

Extraordinary
Regulatory
Framework:
General
Qualifications
– COVID-19
Guidance

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IN FORCE**



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Contents

1 Introduction	3
2 Guidance on compliance with Condition GQCov4	4
Information to be provided to Centres	4
3 Guidance on compliance with Condition GQCov5	6
The wrong data	6
Incorrect Centre Information	6
Incorrect data sets	7
Errors in data sets	8
Other examples of the wrong data – exceptional cases	9

1 Introduction

- 1.1 On 29 June 2020 we set and published our Extraordinary Regulatory Framework: General Qualifications – Covid-19 Conditions and Requirements¹. This extraordinary framework sets out our regulatory requirements for WJEC in relation to the affected general qualifications during the Covid-19 pandemic².
- 1.2 These affected qualifications are:
- Approved GCSE qualifications;
 - Approved GCE Advanced Subsidiary (AS) qualifications;
 - Approved GCE A level qualifications;
 - Welsh Baccalaureate Skills Challenge Certificate (SCC), and
 - Legacy GCSE, AS and A level qualifications which are only available to learners in Wales³.
- 1.3 This document provides guidance to help WJEC comply with two of these new Conditions. These are as follows:
- Condition GQCov4 - Information to be provided to Centres, and
 - Condition GQCov5 – Appeals.
- 1.4 Whilst this is not a Regulatory Document⁴, WJEC are expected to give due regard to this guidance. Guidance is not a further set of rules, and the approaches set out within it are not the only way to comply. However, if WJEC chooses to take a different approach, it needs to be able to explain why it has done so.
- 1.5 This guidance document may also be of interest to learners, centres, parents and carers.

¹ <https://qualificationswales.org/english/publications/gq-extraordinary-regulatory-framework/>

² WJEC is the only recognised awarding body who currently offer the affected qualifications.

³ 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.

⁴ A Regulatory Document, or part of a Regulatory Document, which features in a document entitled the 'Regulatory Document List', which may be published by Qualifications Wales and may be varied and replaced by Qualifications Wales from time to time.

2 Guidance on compliance with Condition GQCov4

Information to be provided to Centres

- 2.1 Condition GQCov4.2(a) requires WJEC to have arrangements in place to provide sufficient information concerning the calculation of results this summer to Centres which are considering whether or not an appeal should be made on behalf of one or more Learners.
- 2.2 This guidance explains what will be considered sufficient information where a Centre makes a request for information under that Condition.
- 2.3 Where a request for information is made, WJEC must provide sufficient information to allow a Centre to review the data used for the purposes of calculating results, and to compare that data with information held by the Centre, in order to evaluate whether any of the grounds of appeal set out in Condition GQCov5.1 might apply to a Learner's result. This should allow WJEC to focus resources on promptly resolving those cases where an error might have occurred as well as reducing the number of unnecessary appeals.
- 2.4 Sufficient information will include the following information in relation to the relevant Centre and subject⁵:
 - (a) the Centre Assessment Grades⁶ and rank order information as recorded and used by WJEC for the purposes of calculating results in line with the requirements published under Condition GQCov3.2(a)(i);
 - (b) historical Learner data for the relevant year(s) held by WJEC and used for the purposes of calculating results in line with the requirements published under Condition GQCov3.2(a)(i);
 - (c) the profile of prior attainment for the 2020 cohort and the prior attainment profiles of relevant previous cohorts held by WJEC and used for the purposes of calculating results in line with the requirements published under Condition GQCov3.2(a)(i).
 - (d) in so far as the information is available to WJEC –
 - i. the name and, where used, unique candidate identifier of each Learner for whom historical Learner data was used to calculate results, and

⁵ In this guidance document 'subject' has the same meaning as in the requirements published under Condition GQCov3.2(a)(i).

⁶ Centre Assessment Grades are as defined in our publication 'Summer 2020 grades for GCSEs, AS and A levels, and Skills Challenge Certificate (SCC): Information for Centres on the submission of Centre Assessment Grades'

- ii. the names of each of the Learners, including from the 2020 cohort, for whom prior attainment data was used to calculate results.
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- 2.5 Where WJEC proactively provides any of this information to a Centre alongside results, it will not be necessary for Centres to request it, or for WJEC to provide it again where a request is made under Condition GQCov4.
 - 2.6 Where such a request is made, WJEC should provide such information as outlined above that has not already been provided to the Centre.
 - 2.7 Although not required by the Condition, in appropriate cases, WJEC may also consider that further information should be disclosed to the Centre to assist it in deciding whether to submit an appeal. If a Centre explains in its request for information why or where it considers an error might have been made, WJEC will be better able promptly to identify whether providing further information or clarification might assist the Centre.
 - 2.8 Once information has been provided by WJEC, it will be for the Centre to decide whether or not to disclose some or all of that information to any Learners on whose behalf it is considering the possibility of an appeal, where such disclosure is compatible with the Centre's obligations under data protection and other legal requirements.
 - 2.9 Disclosure at this stage will not represent a breach of confidentiality for the purposes of Condition GQCov3.8, because it will take place after results have been issued. We would not expect WJEC to provide legal advice to a Centre regarding disclosure to a Learner.
 - 2.10 WJEC may accept an application for appeal whether or not a request for information has been made.

3 Guidance on compliance with Condition GQCov5

- 3.1 In issuing results for GQ Qualifications in summer 2020, WJEC must have in place arrangements for Centres to appeal those results on behalf of one or more Learners.
- 3.2 A Centre may appeal on procedural grounds, on the basis that the wrong data was used to calculate results for Learners, or where there was an administrative error in the issuing of results by WJEC. All three grounds of appeal listed in Condition GQCov5.1 must be made available by WJEC with a Centre being able to request an appeal on any one or more of those grounds.
- 3.3 This guidance covers appeals on the basis that the wrong data was used.

The wrong data

- 3.4 The GQ extraordinary framework includes three specific examples of data which will be considered to be the wrong data in any appeal:
- (a) where a Centre has provided incorrect Centre Assessment Grades and rank order information to WJEC (GQCov5.2(a)(i));
 - (b) where WJEC has used an incorrect data set for the purposes of calculating results (GQCov5.2(a)(ii)),
 - (c) where WJEC has introduced an error into the data set it used for the purposes of calculating results (GQCov5.2(a)(iii)).
- 3.5 In any appeal where one of these three errors is shown to have occurred, WJEC must take appropriate action to remedy the error; correcting the data and issuing results which reflect the corrected data⁷.

Incorrect Centre Information

- 3.6 A Centre which appeals on the basis that it made an error in the information it submitted to WJEC for the purposes of calculating results will need to be able to show, using evidence, that it made such a mistake. This is consistent with an appeal in any other circumstances, where the burden of proof is on the appellant to establish that the relevant decision is wrong for the reasons outlined in the grounds of appeal.
- 3.7 It is particularly important this summer that WJEC is able promptly to distinguish between genuine errors, which might characteristically be administrative mistakes such as processing digits or confusing Learners with similar names, and attempts to amend Centre Assessment

⁷ Provided always that WJEC must take all reasonable steps to ensure that results for Learners who did not consent to the request for the relevant appeal are not lowered.

Grades or rank order information by revisiting or revising the professional judgments which underpin them, which is not permitted.

- 3.8 We will expect WJEC to ensure that, where a mistake by the Centre is said to have occurred, its appeals process requires the Centre to submit its supporting evidence at the earliest stage and to explain why data which the Head of Centre declared to be accurate when first submitted is now considered to be incorrect. The shortened appeals process specified at Condition GQCov5.9 means that WJEC will be able promptly to conclude an appeal where it is satisfied that a mistake has been made by the Centre.
- 3.9 An appeal on the basis that a Centre has provided incorrect data should not be used as a means for a Learner to disagree with the professional judgments underpinning a Centre Assessment Grade or their position in the rank order.
- 3.10 If there is evidence that the information provided by the Centre was affected by bias or discrimination, or the Centre wrongly failed to take into account Reasonable Adjustments which would have been provided had exams taken place, the Learner can make a complaint to the Centre and / or an allegation of malpractice or maladministration to WJEC. Separate processes allow results to be corrected, where appropriate, where malpractice or maladministration is found to have taken place⁸.
- 3.11 Such allegations would be very serious, and we expect them to be rare, but this is an important safeguard for Learners and their overall confidence in this year's grading arrangements. Consistent with our expectations outlined in 3.6 above, a complainant will have the burden of proof and will be required to show, using evidence, that the information provided by the Centre was affected by bias or discrimination.

Incorrect data sets

- 3.12 Centres will be able to determine from the information disclosed to them with results, or following a request under Condition GQCov4, whether an incorrect data set has been used for the purposes of calculating a result under Condition GQCov3.2(a)(i). This is likely to happen only in a limited range of circumstances, for example where the data sets for two Centres with similar names, or a similar National Centre Number, have been confused during the process of calculating results.
- 3.13 We anticipate that it should be straightforward both for the Centre to show the wrong data set is likely to have been used and for WJEC to verify which data set it used and whether or not that data set was correct.
- 3.14 Where WJEC recognises that the wrong data set has been used, we will expect it to use the shortened process specified at Condition GQCov5.9, where appropriate, to resolve the

⁸ Where a result is shown to be incorrect, including as a result of malpractice or maladministration, an awarding body must correct that result if it considers it appropriate to do so, without the need for a specific appeal (Standard Condition of Recognition H6.3(b)).

appeal promptly. Using the wrong data set may potentially affect results for all of the subjects taken at the affected Centre; we do not anticipate a Centre will be required to submit a separate appeal for every subject where an incorrect data set has been used.

Errors in data sets

- 3.15 WJEC will use historical Learner data and prior attainment data for the purposes of calculating results, along with the Centre Assessment Grades and rank order information provided by Centres.
- 3.16 Although we will expect WJEC to have taken steps to guard against error and have quality assurance processes in place, the current exceptional circumstances mean it is possible that WJEC may introduce errors into the data used when processing the relevant information into its systems.
- 3.17 A Centre will be able to identify from the information provided with results or under Condition GQCov4 whether there are differences between the information held by the Centre and the information in the systems used by WJEC for calculating results. We will expect WJEC to ensure that a Centre supports its appeal with evidence showing that such a difference exists.
- 3.18 WJEC should review the primary sources of the data into which the Centre claims that an error has been introduced. These will be, as relevant:
- (a) the Centre Assessment Grades and rank order information originally provided by the Centre, or
 - (b) the source of the historical results or prior attainment data.
- 3.19 If WJEC determines that it has introduced an error into any of the relevant data, we will expect it to use the shortened process specified at Condition GQCov5.9, where appropriate, to conclude the appeal promptly, correct the data, and, where necessary, issue any revised results⁹.
- 3.20 If, where a centre has submitted an appeal on the basis that WJEC has introduced an error into the data set it submitted to them, WJEC identifies that the alleged error in fact existed when that information was submitted to it, the Centre may be given an opportunity to amend its appeal and produce evidence that its initial submission included an error (GQCov5.2(a)(i)).
- 3.21 Condition GQCov5.2(b) prohibits an appeal to be submitted on the basis either:

⁹ Provided always that WJEC must take all reasonable steps to ensure that results for Learners who did not consent to the request for the relevant appeal are not lowered.

- (a) of a pre-existing error in the original historical results or prior attainment data, or
- (b) that particular Learners registered with the Centre were not matched with their prior attainment data for the purposes of calculating results.

Other examples of the wrong data – exceptional cases

- 3.22 The specific examples in Condition GQCov5.2(a) are not the only circumstances in which WJEC might conclude that it has used the wrong data to calculate results, although we anticipate other examples will be rare.
- 3.23 There are some exceptional circumstances in which using a default data set to calculate results might be shown through an appeal to amount to using the wrong data because of some exceptional factor which undermines the assumption that the default data set is the most appropriate basis to calculate results for the Centre’s Learners. This would require a Centre to establish that its previous cohorts of Learners are not sufficiently representative of the 2020 cohort to reliably inform the calculation of results.
- 3.24 The assumption will not be undermined through subjective evidence or evidence which is relevant only to the potential performance of the 2020 cohort had exams taken place. Appeals cannot be brought on the basis of inspection reports, curriculum choices or changes to teaching staff, the outcome of standardised tests, mock exams or other evidence the Centre has about the potential performance solely of this year’s Learners. Nor should an appeal under Condition GQCov5.1(b) be allowed on the basis that the 2020 cohort would have continued any upward trend in Learner attainment at a particular Centre.
- 3.25 Instead, the assumption may be displaced by evidence that –
- (a) something happened to the Centre’s 2020 cohort, or happened to an earlier cohort at the Centre (and not the 2020 cohort), which indicates that there is a substantive difference between the 2020 cohort and cohorts in previous years;
 - (b) that difference would not otherwise be identified and resolved through process set out in the requirements published under Condition GQCov3.2(a)¹⁰, and
 - (c) the nature of that difference is such that the use of data in relation to the earlier cohort is an inappropriate basis to calculate results for the 2020 cohort.
- 3.26 Although not necessarily exhaustive, it is likely that it will be possible to identify the necessary difference in circumstances such as:

¹⁰ For example, because the standardisation process will include information about prior attainment, a substantial difference in prior attainment between cohorts will not give rise to grounds of appeal.

- (a) where there has been a major structural change in the arrangements at a Centre which first affects the 2020 cohort, for example:
- (i) a school which, having historically had a mixed intake, became a single-sex school, or a single sex school which became a mixed school, where the 2020 cohort is the first affected cohort to take GQ Qualifications (and which retained its previous National Centre Number¹¹), or
 - (ii) a school which has in place an accelerated learning programme for very able Learners in years other than Y11 and Y13 and which for the first time enters a number of those Learners for GQ Qualifications in 2020.
- (b) where a Centre experienced a governance, organisational or leadership change during the relevant period and there is evidence of improved GCSE, AS, A level or Welsh Baccalaureate Skills Challenge Certificate results at the Centre after that change, which indicates that exam performance at the Centre in the year(s) before the change might not be the most appropriate basis to reliably inform the calculation of results;
- (c) a Centre at which teaching and learning for one or more of the cohorts included in the historical data was significantly disrupted for a prolonged part of the academic year by one or more extraordinary or momentous incidents or events, and which did not so disrupt teaching and learning for the 2020 cohort.
- (d) the shape of the distribution of the 2020 cohort's Centre Assessment Grades is sufficiently different to the shape of the distribution of the results of previous cohorts as to indicate that exam performance at the Centre in previous years might not be the most appropriate basis to reliably inform the calculation of results for the Centre's Learners.

3.27 In the above examples, we would expect a Centre to provide evidence in the form of statistical data about the 2020 cohort and previous cohorts at the Centre. This is the type of clear and objective evidence that we believe is necessary to establish a substantive difference between cohorts. However, there may be circumstances in which WJEC considers it appropriate to accept clear and objective evidence in the form of information about events that could be demonstrated objectively and statistically to imply a substantive difference between the relevant cohorts.

¹¹ Where such a change led to a change in National Centre Number, WJEC will have taken the changed arrangements into account as part of the statistical standardisation process.

- 3.28 Once a substantive difference has been established it will be necessary for WJEC to consider whether the substantive difference was sufficient to displace the assumption that the performance of the previous cohort(s) is representative of the likely performance of the 2020 cohort had exams taken place. Only where that assumption is displaced could taking the performance of the earlier cohort(s) into account amount to using the wrong data.
- 3.29 In practice, the assumption is likely to be displaced only where technical evidence indicates that the differentiating factor would be likely to have actually affected the calculated results for the 2020 cohort to a sufficiently measurable degree. It will be possible to establish this only in circumstances where a set of results can be calculated which take account of the influence of the differentiating factor, for example:
- (a) in cases of a major structural and / or demographic change, it may be possible to adjust the statistical model to reflect the composition of the 2020 cohort, based on national modelling for cohorts with that composition;
 - (b) where there has been a leadership, governance or organisational change which is associated with improved results which better represent the likely performance of the 2020 cohort it may be possible to adjust the statistical model to exclude some of the previous data; and
 - (c) where the teaching and learning for an earlier cohort, or cohorts, was significantly disrupted for a prolonged period by extraordinary or momentous incidents it may be possible to use data from different year or, where this is not possible or appropriate, to standardise results as for a Centre with no historical data.
- 3.30 An appeal of this nature should succeed only where WJEC can identify a method to standardise results which allows for the substantive difference and which it considers is more likely to produce accurate results than the initial calculated results. If replacement results are no more likely to be accurate than the initial calculated results, there will be no adequate basis to conclude that the initial results were affected by the wrong data.