

April 2020

Contents

Foreword by the Chair and Chief Executive.....	3
1 Introduction.....	5
Background.....	5
Scope of the consultation	6
Proposals at a glance	7
2 Our Proposals.....	10
Proposal 1: Introduce aims to underpin the statistical standardisation model for the issuing of grades for the summer 2020 exam series	10
Proposal 2: Introduce a specific appeals process for the summer 2020 exam series.....	19
3 Integrated Impact Assessment.....	29
4 Next Steps.....	39

Foreword

Extraordinary times call for extraordinary measures. Summer 2020 will be proof of that on so many fronts, including education.

Given the decision to close schools and cancel exams as a result of the coronavirus pandemic, establishing new arrangements for this summer is essential to make sure that learners receive their grades fairly and are able to progress to the next stage of their lives, whether that is further study, training or employment.

Clearly, under normal circumstances, our preference would have been for exams to go ahead as planned, so that the worries and concerns of learners and centres could be avoided. We understand how difficult the situation is. In these extraordinary circumstances, grades will be based on centres' judgements of each learner's attainment, which will then be standardised across centres drawing on a range of other evidence.

On 3 April 2020, we issued Information for Centres on the submission of Centre Assessment Grades. This set out the information necessary for schools and colleges to collect and submit data to WJEC to allow results to be issued to this year's cohort of learners¹. We engaged with a range of representative groups, as well as WJEC, to help us develop this guidance quickly and effectively. It asks centres to provide:

- a centre assessment grade for every learner entered for each qualification;
- the rank order of learners within each grade for each qualification; and
- a declaration from the Head of Centre, or a deputy as described in the guidance.

In the interests of fairness, all centre assessment grades submitted will be standardised by WJEC using a statistical model that is currently being developed and will ensure that a common standard is applied to grading learners within each centre. More information about the model will be provided in due course, once it has been tested and agreed.

In this consultation, we are asking people to tell us what they think of two key aspects of arrangements for summer 2020.

Firstly, the aims which will underpin the statistical standardisation model for the issuing of grades for learners this summer.

Secondly, the appeals process for the summer 2020 exam series.

We are keen to hear all views and feedback. Clearly, there are no perfect solutions and we are conscious that these proposals may be seen as less desirable than the normal arrangements.

¹ Qualifications Wales (2020) *Summer 2020 grades for GCSEs, AS and A levels and Skills Challenge Certificate (SCC): Information for centres on the submission of Centre Assessment Grades*. <https://www.qualificationswales.org/english/publications/information-for-centres-on-the-submission-of-centre-assessment-grades/>

Where people disagree with the proposals that we are making and have viable suggestions for different arrangements, or otherwise have suggestions for improvement, we remain open to considering alternatives and would encourage those contributions.



David B Jones OBE DL (Chair)



Philip Blaker (Chief Executive)

1. Introduction

Our role

1.1 As the independent regulator, we have two principal aims:

- to ensure that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales; and
- to promote public confidence in qualifications and the Welsh qualification system.

1.2 In order to carry out these functions, the Qualifications Wales Act 2015 gives us a number of powers which enable us to act in the interests of learners, to promote public confidence in the Welsh qualifications system and to take action where needed.

Background to this consultation

1.3 On 18 March 2020, to help fight the spread of coronavirus (COVID-19) the Education Minister for Wales announced the closure of schools² and the cancellation of the 2020 summer exam series³.

1.4 As a result, on 6 April 2020, the Education Minister for Wales issued us with a Direction⁴ under Section 53 of the Qualifications Wales Act 2015 to have regard to Welsh Government policy regarding the cancellation of exams and the subsequent determination of grades.

1.5 The Direction requires us to ensure that a fair and robust approach to issuing grades to the summer 2020 cohort of learners is adopted. This includes determining the approach centres must follow in arriving at judgements of their learners' attainment, standardising centres' judgements and ensuring an avenue of recourse is available for those learners who do not believe that the process has been followed correctly in issuing their grades.

Scope of the consultation

1.6 In this consultation, we are seeking views on how, as a result of this Direction from the Education Minister, we propose results should be issued in summer 2020 for qualifications that have been designed specifically to meet the needs of learners in Wales⁵. These are:

² Welsh Government (2020) *Statement from Minister for Education, Kirsty Williams on school closures in Wales* <https://media.service.gov.wales/news/school-closures>

³ Welsh Government (2020) *Written statement on summer examinations 2020* <https://gov.wales/written-statement-written-statement-summer-examinations-2020>

⁴ Welsh Government (2020) *GCSE, AS and A level cancellations: letter* <https://gov.wales/gcse-and-level-cancellations-letter>

⁵ This consultation is only relevant for learners who have been entered for a qualification, rather than a unit of a qualification.

- Approved GCSE qualifications;
- Approved AS qualifications;
- Approved A level qualifications;
- the Welsh Baccaalaureate Skills Challenge Certificate (SCC) qualifications; and
- Legacy GCSE, AS and A level qualifications which are only available to learners in Wales⁶.

1.7 References in this consultation to 'the affected qualifications' will refer to all of these descriptions of qualifications unless we specify otherwise. This consultation does not include qualifications under the same titles that have been developed for England and are also regulated by Ofqual⁷.

1.8 Learners taking the affected qualifications will naturally want assurances that appropriate steps are being taken to ensure that they will receive their grades, and that those accurately reflect the most likely grade they would have achieved if they had sat their exams this summer and completed any non-examination assessment (NEA). This consultation provides an important opportunity for stakeholders to give their views on the aims that will underpin the issuing of grades for those qualifications this summer, and the process which will be available to those who are dissatisfied with their outcomes.

1.9 This consultation is open to anyone, but we would particularly like to hear from:

- learners;
- parents and carers;
- awarding bodies;
- education professionals;
- schools and pre-16 learning providers;
- further education colleges;
- training and work-based learning providers;
- universities;
- employers and their representative bodies;
- local authorities;
- regional education consortia;
- teaching unions;
- organisations representing learners with particular needs or interests; and

⁶ WJEC Level 1/Level 2 GCSE in Information and Communication Technology, WJEC Level 1/Level 2 GCSE in Information and Communication Technology (Short Course), WJEC Level 1/Level 2 GCSE in Health and Social Care, WJEC Level 1/Level 2 GCSE in Health and Social Care (Double Award), WJEC Level 1/Level 2 GCSE in Home Economics: Child Development, WJEC Level 3 Advanced GCE in Applied ICT, WJEC Level 3 Advanced GCE in ICT, WJEC Level 3 Advanced Subsidiary GCE in Applied ICT, WJEC Level 3 Advanced Subsidiary GCE in ICT, WJEC Level 3 Advanced Subsidiary GCE in Health and Social Care (Double Award), WJEC Level 3 Advanced GCE in Health and Social Care (Double Award), WJEC Level 3 Advanced Subsidiary GCE in Health and Social Care and WJEC Level 3 Advanced GCE in Health and Social Care.

⁷ Ofqual consulted on these qualifications from 15th April until 29th April 2020. The consultation document is available on their website.

- any other organisations or individuals operating in, or with an interest in, the education sector.

- 1.10 While this consultation applies only to GCSEs, AS and A levels, and the SCC, we know that there is a much wider range of qualifications for which learners in Wales were expecting to sit assessments and exams this summer. Those learners will quite rightly be seeking similar assurances and will want to know what arrangements will be put in place for them.
- 1.11 In considering our approach, we have been mindful of the fact that a large number of vocational qualifications are also made available in other UK nations. As a result we have been working very closely with our fellow regulators (Ofqual and CCEA Regulation⁸) as these decisions are being made to ensure that learners are not disadvantaged relative to their peers in the same cohort across the UK.
- 1.12 It is clear that the complexity and variability of the vocational qualification landscape means a single approach is not appropriate. On 9 April 2020, Ofqual announced the principles that will be applied to different groups of vocational qualifications, linked to their purpose and how they are used by learners for progression⁹. To ensure consistency for learners taking these qualifications in Wales, we will be applying the same principles in deciding the right approach for vocational qualifications designed specifically to meet the needs of learners in Wales. Further information around our approach to those vocational qualifications will be published separately.

Proposals at a glance

- 1.13 In response to the Direction from the Education Minister, we propose introducing a set of aims to underpin the statistical standardisation model for the issuing of grades for learners taking GCSEs, AS, A levels and SCC qualifications in the summer 2020 exam series. In developing these aims, we have been mindful of the need to ensure that the approach taken by WJEC this summer is as fair and robust as possible, while also maintaining the standard of qualifications over time.

⁸ Qualifications regulators in England and Northern Ireland respectively.

⁹ Ofqual (2020) *Summer 2020 results for vocational, technical and other qualifications: Advice for teachers, trainers and tutors; learners, parents and carers; employers and professional bodies on vocational and technical qualifications, and general qualifications other than GCSEs, AS and A levels, Extended Project Qualifications and Advanced Extension Award in maths.*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879019/Summer_2020_results_for_vocational_technical_and_other_qualifications.pdf

- 1.14 We also recognise that an appeals process is an integral feature of any exam series, providing a meaningful opportunity to request the review of decisions taken as part of the awarding process. It is, therefore, important that we do everything we can to make sure learners are not disadvantaged by these unprecedented circumstances, and that they feel they are being treated fairly. However, given there are no exams this summer, the usual arrangements for reviews of marking and appeals cannot be applied.
- 1.15 As a result, we propose implementing a specific appeals process for this summer. In developing this process, we have considered the arrangements that need be put in place to allow an effective appeal, while keeping numbers and complexity of appeals manageable so as to avoid delay and uncertainty for learners.
- 1.16 In this consultation, we seek your views on each of the aims that will underpin the proposed statistical standardisation model and the features of the proposed appeals process.
- 1.17 Our approach to developing these proposals is in line with our principal aims and the eight matters we must give due regard to, as set out in the Qualifications Wales Act 2015¹⁰. We have also sought to ensure that these proposals reflect the sustainable development principle¹¹ outlined in the Well-being of Future Generations (Wales) Act 2015, our objectives in relation to this Act¹² and our Public Sector Equality Duty¹³.
- 1.18 For example, we have considered the potential impact of our proposals for past, present and future learners in Wales. This is particularly important given the need to adopt a fair and robust approach to issuing grades to the summer 2021 cohort of GCSE and A level learners who have been affected by the cancellation of the summer 2020 exams, and for those learners who have previously sat such exams. These considerations have helped us to shape and refine our proposals and to develop an approach that we believe to be as fair as possible to learners, and manageable for teachers and centres who are working in extremely difficult circumstances.
- 1.19 We will continue to monitor our progress against our objectives as we make decisions in respect of qualifications in these unprecedented circumstances.
- 1.20 For each proposal, we ask if you agree or disagree with the proposal and offer you an opportunity to explain your views. We are particularly interested in hearing your

¹⁰ National Assembly for Wales (2015) *Qualifications Wales Act 2015* <http://www.legislation.gov.uk/anaw/2015/5/section/3/enacted>

¹¹ The sustainable development principle outlines five ways of working that public bodies should follow to achieve the well-being goals of the Act. These are long-term (balancing short and long-term needs), prevention (prevent problems occurring or getting worse to help public bodies achieve their goals), integration (considering the impact of our objectives on the well-being goals and the objectives of other public bodies), collaboration (working with other relevant people) and involvement (involving others with an interest in the well-being goals).

¹² Qualifications Wales (2018) *Well-being of future generations statement and objectives*

<https://www.qualificationswales.org/media/3337/wellbeing-future-generations-objectives-2018-e.pdf>

¹³ S.149(1) Equality Act 2010

alternative suggestions should you disagree with the proposals made. We have included the relevant consultation questions following each proposal in this document.

- 1.21 We have produced an Integrated Impact Assessment as part of this consultation document (see section 3). We ask for your views on the impact of our proposals, including any impact on individuals or groups with protected characteristics¹⁴, and on the Welsh Language.

How to respond

- 1.22 This consultation will be open for a period of two weeks from Tuesday 28 April 2020. This timeline is tight due to the extraordinary circumstances surrounding this consultation and the understandable requests for early certainty, for learners, centres and those who will use the 2020 qualification results.
- 1.23 We encourage you to respond to this consultation in English or Welsh using the [online survey](#).
- 1.24 To help you consider the questions alongside the consultation, or discuss them with others, we have made a copy of the questions available on our [website](#).
- 1.25 If you need to provide a response via a different format, please email it to summerexams2020@qualificationswales.org. Due to the coronavirus pandemic, our offices are closed, so we are unable to accept postal submissions to this consultation.
- 1.26 This consultation document contains the detail of our proposals. We have also published a young people's version of the document which summarises the key points. This is available on our [website](#).
- 1.27 We have published a [privacy notice](#) that outlines how we will collect and store any personal information you provide in your response. This can be accessed on our website.
- 1.28 If you have any questions about the consultation, please contact summerexams2020@qualificationswales.org
- 1.29 This consultation will close at 17:00 on Wednesday 13 May 2020. As timelines for a decision are tight, we will not be able to consider any responses submitted after the consultation has closed.

¹⁴ As defined in the Equality Act 2010.

2. Our Proposals

Proposal 1 - Introduce aims to underpin the statistical standardisation model for the issuing of grades for the summer 2020 exam series

- 2.1 We have developed a set of aims to underpin the statistical standardisation model for the issuing of grades for learners taking affected qualifications in the summer 2020 exam series.

Our proposed aims are:

1. Learners for whom a qualification-level centre assessment grade and rank order is submitted will receive a grade.
2. National outcomes for summer 2020 will be broadly similar to those in previous years to reduce the risk of unfairness for learners over time.
3. The final grades issued to learners will be the result of a fair and robust process using the information provided to WJEC by centres and the statistical standardisation model developed by WJEC and agreed with Qualifications Wales. The processes applied will be transparent and deliverable this summer.
4. As far as possible, the process for awarding grades in summer 2020 will not disadvantage groups of learners, including those with protected characteristics, relative to previous years.
5. Agreed processes for each qualification type will enable the maximum number of learners to receive grades based on a common approach. The processes will use results from qualifications and units already completed and awarded to learners, where available.

Where the aims are in tension, we will prioritise those which best allow us to meet our principal aims in the particular circumstances.

Aim 1: Learners for whom a qualification-level centre assessment grade and rank order is submitted will receive a grade.

- 2.2 In our information for centres, we set out that a calculated grade would be provided for learners where a centre assessment grade and rank order were submitted. Centres should submit centre assessment grades for all learners for whom they are confident that they can make a judgement. This will be a decision for the Head of Centre. In this way, all learners for whom centre assessment data is provided (a grade and a rank, supported by a Head of Centre declaration) will be awarded a grade.

- 2.3 We also explained that where centres have accepted entries from 'private candidates' (learners who might be home-schooled, following distance-learning programmes or studying independently), those learners should be included where the Head of Centre is confident that they and their staff have seen sufficient evidence of the learner's achievement to make an objective judgment.
- 2.4 The Head of Centre should communicate the decision as to whether they will submit a calculated grade and rank order for any private candidates to those candidates, and take advice from WJEC where cases are not straightforward. It will be important for centres to make sure that their entries are complete and accurate, as grades will only be issued for those learners who have been entered.
- 2.5 We have been working with WJEC to consider carefully how to protect the interests of private candidates, who may not have an existing association with an exam centre that would enable centre-assessed judgements.
- 2.6 We have carefully considered whether results might be issued for private candidates where a centre cannot submit a centre assessment grade and rank order for them. We have considered whether to require WJEC to secure relevant information, similar to centre assessment grades, from private tutors or parents who have taken responsibility for preparing candidates for exams. However, unlike centres, there is no pre-existing agreement between private tutors or parents and WJEC that could be used to secure the necessary information and no mechanism by which WJEC might require and enforce the necessary declaration.
- 2.7 More significantly, the professional judgements which will be made by exam centres to inform centre assessment grades will be informed by their experience of each learner in comparison with a broad range of their peers, in the current and previous year groups. Private tutors and parents will not have this context, which we consider will affect the reliability of any judgement(s) they might make about the grade(s) the learner might have secured. Moreover, private tutors and parents will potentially be subject, even unconsciously, to many of the pressures from which we have sought to shield teachers when making those judgements.
- 2.8 Crucially, a centre assessment grade is only one part of the information which will be provided by centres. Centres will also submit each learner's position in the centre's rank order for that qualification. The rank order is central to our proposed approach for the statistical standardisation model. We consider it is highly unlikely that such information could be provided by a private tutor or a parent.
- 2.9 We continue to explore with WJEC whether there are alternative options for those learners who do not have an existing relationship with a centre and who need results this summer for progression purposes. For example, there may be possibilities for some centres, such as those with particular experience of working with distance learners, to work with those private candidates who need a grade this summer in order to progress.

The centre might subsequently be able to submit centre assessment grades and a rank order for those candidates, even though there is no existing relationship between the centre and the candidate. The Head of Centre would need to be able to submit a declaration for such judgements in the same form as required for all other students.

- 2.10 We do not yet know whether this will be possible and this will in part depend on the public health situation and the number of learners who might wish to engage with centres in this way. We will continue to work closely with WJEC and further updates will be provided.

Consultation question:

Learners for whom a qualification-level centre assessment grade and rank order are submitted will receive a grade.

- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Aim 2: National outcomes for summer 2020 will be broadly similar to those in previous years to reduce the risk of unfairness for learners over time.

- 2.11 Standards are usually maintained in GCSEs, AS and A level qualifications through an approach that uses statistical predictions of national performance in combination with expert judgements of the quality of candidate work produced during the exams and/or NEA for the qualification.
- 2.12 The predictions are based on previous national performance in each qualification. Although we do not expect national results to be equivalent each year, we do expect them to be similar to previous years. The process puts controls around the amount by which results can change each year, so that any differences should then reflect true observed changes in performance at a national level. The approach is intended to maintain the existing standard for the qualification and prevent unjustified grade inflation, which over time would create unfairness to learners across year groups.
- 2.13 Unless 2020 outcomes are broadly similar to other years, there would be an unfairness to learners from other year groups. It is important that the credibility of learners' grades are not undermined this summer and can stand up to public scrutiny.

- 2.14 We understand that learners and centres are in a difficult position this year. In the interests of fairness, we must also consider other cohorts of learners, past and future, who have sat, and will sit, exams. All of these learners may eventually compete against one another for access to education, training and employment. It is important that users of grades awarded in summer 2020 can interpret them as meaning broadly the same thing as the grades awarded to learners in other years.
- 2.15 The approach to awarding grades this summer is necessarily different, so we cannot use the normal approach to maintaining standards. To ensure outcomes are broadly similar to previous years, we therefore intend to use statistical predictions based on previous national performance as part of the evidence for the statistical standardisation model that we are currently developing with WJEC.

Consultation question:

The outcomes for summer 2020 will be broadly similar to those in previous years.

- a. To what extent do you agree with this aim?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Aim 3: The final grades issued to learners will be the result of a fair and robust process using the information provided to WJEC by centres, and the statistical standardisation model developed by WJEC and agreed with Qualifications Wales. The processes applied will be transparent and deliverable this summer.

- 2.16 The statistical standardisation model used by WJEC will need to combine a range of evidence, including expected grade distributions at national level, results in previous years at individual centre level, and the prior attainment profile of learners (including attainment in qualifications and units that have already been awarded). The model will also need to accommodate any centres without historical outcomes or prior attainment data. In developing the approach, we will work with WJEC to consider a range of statistical standardisation models that could be used this summer. We will also work with Welsh Government to understand whether other prior attainment data could be used to support the calculation of GCSE grades.
- 2.17 Different models for statistical standardisation vary in the emphasis they place on historical evidence of centre performance (given the prior attainment of learners) versus the submitted centre assessment data (a grade and a rank, supported by a Head of Centre declaration). These models will be trialled to evaluate how best to combine

evidence to most accurately standardise centre assessment grades. For example, we will evaluate the optimal span of historical centre outcomes (over one, two or three years).

- 2.18 If a model places more weight on centre assessment grades, it assumes that these grades are correct and would minimise changes that can be made between the centre assessment grades submitted and the final calculated grades issued. As it is likely that differences in the standard applied by centres would persist, this would be unfair. For example, learners from centres giving severely judged grades would be disadvantaged compared to learners from centres giving accurately judged grades who would, in turn, be disadvantaged compared to learners from centres giving grades which are too generous.
- 2.19 We know from research that when teachers predict or estimate grades for other purposes, such as for applications to universities or where they have historically been provided to awarding bodies, they tend to be (overall) generous more often than they are severe¹⁵. If there are more centres submitting generous grades than severe grades, the resultant national grade distribution could be higher than expected. This would be unfair to learners in the previous and forthcoming years with whom this year's learners will compete for opportunities in education, training and employment. It might also undermine the credibility of the grades awarded to learners this summer.
- 2.20 An alternative model would place more weight on statistical expectations and would determine the most likely distribution of grades for each centre based on the previous performance of the centre and the prior attainment profile of its learners. It would then use the submitted rank order to allocate grades to individual learners in line with this expected grade distribution. One effect of this approach would be that the final calculated grades received by centres will often differ from those submitted. Research suggests that teachers can accurately rank order their candidates (correlations between the rank order of teacher predictions or estimates and actual grades are relatively strong)¹⁶.
- 2.21 This approach would be more likely to ensure a consistent standard is applied across centres, and so is more likely to be fair. It would also make it more likely that the resultant national grade distribution would be similar to that expected, based on previous years. Moreover, this could be achieved without unfairly advantaging centres that provide inflated centre assessment grades. Therefore, we believe that an approach placing more weight on statistical expectations is appropriate and most fair to learners.

¹⁵ See, for example, UCAS (2019) and Dhillon (2002) as quoted in Ofqual (2020) *Equality Impact Assessment: literature review* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879605/Equality_impact_assessment_literature_review_15_April_2020.pdf

¹⁶ Baird (1997) in Ofqual (2020) *Equality Impact Assessment: literature review* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879605/Equality_impact_assessment_literature_review_15_April_2020.pdf

2.22 We are aware that some centres expect they might have seen improvements in results had exams taken place in 2020, despite results in recent years being stable or in decline. Conversely, some centres might have seen results decline. There is, however, no reliable statistical way of accommodating changes of this nature, unless it is supported by the prior attainment data.

Consultation question:

A statistical standardisation model which uses historical evidence of centre performance and the prior attainment of learners, along with the centre assessment data, is likely to be the fairest approach and produce more accurate calculated grades.

- a. To what extent do you agree with this aim?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Aim 4: As far as possible, the process for awarding grades in summer 2020 will not disadvantage groups of learners, including those with protected characteristics, relative to previous years.

2.23 We have asked centres to submit grades and rank orders for their learners because they are best placed to understand how their learners have been performing throughout the course. This will help ensure learners are rewarded this summer with grades based on evidence of their attainment in the subject.

2.24 As well as managing risk to national and centre results this summer, we must also consider how to address any inequalities that could result from bias in the centre assessment data. This sort of bias could manifest as under or over-inflation of grades for learners with defined characteristics, relative to the usual attainment of learners with the same characteristics when they take exams.

2.25 The process to produce centre assessment data this summer is unique due to the extraordinary circumstances of the coronavirus pandemic. It has not been used previously and therefore there is no research evidence on the risk of bias from this method.

- 2.26 As outlined in Aim 3, there is, however, research evidence on bias in other grades predicted by teachers, for example, for university entrance or to support awarding bodies in standard setting. The evidence on bias in those grades is mixed, and the effects appear to be variable and context-dependent.
- 2.27 The strongest finding in the research covered by Ofqual's literature review¹⁷ was that there are likely to be some effects on prediction accuracy associated with ethnicity (that is, more over-prediction for some ethnic minority groups) and disadvantage (that is, more over-prediction for the more disadvantaged in general, but less over-prediction for the more disadvantaged among high attainers), but those effects have not been properly estimated.
- 2.28 We have already discussed in Aim 3 how standardisation protects against over- or under-inflation of grades at a national and centre level. Using prior attainment data about the learners in the statistical standardisation model also helps to make sure that calculated grades better represent the attainment of the learners this summer. The relationship between results and the characteristics of learners and centres would be largely maintained from previous years, when assessment occurred in the normal manner. This way of mitigating the potential effects of bias assumes that the characteristics of learners in centres are stable over time.
- 2.29 We will ensure that the centre assessment data is checked as soon as possible after it has been provided to see if there is evidence that attainment gaps linked to learner characteristics have substantially changed compared to previous years. We will use that evidence to help finalise our approach to calculating grades and the selection of the final statistical standardisation model.
- 2.30 Whilst it is common in a research context to try to explain (and quantify) the range of factors that influence results in normal circumstances, we are not proposing to make further, very targeted corrections to calculated grades linked to specific groups of learners in order to precisely replicate historical patterns of results for those groups. If such an adjustment were to be made, it would have to be on the basis of highly accurate and reliable estimates of the relationship between learner characteristics and grades and we are not confident that this accuracy is available from the data.
- 2.31 These sorts of adjustments would also change the rank order of learners provided by each centre – promoting or demoting some learners over others just on the basis of characteristics such as their sex, socio-economic status or ethnicity. This would overrule the judgements made by centres on the rank orders, which will be based on the likely attainment of learners this summer if they had taken their exams. We do not intend to change the rank orders submitted by centres because we believe centres are best

¹⁷ Ofqual (2020) *Equality Impact Assessment: literature review*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879605/Equality_impact_assessment_literature_review_15_April_2020.pdf

placed to judge the likely performance of their learners relative to one another at the end of the course.

2.32 There are other reasons why we do not propose to make these further adjustments including:

- If we change grades this summer based, for example, just on a learner's sex it is unclear what justifies the change in grades. It is possible that any adjustment linked to a characteristic like sex would in reality be adjusting for other factors that have not been measured (for example, differences in experiences of home tutoring by sex).
- If a further adjustment is made to narrow, for example, the attainment gap by sex, this might cause other problems, for example, in relation to national and centre level results or other attainment gaps (such as by socio-economic status or ethnicity).
- Previous research evidence¹⁸ has also suggested that the prior attainment of learners will be the most important way of calculating grades this summer and that adding other information about learners will make very little difference to the accuracy of calculated grades.

2.33 We also believe that an intervention to adjust grades based on characteristics other than attainment evidence would be unprecedented in the history of standards for GCSEs, AS and A levels. When qualifications are reformed, the potential impact of changes to assessment models on those learners with protected characteristics are carefully considered. However, there is no attempt during the standard setting process to maintain previous differences in outcomes between learners who share particular protected characteristics, such as disability, ethnicity or sex, or who are from particular socio-economic backgrounds. This is in part due to the difficulty of establishing the extent to which differences in outcomes are caused by differences in educational opportunity, rather than changes in the assessment models.

2.34 Another potential source of disadvantage would be error in the collection and combination of data in the model to produce the calculated grades. The system that WJEC will use to collect the centre assessment data will be designed to reduce the chance of errors. When rank orders are submitted by centres, checks will be made on the data. For example, the rank orders will be checked against rank orders for the same candidates observed in previous assessments (for example, in AS assessments for A level candidates). It is very important for centres to perform their own checks prior to submitting the rank orders to make sure that they are correct. If there is strong evidence of a mismatch, the centre assessed rank order will be checked by WJEC with the centre

¹⁸ See, for example, Benton and Yin (2011) *Investigating the relationship between A level results and prior attainment at GCSE* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/605906/2011-09-29-investigating-the-relationship-between-a-level-results-and-prior-attainment-at-gcse.pdf Grades were accurately predicted for 40.1% of A level entries just using learner prior attainment (mean average GCSE score). When a range of extra factors were used the accuracy only increased to 40.5% (page 18, Table 2).

to see if an error has been made. However, subtle errors in the submitted rank order will be impossible to detect reliably using statistical methods.

Consultation question:

As far as possible, we should ensure that the process for awarding grades in summer 2020 will not disadvantage groups of learners, including those with protected characteristics, relative to previous years.

- a. To what extent do you agree with this aim?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Aim 5: Agreed processes for each qualification type will enable the maximum number of learners to receive grades based on a common approach. The processes will use results from qualifications and units already completed and awarded to learners, where available.

- 2.35 Welsh Government policy is that the summer 2020 cohort of GCSE, AS, A level and SCC learners should be issued with results. However, existing evidence to support the awarding of accurate grades in these qualifications varies, and the qualifications themselves also vary in design. Some variation in the process of awarding grades across these qualification types is therefore inevitable and desirable, to make sure that the most appropriate evidence is taken into account. These variations will be included in the agreed processes.
- 2.36 Examples of variations across qualification types are likely to include the following:
 - In Wales, AS qualifications contribute 40 per cent of the marks towards the A level grade. Where A level candidates have already been awarded an AS in the same subject based on the usual assessments, it makes sense to use this information when awarding the A level grade.
 - Similarly, AS candidates have already taken GCSEs, and their GCSE results can be used to help award accurate AS grades.
 - Some GCSE candidates will have taken a limited number of qualifications and units previously. Where a learner has completed and been awarded units from their unitised GCSE in a previous exam series, for example, unit 1 in the GCSE Science suite, consideration will be given to how this evidence is used to calculate this summer's grades.

Consultation question:

Processes for issuing grades in summer 2020 will use results from any qualifications and units already completed and awarded. As such, the evidence used may differ across qualification types.

- a. To what extent do you agree with this aim?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Proposal 2: Introduce a specific appeals process for the summer 2020 exam series

- 2.37 In this section, we set out our proposal to introduce a specific appeals process for the summer 2020 exam series.
- 2.38 Under normal arrangements, we require WJEC to allow the opportunity for challenge about the judgements which are made in connection with the assessment of a learner's performance in exams or in formal NEA. These are outlined below:
- through a review of marking of marked assessment material, which will consider whether any marking error has been made, and any such errors will be corrected;
 - through a review of moderation, which will consider whether any moderation error has been made, and correct any such errors;
 - through an appeal, which will consider whether any marking error or moderation error has persisted through, or been caused by, the review process, as well as considering whether any procedural error has occurred.
- 2.39 WJEC is also required to make sure centres have a review process in place to consider whether assessment material marked by the centre has been marked consistently.
- 2.40 Given the cancellation of exams, the normal arrangements for reviews of marking and appeals as required by our Conditions¹⁹ cannot operate this summer. This is due to the fact that there will be no assessment material marked or moderated by WJEC and no criteria against which to determine whether an error has occurred.

¹⁹ Qualifications Wales (2020) *Additional Standard Conditions of Recognition for GCSE/ GCE qualifications* <https://qualificationswales.org/english/publications/additional-standard-conditions-of-recognition-for-gcse-gce-qualifications/> and Qualifications Wales (2019) *Additional Standard Conditions of Recognition for the Welsh Baccalaureate Skills Challenge Certificate* <https://qualificationswales.org/english/publications/additional-standard-conditions-of-recognition-for-the-welsh-baccalaureate/>

However, in accordance with the Direction given to us by the Education Minister, we are of the view that WJEC should continue to have an appeals process in place for this summer, and are therefore proposing to introduce a specific process which will apply only for the 2020 summer series.

2.41 For the appeals process, we propose that:

- appeals should be made to WJEC by centres, on behalf of one or more of their learners, on the grounds that WJEC did not apply its procedures consistently, properly or fairly in arriving at those results.
- appeals on these grounds should be investigated by WJEC and any errors quickly found and corrected using a simplified process;
- WJEC should provide a formal appeals process for a centre concerned that an error remains unfound and/or uncorrected after any initial check. As usual, results could go down as well as up following an appeal, as necessary to correct any error.

2.42 In developing our proposals, we have considered whether that process should include the opportunity to:

- review the professional judgements on which centre assessment grades and rank order were determined, and the procedure followed by a centre for producing the centre assessment data;
- review the procedure followed by WJEC, when using centre assessment grades and rank order, and the statistical standardisation model to determine final grades.

We will deal with each of those considerations in turn below.

Review professional judgements on which centre assessment grades and rank order were determined, and the procedure followed by a centre for producing the centre assessment data

2.43 For this summer's awards, schools, colleges and other exam centres are being asked to provide centre assessment grades and a rank order for their learners. These centre assessment grades must reflect a fair, reasonable and carefully considered judgement of the most likely grade a learner would have achieved if they had sat their exams this summer and completed any NEA. This will require centres to use their professional expertise and to make professional judgements that will inform WJEC's calculation of a learner's results this summer.

- 2.44 This is an unusual thing that we are asking centres to do, but the unprecedented circumstances necessitate taking such action. We are, however, confident that teachers are well placed to make these judgements because they will have engaged with their learners through the course of study, have a good understanding of their abilities and how they compare to other learners in that centre taking the qualification this year, and in previous years.
- 2.45 In announcing our decision to ask centres to make such judgements, questions have, and will continue to be raised, as to whether learners who are dissatisfied with their results this summer should be able to appeal on the merits of those centre judgements, and the procedures that a centre follows for producing the centre assessment data.
- 2.46 We understand that learners may be concerned that a centre has not followed an appropriate or fair process in arriving at the centre assessment data that are submitted to WJEC, and that allowing for appeals to be made on this basis might give learners added confidence in the centre assessment grades process. However, for the reasons outlined below, we do not believe that allowing for an appeal on these bases would be appropriate, effective or fair.
- 2.47 Firstly, in the case of NEA, which is the closest comparison to the proposed arrangements for this summer, WJEC are required to have a process in place to review the centre's marking of assessment materials for learners who are unhappy with the marks proposed. The purpose of that review is to consider whether the marking of a learner's assessment is consistent with the marking of the same assessment taken by other learners in the centre. Importantly, the criteria against which learners' performance in the assessment must have been judged is externally set by the awarding body, and training will have been made available to centres on that criteria.
- 2.48 Following this process, the marking at centre level is also standardised across centres through moderation undertaken by the awarding body. This process is also designed to ensure that the marking criteria are being accurately and consistently applied.
- 2.49 In the proposed arrangements for this summer, the only consistent feature will be the statistical standardisation model developed by WJEC to standardise grades across centres in each qualification. There has been no opportunity to standardise the judgements made by teachers across centres this summer, though standardisation within individual centres should take place. Even where past papers have been used as evidence, different centres may have used different papers and mock exams may have been administered under different conditions and not all of the teachers marking those assessments will have been trained as assessors by WJEC.
- 2.50 As there is no common benchmark or standard against which teachers' professional judgements, or a centre's evaluation and use of those judgements in centre assessment grades, can be evaluated, a process that allows for appeals against centre judgements could be deemed to be unfair.

- 2.51 Teachers are currently working under difficult conditions to support learners to continue with their learning remotely and to keep centres open for vulnerable children and children of key workers. To make sure WJEC has the best possible evidence on which to calculate this year's results, teachers within centres will need to have open conversations about the relative strengths of different learners, particularly to arrive at a single rank order in each subject. It is therefore critical that they are allowed to reach their professional judgements unhindered by any external influences.
- 2.52 We believe an appeals process that provides an opportunity to challenge centre judgements could inhibit teachers from having these difficult but necessary discussions with colleagues. Similarly, teachers could be inhibited from carrying out their duties objectively if they were to become subject to external influence when arriving at their judgements.
- 2.53 We set out in our Information for Heads of Centre document broad guidelines to assist teachers in making professional judgements, and centres in submitting centre assessment data to WJEC. However, we did not set out, nor do we believe it is practical or appropriate to set out, any specific procedure or evidence that must be used to support professional judgements.
- 2.54 We feel that if we attempted to do so, there is a risk that we might undermine the accuracy of the information submitted by centres, because any requirement for a common set of evidence would need to be narrow to allow for the wide variation between centres; those centres with more evidence would be prevented from using it because of the need to secure parity with centres with the least evidence.
- 2.55 We are also of the view that there is insufficient time available for WJEC to specify an appropriate process with which all centres can comply, and for centres to put that process in place, particularly given the current restrictions to normal operations. We believe that centres' time and resources would be better served in determining and submitting centre assessment grades data for their learners in a timely manner.
- 2.56 Any appeals process relating to a centre's procedures would only be effective if it could identify and correct a procedural error made by the centre and lead to a different centre assessment grade and/or rank order position being submitted to WJEC.
- 2.57 Making changes to information during the process of statistical standardisation would be logistically complex and, in our view, create unacceptable risks to the integrity and operation of that process. If this was to be the case, any appeal against a centre's procedures would need to be determined before the submission of centre assessment grades and rank order information to WJEC, in the same way that a review of centre marked assessment material must take place before provisional marks are submitted for moderation in the current procedures.

- 2.58 Enabling changes to be made during the statistical standardisation process would require establishing a reasonable period of time for learners to consider whether to appeal, and for the centre or WJEC to determine those appeals. We do not believe that this is practicable given the limited time available, and the complexity of the task faced by centres in compiling centre assessment data and WJEC in the statistical standardisation of those grades.
- 2.59 It is for these reasons we believe that providing an opportunity to review and scrutinise professional judgements made by an individual teacher or centre would be undesirable, inappropriate and impractical in the current exceptional circumstances. Similarly, we do not consider it practical or effective to provide for an appeal in respect of the procedure used by a centre and that to allow for such an appeal could create unacceptable operational risks to the issue of results this summer, as well as the potential for unfairness.
- 2.60 However, if a centre finds it has made an error in the data it submitted to WJEC, the centre should be allowed to appeal on that basis, and that any errors found should be corrected. It is important to emphasise that given the clear expectations for centres to ensure that the data submitted is not only accurate, but also supported by a Head of Centre declaration, we expect these to be exceptional cases. Where such cases do arise, centres will be expected to produce high standards of data and robust evidence to WJEC.
- 2.61 Although we propose that a learner who believes they have been given the wrong grade will not be able to ask the centre to review its judgements, we do believe that a learner who thinks a centre may have made an error when submitting the data to WJEC, should be able to ask their centre to review the accuracy of the data it submitted. If the centre finds it made an error, or it considers that WJEC made an error in the way it processed the centre's data, the centre should submit an appeal.

Consultation question:

Learners who are dissatisfied with their results this summer will not be able to appeal against the professional judgement made by their centre, or the procedure used by their centre to arrive at this judgement.

- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

WJEC Procedures

- 2.62 We will require WJEC to have in place, and follow, a process to make sure that all relevant information is taken into account for each learner.
- 2.63 However, it is possible that WJEC might make an error and depart from the process it puts in place. This could lead to the issue of results which a centre, knowing the centre assessment grades it submitted, might consider to be surprising. We feel it is reasonable to expect that a centre could appeal such results, on the ground that WJEC may have failed to apply its procedures consistently, properly or fairly.
- 2.64 As such, we propose that a centre could appeal to WJEC on the grounds that:
- it used the wrong data when calculating the grade of all, some or just one of their learners, including because they submitted the wrong data;
 - the calculated grades generated by the model were incorrectly allocated or communicated to all, some or just one of their learners; and/or
 - there was some other procedural failing on the part of WJEC.
- 2.65 In designing our proposals around the appeals process for affected qualifications, we considered whether centres should have the opportunity to appeal the outcome of the statistical standardisation model in circumstances where there has been no error in the procedure followed by WJEC, but the results issued are significantly out of line with the centre's expectations. We do not propose to allow for appeals to be made on this basis. To vary the application of the statistical standardisation model for one learner or for a centre's cohort of learners, as a result of an appeal, would be unfair to other learners and would undermine the maintenance of standards this year.

Consultation question:

Centres will be able to appeal to WJEC on the grounds that they used the wrong data when calculating a grade, the calculated grades generated by the statistical standardisation model were incorrectly allocated or communicated and/or there was some other procedural failing on the part of WJEC.

- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

- 2.66 For an appeal to be effective, the centre will need to understand the procedures WJEC has in place to determine results for the centre's learners, as well as the procedures which were followed in its case, and the information used to inform the outcome.
- 2.67 Therefore, as well as requiring WJEC to have a procedural appeals process in place, we believe that WJEC should be required to disclose sufficient information to allow a centre to consider whether to proceed with an appeal. However, we consider that such a disclosure should take place on request, if the centre considers the results issued are likely to be incorrect.
- 2.68 As such, it will not be possible for individual learners to evaluate the data because the necessary contextual information will not be available to them. For example, the centre will be able to identify if WJEC has used incorrect prior attainment information for some or all of the cohort, while an individual learner will not.
- 2.69 In addition, deciding whether to make an application for an appeal might involve reviewing the centre's rank order to ensure no error was made. The rank order includes personal data relating to all learners in the centre's cohort to which learners should not have access, unless appropriate consent has been given.
- 2.70 For these reasons, we propose to require that for results issued this summer, WJEC should only consider appeals submitted by centres, and not those submitted by individual learners or their representatives.

Consultation question:

For results issued this summer, we should require WJEC to only consider appeals submitted by centres, and not those submitted by individual learners.

- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

- 2.71 Our Conditions for the affected qualifications currently require that an incorrect result which is identified through the application of an appeals process should be corrected whether the outcome is better or worse than the original result²⁰. We do not believe there is any reason to make any changes to these requirements this summer. Where an

²⁰ We note that there is currently an exemption for reviews and appeals concerning the outcome of moderation.

incorrect result is identified through the application of the appeals process, the result should be corrected whether the outcome is better or worse than that originally issued.

- 2.72 We recognise that WJEC will wish to ensure that centres make learners aware before submitting any application for appeal that it may adversely affect their results. Where the centre considers that an error has been made which affects their entire cohort, then all learners' results could change. WJEC might therefore consider that the consent of the entire cohort should be secured by the centre as part of the appeals process. However, we do not believe that this needs to be reflected in our regulatory framework.
- 2.73 The nature of the appeals process that we are proposing this summer would mean that centres might not know whether an appeal submitted on behalf of one learner might affect the rest of the centre's cohort. Centres might be concerned, therefore, that the consent of the entire cohort may be necessary to allow one learner to appeal. To address this, we intend to prevent WJEC from putting grades down where errors affecting learners other than those named in an appeal are discovered through the appeals process.

Consultation question:

If an appeals process identifies an error that would result in a lower grade for learners other than those cited in the appeal, then WJEC should not lower these grades.

- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)
- 2.74 Our current rules for the affected qualifications require WJEC to ensure that all appeal decisions are taken by people who were not previously involved in the process leading to the issue of results.
- 2.75 Results this summer will be issued following a novel and complex statistical standardisation process which is likely to be fully understood by a more limited pool of people than under normal arrangements. As such, WJEC may not be able to ensure in all cases that adequate members of staff are available who are sufficiently familiar with the results process this year, but who also had no involvement in the calculation of a particular result, or set of results.
- 2.76 Given the exceptional circumstances this summer, we do not consider it is appropriate to maintain our requirements which have been designed for normal arrangements.

However, to ensure fairness to all learners, a sufficient level of independence and impartiality in the WJEC appeals handlers will need to be retained.

- 2.77 As such, we propose to require WJEC to take all reasonable steps to ensure that all appeal decisions are taken by people who were not previously involved in the process leading to the issue of those results.

Consultation question:

WJEC should be required to take all reasonable steps to ensure that all appeal decisions are taken by people who were not involved in the process leading to the issue of those results.

- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

- 2.78 Given the circumstances, WJEC might reasonably decide to conduct an administrative review, perhaps involving a member of staff familiar with the statistical standardisation model, as a preliminary stage in any application for appeal. This would enable them to quickly identify and correct any cases in which an error has been made. We believe that WJEC should be able to correct an error in these circumstances, without the need for a formal appeals process.

- 2.79 In the event that WJEC considers that no error has been made, or the centre considers an error has persisted or been caused by any correction after an administrative review, we think it is in the interests of learners, and consistent with the maintenance of standards, for WJEC to be required to have a formal appeals process in place. Consistent with our current rules, we consider the formal process should involve an independent decision-maker who is not an employee of WJEC, an assessor working for them, or otherwise connected to them.

2.80 However, we do not consider that the formal appeal hearing will necessarily need to be followed in a similar way to that which is described in the current JCQ Stage 2 appeal²¹. A simplified process whereby the independent decision-maker considers a report by the member of staff conducting the administrative review and any representations made by the centre in light of that report, may be appropriate given the exceptional circumstances this summer.

Consultation question:

WJEC should be permitted to run a simplified appeals process whereby the decision-maker considers a report by the member of staff conducting the administrative review and any representations made by the centre in light of that report.

- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)

- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Exam Procedures Review Service

2.81 In previous years, if, on receipt of WJEC's final appeal decision, a learner or centre believed that WJEC had failed to follow, or properly apply, necessary procedures in the marking or awarding of certain regulated qualifications²², it could apply to our Exam Procedures Review Service (EPRS)²³.

2.82 Our EPRS currently considers whether WJEC has followed its processes fairly, and whether it has complied with its Conditions of Recognition when making decisions which could affect results. The EPRS process does not re-mark exam scripts and cannot change the mark or grade awarded to a learner, or require the awarding body to do so.

2.83 In line with our proposals around the appeals process, the EPRS will only be available to centres for results issued this summer. The EPRS will review whether WJEC properly considered the appeal and, if any error that was identified in the data used to generate the calculated grade(s) and/or in the grade(s) issued was properly corrected.

²¹ Joint Council for Qualifications (JCQ) (2019) *A guide to the awarding bodies appeals processes: Effective from 15 August 2019*
<https://www.jcq.org.uk/Download/exams-office/appeals/jcq>

²² Approved GCSEs, GCEs and Welsh Baccalaureate Skills Challenge Certificate qualifications

²³ Qualifications Wales (2019) *Exam procedures review service appeal process*

<https://qualificationswales.org/english/publications/exam-procedures-review-service-appeal-process/>

- 2.84 It will not consider applications in relation to the professional, academic judgements underpinning centre assessment grades and rank order, the process followed by centres, or the statistical standardisation model used by WJEC to standardise the centre's data.
- 2.85 We propose to disapply the current EPRS and outline the procedure in a new regulatory document²⁴ which will remain in force until a date specified by Qualifications Wales.

Consultation question:

The only functions of the Exam Procedures Review Service (EPRS) this summer will be to review:

- 1. the extent to which WJEC was compliant with our requirements and with their own policies and procedures, or**
 - 2. if any error was identified in the data used to generate the calculated grade(s) and/or in the grade(s) issued, whether that error was properly corrected.**
- a. To what extent do you agree with this proposal?
(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)
- b. Please clearly explain the reasons for your answer in the space below.
(If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

3. Integrated Impact Assessment

- 3.1 This section sets out the integrated impact assessment of our proposals outlined in the consultation. This section is in three parts and includes our Regulatory Impact Assessment (RIA), Welsh Language Impact Assessment and Equalities Impact Assessment.
- 3.2 An Integrated Impact Assessment (IIA) is an assessment of the likely impacts of our regulatory activity. We must carry out our regulatory activities in a way that is transparent, accountable, proportionate, targeted and consistent, and have regard to government policy as directed by Welsh Ministers.

²⁴ A regulatory document, or part of a regulatory document, document which features in a document entitled the 'Regulatory Document List', which may be published by the Qualifications Wales and may be varied and replaced by the Qualifications Wales from time to time.

- 3.3 Through our IIA, we demonstrate that we are regulating in accordance with our principal aims, and the eight matters we must have regard to, as outlined in the Qualifications Wales Act (2015), as well as in line with the principles of better regulation²⁵ and HM Treasury guidance.
- 3.4 We have included questions on the impacts we have identified, and we welcome feedback on them.
- 3.5 This impact assessment only addresses the proposals that are included in the consultation document. These are:
- introducing aims to underpin the statistical standardisation model for the issuing of grades for the summer 2020 exam series; and
 - introducing a specific appeals process for the summer 2020 exam series.
- 3.6 Our assessment should be read in the context of the extraordinary circumstances this summer, which includes the Education Minister for Wales's decision to close schools and to cancel the 2020 summer exam series, and the direction given to us under section 53 of the Qualifications Wales Act to give due regard to government policy.
- 3.7 Any decisions taken by Welsh Government, WJEC and other key decision-makers are outside the scope of this assessment. These include, for example, decisions relating to the cancellation of this summer's exam series and closure of schools, colleges and exam centres.

Regulatory Impact Assessment

- 3.8 As a public body, we are required to assess the likely impact, both positive and negative, of regulatory decisions we take. This section sets out the likely impacts, both positive and negative, of our proposals.

Impact on learners

- 3.9 Learners of the relevant qualifications will be directly affected by the proposed arrangements for awarding this summer. We are focused on making sure that, as far as possible in the current context, they are not disadvantaged and that disruption to their planned progression is minimised.
- 3.10 While learners will not be taking exams as they had expected, most will receive grades as usual on the date which they were expected in August. The grades awarded to learners this summer will have the same status as the grades awarded in previous years

²⁵ Great Britain, Department for Business, Energy and Industrial Strategy (2020) *Better Regulation Framework: Interim Guidance*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872342/better-regulation-guidance.pdf

and should be treated in this way by universities, colleges and employers so that learners are able to progress to the next stage of their lives.

- 3.11 We understand there may be negative impacts, including possible financial impacts, for learners who do not achieve the grades that they require in order to progress as they had intended. They will have an opportunity to take exams in the scheduled November 2020 exam series²⁶ or in summer 2021; however, this will delay their progression. This could also include some private candidates for whom a grade cannot be calculated.
- 3.12 We are conscious of the fact that private candidates may have already paid fees to host centres for summer exams. We have explained the options we are exploring for private candidates. We will ask organisations that represent higher and further education providers to consider the steps that providers could take when making admissions decisions this summer for any private candidates who do not receive a grade.
- 3.13 Clearly, this is an unsettling period for learners, and the uncertainty around exams and how those grades will be issued is likely to have had an impact on their wellbeing. Our focus throughout this period has been to establish an approach for the summer exam series, which is as fair as possible to learners, and is in their best interests in terms of their progress to work, education or training. We have made a concerted effort to communicate with learners through various channels on a regular basis, and to reassure them that they can have confidence in the process that will be used for awarding this year.

Impact on centres

- 3.14 We expect there will be one-off, direct costs and administrative burdens to centres associated with the following activities:
- familiarisation with our Information for Centres on the submission of Centre Assessment Grades, and any additional communications from WJEC;
 - communication and training to teaching staff on how to make centre assessment grade judgements and determine rank orders;
 - departmental discussions to provide the Head of Centre with the assurance needed to sign the declaration;
 - amendments to centre systems to enable the required information to be gathered and stored, together with the retention of supporting evidence;
 - adjustments to enable submission of data to WJEC in a format specified by them;
 - management of high volumes of enquiries from learners, parents and carers; and
 - familiarisation and submission of appeals in line with the revised appeal arrangements agreed post-consultation.

²⁶ GCSE English language, GCSE Mathematics, GCSE Mathematics-Numeracy and GCSE Welsh language

- 3.15 Centres will be delivering this in place of, and not in addition to, the usual range of activity required to deliver summer exams in their centre, including, for example, secure handling of exam papers and scripts, invigilation of exams and dealing with any cases of possible malpractice and maladministration arising in usual exam delivery.
- 3.16 We acknowledge that the burden of delivering the revised arrangements could be greater and more challenging for centres where staff availability is affected by coronavirus and centres are closed for normal teaching.

Impact on WJEC

- 3.17 The proposed arrangements outlined in this consultation apply to Approved GCSE, AS, A levels, SCC Qualifications and legacy GCSE, AS and A levels which remain available to learners in Wales. All of these qualifications are made available by WJEC.
- 3.18 We are aware of costs that WJEC will incur in providing additional resources to support remote learning for year 10 and year 12 learners as a result of the Minister's decision to close schools.
- 3.19 As a result of the proposals included in this consultation, we expect there will be one-off, direct costs and administrative burdens to WJEC associated with the following activities:
- familiarisation with necessary revisions to our regulatory framework. This includes our Standard Conditions of Recognition, Conditions for affected qualifications and any other Regulatory Document;
 - familiarisation with our Information to Heads of Centres on provision of centre assessment grades and rank orders;
 - communication of requirements to centres;
 - development and delivery of processes and systems for collecting centre assessment grades and rank orders from centres;
 - preventing, detecting and investigating any malpractice or maladministration relating to the provision of centre assessment grades and rank orders;
 - adjustments to systems to enable standardisation of centre assessment grades in accordance with the model agreed post consultation;
 - issuing of results in accordance with new arrangements;
 - managing increased volumes of enquiries from centres and candidates due to the exceptional arrangements;
 - familiarisation with, and delivery of, the revised appeal arrangements agreed post consultation;
 - assessment of changed costs – both decreasing and increasing – and making any subsequent adjustments to fees, including those that may have already been paid by centres; and
 - additional and/or revised data submissions to Qualifications Wales.

- 3.20 We have published information for centres, as well as a range of communications for parents, carers and learners. This should help to reduce the burden on WJEC of communicating the revised arrangements - though we think it likely that many centres and learners will nevertheless want to make contact to discuss their individual circumstances.
- 3.21 As with centres, WJEC will be delivering this in place of, and not in addition to, the usual arrangements for delivery of exams; rather, they are in place of those arrangements.
- 3.22 There are a range of activities that WJEC would usually be undertaking this summer, that they will not be doing, or will be doing in a different way. These include, but are not limited to, the following:
- printing, delivering, collecting and scanning exam papers and scripts;
 - decisions on, and implementing requests for, special consideration and reasonable adjustments;
 - identification and investigation of malpractice and maladministration arising in usual exam delivery arrangements;
 - moderation of centre marked assessment;
 - marking of scripts – including examiner recruitment, standardisation, and quality assurance arrangements;
 - awarding meetings; and
 - reviews of marking, moderation and appeals.
- 3.23 Costs associated with some of these activities may have incurred before the decision to cancel exams and are therefore considered to be sunk costs. Other costs may already be contractually committed and so may not be recoverable in full or in part. This may be heightened by the late notice of cancellation of the series.
- 3.24 We also acknowledge that the burden of delivering the revised arrangements could be greater and more challenging for WJEC where staff availability is affected by coronavirus.

Impact on colleges, universities and employers

- 3.25 It is likely that there would be significant negative impacts on further education colleges, universities and employers if large numbers of learners were not able to progress as planned in 2020. However, our proposed arrangements aim to ensure that as many learners as possible receive a grade on the usual results dates.

Consultation question:

In this section, we have set out the regulatory impacts we anticipate from the proposals in this consultation. *When responding to the following questions, please make it clear which proposal(s) you are referring to.*

1. In relation to the regulatory impacts that we have identified in this section, are there any additional steps that we could take to reduce them? If so, please outline these steps in the space below.
- 2a. Are there any **other** positive or negative regulatory impacts (intended or unintended) that we have not already identified? *(If you have identified both positive and negative impacts, please select both options in the list below)*
 - i. Yes, there are other positive impacts
 - ii. Yes, there are other negative impacts
 - iii. No, there are no other impacts
 - iv. Unsure
- 2b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.

Equalities Impact Assessment

- 3.26 As a public body, we have a duty under the Equality Act 2010²⁷ to have due regard when carrying out our functions to:
- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.27 The purpose of this assessment is to identify whether the proposals are likely to have any impact (positive or negative) or differing effects on different groups who share one or more of the protected characteristics identified by the Act.
- 3.28 We have considered the potential impact of the proposals included in this consultation on persons who share protected characteristics under the Equality Act 2010.
- 3.29 We believe that there are two elements of our proposals that require further consideration from an equality perspective:
- the use of centre assessment grades and rank orders to support the calculation of learners' results; and

²⁷ Great Britain (2010) *Equality Act 2010* <http://www.legislation.gov.uk/ukpga/2010/15/contents>

- the fact that, for a variety of reasons, some learners may not be able to receive a centre assessment grade and rank order.

Use of centre assessment grades and rank order to support the calculation of grades

- 3.30 Inequalities in educational achievement in Wales exist, particularly those associated with sex, ethnicity, disability and socio-economic background. We are aware that there are particular concerns about the fairness of the exceptional arrangements this summer and how the arrangements may serve to increase disadvantage for certain groups of learners in terms of their educational achievement.
- 3.31 In our aims, we state that we want results to be broadly similar this year to previous years, and for learners to be awarded the grade that they would most likely have achieved had they sat the exams. Therefore, our intention is for the arrangements to be as fair as possible for all learners and for the typical differences in grade distribution to be broadly similar this year to previous years.
- 3.32 As explained in the rationale provided for each of the proposed aims underpinning the statistical standardisation model, the use of centre assessment data is a crucial part of the procedure for calculation of grades this summer.
- 3.33 While we are confident that teachers are well-placed to make judgements about the majority of their learners' performance, centre assessment judgements will inevitably be more subjective than grades based on formal assessments. As with any judgement, there is a risk that a degree of conscious or unconscious bias could exist that could disadvantage learners who share a particular protected characteristic.
- 3.34 As outlined in Aim 4, the evidence found as part of Ofqual's literature review on the reliability of teacher judgements on different groups of learners is not definitive. Evidence from wider research about the reliability of teacher assessment in general is also largely inconclusive, with some elements of overestimating performance and some of underestimating. Overall, the evidence of the likelihood of bias in centre assessment grades and rank order is mixed. Some evidence suggests that centre assessment grades are likely to be inflated, but that teachers can reliably rank order their learners.
- 3.35 Centres are asked to submit data drawn from normal teaching, learning and formative assessment activity over the academic year, or years. This will have been subject to the centre's normal policies and procedures, which would be expected to have complied with the Public Sector Equality Duty²⁸.
- 3.36 In addition, we have proposed ways to protect the integrity of the centre assessment grades and rank order from influence or pressure exerted by, or on behalf of, individual

²⁸ S.149(1) Equality Act 2010

learners and parents or carers. This will reduce the risk that certain learner's grades or position in the rank order will be unfairly inflated to the detriment of others. We have also explained that the proposed approach to statistical standardisation has been identified with the removal of any bias in centre assessment grades in mind.

- 3.37 We outlined in Aim 4 why rank order data is required this summer, so that in the absence of any procedures to standardise judgements between centres this summer, differences in severity or generosity at a whole centre level can be reduced by the standardisation process.
- 3.38 We will ensure that WJEC check centre assessment data as soon as possible after it has been provided to see if there is evidence that attainment gaps linked to learner characteristics have substantially changed compared to previous years. That evidence will be used to help WJEC and us to finalise our approach to calculating grades and the selection of the final statistical standardisation model. As we outlined in Aim 4, we believe that statistical standardisation using centre historical results and prior attainment evidence for learners, applied to the rank orders of learners provided in the centre assessment data, should ensure calculated grades do not contain substantial differences in results for groups with protected characteristics compared to results seen when exams are taken. This should mean that learners in groups with protected characteristics do not experience increased disadvantage this summer.
- 3.39 We also described in Aim 4 a number of reasons why we do not intend further adjustment of calculated grades linked to characteristics of candidates, beyond attainment evidence. Given the exceptional circumstances we believe that use of centre assessment grades and rank orders to support the calculation of grades this summer is the most reliable way of ensuring learners are awarded a grade this year.

Learners who may not be able to receive a centre assessment grade and rank order position

- 3.40 As previously explained, we are confident that teachers are well-placed to make judgements about most of their learners' performance, but there are likely to be two groups of learners for which this may not necessarily be the case:
- learners who are not attending schools/colleges (for example, because they are being home-educated, or they are adult learners who are studying by themselves); and
 - learners who have not been at their current centres for long enough for teachers to make a judgement (for example, learners from Gypsy Roma and traveller communities or refugee asylum seekers).
- 3.41 As a result, it may not be possible for a centre assessment grade and rank order to be provided for some learners. These learners may be unable to receive a calculated grade this summer. This assumption does create a number of potential impacts from an equality perspective, as these groups of learners are likely to contain a disproportionate

number who share certain protected characteristics. We are carefully considering what we could do to mitigate this potential disadvantage for these learners.

- 3.42 We will ask organisations that represent higher and further education providers to consider the steps that they could take when making admissions decisions this summer for any learners who do not receive a grade. We have also asked WJEC to consider all possible options in terms of finding ways to provide grades for learners in these situations this summer.
- 3.43 However, it is important to acknowledge from the outset that there is no easy solution in this regard. Unfortunately, if centres lack the evidence to make a secure judgement for a learner, then WJEC will have no information on which to award a qualification in line with the appropriate standard.
- 3.44 These learners will be able to take exams in certain GCSE qualifications during the scheduled November 2020 series²⁹, and for any other qualifications in summer 2021. As such, they will ultimately have an opportunity to obtain the qualifications they have been studying for. However, in the short term they could be significantly disadvantaged. Unlike the majority of their peers (with whom they may be competing for opportunities), they will not have results they might need for progression to employment, post-16 study or higher education at this time.

Consultation question:

In this section, we have considered the potential impacts of the proposals in this consultation on individuals or groups who share protected characteristics under the Equality Act 2010.

When responding to the following questions, please make it clear which proposal(s) you are referring to.

1. In relation to the impacts that we have identified in this section, are there any additional steps that we could take to reduce them? If so, please outline these steps in the space below.
- 2a. Are there any **other** positive or negative impacts (intended or unintended) for individuals or groups who share protected characteristics that we have not identified? *(If you have identified both positive and negative impacts, please select both options in the list below).*
 - i. Yes, there are other positive impacts
 - ii. Yes, there are other negative impacts
 - iii. No, there are no other impacts
 - iv. Unsure

²⁹ GCSE English language, GCSE Mathematics, GCSE Mathematics-Numeracy, GCSE Welsh language

- 2b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.

Welsh Language Impact Assessment

- 3.45 The 1993 Welsh Language Act established the requirement for public sector bodies to prepare Welsh Language Schemes and deliver Welsh-language services. This was followed in 2011 with the introduction of the Welsh Language (Wales) Measure³⁰.
- 3.46 This Measure gave the Welsh language official status in Wales and introduced duties on bodies to use the Welsh language as described in the Welsh Language Standards. It also introduced the principle that Welsh must be treated no less favourably than English.
- 3.47 In considering what is appropriate for the purpose of achieving our principal aims, we must have regard to the desirability of promoting and facilitating the use of the Welsh language (including through the availability of assessment through the medium of the Welsh language), and of qualifications that otherwise promote or facilitate the use of the Welsh language.
- 3.48 In line with our Welsh Language Scheme³¹ and commitment to the Welsh language, we assess the potential impact (both positive and negative) of our regulatory decisions on the Welsh language.
- 3.49 In this section, we consider the implications that our proposals may have on the Welsh language. Through our consultation, we will seek to engage with Welsh speakers (including learners) and encourage all respondents to provide feedback on our assessment.
- 3.50 Qualifications entered by those who prefer to be assessed through the medium of Welsh will be awarded in the same way as those who prefer to be assessed through the medium of English. As such, we have not identified any likely impacts (positive or negative) for the Welsh language arising from the proposals contained within this consultation document.

³⁰ National Assembly for Wales (2011) *Welsh Language (Wales) Measure (2011)*

<http://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

³¹ Qualifications Wales (2019) *Welsh Language Scheme* <https://www.qualificationswales.org/english/publications/qualifications-wales-welsh-language-scheme-july-2019/>

Consultation question:

In this section, we have considered the potential impacts of the proposals in this consultation on the Welsh language. *When responding to the following questions, please make it clear which proposal(s) you are referring to.*

- 1a. Are there any positive or negative impacts (intended or unintended) on **opportunities for people to use the Welsh language** that we have not identified? *(If you have identified both positive and negative impacts, please select both options in the list below)*
 - i. Yes, there are other positive impacts
 - ii. Yes, there are other negative impacts
 - iii. No, there are no other impacts
 - iv. Unsure
- 1b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.
- 2a. Are there any positive or negative impacts (intended or unintended) in relation **to treating the Welsh language no less favourably than the English language** that we have not identified? *(If you have identified both positive and negative impacts, please select both options in the list below)*
 - i. Yes, there are other positive impacts
 - ii. Yes, there are other negative impacts
 - iii. No, there are no other impacts
 - iv. Unsure
- 2b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.

Summary

3.51 We encourage respondents to engage with our impact assessment, to provide feedback on the impacts we have identified, and let us know if there are any others we need to consider. It is important that our proposals realise the positive impacts we wish to see and minimise any potential negative impacts on groups of learners as much as is reasonably possible in these unprecedented circumstances.

4. Next Steps

- 4.1 Following this consultation, we will publish a report summarising the responses we receive, alongside a commentary outlining our decisions and the reasons for these, as soon as possible following the closing date.
- 4.2 We will need to temporarily suspend a number of the provisions in our current rules so that WJEC can issue results in line with the exceptional arrangements necessary this summer.
- 4.3 We will also put some new regulatory arrangements in place to make sure WJEC work in line with the agreed new arrangements so that, as far as possible, standards and public confidence in the qualifications and the Welsh qualifications system are maintained. These arrangements are also likely to apply to the other awarding bodies who offer GCSE/GCE qualifications in Wales.
- 4.4 Any new regulatory arrangements put in place for this summer will be included within a Regulatory Document and published on our website.
- 4.5 We will carry out and publish a full analysis of this summer's results in autumn 2020.