



# Arrangements for summer 2020 exam series

## Decisions taken following consultation



June 2020

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# 1 Introduction

On 18 March 2020, to help fight the spread of coronavirus (COVID-19) the Education Minister for Wales announced the closure of schools<sup>1</sup> and the cancellation of the 2020 summer exam series<sup>2</sup>.

As a result, on 6 April 2020, the Education Minister for Wales issued us with a Direction<sup>3</sup> 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. The Direction requires us to ensure that a fair and robust approach to issuing grades to the summer 2020 cohort of learners is adopted.

We consulted on proposals relating to key aspects of the arrangements for summer 2020 for a period of two weeks between Tuesday 28 April and 13 May 2020. We acknowledged that this timeline was tight due to the extraordinary circumstances surrounding this consultation and the understandable requests for early clarity, for learners, centres and those who will use the 2020 qualification results. We thank all those who contributed to this consultation.

We proposed to introduce a set of aims to underpin the awarding of grades to learners taking GCSEs, AS, A levels and Skills Challenge Certificate (SCC) qualifications in the summer 2020 exam series, and to implement a specific appeals process for this summer. In developing our proposals, we were mindful of the need to ensure that the approach taken this summer is as fair and robust as possible, while also maintaining qualification standards and the credibility of grades over time.

## Stakeholder Engagement

During the consultation, we conducted briefings with a wide range of stakeholders, which included:

- Association of Directors of Education Wales;
- Children's Commissioner for Wales;
- Colegau Cymru & FE Leaders;
- Education Consortia Heads;
- Equality and Human Rights Commission;
- Heads of Centres;
- Minority Groups & Parent Representative Groups;
- Trade Union Representative Organisations, and
- Youth Parliament for Wales

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<sup>1</sup> Welsh Government (2020) Statement from Minister for Education, Kirsty Williams on school closures in Wales - <https://media.service.gov.wales/news/school-closures>

<sup>2</sup> Welsh Government (2020) Written statement on summer examinations 2020 - <https://gov.wales/written-statement-written-statement-summer-examinations-2020>

<sup>3</sup> Welsh Government (2020) GCSE, AS and A level cancellations: letter <https://gov.wales/gcse-and-level-cancellations-letter>

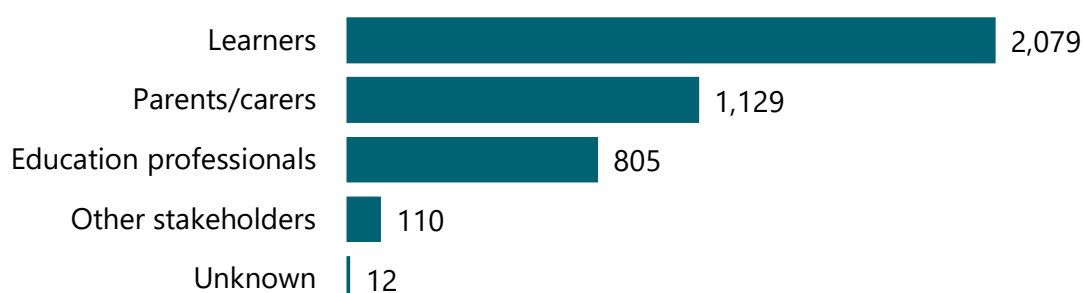
## Young People Engagement

In addition to the standard consultation document, we produced a version of the consultation for young people which summarised the key points. This version was also made available bilingually on our website.

## Consultation Responses

We received 4,057 responses to the consultation in total, varying from brief answers to in-depth narrative of the proposals detailed in the consultation document. The breakdown of responses, by type, is as follows:

**Figure 1: Respondents by type**



*Note: Some respondents identified themselves as more than one type of respondent (e.g. parent and teacher). Therefore, the sum of the categories in figure 1 is greater than the total number of respondents.*

We received comments which were not directly connected to the options on which we consulted, for example arrangements for examinations in summer 2021. For the avoidance of doubt, such matters are not covered in this decisions report. Decisions on relevant matters beyond the scope of this consultation will be announced separately.

This document sets out the decisions we have taken following our consultation on arrangements for the summer 2020 exam series and explains how we have taken account of respondents' feedback. A full summary of the responses has been published alongside this decisions report.

We have indicated in this document where our decisions relate to particular questions from our consultation, so that it is easy to cross reference between the documents.

## 2 Executive Summary

This section provides a summary of the decisions we have taken following our consultation. These decisions relate to:

- introducing aims which will 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.

We note that during the consultation we decided to update our guidance document<sup>4</sup> to centres. This included the wording of the declaration to be made by the Head of Centre to confirm that the centre has undertaken an administrative check of the accuracy of the data it is submitting to WJEC.

We also updated the guidance document to remind Centres of their responsibilities in relation to the Public Sector Equality Duty (PSED)<sup>5</sup>, including the specific duties for Wales which sets out the steps that must be taken to demonstrate that due regard has been had to the matters to which the PSED relates<sup>6</sup>.

Given the fact that centres could be called upon to justify their own decision making, the guidance was also updated to strongly advise centres to keep a detailed, written record of the process used to produce centre assessment grades and rank orders for each qualification, and also how that process has been applied to the decision making in respect of each learner's grades.

Taking account of the consultation responses, we have decided to implement most of the proposals we set out in the consultation document. However, there are a few areas where we have decided to amend our original proposals. We explain these in more detail later in this document and summarise them below:

<b>Proposal 1: Introduce aims which will underpin the statistical standardisation model for the issuing of grades for the summer 2020 exam series</b>	
<b>Original Proposal</b>	<b>Decision</b>
<b>Aim 1:</b> Learners for whom a qualification-level centre assessment grade and rank order are submitted will receive a grade.	<b>We have decided to adopt Aim 1 as proposed in the consultation.</b>  <b>We have decided that an exceptional method should be applied to those private candidates who are not able to be provided with centre assessment data (that is a centre assessment grade and</b>

<sup>4</sup> <https://qualificationswales.org/media/5973/information-for-centres-on-the-submission-of-centre-assessment-grades-version-2-18-may-2020.pdf>

<sup>5</sup> <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

<sup>6</sup> <http://www.legislation.gov.uk/wsi/2011/1064/contents/made>

	<p>place within a centre's rank order of learners), and meet the criteria as set out in our policy statement on private candidates, with a view to as many of those candidates receiving a grade as possible.</p> <p>We will publish a policy statement relating to private candidates alongside this decisions report.</p>
<p><b>Aim 2:</b> National outcomes for summer 2020 will be broadly similar to those in previous years to reduce the risk of unfairness for learners over time.</p>	<p><b>We have decided to amend Aim 2 to include reference to the need to maintain public confidence in qualifications and the qualification system</b></p> <p>Therefore, this aim now reads: <i>National outcomes will be broadly similar to those in previous years to reduce the risk of unfairness for learners over time and maintain public confidence.</i></p>
<p><b>Aim 3:</b> 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.</p>	<p><b>We have decided to merge aims 3 and 5 into one comprehensive aim which describes how the model will use a range of evidence to calculate the likely grades that learners would have achieved this summer. This will now become our fourth and final aim.</b></p>
<p><b>Aim 4:</b> 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.</p>	<p><b>We have decided to amend the wording of this Aim to provide greater clarity that the process for awarding grades should not systematically disadvantage or advantage any learners, including those with characteristics that are protected by equalities legislation.</b></p> <p>This Aim now reads: <i>As far as possible, the process for awarding grades will not systematically advantage or disadvantage learners, including those with characteristics protected by equalities legislation.</i></p>
<p><b>Aim 5:</b> Agreed processes for each qualification type will enable the maximum</p>	<p><b>We have decided to merge aims 3 and 5 into one comprehensive aim which</b></p>

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.	<b>describes how the model will use a range of evidence to calculate the likely grades that learners would have achieved this summer. This will now become our fourth and final aim.</b>
<b>Proposal 2: Introduce a specific appeals process for the summer 2020 exam series</b>	
<b>Original Proposal</b>	<b>Decision</b>
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.	<b>We have decided to adopt our proposal that we should not provide an opportunity for learners to challenge their centre assessment grade or their position in the centre's rank order through an appeal to WJEC.</b>  <b>However, a learner will be able to ask their centre to check whether they made an error when submitting centre assessment data for them.</b>
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.	<b>We have decided that we should adopt our proposal that a centre should be able to appeal to WJEC on the grounds that they used the wrong data when calculating grades, and/or incorrectly allocated or communicated the grades calculated.</b>  <b>We will require WJEC to publish information on their appeal arrangements.</b>  <b>We will require WJEC to provide to a centre, upon request, the information used to calculate a result issued to a learner. This information must be sufficient and allow a reasonable time for centres to consider whether to request an appeal.</b>
For results issued this summer, we should require WJEC to only consider appeals submitted by centres, and not those submitted by individual learners.	<b>We have decided to adopt our proposal that WJEC should only consider appeals submitted by centres, and not those submitted by individual learners directly.</b>

	<p><b>We have decided that the regulatory requirements for summer 2020 will require WJEC to make sure that centres provide an opportunity for learners to appeal within the centre:</b></p> <ul style="list-style-type: none"> <li><b>(i) against a centre’s decision not to seek from WJEC any information it holds that would be needed for an appeal; and/or</b></li> <li><b>(ii) not to appeal to WJEC.</b></li> </ul>
<p>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.</p>	<p><b>We have decided to adopt our proposal that where an appeal is brought on behalf of one or more (but not all) learners in a centre’s cohort, the regulatory requirements for 2020 should prevent the grades of learners other than those named in an appeal from going down where errors are discovered through the appeals process.</b></p>
<p>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.</p>	<p><b>We have decided to adopt our proposal that WJEC should be permitted to undertake an expedited process where it agrees that an error has been made and can quickly correct any such error.</b></p>
<p>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.</p>	<p><b>We have decided to amend our proposal, and require WJEC to take all reasonable steps to ensure that the final decision in respect of the outcome of an appeal is taken by persons who were not previously involved in the process leading to the issuing of results in respect of a Learner to which the appeal relates.</b></p>
<p>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</p>	<p><b>We have decided to adopt our proposal that the EPRS, operated by Qualifications Wales, should be available to review the extent to which WJEC was compliant with our requirements and with their own policies and procedures, and whether any error identified in the data used to generate the calculated grade(s)</b></p>



the grade(s) issued, whether that error was properly corrected.	<b>and/or in the grade(s) issued, was properly corrected.</b>
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### 3 Our decisions

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

Respondents raised a number of concerns and considerations about each of the aims. Many of these comments can be attributed to a concern that learners may not receive the grade they would have received had they completed their assessments this summer. We accept that issuing fair grades to learners this summer will be challenging, but we will seek to establish a system that does this as far as possible.

As we previously explained, 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 are submitted will receive a grade (Question 4)**

We sought respondents' views on whether learners should receive a grade if a centre is able to submit a centre assessment grade and rank order for a particular qualification. A key consideration for this proposal was that as a consequence, private candidates who do not have an existing relationship with a centre may not receive a grade because the centre does not have enough evidence to inform a judgement.

Of the 4,017 respondents who answered this question, 78% agreed or strongly agreed with this proposal; 15% partly agreed and partly disagreed, 3% disagreed or strongly disagreed and 4% were unsure<sup>7</sup>. 1,149 respondents provided written comments to explain their response.

#### **Submission of Centre Assessment Data**

Respondents who supported the proposal often reported that the approach was fair, particularly given the circumstances surrounding the cancellation of exams and the need to calculate grades for learners this summer. It was felt that the proposed approach would ensure that the vast majority of learners would receive a grade in the qualifications they had entered.

Other respondents agreed with our assertion that teachers were best placed to provide the information required for learners to receive a grade and welcomed the trust in them to perform this important role.

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<sup>7</sup> On occasion, the percentages presented in this report do not add up to 100%. This is because some percentages have been rounded up or down for presentational purposes.

While some respondents recognised that the proposed approach may cause significant concern to learners who would not receive a centre assessment grade and rank order, it was felt that the aim would protect centres from being pressurised into providing grades for learners on whom they had insufficient evidence to make an objective judgment.

The majority of concerns expressed by respondents were made on the basis that they believed that using centre assessment data as a core element for calculating grades this summer would result in some learners receiving a different grade to what they would have likely achieved had they completed their assessments, rather than any concerns on who should be awarded a grade this summer.

Specific points raised by respondents in this regard included:

- progression in learning during the summer term may not be recognised in the centre assessment data;
- learners who prefer exams, or are more likely to perform well in exams than other forms of assessment, may be disadvantaged;
- concerns about the ability of the evidence to predict likely outcomes;
- variation in centres' use of non-examination assessment (NEA);
- concerns that the centre assessment data could be subject to bias, either conscious or unconscious, and
- concerns that the rank ordering process could result in learners receiving grades lower than they would have achieved. It was suggested that allowing centres to submit tied ranks, where learners are grouped together, would be helpful.

## **Our Response**

In response to concerns that centres may underestimate centre assessment grades, it is important to reiterate our clear expectation, as set out in our published guidance, that centre assessment grades must reflect the **most likely grade a learner would have achieved if they had sat their exams this summer and completed any non-exam assessment**. Therefore, while performance in mock exams, classwork and other formative assessments may be used, we have been clear that centre assessment grades for each learner should be a holistic professional judgement, balancing the different sources of evidence available.

In advance of introducing our regulatory requirements on WJEC this summer, we have explained to them that they must provide additional guidance to centres about making judgements and submitting data, and to put in place clear and effective arrangements so centres can easily raise any questions or concerns about the process.

With regards to concerns that the centre assessment data could be subject to bias, either conscious or unconscious, and for the avoidance of repetition, we address those in our response to Aim 4 (see below).

## **Private Candidates**

Some respondents raised significant concerns that some learners might not be able to receive a grade at all this summer – particularly private candidates who do not have an existing relationship with a centre.

Alternative solutions to this issue were offered by some respondents including:

- facilitating an exam for these private candidates while adhering to social distancing measures;
- encouraging centres to work with private tutors to develop a body of evidence that will enable centre assessment grades to be made;
- enabling private candidates to provide evidence of their work directly to WJEC for consideration;
- encouraging centres to work directly with private candidates to produce a portfolio of work which can be assessed in line with other learners at that centre.

It was suggested that the predicament of private candidates may not have been wholly apparent to respondents in reading the aim alone and that many respondents may have interpreted this aim to mean that all learners expecting to receive a grade this summer would do so. Therefore, it was felt that the importance of seeking alternative arrangements for private candidates might not feature heavily in the responses. We can assure you that we have taken action to seek alternative arrangements.

### **Our Response**

We have further considered whether we could 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. 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 and therefore we remain of the view that such information could not be provided by a private tutor or a parent.

While this is the case, we have identified one additional approach that warranted further exploration. We have considered whether private candidates who already have results for some of the units for the qualification could be awarded a calculated grade using those unit results. This approach would be similar to the well-established method used if a learner misses one or more units, and an awarding body decides to make an exceptional award, on the basis of partial evidence. This process, whilst established for learners who may miss part of their assessment in normal circumstances, would be exceptional this summer and would not be used where a centre assessment grade and rank order are available.

We are aware that some centres may have withdrawn private candidates in advance of our decisions because they could not provide a centre assessment grade and rank order. Proceeding on the basis of this exception could therefore require centres to re-enter those withdrawn candidates.

We are alert to the fact that adopting this exception could raise the question as to whether the proposed method should be applied to all private candidates (including those who have centre assessment data) or indeed all learners this summer.

However, we do not believe that this would be appropriate as the proposed methodology relating to the statistical standardisation model is designed to be a more reliable approach, and we believe that any exception to the general process should be applied as sparingly as possible.

However, there will still be some private candidates who will not be eligible for this methodology and who therefore will not receive a calculated grade this summer. Although we wish to see as many learners as possible progress to further study or employment, it is vital all grades are determined using a robust process so that everyone can have confidence in them.

We have concluded that for those private candidates who have sat some of the qualification in an earlier series, a similar methodology to that used for learners who in any other year are unable to sit all exams in relation to a subject due to illness or other exceptional reasons, will be applied.

**We have decided to adopt Aim 1 as proposed in the consultation.**

**We have decided that an exceptional method should be applied to those private candidates who are not able to be provided with centre assessment data, and who meet the criteria as set out in our published policy statement on private candidates (see below).**

**We will publish a policy statement to this effect alongside this decisions report.**

**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 (Question 5).**

In this question, we asked respondents for their views on whether national outcomes for summer 2020 should be broadly similar to outcomes in previous years.

Of the 4,010 respondents who answered this question, 55% agreed or strongly agreed with this proposal; 24% partly agreed and disagreed, 18% disagreed or strongly disagreed and 3% were unsure. 1,539 respondents provided written comments to explain their response.

Several comments received indicated that some respondents had misunderstood the proposal and had interpreted this aim as one which related to outcomes being broadly similar at a centre level, rather than at a national level. With this in mind, it is important to note that fewer respondents expressed concerns regarding outcomes being broadly similar at a national level.

Those who were supportive of our proposal believed this aim to be fair as it would ensure results are consistent with previous years and would therefore not disadvantage any particular cohort of learners. Others saw the aim for achieving 'broadly similar' outcomes as a positive as it would allow for improvements where the evidence supported this.

The credibility and public trust in maintaining qualification standards was considered critical by respondents, noting the importance of avoiding any perception that qualifications awarded in 2020 were less valuable than those awarded in previous or future years, or that they were an unreliable indicator of actual achievement.

Although there was broad agreement that national outcomes should be broadly similar, some respondents suggested that outcomes may need to diverge so that individual learners, particularly those who are performing around the grade boundaries, are not disadvantaged, or unfairly rewarded.

Respondents also highlighted the difficulty in predicting how a learner will perform in an exam, with some learners unexpectedly performing poorly in exams and others exceeding a centre's expectations. As teachers will not be able to identify which learners this may apply to, centre assessment grades will not be able to fairly account for this on their own.

To ensure no learner is unfairly disadvantaged and unable to progress to the next stage of their lives, respondents considered it reasonable to allow for some generosity this summer and accept that overall national outcomes would be slightly higher. Those respondents also considered that to do so was unlikely to undermine public confidence in qualifications and the qualification system.

Other concerns about standardising results to ensure results are broadly similar included:

- it is unreasonable and inappropriate to compare this year's cohort against other cohorts due to the unprecedented circumstances, and the fact that the awarding process will be very different;
- it is important that a learner's grades are a fair reflection of their own ability and have not been manipulated to fit a trend based on the performance of other learners;
- the need to acknowledge that there will always be exceptions to a trend and every effort should be taken to explore whether that could have been the case at a national and centre level.
- it limits the extent of improvement where centres' results are improving in line with recommendations given by the regional education consortia or Estyn.

Some respondents sought further clarification on what was meant by 'broadly similar' and 'previous years'. Other requests for clarity included confirming whether the aim relates to national, regional, or centre-level outcomes. We can confirm that this aim relates to national level outcomes as outcomes at a lower level are naturally more variable from year to year.

### **Our Response**

Our principal aims, as set out in legislation, are to ensure that qualifications, and the qualification system in Wales, meet the reasonable needs of learners while also promoting public confidence in those qualifications, and that system. In striving to achieve these aims, there will always be a need to determine the appropriate balance between a range of important considerations – fairness to this cohort of learners cannot be the only consideration, but it will be an important one.

We must also be mindful of the need to avoid any undue disruption to the wider system. For example, if learners were to receive much higher grades than those they would most likely have achieved had they sat their exams as planned, this may result in them making very different choices in terms of further studies or career opportunities. These could be choices that later prove to be ill-advised and may not be in their best interests in terms of progression.

We have carefully considered all responses received as part of the consultation and agree with respondents that the right balance needs to be struck between ensuring fairness to those learners receiving grades in highly exceptional circumstances this summer and maintaining the credibility of qualifications. On reflection, we believe that the need to balance both factors could be made clearer and have, therefore, amended this aim, referring to both fairness and the need to maintain public confidence.

**We have decided to amend Aim 2 to include reference to the need to maintain public confidence in qualifications and the qualification system Therefore, this aim now reads:**

***National outcomes will be broadly similar to those in previous years to reduce the risk of unfairness for learners over time and maintain public confidence.***

**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. (Question 6)**

For Aim 3, we asked whether a statistical standardisation model which uses historical evidence of centre performance and the prior attainment of learners, along with centre assessment data, is likely to be the fairest approach and produce the most accurate calculated grades.

Of the 3,669 respondents who answered this question, 57% agreed or strongly agreed with this proposal; 27% partly agreed and disagreed, 14% disagreed or strongly disagreed and 2% were unsure. 1,478 respondents provided written comments to explain their response.

Many respondents who supported our proposal believed that considering a broad range of evidence would provide a rounded picture of each learner's potential achievement this summer and therefore be the fairest approach to address the issues associated with focus on any one piece of evidence in isolation.

Some of the benefits of applying a model to standardise outcomes were identified as:

- providing a robust method for checking the accuracy and reliability of centre assessment data, which would mitigate the risk of teacher bias or lack of knowledge and help ensure that learners receive a fair outcome, and
- identifying potential for bias in centre assessment grades against particular groups of learners, including those from lower socio-economic backgrounds;
- protecting teachers from challenges by learners or their parents who are unhappy with the outcome, and
- ensuring consistency across and within centres

As such, they believed it to be a reasonable approach as it would enable the majority of learners to receive a credible grade, which would aid their progression.

In contrast, respondents raised a range of concerns about the effects of this proposal on different groups of learners or types of centre.

Some respondents told us that they were concerned that using such centre historical data would be unfair to individuals who may have performed exceedingly well this summer and whose grades could be affected by the poor performance of their predecessors.

### **Our Response**

A statistical approach will mean that an individual learner's grade will be informed by centre assessment data, prior attainment where available, and the centre's past performance. It is also the case that the proposed statistical standardisation model will operate at centre not individual learner level.

Therefore, it cannot reflect the possibility of individual learners doing better or worse than would be predicted by the model, based on the inputted information.

We acknowledge that there will be individuals who believe that their performance in exams, had they taken place, could have led to them achieving a higher grade than the calculated grade they will receive this summer. However, we do believe that utilising valid and accurate data via the model is more likely to be fair to learners overall.

Many respondents referred to the variation in a cohort's strength and expressed concerns regarding the impact of statistical standardisation on small centres and low entry subjects for which the data would be less reliable. Others raised concerns that the model might be unfair for learners with additional learning needs because cohorts of these learners can fluctuate in attainment.

Some respondents also told us that they had expected to see a notable improvement in their learners' grades this year relative to previous years' cohorts. The reasons for this included: changes in teaching practice, the impact of a new teacher or leader, and a centre's recent improvement journey – all of which they believed could have resulted in a rapid improvement in results.

Those respondents were concerned that such improvements would not be detected by either centre historical data or prior attainment data, and as a result, their learners may not receive the grades that they deserve. Additionally, they felt that this could lead to preventing poorer performing centres from improving qualification outcomes.

Everything possible is being done to ensure that the grades awarded this year are as fair as possible, but, notwithstanding this, we do not dispute the view that in some cases individual learners or cohorts of learners may have done better than the calculated grades awarded if the exams had taken place this summer. However, we must equally be mindful of the fact that some learners or cohorts of learners may have done less well than the calculated grades suggest.

Accordingly, we have carefully considered to what extent we could build in to the process a way to recognise improvements which centres may have expected to see, supported by robust qualitative evidence, perhaps through a submission for WJEC to consider prior to the issuing of results and/or as part of an appeals process.

Any process which allows for such claims to be made would firstly require a systematic evidence gathering approach, and a clear set of criteria to enable WJEC to assess the evidence consistently and fairly. This would require a high bar to be set for evidence required to ensure that the information was valid and could be assessed, while also acting as a deterrent for well-intentioned yet unsupported claims being submitted. This would likely place a significant burden on both centres and WJEC. We have given careful consideration as to what evidence could be provided by centres to support claims that its cohort this summer would have performed notably better than those of recent years. We have not been able to identify any evidence that could be presented which could be considered in a way that



would be fair for all learners and centres. Some specific examples of possible evidence we have considered, and which were raised in the consultation are set out below.

We have considered suggestions made in response to our consultation, for example, whether a centre should be able to submit qualitative evidence, such as an Estyn report which suggested the potential for notable improvement in the centre's performance in examinations. However, it is important to note that Estyn reports are written at a centre level. Therefore, such a report would provide limited insight into how the 2020 cohort might have performed in a qualification. Perhaps more importantly, not every centre will have been inspected recently, and therefore be able to draw on a recent Estyn report as evidence.

Similar calls were made in relation to supporting evidence from a relevant Regional Education Consortia. However, given that each Consortia is tasked to working with centres to raise standards, and provide a range of support which includes professional development and intervention programmes, we do not believe this would be appropriate as it could give rise to perceptions of a potential conflict of interest.

Other reasons why, in their responses to the consultation, respondents told us they had expected to see a notable improvement in their learners' grades this year relative to previous years' cohorts included: introducing a three-year Key Stage 4, developing new teaching resources based on feedback from WJEC in previous exam series', and a change in teaching personnel, such as a new Head of Department or senior leadership team. Changes such as these occur each year, but do not consistently result in a significant improvement in examination results.

Even if it were possible to identify categories of evidence that could be considered in exceptional circumstances, this could lead to inequitable evidential requirements being introduced into the process. For example, the use of an external assessment test that has been repeated across Years 10 and 11 and demonstrates the level of value added for the same cohort, relative to other cohorts, may be unavailable to some centres. Similarly, evidence relating to learners' performance in external exams, such as the November 2019 GCSE Mathematics or Mathematics Numeracy would benefit those who have engaged in early entry practice, while disadvantaging those who have decided not to take that approach.

It is also not clear how that evidence should be used to change results. A decision would have to be taken in each case as to whether the statistical standardisation model should be disregarded completely and centre assessment grades be awarded, or whether the model should instead be modified to a greater or lesser extent. This would introduce additional subjectivity and, potentially, unfairness into the model. The inconsistency of process between centres would also, in our view, risk inconsistency in the standards applied and therefore less fair and reliable results.

We said in our consultation that we considered the consistent application of the statistical standardisation process was central to the maintenance of standards in these qualifications this year. Adopting an approach as described above would undermine this position, and would be inconsistent with our principal aims, which are to ensure that the Welsh

qualification system is effective to meet the reasonable needs of learners and that public confidence in that system is maintained.

Having considered all the options available to us, and to ensure that grades being awarded, are as fair as possible given the extraordinary circumstances of this summer, we have decided that it would not be appropriate to allow centres to provide qualitative evidence to set out any exceptional circumstances they feel should be considered.

Respondents were also concerned that employing a statistical standardisation model may encourage teachers to inflate their centre assessment grades because they are worried about them being lowered by the model. Given that this is the first time centres have had to make these judgements and no moderation across centres of these judgements has been undertaken, it is likely that there will be significant variation between centres.

Unfortunately, there is no way that the process can distinguish between unconscious optimism on the part of centres, inflation in centre assessment grades and the possibility that individual learners or cohorts of learners would actually have done much better this year than statistics from previous years would predict.

There is a significant risk that if we give more weight to centre assessment grades to seek to mitigate these shortcomings, we will create a degree of unfairness for all centres and their learners. Specifically, it would risk learners in centres which had inflated centre assessment grades receiving better outcomes than learners in centres that had sought to do the right thing or perhaps been conservative in their judgements.

It is important to recognise that there are weaknesses with all data sources if considered in isolation, as many respondents appear to have done. However, the model is intended to address these weaknesses as far as possible by bringing evidence together to provide a more rounded picture of a learner's likely achievement.

Some respondents felt that they needed more detail on the statistical standardisation model to make an informed opinion. To that end, they considered that the finalised model must be transparent and clearly explained for all to understand.

Aspects of the model that respondents specifically requested further information on included:

- how the rank orders submitted by centres will interact with the model;
- what weighting will be given to each form of evidence and as a result, the extent to which centre assessment grades may be changed by the model;
- what prior attainment data will be included for each qualification type and how well it has been proven to predict qualification outcomes;
- what data will be considered to identify changes in a centre cohort, such as number of learners eligible for free school meals, number of learners with additional learning needs or the number of learners who are considered to be more able and talented;
- how the model would account for variation in outcomes in a qualification, and

- how the model will account for gaps in data where a centre has a high mobility rate or where not all learners in that cohort are entered for a certain qualification.

We recognise the need to ensure that people have clarity on the model, and how it will operate this summer. We are also committed in our proposed aim to ensuring that the applied processes would be transparent.

We can confirm that information about the statistical standardisation model developed by WJEC, and how it will work to generate calculated grades will be made publicly available after it has been approved. We aim to publish such information in July.

In addition, we will also specify the approach that WJEC must take to the statistical standardisation process. We are working with WJEC as we consider our regulatory requirements and intend to publish these alongside details of the finalised model. Having reflected on feedback received to aims 3 and 5, which seek to describe the approaches that the statistical model will take, we consider there to be an inherent overlap between them.

**We have decided to merge aims 3 and 5 into one comprehensive aim which describes how the model will use a range of evidence to calculate the likely grades that learners would have achieved this summer. This will now become our fourth and final aim.**

**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. (Question 7)**

Respondents were asked to provide their views on whether we should ensure that, as far as possible, the process for awarding grades in summer 2020 does not disadvantage groups of learners, including those with characteristics protected under the Equality Act 2010.

Of the 3,599 respondents who answered this question, 87% agreed or strongly agreed with this proposal; 8% partly agreed and disagreed, 3% disagreed or strongly disagreed and 3% were unsure. 712 respondents provided written comments to explain their response.

As illustrated above, there was widespread agreement with this aim with respondents pleased that potential disadvantage had been recognised and were hopeful that the aim was achievable.

Some focused their comments on ensuring that this year's cohort of learners are not disadvantaged by the pandemic in comparison to other cohorts, with others choosing to focus on ensuring that particular groups of learners were not disadvantaged when compared to other learners in the same year group.

Respondents that specifically referred to learners with protected characteristics often agreed that it was important to take all necessary steps to ensure they are not disadvantaged by the process. It was also noted that in some instances, learners with such characteristics were already vulnerable and therefore it was imperative that the awarding of qualifications this summer did not introduce additional disadvantages.

Groups of learners that respondents identified as those which should be specifically considered under this aim included:

- learners with additional learning needs, particularly those who have recently been diagnosed and have not had appropriate support in previous assessments;
- learners who have access arrangements in place, such as additional time or use of a scribe, may not have had the same arrangements to support them in mock exams or class tests. It was suggested that centres should identify these learners and ensure their centre assessment data has accounted for this;
- adult learners – it was suggested that average grades awarded to adult learners are often higher than those awarded to learners under the age of 19. As there is also a lack of prior attainment for many of these learners, to ensure they are not disadvantaged this year relative to previous years, it was suggested that a different standardisation model may need to be applied;
- boys – there was a perception that boys generally mature later than girls so could be disproportionately affected by not being able to demonstrate their ability in final exams, which take place at the end of the academic year.

Some respondents felt that the approach outlined in the consultation was fair, or as fair as it could be given the circumstances, because protecting all learners against the potential of

teacher bias when awarding grades in this manner was critical.

However, it was noted that learners with protected characteristics may be subject to conscious or unconscious bias by teachers, which could impact on their outcomes. Specific concerns were raised around the potential impact on learners from BAME communities, and the possible impact on programmes to widen their participation in higher education if their grades were lower than in previous years. Those respondents were therefore pleased that centre-assessment data would be checked before submission to WJEC to identify potential bias.

Some respondents raised concerns about the aim because they felt it was important that no individual learner is disadvantaged and were therefore unsure about the focus on groups of learners and those with protected characteristics. Respondents suggested that the focus of the aim should be on all learners, which can include learners with protected characteristics.

Concerns were also raised that in ensuring that learners with protected characteristics are not disadvantaged, the approach may disadvantage other learners, particularly those that face barriers to learning but do not have a protected characteristic. Examples given included learners from lower socio-economic backgrounds, particularly those who are more able and young carers, such as those who have been helping to care for a disabled sibling at school. To ensure fairness for all learners when determining centre assessment data, several suggestions were made. These included:

- requiring centres to submit a random sample of work to WJEC for external moderation;
- including information in the Guidance for Centres or developing an online training module to support teachers and heads of centres in eliminating conscious and unconscious bias from their judgements, which should include advice on internally standardising outcomes and ensuring a range of teachers are involved;
- the need to disregard work completed since school closures as some learners will have had less support/resources at home;
- encouraging centres to evaluate their approach to arriving at their judgements and accounting for potential bias before submitting their data to WJEC;
- reminding schools of their duties under the PSED, and
- requiring centres to make an equalities declaration stating that they have had due regard to equalities and can demonstrate their compliance with the PSED.

Some respondents also raised concerns, or queried aspects of the wording of our aim. This included the use of 'as far as possible', which was not considered to go far enough to secure compliance with equalities legislation; a lack of clarity on what was meant by 'protected characteristics' in the aim itself, and references to 'spot serious issues' and 'previous achievement' in the consultation document.

## **Our Response**

We have considered all points raised by respondents, including in particular, those around

the need for external moderation to be included within the process to enable scrutiny of the evidence base for the centre assessment data.

We have considered whether it would be possible to include an additional layer of checks for systemic bias within centres through an external moderation process.

We have concluded that seeking to correct for possible bias via the standardisation model would lead to arbitrary changes to the rank orders provided by centres. This is because it would be impossible to identify whether teachers or centres did or did not submit centre assessment data which were affected by bias, and, even were it possible to do so, it would not be possible to identify the extent or impact of any such bias. Rather we believe it is preferable to support centres to make objective judgements. However, there should be internal moderation processes - we expect centres to carry out moderation as part of their normal practice to ensure fairness for all learners.

During this consultation period, we updated our guidance document 'Information for Centres on the Submission of Centre Assessment'<sup>8</sup> to include references to the Public Sector Equalities Duty, reminding centres of their obligations when determining the centre's assessment grade, and rank order for each learner. It is important to remind them of this duty and to recognise that this information sits within a very different context to other similar information such as forecast grades for university applications or target setting. WJEC have also provided additional guidance to centres about making those judgements and submitting data.

On the issue of requesting up-to-date data on learners with protected characteristics from centres, we can confirm that both ourselves and WJEC have already submitted a joint request to Welsh Government to collect such data for learners in maintained schools. This will be the 2020 data collected in the PLASC and EOTAS census returns from centres for the current entries.

For transparency purposes, we should acknowledge that there will be some constraints on the analysis that will be possible using this data in relation to the protected characteristics named in equalities legislation. For example, we should have data on the age, sex, ethnicity (as a proxy for race) and Special Educational Needs (SEN)/Additional Learning Needs (ALN) status (as a proxy for disability) of learners. We should also have information on eligibility for free school meals as a measure of socio-economic disadvantage. However, data is not available on characteristics such as marriage and civil partnership, pregnancy and maternity, gender reassignment, religion or belief and sexual orientation. It would not be feasible or proportionate to collect such data now.

We aim to choose a model that accurately predicts learner grades. We will monitor the impact of the standardisation approach on the grades of learners with protected characteristics.

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<sup>8</sup> <https://qualificationswales.org/media/5973/information-for-centres-on-the-submission-of-centre-assessment-grades-version-2-18-may-2020.pdf>

We will also publish analysis of attainment gaps in the final calculated results. In relation to issues such as ethnicity and SEN, for which data is not collected by WJEC as a matter of course, both us and WJEC will remain dependent on Welsh Government being able to share data with us for these purposes.

As we explained in our consultation document, we will ensure that the centre assessment data is checked as soon as possible after it has been provided, and we will use Welsh Government data to see if there is evidence that attainment gaps linked to learner characteristics have substantially changed compared to previous years.

In response to concerns that centres would take work completed since school closures into account, which would disadvantage some learners who will have had less support and/or resources at home, we can confirm that our guidance to centres clearly stated that centres should not ask learners to complete any incomplete NEA work, and that they should not base their judgement on completed NEA alone.

With regards to the wording of the aim, there was confusion as to who this aim was intended to apply to, and whether the process was limited to the submission of centre assessment data. For the avoidance of doubt, the process for issuing grades as described in this aim was intended to capture the submission of centre assessment data, standardising grades through the statistical model and reviewing the outputs of that model.

Equally, our proposal was not intended to be exclusive to those learners with protected characteristics, but rather an aim that the approach to awarding grades this summer should be as fair as possible given the circumstances, and that no learners should be systematically advantaged or disadvantaged by the process. With that in mind, we believe that the wording could be improved to make this clearer. We also believe that the wording could better reflect what we mean by those who have protected characteristics.

Finally, we have carefully considered the extent to which references to 'as far as possible' should be removed to strengthen its appearance and ambition. Its inclusion is not intended to suggest that appropriate mitigations will not be put in place, but rather to acknowledge that the exceptional arrangements for providing results this summer are not perfect, but, as noted by many respondents, are the best possible under the current circumstances. Crucially, it will allow most learners to progress to further study or work.

**We have decided to amend the wording of this Aim to provide greater clarity that the process for awarding grades should not systematically disadvantage or advantage any learners, including those with characteristics that are protected by equalities legislation. This Aim now reads:**

***As far as possible, the process for awarding grades will not systematically advantage or disadvantage learners, including those with characteristics protected by equalities legislation.***

While our aims are not intended to be in order of priority, we have decided to reorder them

so that this now appears as Aim 3. This reordering is designed to ensure that all aims which relate to national level outcomes are grouped together.

**We have decided to change the ordering of our aims so that this now reads as our Aim 3.**



**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. (Question 8)**

Respondents were asked to provide their views on using results from any qualifications and units already completed and awarded to support the calculation of grades this summer, and whether it was appropriate that the evidence used to calculate grades may therefore differ across qualification types.

Of the 3,585 respondents that answered this question, 70% agreed or strongly agreed with this proposal; 21% partly agreed and disagreed, 7% disagreed or strongly disagreed and 2% were unsure. 1,177 respondents provided written comments to explain their response.

Of those respondents who were supportive of our proposal, many felt that the approach was fair as results from qualifications and units already completed and awarded would provide a good indication of learners' performance in an exam setting or controlled assessments, and that utilising different processes dependent on qualification type and subject would be comparable to the different approaches taken to awarding in normal circumstances.

Additionally, it was felt that as these assessments would have been marked and moderated by WJEC, such strong and reliable evidence should not be ignored.

Given this fact, some respondents felt that this source of evidence should be given greater weighting in the statistical standardisation model, with others of the view that these outcomes should be the primary basis for calculating grades, particularly where learners had already completed a significant proportion of the qualification, for example GCSE English Literature and Science. Where this was the case, they believed that a calculated grade should not be lower than those unit grades already awarded.

Concerns relating to this aim came from both respondents who were supportive, but wished to express some caution, and those that disagreed or were unsure.

Respondents raised the following concerns about the use of attainment in qualifications or units already awarded:

- if prior attainment in a unit that a learner was due to resit this summer was included in the standardisation model, it was felt that that learner is unlikely to achieve a fair grade. For these learners, it was felt that centre assessment data should be relied upon as teachers will be able to account for improved performance over the past year;
- if grades previously achieved in Advanced Subsidiary (AS) units that were due to be resat this summer are included in the statistical standardisation model, learners in Wales would be at a disadvantage to their counterparts in England as learners do not sit AS exams, and as a result, poor performance at AS cannot bring a learner's A level grade down;

- learners are likely to have progressed since their previous qualification assessment, for example, many learners perform better at A level than at AS.
- prior attainment data should be limited to outcomes from this academic year;
- prior attainment should only be considered in the same subject as is being entered this year. It was considered unfair for a learner whose strengths are in creative subjects, such as Art, to have their grade for that qualification based on a subject they found more challenging;
- the calculated grades may not reflect a learner's overall ability in that subject because units have different assessment objectives and often assess different skills, for example the oral assessment in GCSE English Language is often completed first and tests a different skill to the written examinations, and
- variation in approach to completing non-examination assessment (NEA) could lead to inconsistencies in outcomes across centres.

Respondents also sought clarity on how learners who had not yet been awarded any units or qualifications would be dealt with in the model.

### **Our Response**

In developing, testing and agreeing the statistical standardisation model with WJEC, our overall objective is to ensure that as far as possible and to the maximum extent a common and consistent approach is applied across centres, and that the most appropriate range of evidence is used for each qualification type. We believe that this approach will be most likely to ensure fairness to learners overall.

In response to concerns about the impact of the model on resit learners, or indeed centres with little or no prior attainment data, we are currently testing the predictive accuracy of different models and are paying careful attention to such cases. Additionally, we believe that the model's ability to rely on multiple sources of evidence to take into account such factors will address some of these concerns.

It is also important to note that prior attainment data in its wider sense, that is not just prior attainment in assessments already taken for qualifications being awarded this summer (e.g. GCSE units taken in Year 10 last summer), is the only statistical way to adjust results awarded within centres away from historical results achieved by previous cohorts. While we acknowledge that this is not a perfect solution, we do not believe that there are better alternatives.

It is important that we complete testing of the predictive accuracy of the standardisation model before we come to a definitive view on the range of evidence that will be used for different qualification types, and what weight will be given to those different sources of evidence (see Aim 3 above).

As explained in our response to feedback on Aim 3, we will publish details on the finalised statistical standardisation model, and how it will work to generate calculated grades in July.

As explained in Aim 3 above, we consider there to be an inherent overlap between Aim 3 and 5. As such, we have decided to merge both aims which seek to describe the approaches that the statistical model will take.

**We have decided to merge aims 3 and 5 into one comprehensive aim which describes how the model will use a range of evidence to calculate the likely grades that learners would have achieved this summer. This will now become our fourth and final aim.**

**In the interests of brevity, we have also decided to remove all references to summer 2020 from each aim as all aims apply to the issuing of grades in summer 2020.**

### **Final Aims**

**Our aims which will underpin the statistical standardisation model for the issuing of grades for learners this summer are as follows:**

**Aim 1: Learners for whom a qualification-level centre assessment grade and rank order are submitted will receive a grade.** [Noting that arrangements will also be put in place to allow for private candidates who do not have a centre assessment grade or rank order, but have completed sufficient units of assessment to also receive a grade based on their prior attainment.]

**Aim 2: National outcomes will be broadly similar to those in previous years to reduce the risk of unfairness for learners over time and maintain public confidence.**

**Aim 3: As far as possible, the process for awarding grades will not systematically advantage or disadvantage learners, including those with characteristics protected by equalities legislation.**

**Aim 4: The statistical standardisation model will use a range of evidence to calculate the likely grades that learners would have achieved, had they been able to complete their assessments.**

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

For the appeals process, we sought views on the features of the proposed appeals process to be introduced for the summer 2020 exam series. The consultation asked seven questions, with each of those focusing on a particular feature of the proposed process.

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

### **Professional judgements and centre procedures (Question 9)**

We invited views in the consultation on our proposals that learners should not be able to appeal the professional judgements underpinning the centre assessment grades and rank order positions, or the procedure used by their centre to arrive at that judgement.

Of the 3,476 respondents who answered this question, 33% agreed or strongly agreed with our proposal; 19% partly agreed and disagreed, 46% disagreed or strongly disagreed and 3% were unsure. 1,637 respondents provided written comments to explain their response. In this case, learners, parents, and carers disagreed in larger numbers than other types of respondent.

Many of those who expressed support for our proposal reiterated much of the rationale raised in our consultation document. These included the following:

- teachers being best placed to make these judgements;
- the need to protect teachers from external influence when arriving at their judgements;
- a lack of common benchmark or standard against which professional judgements, or a centre's evaluation and use of those judgements in centre assessment grades, can be evaluated, and
- allowing appeals to be made on this ground could potentially overwhelm the system and disrupt teaching and learning in the new school year.

Of those respondents who disagreed with this proposal, many considered appeals to be a redress mechanism that is necessary to safeguard democracy and the principles of natural justice. To that end, they considered not allowing learners to appeal to be unfair as it excluded them from a decision process which concerned them, and that this may contravene the United Nations Convention on the Rights of the Child<sup>9</sup>.

Other respondents, while sensitive of the need to allow teachers to make professional judgements free from any undue external influence, remained of the view that those judgements should not be exempt from scrutiny. They considered that prohibiting appeals on this ground would lead to a perception that learners' interests were secondary to those of

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<sup>9</sup> Article 12 UN Convention on the Rights of the Child - [https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf)

centres and WJEC, that the process lacked accountability and transparency, and that this would ultimately undermine public confidence in the qualification system.

## **Our Response**

Given the strong feelings expressed by respondents to this question, we have carefully considered how a learner could challenge a centre's professional judgement of their centre assessed grade and/or their position in the rank order for a qualification.

The responses to the consultation suggest there are several reasons why a learner might wish to appeal. These include:

- the learner believes their centre underestimated their likely performance in the exams, had they gone ahead, possibly because of bias against them or that the teacher or centre may not have all relevant information to make an accurate judgement;
- their performance in mock exams, classwork and other formative assessments may not reflect their likely performance in exam conditions.

In response to concerns that centres may underestimate centre assessment grades, it is important to emphasise that our clear expectation, as set out in our published guidance, is that centre assessment grades must reflect the most likely grade a learner would have achieved if they had sat their exams this summer and completed any non-examination assessment. Therefore, while performance in mock exams, classwork and other formative assessments may be used, we would reiterate that centre assessment grades for each learner should be a holistic professional judgement, balancing the different sources of evidence available to them.

WJEC have provided additional guidance to centres about making those judgements and submitting data to WJEC. We have also issued further information to heads of centres, which reminded them of their obligations in relation to the Public Sector Equalities Duty when determining the grade that each learner would most likely have achieved had they taken the exams, and rank order for each learner. It is important to remind them of this duty and to recognise that this information sits within a very different context to other similar information such as forecast grades for university applications or target setting.

Other than in those cases where an administrative mistake has been made, which we consider below, appealing on this ground to WJEC would require someone with only limited evidence and without a full understanding of a learner's abilities built up over a long period of time to evaluate the professional judgements underpinning the centre assessment grades and rank order decisions made by the centre, and to decide whether those judgements were accurate.

We explained in our consultation that because there is no common assessment to inform the professional judgements made, there is no benchmark or standard form of evidence against which those judgements could be evaluated by a reviewer or appeal decision maker.

We also explained that we did not believe that there was anybody better placed to make these judgements because teachers will have engaged with their learners through the course of study, have the best understanding of their abilities and how they compare to other learners in that centre taking the qualification this year, and in previous years.

Some respondents believed that the approach this summer must include a process of internal and external moderation that enables scrutiny of the evidence base for assessment. As explained above (*see proposal relating to Aim 4*), in terms of internal moderation processes - we do expect centres to carry out moderation as part of this process and as part of their normal practice, to ensure fairness for all learners.

Despite the best efforts by centres, there may be instances where learners feel that their centre has made an error or has exhibited bias of one form or another. In such cases the learner should raise the matter with their centre. This includes submitting a complaint that would need to be investigated by the centre itself, or alternatively presenting evidence of bias to WJEC who would then investigate the matter as alleged malpractice by the centre.

Our current regulatory requirements allow WJEC to correct results where it determines that they are incorrect because of malpractice or maladministration. While this requirement will remain in place this summer, it is important to note that the burden of proof will lie with the complainant, and any such complaints presented to WJEC would need to be accompanied with substantial evidence to support the case.

With regards to appeals in respect of the procedure used by a centre, we did not consider it practical or appropriate to set out any specific procedure or evidence that must be used by centres to support professional judgements. In attempting to do so, 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.

With the continued absence of a defined procedure, it remains unclear on what basis a learner could appeal against the centre's process or procedures. We do not consider any of the suggested solutions in responses received as part of this consultation to be feasible given the circumstances.

Recognising the possibility that centres might make administrative mistakes in the collation of centre assessment data, or the submission of that data to WJEC, we consulted on a proposal that a learner should be able to ask their centre to review the accuracy of the data it submitted, and if the centre finds it made an error, or considers that WJEC made an error in the way it processed the centre's data, the centre should submit an appeal (*see WJEC Procedures – Question 10*). We believe that this not only provides an additional safeguard, but also serves as a procedural right giving natural justice to learners.

**We have decided to adopt our proposal that we should not provide an opportunity for learners to challenge their centre assessment grade or their position in the centre's rank order through an appeal to WJEC.**

We believe that this is in accordance with the Education Minister's direction to Qualifications Wales which states that there should be an avenue of recourse available to those learners who do not believe that the process has been followed correctly in issuing their grade.

However, a learner will be able to ask their centre to check whether they made an error when submitting centre assessment data for them.

They will also be able to raise a complaint to their centre if they have evidence of bias or that they were discriminated against; they could also pass such evidence on to WJEC who could investigate for potential malpractice provided that it is accompanied with substantial evidence to support the case.

### **WJEC Procedures (Question 10)**

We proposed that centres should be able to appeal on the grounds that WJEC made a procedural error, including that it used the wrong data when calculating a grade and/or that it incorrectly allocated or communicated the grades calculated (Question 22). We note that 'wrong data' includes errors in the data submitted by the centre to WJEC, or data which is incorrectly allocated by WJEC).

Of the 3,387 respondents who answered this question, 85% agreed or strongly agreed, 9% partly agreed and disagreed, 3% of respondents disagreed or strongly disagreed and 4% were unsure. 695 respondents provided written comments to explain their response.

Although there was strong support for this proposal some respondents raised concerns about how it would work in practice and asked for clarity around what would be considered to be 'wrong data', particularly whether this included the use of incorrect historical data. Our regulatory requirements for this summer will clearly set out what is considered to be 'wrong data'.

The risk that this opportunity could be misused was also raised, for example a centre, knowing that its learners' grades would be protected (*see decision on preventing the lowering of grades for those learners not cited in an appeal [Question 12]*) could claim it had made a mistake with the data it provided in order to improve its learners' grades. Of those respondents who raised such concerns, one was firmly of the view that it must be made clear that the centre would be subject to a malpractice / maladministration investigation.

As we explained in our consultation document, 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 appeals submitted to WJEC on this basis to be exceptional cases. Where such cases do arise, centres will be expected to produce high standards of data and robust evidence to WJEC to substantiate such claims. To that end, we would expect WJEC to treat multiple offences of this nature as potential malpractice / maladministration in accordance with our existing Conditions.

**We have decided that we should adopt our proposal that a centre should be able to appeal to WJEC on the grounds that they used the wrong data when calculating grades, and/or incorrectly allocated or communicated the grades calculated.**

**We will require WJEC to publish information on their appeal arrangements.**

**We will require WJEC to provide to a centre, upon request, the information used to calculate a result issued to a learner. This information must be sufficient and allow a reasonable time for centres to consider whether to request an appeal.**

We are aware from responses, and from discussion held with various stakeholders during this consultation period, that there are concerns that the standardisation model used by WJEC will assume that the progress made by a centre's 2020 cohort is in line with the progress made by its learners in previous years.

We are also aware of some centres' concerns that in some instances the historical data might not be a good fit for all learners or all types of centres because it either would not capture an expected notable improvement in their learners' grades this summer relative to previous years' cohorts, or would not consider centre peculiarities.

We recognise that this could lead to such centres feeling dissatisfied with results this summer, and aggrieved that no opportunity was afforded to them to submit an application for some exceptional circumstances to be taken into account.

Alternative solutions suggested by respondents included allowing the outcomes of the statistical standardisation model to be challenged, or alternatively that WJEC as a minimum should be required to provide centres with sufficient information around how the statistical standardisation model will be used to calculate results this summer. Those respondents felt that providing the latter would ensure that the process was transparent, maintain public confidence in the results issued to learners this summer, increase the likelihood of centres being able to identify any errors that WJEC may have made in applying its procedures and potentially reduce the number of unsubstantiated appeals.

With regards to allowing the outcomes of the statistical standardisation model to be challenged, for the avoidance of repetition, we have addressed those in our response to Aim 3 (see above).

We will also require WJEC to establish arrangements to provide to a centre, upon request, the information used to calculate the result. These arrangements must provide sufficient information and allow a reasonable time for centres to consider whether to request an appeal.

As confirmed above, details on the model, and how it will work to generate calculated grades will be published in July.





## Who should be able to submit a request for an appeal (Question 11)

We invited views on our proposal that WJEC should only consider appeals submitted by centres and not those submitted by individual learners.

The strength of opinion on this proposal was finely balanced with 40% agreeing or strongly agreeing with our proposal; 20% partly agreeing and disagreeing, 36% disagreeing or strongly disagreeing and 4% unsure. Once again, most of those who disagreed were learners, parents and carers.

Those who were in support offered the following comments:

- consistent with proposal to not allow learners to appeal the professional judgements of teachers;
- allowing individual learners to appeal on the basis that they do not agree with the grades would undermine trust in the teaching profession;
- potential for system to be overwhelmed with high number of unsubstantiated appeals based on limited credible evidence;
- centres better placed to submit an appeal on a learner's behalf as they have access to all learner data which formed the basis for their centre assessment grade and rank order.

Arguments put forward in favour of allowing individual learners to appeal directly to WJEC primarily focused on concerns from students and parents or carers that their centre may be reluctant to pursue an appeal for a variety of reasons. Other respondents reiterated comments made to other questions around an individual's right to appeal, and its relationship with natural justice.

Firstly, it is important to note that our proposal for this summer does not change normal practice for review and appeal arrangements – that WJEC will only accept requests from a centre, and not from learners themselves; requests are allowed directly by private candidates although it is recommended that they seek advice and guidance from their entering centre.

While the proposed arrangements do not provide learners with the opportunity to directly appeal to WJEC, we do not agree that this amounts to no recourse being available to learners. Consistent with normal practice, representations can be made to the head of centre where the learner was entered or registered to submit an appeal on their behalf.

To address concerns that a centre might not wish to pursue an appeal on behalf of a learner, we have carefully considered whether we should replicate the provision that normally applies whereby WJEC requires centres to operate an internal process where a learner can challenge a centre's decision not to appeal on the learner's behalf.

Given the strong views around ensuring that an avenue of recourse is directly available to learners, and the fact that this requirement is already in place under normal circumstances, we believe a similar requirement for this summer should be included.

In practice, this will mean that a learner who considers that an administrative mistake has been made can ask their centre to consider an appeal on this basis. If the centre refuses, learners will be able to appeal that decision to someone else within, or appointed by, the centre.

**We have decided to adopt our proposal that WJEC should only consider appeals submitted by centres, and not those submitted by individual learners directly.**

**We have also decided that the regulatory requirements for summer 2020 will require WJEC to make sure that centres provide an opportunity for learners to appeal within the centre:**

- (iii) **against a centre's decision not to seek from WJEC any information it holds that would be needed for an appeal; and/or**
- (iv) **not to appeal to WJEC.**

### **Preventing the lowering of grades for those learners not cited in an appeal (Question 12)**

We sought views on the extent to which WJEC should be prevented from putting grades down where errors affecting learners other than those named in an appeal are discovered through the appeals process.

Seventy percent agreed or strongly agreed; 13% partly agreed and disagreed, 12% disagreed or strongly disagreed and 5% were unsure.

Respondents who agreed with our proposal did so on the basis that it would ensure fairness for those learners who were content with their outcomes and did not want to engage in an appeals process. It was also suggested that allowing the grades of other learners to be lowered would make centres reluctant to submit appeals as they would want to protect the grades of those learners.

Other responses cited the potential negative emotional effect on learners that lowering grades could have, the need to ensure an efficient appeals process and the risk of undermining centres and trust in the system as reasons why this proposal should be adopted.

In contrast, those respondents who disagreed with our proposal did so on the basis that correcting all mistakes and ensuring accuracy was not only a matter of fairness and natural justice but not doing so could potentially cause disruption to the wider system. For example, a learner who receives higher grades than they should have may make very different choices in terms of further studies or career opportunities.

Some respondents sought clarity on whether the discovery of an error could have wider potential implications. This included the following:

- the extent to which the statistical standardisation model itself would need to be re-run to ensure that national outcomes remained broadly similar following an appeal;
- whether learners not associated with a particular centre's appeal would be impacted;
- whether a successful appeal which led to a learner's grade being improved would result in other learners' grades being improved also, and
- whether lowering a learner's grade following appeal would result in the grade of another learner being improved to compensate for pass percentage rates for a particular grade. If so, how would the learner to be awarded a higher grade be selected.

We can clarify that we would not expect learners' grades outside of the centre linked to an appeal to be changed as a result of that appeal. This mirrors normal arrangements in which outcomes of appeals do not impact the results of other learners.

**We have decided to adopt our proposal that where an appeal is brought on behalf of one or more (but not all) learners in a centre's cohort, the regulatory requirements for 2020 should prevent the grades of learners other than those named in an appeal from going down where errors are discovered through the appeals process.**

### **A simplified appeals process (Question 13)**

Given the circumstances this summer, we proposed that WJEC should be able to quickly identify and correct any cases in which errors have been made.

Seventy-four per cent agreed or strongly agreed with our proposal; 13% partly agreed and disagreed, 4% disagreed or strongly disagreed and 9% were unsure.

Respondents who disagreed with this proposal considered the features of an appeals process this summer to be even more important than previous years, given the extraordinary circumstances. As such, they were of the view that a comprehensive, formal appeals process should be made available, even if some aspects may need to be adjusted. They were also of the view that a simplified review would likely result in further errors being made.

Our proposal to allow for a simplified appeals process was primarily designed to ensure that obvious errors in the way calculated grades had been generated for one or more learner could be quickly found and corrected, without the need for a centre and WJEC to engage in a full and formal appeals process. We remain of the view that this is a desirable outcome for all parties concerned.

However, allowing for such a process to be in place does not mean that an appeals process should not remain available should it not be possible for an issue to be resolved using an expedited process. For example, if a centre considers that an error has persisted or been caused by any correction following an initial review, a centre will be able to continue with the appeal.

**We have decided to adopt our proposal that WJEC should be permitted to undertake an expedited process where it agrees that an error has been made and can quickly correct any such error.**

### **Independence and Impartiality (Question 14)**

We sought views on whether WJEC should be required 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.

Seventy-seven per cent agreed or strongly agreed with our proposal to retain a sufficient level of independence and impartiality in the WJEC appeals handlers; 13% partly agreed nor disagreed, 5% disagreed or strongly disagreed and 6% were unsure.

Respondents who supported our proposal believed that involving the same people could potentially lead to a systematic institutional bias and therefore undermine public confidence in the qualification system. As such, they were of the view that ensuring an appropriate level of impartiality and independence to appeal decisions was critical, and that it would lead to an increase in the accuracy of results. They were also in agreement that given the exceptional circumstances, the novel and complex statistical process is likely to be fully understood by a more limited pool of people than under normal arrangements.

In response to our consultation, WJEC explained that it may not be practicable for them to ensure that different staff with sufficient knowledge of the process leading to the issuing of results would be available at all times for decisions taken at every stage of an appeals process. To that end, they noted that they may be unable to comply with such a requirement, and requested that careful consideration is given to how this requirement could be implemented.

In analysing responses, it appears that some respondents had misunderstood the nature of the proposed appeals process. Some interpreted the question to include professional judgements rather than the application of the statistical standardisation model alone, that would necessarily mean that there was little judgement required, but a strong need for relatively rare statistical competence.

Those respondents who disagreed with our proposal did so for different reasons. Some felt that an absolute obligation should be placed on WJEC which prohibited all persons previously involved in the process leading to the issuing of results to be involved in those appeal decisions, whereas others believed that competence was as important a criterion as independence and impartiality.

We have carefully considered the responses to this consultation question, and the extent to which we should require WJEC to ensure that all appeal decisions are taken by those who were not previously involved in the process leading to the issuing of results. We noted in our consultation that given the circumstances around awarding this summer, there may be occasions where WJEC may not reasonably be able to guarantee that such persons would

always be available. As such, we proposed to require WJEC to take all reasonable steps to achieve this objective.

However, having reflected on feedback relating to the practicality of such a requirement, we have decided to change the obligation to be placed on WJEC. We will now require them to take all reasonable steps to ensure that no persons with prior involvement in the process leading to the issuing of results take the **final decision** at the completion of an appeals process. We believe that this strikes the right balance between retaining sufficient impartiality in an appeals process, while also ensuring that the process is practicable and manageable for WJEC given the extraordinary circumstances around awarding this summer. We also believe that a manageable process will ensure that appeal decisions could be made, and outcomes reported to centres in a timely manner.

**We have decided to amend our proposal, and require WJEC to take all reasonable steps to ensure that the final decision in respect of the outcome of an appeal is taken by persons who were not previously involved in the process leading to the issuing of results in respect of a Learner to which the appeal relates.**

### **Exam Procedures Review Service (Question 15)**

Our final question on the appeals process related to our Exam Procedures Review Service (EPRS). We proposed that the only functions of the EPRS this summer would be to review:

- the extent to which WJEC was compliant with our requirements and with their own policies and procedures, or
- 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.

Seventy-four percent agreed or strongly agreed with our proposal; 12% partly agreed and disagreed, 5% disagreed or strongly disagreed and 9% were unsure.

Those who were supportive believed that aligning the scope of the EPRS with the wider proposals relating to the appeals process was appropriate, and that extending its scope to review additional matters could make the process complicated and unwieldy. Others were of the view that retaining the EPRS as an additional verifying function, albeit based on the proposed limited grounds for appeals, would ensure that learners receive accurate grades through a fair and standardised approach.

In some cases, respondents' disagreement, as explained in their comments, reflected their concerns about our proposal to not allow appeals against the professional judgement made by their centre, or the procedure used by their centre to arrive at this judgement. They reiterated their view that a right to appeal was a fundamental principle of natural justice; that

the proposal appeared to be primarily designed to reduce the burden on WJEC and centres while not representing the interests of learners.

To that end, they believed that a full review of the awarding process undertaken by the EPRS was critical based on their perception that the usual checks and balances within the system had been limited or removed this summer.

We think that some of these concerns perhaps reflect a misunderstanding about the role of EPRS and about the impact of our proposals. As explained in our consultation, the EPRS is a procedural review rather than a further appeal. Its focus is to establish whether WJEC has complied with its Conditions of Recognition when making decisions which could affect results. It is also important to note that under normal arrangements, the EPRS process does not re-mark exam scripts and cannot change the mark or grade awarded to a learner or require WJEC to do so.

Our proposal does not change the role of the EPRS, which is to evaluate decisions taken by awarding bodies in the context of the Conditions. The EPRS does not directly consider whether particular outcomes are fair, but whether those outcomes are consistent with our requirements.

Therefore, the scope in which EPRS applications can be made will necessarily need to be closely aligned to our decisions on the appeals process, including on what grounds WJEC should accept such appeals.

**We have decided to adopt our proposal that the EPRS, operated by Qualifications Wales, should be available to review the extent to which WJEC was compliant with our requirements and with their own policies and procedures, and whether any error identified in the data used to generate the calculated grade(s) and/or in the grade(s) issued, was properly corrected.**

### **Other comments received**

We received a range of further comments on the appeal arrangements for this summer which were not directly covered in our proposals.

A number of respondents suggested that WJEC should not charge for appeals this summer due to the fact that 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.

However, as we explained in our consultation document, WJEC will incur one-off, direct costs in respect of a number of activities this summer, not least the development and delivery of processes for collecting centre assessment data from centres, and adjustments to systems to enable standardisation. In addition, costs associated with some of the activities undertaken in normal circumstances may have been incurred before the decision to cancel exams or may already be contractually committed to and so may not be recoverable.

In light of the above, we intend to carry forward the normal requirements that allow WJEC to charge for appeals should they wish to do so. We know that WJEC are currently considering how the exceptional arrangements for 2020 should be reflected in fees charged for their qualifications. An announcement relating to fees this summer will be made by WJEC shortly. Concerns were also raised about the timeliness of appeal outcomes – particularly in relation to entry to a college or university. It is not possible to say how long it will take WJEC to complete appeals submitted this summer because we do not know how many will be received. We have, however, considered the manageability of appeal arrangements when considering the possible options for an appeals process this summer.

We received many comments about the on-going confidentiality of centre assessment data, particularly given data protection legislation. As confirmed by the Information Commissioner's Office, the exemption for data generated through the writing of exams will extend to centre assessment data this year. This will allow 40 days after results days for responses to subject access requests for this information<sup>10</sup>.

A number of respondents asked that the information be permanently protected from disclosure. This would require a change to legislation by government.

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<sup>10</sup> <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/exam-script-exemption/>



## 4 Integrated Impact Assessment

### **Regulatory Impact Assessment**

A range of issues were raised in response to our questions about the activities associated with this year's exceptional arrangements, their costs and suggestions for alternative approaches that could reduce the impact on those affected by our proposals.

This section sets out the impacts identified by respondents.

#### **Impact on learners**

The majority of respondents who discussed impacts on learners were concerned about the possible negative impacts on those that may receive lower grades than what they would have got had they completed their assessments. It was felt important to consider the impacts of this on a learner's wellbeing and progression opportunities.

Respondents also noted that some learners are anxious because they are not clear on how their grades will be calculated this year and feel as though they have lost control of their results. It was suggested that releasing all relevant information in a timely manner and communicating this clearly would reduce learners' anxiety during this unsettling period.

The costs incurred by private candidates were raised by a number of respondents – the costs already incurred and the additional costs they might incur if they have to take exams next summer because they cannot secure a centre assessment grade. We address these concerns in our Equality Impact Assessment below.

#### **Impact on centres**

The process of submitting centre assessment data was identified as a burden for teachers, many of whom may be facing challenges with working remotely or managing their care duties.

It was also suggested that as teachers have not provided data for this purpose before, rigorous training and comprehensive guidance documents should be made available. Additionally, it was felt that additional steps should be taken to protect centres from potential legal challenges.

We updated the guidance document<sup>11</sup> to remind Centres of their responsibilities in relation to the Public Sector Equality Duty (PSED)<sup>12</sup>, including the specific duties for Wales which sets out the steps that must be taken to demonstrate due regard to the general duty<sup>13</sup>.

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<sup>11</sup> <https://qualificationswales.org/media/5973/information-for-centres-on-the-submission-of-centre-assessment-grades-version-2-18-may-2020.pdf>

<sup>12</sup> <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

<sup>13</sup> <http://www.legislation.gov.uk/wsi/2011/1064/contents/made>

Given the fact that centres could be called upon to justify their own decision making, the guidance was also updated to strongly advise centres to keep a detailed, written record of the process used to produce centre assessment grades and rank orders for each qualification, and also how that process has been applied to the decision making in respect of each learner's grades.

We have also explained WJEC that they must provide additional guidance to centres about making judgements and submitting data, and to put in place clear and effective arrangements so centres can easily raise such questions or concerns about the process.

Financial impacts on centres was also identified by respondents. It was noted that centres are managing decreased budgets and as exams are not taking place this year, some respondents suggested that WJEC should clearly justify the entrance exam fees and consider partially or fully refunding centres or learners if these costs cannot be ratified.

### **Impact on WJEC**

Respondents acknowledged the range of additional, and in some cases, novel activities that WJEC will be undertaking to issue results this summer. With the cumulative burdens they are facing, including, potentially, to assessment arrangements in summer 2021, a few felt that it was important that all stakeholders place their trust in them.

In contrast, a few respondents highlighted the positive financial impact for WJEC who will not be paying for examiners and moderators under the arrangements this summer. It was also noted that this could have a financial impact on those individuals who work for WJEC in this capacity who may not be receiving an income.

### **Impact on colleges and universities**

The potential implications on funding for post-16 providers, including universities was noted by respondents. It was suggested that if learners receive lower grades than they anticipated, they may not continue with their planned progression pathway. This could limit the amount of income colleges and universities receive, which in the worst case, could make it unviable for them to continue as education providers.

Potential logistical challenges when planning for provision for the next academic year was also identified. It was suggested that if outcomes are higher than usual this year, centres might have higher numbers than usual applying for courses, which could have an impact on their timetabling arrangements. Conversely, it was suggested that if AS level learners get results that are lower than they are expecting, they may not continue onto A level, which could make some classes unviable.

### **Impact on parents and carers**

It was suggested that our assessment should also include consideration of the impact on parents. It was noted that parents will need to support and guide their children through the

process this year and help them to deal with any emotional or practical consequences if they are disappointed with their results.

To that end, it was suggested that all decisions are clearly communicated, and done so in a timely manner. Details around the statistical standardisation model was considered critical to aid their understanding of the process. It was also suggested that parents are provided with a short document explaining what they can do if their child does not get the grades they are expecting. It was felt that this will also help mitigate those concerns about the wellbeing of learners.

## Other Comments

Some of the comments received were not directly connected to the proposals on which we consulted or within our power to address. These included:

- uncertainty around summer 2021 arrangements will negatively impact the wellbeing of learners;
- impact of blended learning on year 10 and 12 learners who will be sitting their GCSEs and A-levels next summer;
- impact on those learners sitting AS qualifications next year, who will not have had the experience afforded to previous cohorts of sitting GCSE examinations;
- learners in Wales negatively impacted in comparison with their peers in England who will get an opportunity to resit their qualifications as part of an autumn series;
- bringing forward to allow learners and universities more time to arrange places, and
- the potential impact on the future of qualifications.

We know that learners in Year 10 and Year 12 who are halfway through their GCSE and A level courses are worried about how they will cover the work ahead of summer 2021. Understandably, teachers and lecturers share these concerns and want to do their best for their learners. For all these reasons we think adjustments to exams next summer will be needed.

Working closely with WJEC, we are looking carefully at arrangements for summer 2021. Nobody knows yet what the next 12 months will bring, so we are planning for a range of scenarios. We will need to consider adjustments, balanced carefully with the need to protect the integrity of the qualifications.

What is clear is that there are no easy solutions and any adjustments will need to be worked out on a subject by subject basis, while ensuring that adjustments are made fairly across subjects.

We will do everything we can to support those affected by the current situation, but we also need to ensure that GCSEs and A levels remain credible and valid qualifications in summer 2021. We hope to share further information about summer 2021 in the coming weeks.

Careful consideration was given to the decision not to offer an autumn exam series in Wales. We took this decision for several reasons. Firstly, we are concerned that a full autumn series

would cause significant disruption to teaching and learning early in the autumn term; our view is that learners should be allowed to refocus their learning following this incredibly unsettling period for them. Secondly, given the uncertainty around the duration of the ongoing situation, we felt that providing early certainty to learners, centres and WJEC on this matter was crucial.

## **Equality Impact Assessment**

Our proposed arrangements to allow results to be issued to learners in a timely manner this summer has raised a number of concerns about a potential negative impact on a range of learners, including those who share particular protected characteristics. These concerns are broadly captured under the following themes:

1. Centre assessment data may systematically disadvantage groups of learners;
2. Some learners will not be available to receive a grade, or at a cost they can afford.

### **Centre assessment data may systematically disadvantage groups of learners**

Under the first theme, the groups of learners identified by respondents included:

- learners from BAME communities may be under-rewarded in the centre assessment data. It was suggested that the statistical standardisation model should take account of this.
- learners who have access arrangements in place for exams – there were concerns that the centre assessment data may under-predict the outcomes for these learners as many internal assessments are not completed with these access arrangements in place.
- learners with additional learning needs or emotional difficulties – it was noted that teachers may not have a full understanding of the ability of these learners in an exam situation and may therefore under-predict their potential;
- it was felt that the impact on learners who are eligible for free school meals (as a proxy for socio-economic disadvantage) required further consideration;
- learners who speak English as an additional language – it was noted that some of these learners make rapid advancements in their command of the English language, which can impact their understanding of many of their subjects. It was therefore considered reasonable to expect that these learners may make more rapid improvements than other learners;
- mature learners – there were concerns about how these centre assessment data for these learners would be standardised in the model because they often lack relevant prior attainment data. There was also some suggestion that outcomes for mature learners may be higher than average in normal years, and that this may not be reflected in this year's results;
- learners who have been absent from their learning due to ill health and for whom the centre may therefore lack evidence to inform their judgements;
- learners who excel in exams or tend to mature later in the academic year – a few respondents suggested that this could particularly affect boys; and

- learners with mental health issues which are not identified under the Equality Act 2010. It was suggested that their health may have impacted their performance in class to date, and as such, could affect their centre assessment data.

In order to mitigate some of these concerns, it was suggested that additional steps should be taken. These included:

- supporting centres to eliminate bias from their decisions;
- centres are reminded about their Public Sector Equality Duty
- WJEC collect data on learners by their ALN to help identify disadvantage, and
- centre assessment grades are compared with outcomes for learners with protected characteristics in previous years to identify potential bias early on.

Some who responded to the consultation intimated that the exceptional arrangements being put in place for this year provide an opportunity to close the attainment gap between different groups of learners. This is not the purpose of the arrangements which are to ensure, as far as possible, that all learners receive the grades that they would most likely have had had they sat exams as planned.

It was also suggested that documents outlining the decisions of this consultation and explaining the statistical standardisation model and appeals process are available in alternative formats to ensure all learners can access them.

## **Our Response**

As previously explained, we have updated our guidance to centres to include references to the Public Sector Equality Duty, reminding centres of their obligations when determining the centre's assessment grade, and rank order for each learner. WJEC have also provided additional guidance to centres about making those judgements and submitting data. We also aim to choose a model that accurately predicts learner grades. We will monitor the impact of the standardisation approach on the grades of learners with protected characteristics.

On the issue of learner data, we can confirm that both ourselves and WJEC have already submitted a joint request to Welsh Government to gain access to existing data for learners in maintained schools. For example, we should have data on the age, sex, ethnicity (as a proxy for race) and Special Educational Needs (SEN)/Additional Learning Needs (ALN) status (as a proxy for disability) of learners. We should also have information on eligibility for free school meals as a measure of socio-economic disadvantage. However, data is not available on characteristics such as marriage and civil partnership, pregnancy and maternity, gender reassignment, religion or belief and sexual orientation. It would not be feasible or proportionate to collect such data now.

As we explained in our consultation document, we will ensure that the centre assessment data is checked as soon as possible after it has been provided, and we will use Welsh Government data to see if there is evidence that attainment gaps linked to learner characteristics have substantially changed compared to previous years.

We will publish analysis of attainment gaps in the final calculated results. In relation to issues such as ethnicity and SEN, for which data is not collected by WJEC as a matter of course, both us and WJEC will remain dependent on Welsh Government being able to share data with us for these purposes.

### **Some learners will not be available to receive a grade, or at a cost they can afford**

The concerns raised under the second theme – that some learners might not be able to receive a grade at all this summer – focused on private candidates.

We have considered whether private candidates who already have results for some of the units for the qualification could be awarded a calculated grade using those unit results. This approach would be similar to the well-established method used if a learner misses one or more units, and an awarding body decides to make an exceptional award, on the basis of partial evidence.

We have concluded that for those private candidates who have sat some of the qualification in an earlier series, the methodology used for learners who in any other year do not complete all exams in relation to a subject for exceptional reasons, such as illness on the day of an exam, can, in these exceptional circumstances, apply.

However, there will still be some private candidates who will not be eligible for this methodology and who therefore will not receive a calculated grade this summer. Although we wish to see as many learners as possible progress to further study or employment, it is vital all grades are determined using a robust process so that everyone can have confidence in them.

### **Welsh Language Impact Assessment**

A wide range of views relating to the Welsh language was provided by respondents. When asked for their views on the impact of the proposals upon the Welsh language, respondents noted the following:

- the potential impact of statistical standardisation on those Welsh-medium centres that have small cohorts;
- the effect of school closures on teaching of Welsh, and consequently the potential impact on results and take up of subject in future years; and
- impact of rank ordering on those learners in dual stream and bilingual schools, whereby the rank order will incorporate both types of learner.

In response to concerns about the impact of the model on those centres, Welsh-medium or otherwise, that have small cohorts, we are currently testing the predictive accuracy of different models and are paying careful attention to such cases. Additionally, we believe that the model's ability to rely on multiple sources of evidence to consider such factors will address some of these concerns.

As the decision to close schools was a matter for Welsh Government, we consider this to be outside of our remit and therefore out of scope of this consultation.

With regards to the potential impact on rank ordering for those learners in bilingual or dual stream settings, we have explained to WJEC that they must provide additional guidance to centres about making judgements and submitting data, and to put in place clear and effective arrangements so centres can easily raise such questions or concerns about the process.

## 5 Next Steps

Alongside this decisions report, we have also published our extraordinary regulatory framework, reflecting our policy decisions, for the affected qualifications. This extraordinary framework sets out the regulatory requirements placed on WJEC in relation to the finalised arrangements for issuing results in summer 2020.

The affected qualifications are:

- Approved GCSE qualifications;
- Approved AS qualifications;
- Approved A level qualifications;
- Welsh Baccalaureate Skills Challenge Certificate (SCC) qualifications; and
- Legacy GCSE, AS and A level qualifications which are only available to learners in Wales<sup>14</sup>.

All changes to our Regulatory Framework can be found [here](#).

The extraordinary framework, and all consequential changes will become effective immediately, and will remain in force until we publish a notice disapplying some, or all, of that framework in relation to one or more of the affected qualifications.

We are currently working with WJEC to develop, test and agree the statistical standardisation model with WJEC. Once finalised, further information on the model, and how it will work to generate calculated grades will be made publicly available. We aim to publish such information in July.

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<sup>14</sup> 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.