

WITNESS NAME: SIR IAN BAUCKHAM CBE

STATEMENT NO: 1

EXHIBITS: 663

DATED: 20 August 2025

UK COVID-19 INQUIRY MODULE 8

FIRST WITNESS STATEMENT OF SIR IAN BAUCKHAM CBE

I, Sir Ian Bauckham CBE, Chief Regulator of the Office of Qualifications and Examinations Regulation (**Ofqual**) make this statement and will say as follows:

INTRODUCTION

- 1 I make this statement in response to the request by letter dated 13 December 2024 for evidence under Rule 9 of the Inquiry Rules 2006 made on behalf of Baroness Heather Hallett, the Chair of the UK Covid-19 Inquiry (**the Inquiry**).
- 2 Ofqual is a non-ministerial department headed by a Chief Regulator, a position which I held on an interim basis between 01 January 2024 and 06 February 2025, and from 07 February 2025 for a five-year term. I have served on the Ofqual board since 2018, and was Chair of the board from January 2021, until I took up the position of interim Chief Regulator.
- 3 Unless otherwise stated, all references in this statement to the roles, positions, or job titles of individuals are to the roles they held, or were understood by me to have held, at the time of the events or circumstances described. Where an individual's role or position has since changed, I have not updated the references in this statement to reflect their current position.

ROLES AND RESPONSIBILITIES OF OFQUAL

- 4 Ofqual regulates qualifications, examinations, and assessments in England. It has 343 permanent employees, as of January 2025.
- 5 Ofqual does not regulate centres¹, or teachers, or oversee the quality of educational provision. Nor does it regulate degree level qualifications.
- 6 Qualifications play a vital role in the country's education and training system. Approximately 1 million learners take General Certificate of Secondary Education (**GCSEs**), Advanced Subsidiary level qualifications (**AS levels**) and Advanced Level qualifications (**A levels**) each year, and many more take vocational and technical qualifications (**VTQs**), and apprenticeship assessments. All learners, including apprentices, rightly expect their qualifications or assessments to be of good quality, fair, and meaningful. Those who use qualifications, including employers and higher education institutions, look to a qualification to provide trustworthy information as they make decisions that directly affect the futures of both individuals and our economy and society.
- 7 In the remainder of this section, I set out Ofqual's roles and responsibilities, and the tools it uses to perform and discharge these respectively. Those roles and responsibilities did not change during the specified period; Ofqual was required to meet the same statutory objectives and perform the same functions as before that period and since. However, the pandemic meant that the way in which Ofqual discharged its responsibilities had to change in order to take account of Government policy, whilst still ensuring that it met its statutory objectives.
- 8 Ofqual was established in April 2010 under Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 (**ASCLA**) [IB/01 INQ000622703]. It has statutory responsibility for regulating 'awarding organisations' (**AOs**) to which it has granted 'recognition' to award or authenticate academic or vocational qualifications in respect of which there are, or it is likely there will be, learners in England. AOs are granted recognition in relation to descriptions of qualifications (i.e. types such as Functional Skills Qualifications (**FSQs**)) or particular qualifications (e.g. Functional Skills English) which they intend to make available to learners.

¹ 'Centres' refers to any organisation delivering an assessment on behalf of an AO. That includes schools, FE Colleges, training providers and employers.

- 9 There is no statutory requirement for an organisation to seek Ofqual recognition to award its qualifications (or units of qualifications), and no organisation is required under ASCLA to apply for recognition. However, state funding will only attach to certain regulated qualifications in particular instances. With very limited exceptions, Ministers require that any qualification being offered in the state sector must be regulated by Ofqual. Most organisations providing qualifications to adult learners do not seek regulation by Ofqual, but some do.
- 10 As set out in section 128 of ASCLA, Ofqual's statutory objectives are to:
- 10.1 secure standards in regulated qualifications (the qualification standards objective);
 - 10.2 promote public confidence in regulated qualifications (the public confidence objective);
 - 10.3 promote the development and implementation of regulated assessment arrangements giving a reliable indication of achievement and consistent level of attainment between comparable assessments, (the regulated assessments objective);
 - 10.4 improve public awareness and understanding of the range of qualifications available, to support clarity of choice in the market;
 - 10.5 secure that qualifications are provided efficiently and that their price represents value for money; and
 - 10.6 raise awareness of the benefits of regulated qualifications, and of being a regulated AO.
- 11 The qualification standards objective is to secure that regulated qualifications:
- 11.1 give a reliable indication of knowledge, skills and understanding; and
 - 11.2 indicate:
 - (a) a consistent level of attainment (including over time) between comparable regulated qualifications; and

- (b) a consistent level of attainment (but not over time) between regulated qualifications and comparable non-regulated qualifications (including those awarded outside the UK).

12 The word 'reliable' often has a specific technical meaning in relation to qualifications, but this is not the case as used in the qualification standards objective. It is not a defined term in ASCLA, and I understand that it therefore has its natural meaning. The Explanatory Notes to the Act draw attention to this interpretation:

"'Reliability' here is used not in the sense used by qualifications experts, which means consistency of assessments, but rather in the broader general sense, which includes ensuring that the qualifications and the way in which they are assessed offer a valid way of measuring knowledge, skills and understanding."

13 As outlined in the explanatory note to the qualification standards objective [IB/02 INQ000622702] (Page 51, paragraph 380), 'standards' in this context can be seen as ensuring that the benchmark that learners need to attain – which can be likened to the height of a hurdle – is kept consistent. Improvements in teaching, or a particularly able cohort of learners, may see the number of learners who clear that hurdle increase in a particular year. However, Ofqual's statutory role is to maintain the hurdle at the same height across regulated qualifications over time, and with non-regulated qualifications as appropriate.

14 The purpose of the public confidence objective is to promote public confidence and trust in regulated qualifications. In essence, Ofqual aims to ensure that qualifications are an effective measure of learners' knowledge, skills, and understanding of the relevant subject. Employers, universities, colleges, and others rely on qualifications to indicate the extent of what an individual knows, understands, and can do. Some qualifications act as a gateway to certain professions where they act as a licence to practise. If a qualification cannot be relied upon by stakeholders, its value is undermined.

15 The qualification standards and public confidence objectives are linked. It would be difficult to secure public confidence in a qualification which did not reliably indicate possession of certain knowledge or skills, or the standard of which varied so significantly from year to year that the award of a particular grade to a learner in one year would not indicate a similar level of attainment to the award of the same grade to a learner in another year. The maintenance of standards ensures that an employer

does not have to consider whether it was more, or less, difficult to obtain a particular result in a specific qualification last year as opposed to preceding years, or as between qualifications in the same subject offered by different AOs.

- 16 However, sometimes the two objectives pull in different directions where the goal of maintaining standards over time and between qualifications leads to outcomes for qualifications that the public finds unpalatable. In such cases, Ofqual's role is to explain those outcomes and the importance of maintaining standards.
- 17 The assessment standards objective relates to regulated assessment arrangements as defined by section 131 of ASCLA. These are National Curriculum and Early Years Foundation Stage assessments [IB/03 INQ000622711], taken by children below secondary school age. Ofqual does not regulate these assessments in the same way it does other qualifications; it simply has the right to be consulted regarding such arrangements, to keep them under review, and to notify the Secretary of State and other relevant bodies where it identifies any significant failings in such arrangements. I do not consider the assessment standards objective and Ofqual's functions in relation to regulated assessment arrangements to be relevant to the Inquiry, and do not discuss them further in this statement. I am, of course, happy to provide further information on regulated assessment arrangements, if the Inquiry would find that useful.
- 18 Ofqual's statutory objectives take effect through the way in which it discharges its functions. Under section 129(1) of ASCLA, a general duty is placed on Ofqual, so far as reasonably practicable, to act in a way:
 - 18.1 which is compatible with its objectives; and
 - 18.2 which it considers most appropriate for the purpose of meeting its objectives.
- 19 In addition to the general duty to act in line with its objectives, section 129(2) places a duty on Ofqual to have regard to a range of matters when performing its functions. These include the reasonable requirements of learners taking regulated qualifications, as well as the employers, professions, and higher education institutions that rely on them.
- 20 Ofqual must also consider such aspects of government policy as the Secretary of State may specify in a published direction.
- 21 Finally, under section 170, Ofqual has a duty not to impose or maintain unnecessary burdens in performing its regulatory functions.

The types of qualifications regulated by Ofqual

- 22 The qualifications regulated by Ofqual can be seen as falling into two groups outlined below. The distinction is important as, in line with government policy, Ofqual took a different approach to each group during the relevant period.
- 23 The first category, General Qualifications (**GQs**), are traditional academic qualifications taken mostly in schools and further education colleges (**FE Colleges**). This category contains GCSEs, AS and A levels, together with 'Other General Qualifications' which are academic qualifications taken as alternatives to GCSEs and A levels such as Applied Generals, the International Baccalaureate (**IB**), Pre-U, and Extended Project qualifications (**EPQs**).
- 24 The second category, VTQs, is much more complex; there are more than 12,500 VTQs across all education levels. Some of these qualifications validate technical, professional, or occupational skills and knowledge, whilst others are designed to enable learners to progress to further study. They feature many different approaches to study, teaching and assessment, and are of varying levels of demand and size.
- 25 Whilst GCSEs, AS and A levels are linear qualifications with all assessments taken at the end of the course, many VTQs are modular qualifications with learners taking a series of discrete units with an assessment at the end of each, which can then be 'banked' before moving on to the next unit. Whereas exams for GCSEs and A levels are taken by learners at the same time on the same day each year (with exceptions for the small number of learners who have a clash between subjects), many VTQ assessments can be taken 'on demand'; for example, taken online at any point when the learner feels ready.
- 26 In addition, some Other General Qualifications are structured differently to GCSEs and A levels. EPQs, for example, do not have an exam and the IB has a more modular structure with a mix of exam and internal assessment.
- 27 Whilst GQs are offered by a relatively small number of AOs, Ofqual regulates over 240 AOs offering VTQs and apprenticeship assessments who vary in size from those who offer a handful of regulated qualifications and certificates to fewer than 100 learners a year to those who offer 1,000-plus different qualifications, issuing more than a million certificates a year.

Ofqual's Regulatory Framework

- 28 For a qualification to be regulated by Ofqual, an AO must demonstrate its fitness to offer that type of qualification and must also establish the quality of the particular qualification specifications it wants to offer. It must then maintain the necessary standards on an on-going basis.
- 29 Ofqual will first assess the organisation's capacity and capability against the Recognition Criteria [IB/04 INQ000622712] that Ofqual has set. Those criteria cover a number of areas including: the nature of the organisation, its governance arrangements, the integrity of the organisation and its senior officers, and whether it has the resources and competence to award regulated qualifications.
- 30 Once recognised by Ofqual, an AO becomes subject to Conditions set by Ofqual under section 134 of ASCLA. These are essentially the rules that Ofqual sets for all the qualifications and organisations that it regulates.
- 31 Certain qualifications² are also subject to an accreditation requirement [IB/05 INQ000622713]. This means that Ofqual checks the design of each qualification against quality criteria that it sets under section 140 of ASCLA. Unless Ofqual approves a qualification subject to accreditation, the AO cannot make it available to learners in England.
- 32 Some AOs are also subject to special conditions set by Ofqual under section 132(3)(d), either at the time of recognition, or later. Such conditions apply only to the AO in question and may be used where there is a particular issue with respect to an AO or qualification that Ofqual wishes to address.
- 33 Each AO is answerable for the quality and standards of its qualifications and must make sure that all of its regulated qualifications are designed, delivered, and awarded in line with all applicable conditions. If the AO's performance falls short of those requirements, Ofqual may intervene to require compliance using its enforcement tools where warranted.
- 34 Ofqual may make alternative provisions for a range of situations, including different types of AOs and qualifications. Under section 133 of ASCLA, Ofqual may revise the

² GCSEs, AS levels, A Levels and, in some instances, Technical Qualifications.

- Conditions and must consult "*such persons as it considers appropriate*" before doing so.
- 35 The Conditions are Ofqual's most important regulatory tool because they set out the on-going requirements that AOs must meet when delivering their qualifications.
- 36 At present, the Conditions exist at a number of levels:
- 36.1 the General Conditions of Recognition (**GCR**), which apply to all AOs and all qualifications;
 - 36.2 Qualification Level Conditions (**QLCs**), which apply to specific descriptions of qualification; and
 - 36.3 Subject Level Conditions (**SLCs**), which apply to individual subjects within a particular description of qualification.
- 37 The GCR cover a broad range of issues including: an AO's relationship with Ofqual, its dealings with purchasers and teachers of its qualifications, general requirements around the design of qualifications and the setting and marking of individual assessments. Ofqual published its first set of General Conditions in May 2011 [IB/06 INQ000621569] and the latest version is dated February 2025 [IB/07 INQ000622714].
- 38 QLCs set requirements across a specific type of qualification. There are QLCs that apply to all GCSEs, for example, as well as separate sets of QLCs that apply to A levels, FSQs, and others. QLCs deal with issues such as whether a qualification can be tiered, assessment windows within which exams must take place and detailed requirements around awarding and appeals.
- 39 SLCs cover specific subjects. These conditions deal with the content that qualifications must cover and detailed requirements around the structure of assessments and marking.
- 40 Thus, an AO offering A level English language must comply with the GCR, the QLCs that apply to all A levels, and the SLCs that apply only to that subject. All levels of Conditions are supplemented as necessary by statutory guidance published under section 153 of ASCLA.

- 41 Additional sets of Conditions providing for the circumstances arising from the Covid-19 pandemic were put in place during the relevant period and are discussed further below. These overrode certain GCR, QLCs and SLCs requirements.
- 42 ASCLA gives Ofqual the power to enforce its Conditions through directions requiring compliance,³ financial penalties for past non-compliance⁴ and, ultimately, the withdrawal of recognition for non-compliance in serious cases.⁵

EXAMS AND ASSESSMENTS IN ENGLAND OUTSIDE THE PANDEMIC

Awarding

- 43 Given Ofqual's aforementioned statutory objectives, its main regulatory focus is on ensuring that qualification assessments are fit for purpose and that the results are a reliable reflection of the learner's demonstrated knowledge, skills, and understanding.
- 44 As well as the general requirements that apply to all assessments under the GCR, the QLCs and SLCs set out specific requirements for particular qualifications and individual subjects.
- 45 AOs design question papers and assessment tasks consistent with the specification they publish for each qualification. The specification sets out the content that learners need to cover and the structure and nature of assessments. When designing assessments, the GCR require AOs to ensure that: they are at the correct level for the qualification they assess, they are valid for the specification, they assess the content reliably over time and they differentiate between learners of different abilities whilst allowing learners at all levels to demonstrate what they have learnt. Assessment materials must also be unbiased, accessible, not be overly predictable and, where there is a choice of questions or tasks, they must be of equal difficulty. If an AO finds evidence during the assessment process that a particular question or task has not performed as expected then, where a qualification uses marking and grading, it can take that into account when setting grade boundaries, as set out below.
- 46 For the Inquiry to better understand the changes to assessment that were made during the relevant period, it may be useful to explain how awarding takes place in normal years.

³ Section 151.

⁴ Section 151A.

⁵ Section 152.

GCSEs, A levels and AS Qualifications

- 47 I shall begin by dealing with GCSEs, AS levels and A levels, as these are subject to a particular form of technical oversight by Ofqual, due to both their design and their high stakes.
- 48 Each year, AOs recruit thousands of examiners to mark, moderate and write GCSE, AS level and A level assessments.
- 49 As required by the applicable QLCs, the summer exams for GCSEs, AS levels and A levels are taken by learners in May and June of each year. The scripts containing learners' responses in the assessments are then sent to the relevant AOs and marked either online or on paper by trained examiners (often practising or retired teachers). Marking takes place against a prewritten mark scheme that sets out what is expected in relation to each question or task. Before marking commences, examiners are trained to ensure that they are all marking consistently at the same level using that mark scheme (i.e. that an individual examiner is not marking more leniently or harshly than any other). The quality of marking is also checked on an ongoing basis as live marking progresses.
- 50 Some GCSEs, AS levels and A levels include non-exam assessments (**NEA**) which are taken outside the May to June exam window and are marked by centres (such as assessment of sporting performance in GCSE Physical Education). The teachers who mark such assessments receive training to ensure that they are marking to the same standard, with their marking moderated by the relevant AO. Some forms of NEA are also marked directly by AOs themselves, such as speaking assessments in GCSE French, German, and Spanish.
- 51 Once all assessments have been marked, the AOs begin the process of setting grade boundaries (i.e. the number of marks necessary to be achieve a particular grade in a particular subject).
- 52 Grade boundaries for each subject vary from year to year and are typically different between AOs offering the same qualification. This is important so that the grade boundaries reflect the level of challenge of the assessments taken that year. Although senior examiners aim to produce assessments of comparable challenge, in practice this is very difficult to do with precision. Some variation in the level of difficulty of an assessment, and resulting change to grade boundaries, is inevitable to ensure that fair and appropriate grading standards are set. Sometimes adjustments to the content can

also lead to an assessment being more or less difficult in a particular year. Content for GCSEs, AS levels and A levels is set by the Department for Education (**DfE**).

- 53 Our QLCs for GCSE, AS levels and A levels require AOs to consider a range of evidence, both qualitative and quantitative, when setting specified levels of attainment. This can include statistical analysis of learners' performance, and senior examiners' judgements of learners' work from current and previous years.
- 54 As part of the scrutiny of that evidence, recommended grade boundaries for each specification are proposed to ensure that it is no easier or harder to get a particular grade one year or the next. For example, if the assessments for a particular A level specification were somewhat harder than those of the year before, the required mark for a certain grade might be lowered. The final grade boundaries are then confirmed by the AO.
- 55 In line with the qualification standards objective and the public confidence objective, we require AOs to ensure that the standard of work needed to achieve a particular grade remains comparable over time and between subjects, as appropriate.
- 56 Accordingly, we expect the results for GCSEs, AS levels and A levels in a particular subject to be broadly similar to those in past years at the national level. All other things being equal, roughly the same proportion of learners will achieve each grade as in the previous year. For large entry subjects, we do not usually see evidence of large changes in performance in cohorts year on year. However, it is normal for national results – and results for individual subjects – to vary slightly each year due to some changes in the cohort of learners taking different qualifications. The standard of performance required to achieve a particular grade remains consistent.
- 57 Changes in outcomes occur when there is sufficiently strong evidence of a change in performance or a change in the cohort. This is in line with our qualification standards objective.
- 58 Typically, AOs predict the likely percentages of each grade to be awarded in a specification using prior attainment data derived from national subject-level data. The predictions are usually based on the relative ability of that year's cohort in comparison to previous years. So, for GCSE subjects, AOs consider how well the current cohort performed when they took their Key Stage 2 (**KS2**) assessments. Then, the AOs consider the relationship between how well a specified previous year's cohort did in the same assessments with the national pattern of results that cohort obtained at

GCSE. They use that relationship to predict, at a national level, how well the current cohort might perform in their GCSEs. For AS levels and A levels, prior attainment at GCSE is used as the basis of the predictions. Predictions are set at cohort level and are a valid part of awarding, especially when aiming for comparable outcomes year on year. They give AOs secure statistical information about the expected statistical level of performance and, therefore, a good starting point for where grade boundaries could be set.

- 59 Since 2019, we have also used results from the National Reference Test (**NRT**) to help inform AOs' predictions for GCSE maths and English, given the particularly high stakes of these qualifications. The NRT is an hour-long test taken annually by a representative sample of year 11 learners in England. It is developed and administered on behalf of Ofqual by the National Foundation for Educational Research (**NFER**).
- 60 Each year, just over 300 schools are selected to take part, with 30 learners from each of those schools selected to take an English test, and a further 30 selected to take a maths test. Results are reported as the expected percentage of learners at three key grade boundaries – 7/6, 5/4 and 4/3.
- 61 The tests reflect the types of questions learners can expect to encounter in GCSE English language and maths exams. The results provide us with an objective measure of how year 11 learners in England are performing in these subjects and whether performance has changed compared with previous years. No results are issued to individual learners or schools. The NRT is limited to GCSE English and maths both due to the cost of running such a test and the additional burden it places on students and schools.
- 62 Each year, we impose a set of data exchange requirements on AOs. These require the AOs to formulate their predictions for specified subjects and provide them to us by specific dates. AOs provide us with general updates on how their awarding is developing against those predictions, as they apply the grade boundaries they have set to the marks achieved by that year's cohorts in specific subjects.
- 63 In some circumstances, we also require that AOs adjust their predictions to reflect the results of that year's NRT, or in relation to specific subjects where we have identified an issue.
- 64 In most cases, AOs make awards that are reasonably close to the predictions. Depending on the requirements that are in place within a particular year, AOs' awards

can deviate from the predictions by varying degrees (taking account of size of the entry and context of the series) before being required to provide Ofqual with additional supporting evidence to demonstrate that standards are being maintained.

65 Once results have been issued, our QLCs require that learners are able to request reviews and appeals where they believe that the grade that they have attained in a particular subject is incorrect. Those reviews and appeals can be on the grounds of administrative errors by AOs, failures to follow procedure, or the unreasonable exercise of academic judgment.

66 Where learners are still dissatisfied having gone through an appeal, they can apply to Ofqual's Exam Procedures Review Service (**EPRS**). We will look at any application which meets our criteria and decide whether the AO followed its procedures properly and whether it complied with our rules.

Other Qualifications

67 The delivery and awarding of other regulated qualifications is approached differently – due to their different purposes, design and policy choices. For example, the Technical Qualifications (**TQs**) in T levels are delivered through a single supplier contract, with each TQ required to comply with the applicable GCR and QLC provisions.

68 Other types of qualification, including VTQs and other types of GQs, may not share common content, assessment structures or assessment windows such as the 'sessional' approach used in GCSEs, AS and A levels. That lack of commonality does not always lend itself to a similar level of prescription by Ofqual. Where we set QLCs that impose requirements around assessment structure and awarding (as in FSQs, for example), we do not put in place specific data exchange procedures for these qualifications to monitor live awarding in the same way that we do for GCSEs, AS levels and A level qualifications. This is because the same statistical arrangements for awarding are not as technically viable or appropriate in these instances. We rely on our general powers under ASCLA and the GCR to keep AO activity under review and can use regulatory tools to act if there are risks or issues to be addressed, in line with our objectives.

69 In all cases, our GCR require that learners have access to appropriate appeal procedures in relation to their results.

THE DECISION TO CANCEL EXAMINATIONS IN 2020

Discussions regarding Contingency Plans

- 70 There was a Board meeting on 30 January 2020, which I can confirm was the first time that Ofqual discussed contingency plans in respect of the impact of Covid-19 at Board level [IB/08 INQ000621633]. I was unable to attend this meeting, but I have reviewed the relevant Board minutes. As reflected in the minutes (79/19), the Board was advised *"that contingency plans were in place should the Coronavirus have an impact on exams. The issue would also be discussed with exam boards at the next General Qualifications Oversight Board."* I understand that the reference to contingency plans here relates to the JCQ's Joint Contingency Plan [<https://www.jcq.org.uk/wp-content/uploads/2022/08/4-5-1-Joint-Contingency-Plan-April-2019.pdf>] mentioned below at paragraphs 72 and 96.
- 71 I have reviewed the agenda note [IB/09 INQ000621571] prepared in advance of the General Qualifications Oversight Board that was held on the 11 February 2020. This agenda note (Item 4) indicates that Ofqual intended to outline expectations regarding *"Contingency in the event of disruption due to Coronavirus."* The note stated, *"We expect normal contingency and special consideration arrangements to apply and have set out some scenarios for discussion in the slides."* Unfortunately, despite searching for these slides Ofqual has been unable to locate the slides referenced in this document.
- 72 Upon examining the General Qualifications Oversight Board minutes from 11 February 2020 [IB/10 INQ000621793], I note that contingency arrangements were discussed. According to these minutes:
- "JS [understood to be the Executive Director for General Qualifications (Julie Swan)] sett [sic] Ofqual's expectation that normal contingency and special consideration arrangements would apply in the event of any disruption due to coronavirus. RGi [understood to be AQA representative (Roderic Gillespie)] asked if there was a communication plan. JS confirmed that Ofqual intended to write to centres in March about contingency planning, particularly in the context of coronavirus. VM [understood to be Pearson representative (Victoria Morgan)] reported that the outbreak had already had an impact on Pearson's centres in China during their January series. MB [understood to be Oxford, Cambridge and RSA Examinations (OCR) representative (Michael Butterworth)] reported that the Joint Council for Qualifications (JCQ) would*

be reviewing its contingency plans on 14 February. Ofqual would also raise this issue with Qualifications Wales (QW) and [Council for Curriculum, Examinations and Assessment awarding organisation (CCEA)] CCEA on 14 February."

Contingency Planning and the 'Reasonable Worst Case Scenario'

- 73 I have reviewed an email chain dated 12 February 2020 [IB/11 INQ000621572] which shows that the DfE and Ofqual were asked to provide an analysis of the *"reasonable worst case scenario."* The email chain contained a draft response proposed by the Executive Director for General Qualifications (Julie Swan) referencing the published Contingency Planning Document (**CP Document**) [IB/12 INQ000622715].
- 74 The draft response explained that the CP Document made clear that all exam centres should maintain their own contingency plans which should cover potential scenarios, such as a school having to close or staff illness. Additionally, where individual students were sick during an exam period, the draft response explained that there was an established process of special consideration. This required AOs to implement arrangements for special consideration to be given to learners who had experienced a temporary illness or injury, or some other event outside their control, which would or was reasonably likely to have a material effect on their ability to take an assessment or perform as well as they otherwise would have in the assessment. For GQs, those arrangements often included provisions for learners who had undertaken at least 25% of the assessment, which made up the qualification, to obtain a grade calculated based on the assessment undertaken.
- 75 The draft response in the email went on to acknowledge that the current arrangements *"may not be sufficient under the 'reasonable worst case' scenario, especially if it was decided that it was unsafe for students to gather together to take exams."* In such circumstances, it could become necessary to cancel exams on a national basis and potentially seek to reschedule them. However, this would be *"extremely difficult"*, especially as the end of the school year comes shortly after the exam period finishes.
- 76 The draft response continued that Ofqual *"would probably look to prioritise A levels as these are more important for progression than GCSEs, other than English and maths (where there is another exam series in November)."* Colleges and training providers might be asked to take students onto post-16 courses without GCSEs based on predicted grades, for example.

- 77 The draft response emphasised that *"It is not possible for the exams system to compensate in any way for students having missed education in the run-up to the exams period due to their own or staff illness, because qualifications must provide an accurate indication of what students know and can do."*
- 78 The Senior Management Group (**SMG**) of Ofqual agreed to prepare a statement for publication having received enquiries about Covid-19. A statement was subsequently published on 28 February 2020 which announced that Ofqual working with the DfE and AOs to manage the risk associated with exams and assessments. Schools and colleges were encouraged to continue to prepare for summer exams as usual [IB/13 INQ000622716].

The National Reference Test

- 79 As detailed above, Ofqual had contracted the NFER to develop, administer and analyse the NRT. Since 2019, the NRT has provided additional information to support the awarding of GCSEs in England, specifically in English Language and Maths, based on tests administered at a sample of participating schools and students.
- 80 Following February half term (week commencing 17 February 2020), several schools closed.
- 81 I have seen an email to Ofqual from NFER dated 18 February 2020 outlining Covid-19 risks and contingencies for the 2020 NRT. The risk assessment at this time clearly indicated that if schools were to close due to an outbreak, such closures were expected to be only for a short period. This risk assessment was brought to the attention of the Chief Regulator (Sally Collier).

Discussions regarding Covid-19 Implications

- 82 Commencing on 21 February 2020, a weekly Friday morning meeting was convened to discuss Covid-19 implications [IB/14 INQ000621645] (the '**Friday Meeting**').
- 83 The first Friday Meeting was attended by Ofqual's Executive Director for General Qualifications (Julie Swan) alongside other Ofqual colleagues from GQ, VTQ and Communications departments; the exam boards (AQA, Pearson, Welsh Joint Education Committee (**WJEC**) and OCR); the CCEA Awarding; QW; CCEA Regulation; the JCQ; and the DfE (including an individual from its emergency response team). It is clear from my review of internal emails at this time [IB/15 INQ000621575] that the messaging from the DfE and Government was that, should the UK be impacted

by Covid-19, the peak of this would occur at the three-month point, coinciding with the summer exam period.

84 The actions agreed on this call were as follows [IB/15 INQ000621575]:

84.1 Ofqual was to ask AQA, Pearson, WJEC, OCR and CCEA Awarding to confirm whether they had considered supply chain risks to the summer series arising from Covid-19. If they had identified any risks, they were to confirm what these were; their assessment of the likelihood and impact of each risk; and what steps they were taking to reduce the likelihood of the risks and mitigate the impact. This action was completed by Ofqual immediately after the call.

84.2 AQA, Pearson, WJEC, OCR and CCEA Awarding were to review the exam timetable to identify whether they would, generally, accommodate a two-week illness or quarantine given the normal special consideration requirements of 25% of assessments needing to have been undertaken and to identify any problematic subjects.

84.3 Ofqual were to arrange workshops to work through the detail of some of the potential scenarios and mitigations. The initial proposed scope for these workshops, which the DfE were keen to attend, was as follows:

- (a) Any flexibility that should be allowed for the completion of NEA;
- (b) Any alternative arrangements for marking and moderating NEA, including the timing of both;
- (c) If choices had to be made, the qualifications and subjects that should be prioritised in terms of timetable slots, scanning, marking, awarding, and results;
- (d) The extent to which the whole exam timetable could be shifted and the constraints and mitigations of this;
- (e) The potential use of a later exam series for students unable to participate in the 'normal' (summer) exam series; the use of contingency papers for all or just some subjects; the use of hub centres; marking; grading; and results;

- (f) When should a large regional, but not national, outbreak trigger a national response;
- (g) The use of special consideration arrangements. For example, if a student is absent contrary to advice that it is safe for them to attend, or absent because of an 'inconvenient' change to the timetable;
- (h) Students sitting exams at alternative centres; and
- (i) Responsibility for decisions and actions.

84.4 Ofqual to lead on policy and the technical thinking required for a range of scenarios, particularly on the use of 'estimated' grades (noting the relevant AOs did not routinely collect these), engaging with AQA, Pearson, WJEC, OCR and CCEA Awarding's technical colleges.

84.5 All attendees were to share/liase on communications regarding the pandemic. Consideration would need to be given as to when the Universities and Colleges Admissions Service (**UCAS**) needed to be involved in discussions. UCAS was added to the Friday Meetings from 16 March 2020: [IB/14 INQ000621645].

84.6 The Friday Meetings were to continue.

84.7 AQA, Pearson, WJEC, OCR and CCEA Awarding were to tell Ofqual if they identified other potential risks, scenarios or mitigations to consider.

85 Ofqual confirmed that it would, at all times, follow national advice, that the AOs would work together to ensure consistency of approach, and that isolated incidents in the lead-up to or during exams would be subject to normal special contingency practices, i.e. not due to lost teaching and learning time.

86 It was noted that Ofqual would need to consider communications for the next Exam Stakeholder Engagement Group (**ESEG**) meeting scheduled on 10 March.⁶ Ofqual also indicated its intention to publish a notice the following week linking to the relevant JCQ contingency document and the Public Health England (**PHE**) information.

⁶ ESEG provides a regular forum to share information and gather feedback from school and college leader associations and unions; teacher unions; higher education representatives; and other organisations such as The Exams Office. Other organisations are invited to observe, e.g. the DfE.

- 87 From my review of the above, I can confirm that all of this information was escalated for information to the Chief Regulator (Sally Collier), who asked to be kept copied in on the weekly minutes of these meetings.

18-28 February 2020: Communications with Stakeholders

- 88 Based on my review of the documentation, between 18 and 28 February 2020, there was ongoing consideration of the impact of Covid-19 on communications with stakeholders, about which Ofqual regularly liaised with the DfE [IB/16 INQ000621579] [IB/17 INQ000621583].
- 89 For example, drafts of a letter regarding communications to headteachers as part of a Malpractice Campaign were circulated on 18 February [IB/18 INQ000621574] and other guidance on supporting exams. This was updated on 24 February to include the latest information relating to the Covid-19 [IB/19 INQ000621578] for publication on 2 March.
- 90 I have also reviewed a note from 26 February 2020 on contingency planning in case of disruption to exams and assessment due to Covid-19 [IB/20 INQ000621581]. This was published on the regulatory communications portal, which AOs have access to, apprising AOs of the available resources and latest guidance.
- 91 Following on from the first Friday Meeting on 21 February 2020, there was a second Friday Meeting on 28 February 2020. From my review of documents [IB/21 INQ000621582] and [IB/22 INQ000621640], I can see that the action points were reported internally to the Chief Regulator (Sally Collier) in an email from the Executive Director for General Qualifications (Julie Swan) dated 28 February 2020. In particular, it was confirmed that DfE was planning "*in earnest*" for disruption – a reasonable worst-case scenario of an uncontrolled pandemic – and putting in place a dedicated helpline for schools. Ofqual was to send out its usual annual letter to all schools ahead of the exam series, including recognition of the fact that schools may be concerned about the pandemic and that Ofqual was considering any additional guidance with DfE and the exam boards. Ofqual considered certain scenarios and mitigations such as accommodating illness and quarantining, the prioritisation of particular qualifications and subjects in the exam timetable, as well as supply chain risk. Ofqual was due to hold workshops with exam boards on 6 and 9 March 2020, at which the attendees would work through a "*wide range of scenarios and potential mitigations*".

- 92 On 28 February 2020, Ofqual colleagues including the Chief Regulator (Sally Collier) held an 'Incident Preparation' meeting [IB/23 INQ000621592]. The Chief Operating Officer (Sean Pearce) circulated a record of the actions agreed on 5 March. The meeting focused on Covid-19 response planning and several key decisions were made:
- 92.1 A member of the SMG was tasked with collecting workforce information by 04 March 2020 and developing guidance for school closures, linking in with Civil Service HR and the DfE HR. The team reviewed three scenarios (suspected and confirmed cases of Covid-19 and office closure), with another SMG member assigned to develop further guidance on work flexibility options.
- 92.2 A separate workshop was scheduled to address significant workforce reduction scenarios, to be coordinated with the DfE's incident planning.
- 92.3 A short website statement was agreed for the weekend.
- 93 I understand that, on the same day, Ofqual published its first public statement to students, schools and colleges establishing that it was working closely with AOs and the DfE to consider how to manage any particular risks to the smooth running of exams and assessments should there be a widespread outbreak of Covid-19 [IB/13 INQ000622716]. In the meantime, students, schools and colleges were to continue to prepare for the summer exams and assessments as usual.
- 94 As part of pre- and post-pandemic regulatory requirements, all AOs are required to establish, maintain and comply with an up-to-date detailed written contingency plan, to mitigate any incident they had identified may occur. This included having communication plans for external parties, ensuring that schools and colleges were also prepared for possible disruption to exams and assessments, and making sure staff were aware of these plans. Guidance on contingency plans in this format were first published in 2015 and were subject to several updates after that.

02 March 2020: Internal Discussions on Planning for Disruption

- 95 On 02 March 2020, Ofqual held an internal regulatory meeting to discuss planning for disruption. Later that same day, an update to the 'Exam system contingency plan' was published on the Government website (the CP Document). This was a joint publication between Ofqual and CCEA Regulation.

- 96 The 02 March 2020 version of the CP Document [IB/24 INQ000622717] outlined contingency planning for examination disruptions, advising centres to prepare for disruptions by following guidance from relevant education departments and security offices. It also included a link to the JCQ's Joint Contingency Plan. This covered preparatory planning requirements, response protocols during disruptions (including relocation options and prioritisation strategies), and post-examination responsibilities for both examination centres and AOs offering GQs. The guidance detailed communication pathways between stakeholders (regulators share information with stakeholders; Government departments inform ministers), special consideration processes for affected students, and escalation procedures for widespread disruptions, noting that in the event of a national disruption, Government would communicate with regulators and centres before making public announcements.

Ofqual Response to Government's Business Continuity Plan

- 97 On 03 March 2020, the Government published its Covid-19 action plan. Around this time, Ofqual was asked by the DfE to complete a questionnaire on pandemic readiness [IB/25 INQ000621611].
- 98 Ofqual's response highlighted that it had established business continuity measures and that the pandemic plan was under review. The plan could handle a significant staff absence, with strategies for redeployment and remote work capabilities established for the past five years. Internal communications and infection prevention measures were in place, with supplier planning and external messaging under consideration.

03-10 March 2020: Key Meetings and Communications

- 99 I have seen correspondence from 03 March 2020 in which the Chair of the Board (Roger Taylor) circulated possible agenda topics to the Chief Regulator (Sally Collier), with the subject 'notes on ministerial meetings' [IB/26 INQ000621584].
- 100 On 04 March 2020, an 'Incident Preparation' meeting took place between members of the SMG with a record of actions circulated on 05 March 2020. The meeting focused on planning for Covid-19 impacts, particularly concerning examinations and organisational readiness, the pandemic 'preparedness questionnaire' and interim Business Continuity Plan (**BCP**). Multiple action points assigned to various team members including completing the questionnaire, clarifying planning assumptions, communicating guidelines for directorates, and confirming alignment with the DfE planning.

- 101 On 05 March 2020, at a regular SMG operations meeting, organisational priorities in respect of the Covid-19 pandemic were discussed [IB/27 INQ000621589].
- 102 I note that the first workshop (originally intended to take place on the first Friday Meeting on 21 February 2020) was eventually held on 06 March 2020 in order to work through some possible scenarios with the exam boards, JCQ, the DfE and the other regulators (see attendee list at [IB/28 INQ000621602]). The slides for this workshop are at [IB/29 INQ000621599].
- 103 In light of ongoing media queries, Ofqual staff continued to liaise with the DfE's Senior Media Officer (Sam Glanz) by email to understand the latest position [IB/30 INQ000621594]. The DfE's stance was as follows:
- "The Government's advice continues to be for schools to remain open unless Public Health England advise otherwise, and to continue preparing for summer tests and exams as normal, which is in the interests of both pupils and schools. We are working with exams regulator Ofqual, exam boards and our suppliers to make sure appropriate contingency plans are in place for primary assessments and exams."*
- 104 I note that on 06 March 2020, it was confirmed by the Executive Director for General Qualifications (Julie Swan) that the key messages on GQ and AO planning were as follows [IB/30 INQ000621594]:
- 104.1 There are two incident teams – one on business continuity for Ofqual and one on the summer exam series;
- 104.2 Ofqual was continuing to follow government advice;
- 104.3 Ofqual was being cautious about public statements and checking key messages with the DfE;
- 104.4 Ofqual was working through possible scenarios over two workshop sessions (as outlined above at paragraph 102) with exam boards, JCQ, DfE and other regulators; and
- 104.5 Ofqual's aims and objectives were fairness for students, to minimise disruption where possible and to provide clear and consistent information.

105 On 06 March 2020, Ofqual published the following statement on its website [IB/31 INQ000622048]:

"We recognise that students, parents, schools and colleges will be concerned about the possible impact of coronavirus on the 2020 summer exam series. Our advice at this time is to continue to prepare for exams and other assessments as normal. We continue to work closely with exam boards, other regulators and the Department for Education and we have met to plan for a range of scenarios, as the public would expect. Our overriding priorities are fairness to students this summer and keeping disruption to a minimum. It is still many weeks until exams start and we will issue updated advice if necessary, giving schools and colleges as much notice as possible."

106 On the same day, a further internal 'Incident Preparation' meeting was held. Incident Preparation meetings were a set of meetings with wider Ofqual business attendees. It was reported at the meeting that at the SMG workshop (which had been convened to consider further scenario planning) the DfE pandemic questionnaire had been completed and signed off and that scenario planning for staff absence was continuing. It was confirmed that the BCP for the pandemic would be updated further after the second SMG workshop [IB/32 INQ000621595].

107 I can see that from 12 to 13 March 2020, there was an exchange of emails between the Director of Communications (Kate Keating) (who forwarded an email from the DfE's Deputy Director (Jacquie Spatcher) to the Chief Regulator (Sally Collier)) and the Director of Standards and Comparability (Cath Jadhav) concerning the DfE's comments on Ofqual's proposed statement on potential contingencies for exams. The Director of Communications (Kate Keating) expressed concern that the edited version put the responsibility for the decision back with Ofqual rather than the DfE, stating *"I've suggested some possible tweaks – would like it if we could be clearer that this is a decision for DfE?"* The Director of Standards and Comparability (Cath Jadhav) emphasised the need to clarify that any decision to move to contingencies would not be Ofqual's [IB/33 INQ000621630].

108 A second workshop with exam boards, DfE and regulatory colleagues took place on 09 March 2020 (see attendee list at [IB/34 INQ000621605]). The workshop included a

short update from the DfE. The workshop slides [IB/35 INQ000621604] show that 'breakout groups' considered and discussed:

108.1 Pre-exam planning and preparation, including contingency papers and how they should be timetabled.

108.2 Managing the 'exam window', including entries and late entries, invigilation and managing papers and scripts.

108.3 The post-exam period, including special consideration and results days. Notably, the slides reference, whether there should be an option of estimated grades for those who chose to take no assessments, or whether this should be restricted to those with evidenced underlying health conditions.

109 I have seen meeting notes from one of the breakout groups at the workshop [IB/36 INQ000621608] which demonstrate that the above topics were considered, and action points were prepared, including taking further steps to prepare contingency papers.

110 Also, on 09 March 2020, the DfE Arm's-Length Bodies Partnership Programme Team (**ALB Partnership Programme Team**) contacted the Chief Regulator (Sally Collier), along with other sector leads, to request an update on contingency planning. This email stated:

"So that the department is working in collaboration with partners, and is able to effectively coordinate across government, please can you confirm that your organisation is actively planning for the impacts of covid19, and is able to continue operating during any contingency planning. At this stage we are not asking to see your detailed plans but this information will support our operations centre to gain a comprehensive picture of what activity is currently taking place" [IB/37 INQ000621606].

111 I have seen that a response was sent to the ALB Partnership Programme Team on 10 March 2020 by the Chief Regulator (Sally Collier) confirming that Ofqual was planning for Covid-19 impacts through two workstreams:

111.1 Exam series contingency planning led by Executive Directors working with the DfE; and

111.2 Organisational preparedness led by the Chief Operating Officer (Sean Pearce).

- 112 It was noted that Ofqual had hosted workshops with the AO community, qualifications regulators in other UK jurisdictions and colleagues from the DfE to consider scenarios across the 2020 exam series. The response noted that this *"process was connected directly"* to the Secretary of State for Education (Rt Hon Gavin Williamson MP) and the Minister for School Standards (Nick Gibb MP). I understand this to mean that the Secretary of State for Education and Minister for School Standards were kept abreast of what was being discussed by virtue of the DfE's involvement in them. Given the ever-changing public health situation, a collaborative approach to these meetings was crucial [IB/38 INQ000621614].

Ofqual-DfE Meetings from 10 March 2020

- 113 I have seen that on 10 March 2020 a meeting was scheduled to take place [IB/39 INQ000621607] between the Secretary of State for Education (Rt Hon Gavin Williamson MP), Minister for School Standards (Nick Gibb MP), the Chief Regulator (Sally Collier) and the Chair of the Board (Roger Taylor). A briefing note was prepared on 05 March 2020 [IB/40 INQ000621586].
- 114 Additionally, Ofqual prepared a further briefing note [IB/41 INQ000621587] for the meeting with the Secretary of State for Education (Rt Hon Gavin Williamson MP). The briefing notes outlined:
- 114.1 That Ofqual had spoken to the exam boards about contingency planning for Covid-19 in the GQ Oversight Board and continued to do so on a weekly basis and that they had established contingency planning for widespread regional or national disruption.
- 114.2 That Ofqual was actively considering the full range of scenarios, the impact on summer exams and had run two days of workshops with the exam boards and DfE officials to consider potential scenarios and the action that would be needed.
- 114.3 That the exam boards had published the JCQ Joint Contingency Plan and Ofqual published guidance for schools and colleges on contingency planning. As in previous years, Ofqual had also written to centres ahead of the summer but had now included reference to Covid-19 and contingency planning.
- 115 An email was sent from the Chair of the Board (Roger Taylor) to the Chief Regulator (Sally Collier), the Director of Communications (Kate Keating) and the Private

Secretary to the Chief Regulator (Anona White) which had a proposed update to the Board with the following detail of the meeting on 10 March 2020 [IB/42 INQ000621629]: *"Sally, Julie and I met with both SoS and Nick Gibb last week to discuss options for the summer series. In the light of the increasing speculation we are urging the DfE to communicate more, sooner with the aim of confirming arrangements by Easter. We are meeting ministers again on Tuesday next week to agree next steps. Ideally we want to issue a statement mid-next week giving people greater clarity about our plans, giving people a sense of the options under consideration, and committing to publishing a plan by a set date".*

116 I am aware that meetings between the Secretary of State for Education (Rt Hon Gavin Williamson MP) and the Chief Regulator (Sally Collier) were not uncommon at and around this time. An email dated 12 March 2020 from the Diary Manager to the Minister of State for School Standards [Name Redacted] [IB/43 INQ000621625] shows that it was agreed that there was a need for "weekly catch-ups" to be scheduled regarding Covid-19 between Minister for School Standards (Nick Gibb MP), the Chief Regulator (Sally Collier) and Executive Director for General Qualifications (Julie Swan). It was noted that "[t]he Secretary of State may be joining some of these meetings."

117 An additional briefing note regarding national assessments was prepared for the meeting with the Minister for School Standards (Nick Gibb MP) [IB/44 INQ000621601]. In respect of Covid-19 contingency planning, the note combined information for the Minister along with pre-prepared answers to any questions that he may have:

117.1 The Standards and Testing Agency (STA)⁷ had a high-level cross-Agency group of staff working on contingency plans. The focus was on three areas:

- (a) Was it desirable that National Curriculum Assessments went forward at all?
- (b) Could assessment windows be extended if schools were closed at different points through May and June?
- (c) Was standards maintenance possible?

117.2 STA was carrying out detailed contingency planning with its suppliers.

⁷ The STA is an executive agency of the DfE. It develops and delivers KS2 National Curriculum Assessments that, as explained in Part A of this statement, are used in GCSE awarding.

- 117.3 Ofqual may wish to flag that if KS2– years 3 to 6 (ages 7 to 11) assessments were cancelled in summer 2020, this would have knock-on impacts for GQ awarding in 2025. Ofqual would have preferred some rather than no data. It noted that when KS2 testing was boycotted in 2010, Ofqual was able to analyse the data from 75% of the cohort to inform 2015 awarding.
- 117.4 Ofqual could probe the appetite for cancelling 2020 testing.
- 118 Ofqual does not have any notes of these meetings; consequently, I am unable to confirm whether the above points were discussed with the Minister for School Standards (Nick Gibb MP) or the outcomes of any such discussions.
- 119 On 10 March 2020, the Chief Operating Officer (Sean Pearce) also provided an internal update on his meeting with the Strategic Finance Director at the DfE (Iain King) who had been appointed the DfE Gold Operations Lead. At this stage, I understand that weekly SMG meetings occurred more frequently with the Chief Operating Officer (Sean Pearce) proposing an agenda for the following day which included:
- 119.1 Public Health England (**PHE**) guidance update;
- 119.2 Actions update from previous meetings which would include an update from Sally Collier regarding her meeting with the Secretary of State for Education (Rt Hon Gavin Williamson MP);
- 119.3 GQ, Summer and VTQ planning updates, comments on the emerging BCP/pandemic plans and agreement on the upcoming AO conference;
- 119.4 Organisational updates (Ofqual's building, people, technology and internal communications);
- 119.5 External media update;
- 119.6 Prioritisation decisions;
- 119.7 Connections with the DfE and others; and
- 119.8 Any other business.

User Testing

- 120 I note that user testing was also discussed in internal communications with the SMG and the Chief Regulator (Sally Collier) [IB/45 INQ000621619]. This included considerations of conducting user testing with parents to gauge their willingness to send "*their children to empty schools to do exams*" during the pandemic, and further user testing to "*test views on running the exam series into July*." This email chain also shows that the question of how long home quarantining would last for (the assumption being two weeks) and the impact that would have on spacing and "*prioritising the exam papers for the extra contingency period*" was being discussed at that stage.

DfE-Ofqual: The 'Options and Risks' Paper

- 121 On 12 March 2020, the Director of Standards and Comparability (Cath Jadhav) circulated an email and a draft paper (the 'Options and Risks' paper) to AOs (AQA, Pearson, WJEC, OCR and CCEA Regulation). The paper was to form part of the submission to the DfE and focused on three potential options:

121.1 Option A: business as usual (**BAU**) plus additional papers;

121.2 Option B: to delay assessments;

121.3 Option C: to issue estimated grades [IB/46 INQ000621621].

- 122 Ofqual requested suggestions and comments from the AOs on proposed options with a focus on potential 'pinch points' and issues. Discussions took place to determine the latest feasible date for deciding whether to delay assessments (Option B) and to identify and address key logistical challenges related to assessment materials, standardisation meetings, and scanning capacity. The communication I have seen also considered the implications of issuing estimated grades (Option C) if other options became impracticable. According to these documents, ensuring fair results for students and supporting decisions in the national interest were stated as central goals [IB/47 INQ000621622].

- 123 Additionally, Ofqual led discussions with AOs on timetabling and spacing of examinations and the creation of contingency exam papers in response to potential disruptions. Ofqual sent the AOs a list of subjects, requesting an agreed list of subjects that ought to have contingency papers. The prioritisation of these subjects would be based on a strict set of criteria such as the percentage of NEA and the timing of the exams "*on the basis that student[s] who miss the scheduled paper would likely also*

miss the contingency." This agreed list was to be included in the 'Options' paper for the DfE [IB/48 INQ000621626].

124 Ofqual intended to publish an updated statement on 13 March 2020 explaining that Ofqual was continuing to plan carefully for any disruption to the summer series, that its primary objective was fairness to students and that the situation was evolving. There were several emails back and forth between Ofqual and the DfE (e.g. Ofqual mentioned discussions with the DfE in [IB/49 INQ000621623]). However, this was ultimately delayed due for reasons set out in an email from DfE stating that a number of things needed to be worked through first; namely, the DfE and Ofqual agreeing the messaging and statement on exams and preparing advice for the Secretary of State for Education (Rt Hon Gavin Williamson MP) on the options for exams. The DfE stated *"we should not be putting out any statements on exams today until SoS has had the discussions early next week"* [IB/50 INQ000621639].

125 I have seen that Ofqual held a 'summer series incident meeting' on 13 March 2020, where arrangements for the exam series were discussed, e.g. safe distances between desks [IB/51 INQ000621807]. The note sets out that Chief Regulator (Sally Collier) had met with the DfE Director of Qualifications, Curriculum and Extra-Curricular (Michelle Dyson) and noted that a decision regarding the exam series was not expected to be made the following week. Advice to ministers on the potential options and scenarios was due to be submitted on 16 March 2020.

126 In a follow up email chain [IB/52 INQ000621641], the Chief Regulator (Sally Collier), the Chair of the Board (Roger Taylor) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) deliberated upon the challenges and potential solutions for handling university predicted grades and exam scheduling, seeking viable options for maintaining fair and valid assessment outcomes during the Covid-19 pandemic. Key points made were:

126.1 The possibility of moderating teacher estimates to address discrepancies between schools and previous years' outcomes, although this would not ensure the usual reliability of rank orders. The idea of a leaving certificate was considered as a more transparent alternative to imperfect, statistical-based solutions.

126.2 The feasibility of holding examinations in the summer or autumn, with a preference for summer exams and contingency papers if needed. It was also

flagged that, should exams be deferred to the autumn, additional costs, timing, location and progression would need to be addressed.

126.3 The difficulty of validating predicted grades, with suggestions that responsibility for selection based on these grades should fall on institutions.

DfE-Ofqual: The 'Summary and Recommendations' Document

127 On 15 March 2020, the DfE Deputy Director (Jacquie Spatcher) provided a copy of the 'Summary and Recommendations' document to the Chief Regulator (Sally Collier) [IB/53 INQ000621642] and advised:

"As Michelle [understood to be Director of Qualifications, Curriculum and Extra-Curricular at the DfE (Michelle Dyson)] will have explained everything has accelerated rapidly over the weekend and we now need to get this up by 3.30 tomorrow so I'd be very grateful for any comments you might have as early as possible tomorrow. I should explain also that because of the specific steers we've had on what the SoS is looking for I've written full advice from scratch which draws heavily on the very helpful draft paper that Cath [understood to be Ofqual's Director of Standards and Comparability (Cath Jadhav)] has produced, but I'm not now planning on sending that paper itself to Ministers. I'm not sure if Michelle has mentioned but given the pace this is moving at we know think it would be best if you did meet the SoS on Tuesday after all; his office will be in touch tomorrow about times."

128 The initial draft of the paper [IB/54 INQ000621644] recommended, subject to Cabinet Office Briefing Room (**COBR**) decisions, that all efforts should be made to run the exam season on the current timetable. The paper outlined the following:

128.1 That modelling suggested a marginal health detriment to years 11 to 13 remaining at school. The aim was to have as many students as possible take at least one paper per subject, allowing for special consideration, and moderated teacher estimates for the rest. Schools were encouraged to review local contingency plans to handle closures and staff shortages.

128.2 That delaying exams to later in the summer or autumn was not recommended due to potential peak pandemic timing, far-reaching consequences for the education system and equity concerns. Instead, it was suggested that the DfE would *"support Ofqual's proposal"* to award grades based on moderated teacher estimates or provide a *"school leaving certificate"* with estimated

grades and commentary. Ofqual's recommendation was to maintain the current exam timetable, proposing moderated teacher estimates or a school leaving certificate as a contingency; however, the paper suggested that such a plan would be vulnerable to the risk of invigilator and marker shortages, and potential errors in hastily prepared papers. It was further suggested that delaying exams may be unfair and present legal challenges.

128.3 That there was need for a coordinated decision across England, Wales and Northern Ireland.

129 Ofqual provided comments on this paper the following day (16 March 2020) [IB/54 INQ000621644].

130 In response to the proposed moderated teacher assessments, the Director of Standards and Comparability (Cath Jadhav) noted that Ofqual would need to begin work immediately to collect estimated grades for all students, *"which could drive some undesirable behaviours in schools, and moderation will not be able to mitigate that."* There was also a fairness question if some students received grades based on actual marks and others received estimates based on taking no exams.

131 The documents show that Ofqual also noted that if there were no exams, the option of the school leaving certificate rather than moderated teacher estimates may *"command more public confidence and be less open to challenge,"* As a result, Ofqual inserted the following wording into the contingency options/risks document: *"Alternatively, Ofqual has suggested an option for schools/colleges to provide a 'school leaving certificate' giving teacher estimated grades and brief commentary. This would not be used for accountability purposes and so might be less prone to bias."*

132 It was also noted that *"universities seem to be happy with the notion of using teacher estimates and would prefer that to delaying."*

133 A final version of the paper was provided by the DfE Deputy Director (Jacquie Spatcher) on 16 March 2020, who acknowledged previous feedback on advice prepared for the Secretary of State for Education (Rt Hon Gavin Williamson MP) regarding exams and apologised for not having shared a revised version before submission [IB/55 INQ000621650].

- 134 DfE Deputy Director (Jacquie Spatcher) explained in this email that the final version began with a discussion of the possibility of delaying exams until September, as the Secretary of State for Education (Rt Hon Gavin Williamson MP) appeared to favour this option. She noted that her team believed the September delay would have significant problems beyond the exams system itself, and that scientific evidence did not support the assumption that infection rates would be lower in September than June. The email indicated that their approach prioritised dissuading the Secretary of State for Education (Rt Hon Gavin Williamson MP) from the September option before presenting preferred alternatives. DfE Deputy Director (Jacquie Spatcher) also observed that recent announcements made it increasingly unlikely that any exams could be conducted during the summer. She concluded by thanking recipients for their help, specifically acknowledging the Director of Standards and Comparability (Cath Jadhav)'s paper which she stated she planned to review more thoroughly.
- 135 The final paper represented a significant revision from the initial version, with a strategic shift to address the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s apparent preference for September exams [IB/55 INQ000621650] [IB/56 INQ000621651] while maintaining the core recommendation to proceed with the current exam timetable where possible.
- 136 While the initial draft presented six options (current timetable, delay to later in summer, delay to autumn, partial September exams, teacher estimates, and school leaving certificates), the final version narrowed these to three main options: proceeding with the current timetable, delaying to September (strongly advised against) and using moderated teacher estimates as a backup.
- 137 The final version also added substantial new content regarding higher education perspectives, noting that the sector strongly preferred that entry dates remain unchanged and would rather rely on teacher assessments and existing information.

16 March 2020: The Prime Minister's Announcement

- 138 Ofqual held another 'summer series incident meeting' on 16 March 2020 (from 10:30 hours to 11:00 hours) [IB/57 INQ000621827]:
- 138.1 Exam board arrangements made in respect of the Covid-19 pandemic were discussed.

- 138.2 It was noted that the General Secretary of the Association of School and College Leaders (**ASCL**) (Geoff Barton) believed that schools should be kept open and that there should be consideration for learners who were vulnerable and at risk.
- 138.3 Ofqual noted from "*conversations*" that the "*current view*" was that the exam series would go ahead as planned. There was no advantage in delaying the series to autumn as this would impact schools in the following academic year. It had been agreed that if the exam series went ahead, special consideration should be applied as normal.
- 139 Following the Prime Minister's announcement on 16 March 2020 that people should work from home and avoid non-essential contact, Ofqual sent its 'Contingency planning options and risks' paper to the DfE, which is referred to in an internal email containing the final document, exhibited at [IB/58 INQ000621648].
- 139.1 This paper [IB/58 INQ000621648] [IB/59 INQ000621649] was created following workshops and ongoing engagement with the exam boards. It listed three options:
- (i) Option A 'Additional papers': Operate the exam timetable as published and offer additional papers in a small number of subjects for students who may have missed some exams or NEA, which would likely delay results slightly.
 - (ii) Option B 'Delay': Move the whole timetable back as far as possible within existing term dates (possibly with the additional papers in Option A). A delay of up to three weeks was thought to be possible. The aim was to have assessment results for as many students as possible recognising that the 'peak' of the virus may coincide with the established timetabled window.
 - (iii) Option C 'Estimate grades': Issue grades based on teacher estimates which have been statistically moderated at centre/cohort level to bring them, as far as possible into line with previous years' results. The aim would be to ensure students have recognition of the learning they had undertaken and evidence to support progression.

139.2 Exam boards were preparing to deliver Option A. It was noted that a decision to move to Option B would be needed by 23 March 2020 to manage arrangements for communications, despatch of papers and examiner availability and training. Regardless, Ofqual would need to put in place arrangements so that, if necessary, in response to medical/scientific advice, Option C could be progressed.

139.3 Ofqual's express preference was to "*continue with business as usual, with the exam timetable operating as published but with additional papers prepared as a contingency in a small number of subjects*".

140 From reviewing a briefing note for the Chief Regulator (Sally Collier) to address the Ofqual Board at an Informal Board Briefing on Covid-19 Internal Preparedness, dated 16 March 2020, I note that Ofqual had established four workstreams to coordinate their response: GQ, VTQ, Internal Preparedness, and Stakeholder Relationships [IB/60 INQ000621647].

17 March 2020: DfE Updates Ofqual on Meeting with the Secretary of State for Education (Rt Hon Gavin Williamson MP)

141 Ofqual held a further 'summer series incident meeting' on 17 March 2020 (from 14:00 hours to 14:30 hours) [IB/61 INQ000621821]. During this meeting, the Chief Regulator (Sally Collier) provided a debrief of her morning meeting with the Secretary of State for Education (Rt Hon Gavin Williamson MP) and the Minister for School Standards (Nick Gibb MP). It was noted that:

141.1 The announcement on 16 March had changed the likelihood of different contingency options being invoked. Ofqual was aware of the possibility that the summer series may not be able to go ahead, but it would carry on with what it was doing on Option A (i.e. the summer series as usual, but with contingency papers and the extension) until that became "*untenable*" because of health advice. At the same time, Ofqual would work on the "*teacher estimate option*".

141.2 The Secretary of State for Education (Rt Hon Gavin Williamson MP) had made clear that each option was "*sub-optimal*" and that these were political decisions that would require government policy direction under the Act.

- 141.3 The Minister for School Standards (Nick Gibb MP) was *"firmly of the view that schools should open for exams only"* and seemed to understand Ofqual's approach to moderating teacher estimates using statistics.
- 141.4 The Chief Regulator (Sally Collier) summarised the two remaining plans at that point:
- (a) Plan A involved the contingency series and *"estimated grades"*. If Plan A was chosen, a decision needed to be made before the latest date at which papers could go out.
 - (b) Plan B involved moving to wholesale estimated grades, with the *"fall-back option"* of exams. If Plan B was chosen, Ofqual had to *"save the papers and stop dispatch"*.
- 142 On 17 March 2020, the DfE Deputy Director (Jacquie Spatcher) sent Ofqual a document titled 'Read-Out of SoS Meeting, 17 March' [IB/62 INQ000514593]. This gave an update on discussions with the Secretary of State for Education (Rt Hon Gavin Williamson MP) and the Minister for School Standards (Nick Gibb MP). The document outlines two potential options reached during the discussion:
- (a) Option A – to run the exam season as scheduled in May and June, plus contingency papers in July for students who missed the earlier examinations. This relied on students not having other plans after June, given the travel restrictions that were very likely to be in place. Students that were unable to sit at least one exam in a given subject would be awarded a grade based on moderated teacher assessment (with results likely to be somewhat delayed, depending on the number of contingency papers taken). Option A was contingent on exams still running as planned, even if schools and colleges closed.
 - (b) Option B – cancelling the planned exam season and giving everyone an estimated grade. Results dates would remain unchanged in August or might even be brought forward slightly. The assumption was that there would be a limited exams season (probably A levels only, and possibly with only one paper per subject) to run in the autumn for students who were unhappy with their predicted grade and wanted the opportunity to improve it. The timing of this needed more thought, according to the note; while the Secretary of State for Education (Rt Hon Gavin Williamson MP)

suggested September, but the DfE Deputy Director (Jacquie Spatcher) had concerns about this. Even leaving aside the uncertainty over whether schools and colleges would have been open then, the DfE Deputy Director (Jacquie Spatcher) was concerned: (a) that there would be very little time between a student getting their original grade and deciding they wanted to take the exam, and then actually taking the exam; and (b) about the time needed to mark and grade papers and for universities to make entry decisions. The DfE Deputy Director (Jacquie Spatcher) considered that this likely meant that this would not work for students wanting to enter higher education that autumn, even if universities delayed their start dates to November or December (which the Secretary of State for Education (Rt Hon Gavin Williamson MP) was confident they would be willing to do). In practice, students wanting to re-sit would need to take a year off before going to university; therefore, the DfE Deputy Director (Jacquie Spatcher) considered that it would make more sense to run these exams in November, alongside GCSE English and Maths resits, but this needed to be revisited with the Secretary of State for Education (Rt Hon Gavin Williamson MP). It was noted that under this option, should it prove impossible to run this extra series because of the public health situation, students would be left with grades based on teacher assessment (as they would have under Option A, should the May/June series have been cancelled).

142.2 The note further explained that ministers were clear that, under either option, they would need to suspend Key Stage 4 (**KS4**) – years 10 to 11 (ages 14 to 16) – and Key Stage 5 (**KS5**) – post-16 education in England (ages 16 to 18) – performance tables that year, and wanted to announce that at the same time as the pending announcement on cancelling that year's SATs. The DfE aimed for this to happen promptly, not least because it would be pressed on these issues during the passage of the emergency bill the following week.

142.3 From an operational perspective, the DfE Deputy Director (Jacquie Spatcher) noted the need to choose between Options A and B without delay as exam papers due to go out to schools and colleges. Once those papers had gone out, it would not be possible to re-use them in September due to security concerns. Jacquie Spatcher was therefore seeking to urgently confirm with Ofqual "*what the drop-dead point for that decision*" was.

- 143 On 17 March 2020, Ofqual shared with the DfE a document called 'Moderated teacher estimates' [IB/63 INQ000621655] [IB/64 INQ000621656]. The document suggested that exam boards would collect data from centres for each of their candidates, offering several suggestions on how the process might work:
- 143.1 An estimated grade for every student for each subject that they were entered for. This could exist in a *"more granular"* format than the existing grade scale to allow any adjustments to be more precise and fairer.
 - 143.2 A rank order of students to *"provide more granular information"*, based on the *"sound"* assumption (supported by research) that *"even if teachers cannot make accurate absolute judgements, they could judge students against one another (Student A is better than student B, etc)."* The paper acknowledged that the system was not perfect and that the rank order might be biased by other issues unrelated to exam performance, such as punctuality or behaviour.
 - 143.3 AOs could use a *"statistical adjustment"*, perhaps akin to moderation of NEA marks, to bring teacher estimates *"more into line with expectations"* based on a student's prior attainment at GCSE and the centre's previous results in that subject.
 - 143.4 The approach could be used to generate grades for all students, or just those who had been unable to sit any exams. It could also be optional in that students may *"opt in"* to receive moderated grades and perhaps accept that they have no right of appeal. It was noted that, regardless of the number of students who required or chose this option, *"it's likely that exam boards would need to collect estimates for all students in order to be able to moderate those estimates."*
- 144 The document went on to consider the risks and challenges that might arise from the above, including:
- 144.1 Research suggesting that teacher estimates would probably include an *"optimism factor"*, likely to result in *"over-generous estimates"* for at least some students, hence the need for moderation. However, it was unclear how the current context would affect these estimates. Additionally, the extent of the *"generosity"* would *"certainly"* vary by centre and by teacher which would be *"impossible to account for"*.

- 144.2 That there would always be students who achieved much higher or lower grades than the centre expected, which moderation could not account for. Therefore, *"it is likely that some students will be unfairly disadvantaged by this approach (just as some will be unfairly advantaged)"*.
- 144.3 That moderation would be *"technically complex"* (particularly for some centres or cohorts that were so small that it would be *"impossible to moderate grades fairly"*). It would also be *"challenging to explain"*, which might undermine public confidence. Additionally, some students might benefit more than others from the *"in-built optimism of estimates"*, which might be seen as unfair, particularly in terms of universities which treat grades from different subjects interchangeably.
- 144.4 Evidence that *"subgroups of students"* (for example state versus independent schools or students of different ethnicities) might be unfairly treated or differentially impacted by the process. Similarly, it was acknowledged that the approach *"would not work"* for private candidates.
- 144.5 That Ofqual might be perceived as having *"ignored how well students were actually doing (in the eyes of their teachers)"* and instead *"downgraded"* them based on their previous (KS2 or GCSE) scores and results from the preceding year's students, which *"might be difficult to defend publicly"*.
- 144.6 That AOs might be reluctant to issue large numbers of grades calculated on this basis as they would have *"little assurance that the grade reflects the student's performance"*. When students had been unable to sit any assessments in previous years, AOs had issued honorary certificates rather than grades. AOs would be reluctant to set precedents and/or risk reopening historic cases.
- 144.7 Students would have *"no obvious mechanism to appeal"* either the teacher estimate or the moderated grade.
- 144.8 Grades could not be used for *"accountability purposes"* and Ofqual would have *"limited assurance"* that standards had been maintained relative to previous years.

17 March 2020: Board Discussions with Chief Regulator (Sally Collier)

- 145 On 17 March 2020 the Chair of the Board (Roger Taylor) emailed the Chief Regulator (Sally Collier) [IB/65 INQ000621657]:

"Lesley [understood to be Board member (Lesley Davies)] made a number of points worth noting when we spoke earlier. She said, regardless of government policy, they were almost certainly going to have to shut because of absent staff – particularly support staff, many of whom are in higher risk groups – and because of absence of students (e.g. only 20% of GCSE resit students turned up today).

With regard to holding exams in the Summer, she felt there were real issues with feasibility that would be hard to tackle even with unlimited funds – e.g. finding and training sufficient invigilators. She pointed out that for colleges, holding an exam can take most of the staff on site to manage it."

- 146 The Chair of the Board (Roger Taylor) also relayed two specific issues on qualifications that were raised in a Board member (Lesley Davies)'s email:

146.1 Firstly, some Business and Technology Education Council qualifications (BTECs) required a certain level of work placement hours (e.g. childcare) or experience with customers (e.g. hair and beauty) which would not be deliverable. It was assumed that allowances would be made but it would be good to be able to reassure students.

146.2 Secondly, some apprenticeships were necessary for progression by the autumn – in particular higher-level apprenticeships that form part of a degree apprenticeship. If students did not complete their assessments on time, they could not start their degree.

17 March 2020: DfE-Ofqual Discussions on Date for Decision to Cancel Exams

- 147 I have seen an email chain from the morning of 17 March 2020 in which the Executive Director for General Qualifications (Julie Swan) and the Director of Standards and Comparability (Cath Jadhav) discuss various *"things to consider"* [IB/66 INQ000621652], including the potential impact on independent schools. It was noted that materials published by some centres did not include any suggestion that exams would not go ahead.

- 148 Further emails that day between the DfE and Ofqual, including Executive Director for General Qualifications (Julie Swan), Director of Standards and Comparability (Cath Jadhav) and DfE Deputy Director (Jacquie Spatcher) on 17 March 2020 [IB/63 INQ000621655] set out that the DfE sought clarity *"on the drop-dead date for deciding not to run the summer series in May/June (i.e. to stop papers going out) – and if that has already passed or is too imminent that we can realistically meet it, how much damage would be done by allowing the initial release of papers to go?"*
- 149 The correspondence notes that discussions had revealed that only AQA had papers due to be dispatched to schools the following Monday, with Pearson and OCR not due to send anything until late April. The position for WJEC was not clear. The question was posed as to *"how disastrous"* it would be if *"AQA's original dispatch needed to be pulped"* particularly given that the concern was predominately around A level papers.
- 150 In this correspondence, the DfE requested several key pieces of information regarding the proposed assessment alternatives. They sought more details about how modified teacher assessments would function and their associated risks. Additionally, they asked for feedback on the logistics of a potential 'mop-up' A-level exam series, specifically about the notice period needed, how long the series would take to administer, and the timeframe for issuing results. It noted that if students could progress to higher education with their assessed grades, demand for resits might be limited. The DfE also invited thoughts on whether an autumn exam series should offer a single paper per subject or replicate the complete summer series and requested any high-level insights about potential obstacles to running autumn exams that would be important to communicate to Ministers.
- 151 In terms of the context to this correspondence, I am aware from the email exchanges that there were discussions to establish the options available – and the applicable timeframes – to allow some students to get best evidence to award grades and secure progression. Usually, the autumn series takes place in November and is for resitting students to take English and Maths because of the importance of these qualifications for progression. The decision to close schools – and therefore remove the opportunity for assessments in schools – meant that the options available to Ofqual were limited.
- 152 During the email conversation referenced at paragraph 148, the Director of Standards and Comparability (Cath Jadhav) sent a document titled 'Moderated teacher estimates' [IB/63 INQ000621655] [IB/64 INQ000621656], which was being discussed as part of Ofqual's detailed planning for potential Centre Assessed Grades (**CAGs**).

The Decision to Cancel Exams on 18 March 2020

153 On the morning of 18 March 2020 (at 10:43 hours), the Chief Regulator (Sally Collier) circulated some feedback from two Ofqual Board members, namely me (Schools) and Board member (Lesley Davies) (College), for internal reference [IB/67 INQ000621660]. As a school leader and Ofqual Board member, I had provided this feedback to the Chief Regulator (Sally Collier) regarding the challenges with the upcoming examination series:

153.1 Both Board member (Lesley Davies) and I felt that running exams was becoming increasingly untenable due to staff absences and a lack of invigilation: *"we all realise we can't run the exams"*.

153.2 Board member (Lesley Davies) noted that running an exam series in her college required large staff numbers for GCSEs, A-Levels and BTEC assessment.

153.3 If exams did go ahead, there existed a growing differential between student groups and regions regarding teaching, learning and revision opportunities up to the exams.

153.4 Recruiting and training large numbers of new invigilators did not seem feasible in the current climate.

153.5 Special Educational Needs and Disability (**SEND**) students may be impacted by lack of trained scribes, readers, and access to rooms would bite and many students may be denied the opportunity to take exams.

153.6 I was *"very worried"* about unequal treatment between students taking all, some, or no exams – there was a growing number who would take none. *"In no way can we claim that those grades mean the same thing for each group and we are potentially harshest on the brightest students who may well be more inclined to attend and whose performance may be poorer due to stress/anxiety etc"*.

153.7 We both thought that predicted moderated grades would be fairer.

153.8 I suggested possibly running full cohort Maths and English exams in autumn as well as *"mop-up"*.

- 153.9 We both considered that reliance on the predicted moderated grade for progression would place undue weight on Ofqual and emphasised the need for progression pathways to be established before the grade and formal certification.
- 154 The summary acknowledges that we were both of the opinion that heavy reliance on moderated predicted grades for progression purposes would place undue weight on those grades and we both recommended developing alternative progression mechanisms in advance, with the moderated grades and certificates following later for "*life use*." A summary of this discussion is at [IB/68 INQ000621659].
- 155 Ofqual held two further 'summer series incident meetings' on 18 March 2020 (from 12:00 hours to 12:30 hours [IB/69 INQ000621808] and from 14:00 hours to 14:45 hours [IB/70 INQ000622767]). At the 12:00 hours meeting, which was internal to Ofqual, it was noted that:
- 155.1 The DfE was working on a ministerial submission on summer series exam options. The Chief Regulator (Sally Collier) had spoken with the DfE, and it looked as if the exam series going ahead was no longer "*tenable*". The DfE wanted Ofqual to discuss the possibility of an autumn exam series with exam boards, which were currently continuing their work on arrangements for carrying out assessments safely.
- 155.2 Work had been undertaken in respect of "*estimated grades*" – it was noted that the terminology should be considered. Ofqual needed to reflect on how "*directive*" it should be to AOs.
- 156 At the second meeting at 14:00 hours, the DfE confirmed that there would be an announcement at 17:00 hours that day regarding school closures, noting that some schools would remain open for the children of key workers.
- 156.1 There was no indication as to how long schools would close, but it was "*no longer tenable*" for the exam series to take place as scheduled.
- 156.2 The option was to move to estimated grades and run a "*slimmed down series*" in the autumn term for those who were unhappy with the grades they had been awarded – it was expected that there would be a low number of learners doing this. It would need to be examined how feasible it was to run an autumn series. A September series was "*highly unlikely*".

156.3 Ofqual would look to exam boards to collect the data and run calculations to reach a moderated assessed grade.

156.4 Exam boards shared their views on what had been discussed.

157 Later, on 18 March 2020, the Government announced schools would be closing, exams and assessments would be cancelled and that students would be given calculated grades to support progression. Whilst Ofqual had attended the meetings at which the above was discussed it was not informed at the meeting that there would be a statement made by government later that day, nor was Ofqual consulted after the meeting about the Government announcement on the 18 March.

Scotland, Wales and Northern Ireland

158 On 18 March 2020, the Communications and Media Manager at Scottish Qualifications Authority (SQA) (Russell Paton) sent an email to the Ofqual Senior Manager in Strategic Communications [Name Redacted] containing a joint statement from the Scottish Government and SQA [IB/71 INQ000621661]. The statement revealed the aim to keep schools open but increase transparency around contingency planning and steps for centres to take.

159 Later that day, the Chief Executive of QW (Philip Blaker) sent an email to the Chief Regulator (Sally Collier) and the Chief Executive of CCEA (Justin Edwards) containing the Welsh Government's "imminent" statement. It revealed the Welsh Government's intention to "not...proceed with the summer exam series", with learners to be awarded "a fair grade to recognise their work, drawing on the range of information that is available" [IB/72 INQ000621662].

Further Emails on 18 March 2020

160 On 18 March 2020, the DfE's Deputy Director (Jacquie Spatcher) circulated the Welsh statement [IB/73 INQ000350745]. The email [IB/74 INQ000621665] stated:

"Further to our conversation earlier, you will no doubt be aware that the Secretary of State has now made a statement to the House to say that exams are not going ahead this summer. His actual statement turned out much broader brush than we were expecting, but in questions he has effectively confirmed that we will be using teacher assessment (though it has to be said, with less clarity than the Welsh announcement which has happened in parallel – see attached). I'm afraid there is some lack of clarity at our end about whether No 10 is fully signed up to the teacher assessment approach

so – notwithstanding what the SoS has said – I need to ask you to hold fire on confirming that for now and if approached (which I'm sure you will be) just refer people to the SoS's statement and say that more detail will follow asap. I will do my very best to get clarity quickly."

19 March 2020

161 Ofqual held a further 'summer series incident meeting' on 19 March 2020 (at 12:30 hours to 13:00 hours) [IB/75 INQ000621822]. It was noted that:

161.1 The DfE still did not want Ofqual to issue a statement following the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s announcement on 18 March 2020.

161.2 The Chief Regulator (Sally Collier) thought that the plan would be to use "estimated grades" with "wash up" in the autumn. It was noted that Ofqual should be careful when talking about Plan A and Option A as these were different things.

162 The DfE, Ofqual and the exam boards held a virtual meeting on 19 March 2020 (from 13:00 hours to 14:00 hours) [IB/76 INQ000621683]. At this meeting:

162.1 The DfE provided an update on the latest position. DfE Deputy Director (Jacquie Spatcher) reported that the statement by the Secretary of State for Education (Rt Hon Gavin Williamson MP) on 18 March 2020 had been higher level than intended and that conversations with No. 10 were ongoing. It was thought that No. 10 was not on board with the idea of teacher assessments but given the decision had been made to cancel exams they were not left with much choice. It was also recognised that the DfE/Secretary of State for Education (Rt Hon Gavin Williamson MP) needed to say something more coherent and detailed than the previous statement on 18 March 2020.

162.2 It was noted that Ofqual had been asked to present a technical briefing for the media on 20 March 2020, although the content would be provisional as Ofqual would need to consult first.

162.3 The Chief Regulator (Sally Collier) did not think that UCAS or ministers supported using predicted grades and instead wanted to use standardised teacher assessment for progression.

- 163 It was also raised that there could be disadvantage for those from lower socio-economic groups if they did not get teaching time and went straight into exams when the new school year began.
- 164 On 19 March 2020, Ofqual was asked by email from DfE Deputy Director (Jacquie Spatcher) to comment on a "*rough first draft*" of the DfE's follow-up statement on exams, including the promise of further guidance to be delivered by 20 March 2020 [IB/77 INQ000621668]. The DfE's draft statement outlined their plan to cancel all summer exams in England whilst ensuring students received grades based on teacher estimates, moderated using statistical evidence, and incorporating completed NEAs. The statement emphasised that students would be awarded grades to enable them to move on to the next stage of their lives, including university, college, sixth form or apprenticeships. It also mentioned potential opportunities for students to sit exams later, including already-scheduled November sessions for English language and maths GCSEs, possible parallel exams for subjects with significant demand, and the option to sit exams next summer. For VTQs, it referenced that Ofqual was exploring options with AOs [IB/78 INQ000621667].
- 165 Comments were provided by Ofqual which recommended separating progression decisions from actual grade issuance, using "*standardised teacher assessment grade[s]*" (**STAGs**), noting this would reduce pressure on the grades and address concerns for home-schooled/international students who may not fit the STAG model. Ofqual indicated we were already receiving enquiries about accommodating home-schooled students [IB/79 INQ000621670]. Ofqual also provided comments on preferring to refer to teacher judgements and not teacher estimates, removing references to effort, suggesting clearer timelines for grade issuance, recommending the inclusion of NEA, expressing concerns about the appeals process, and questioning the implications for students dissatisfied with their results [IB/80 INQ000621675]. Although subsequently Ofqual reiterated concerns regarding the promise of an appeals process, the statement confirmed students could appeal if they believed the process was misapplied and would have opportunities to sit exams early in the next academic year if desired. It also acknowledged the complexities in relation to VTQs and promised further guidance on that issue [IB/81 INQ000621679].
- 166 Discussions on the process of moderated teacher assessments continued between the DfE and Ofqual, with consideration of the need for an impact assessment for potential disadvantaged groups, including socio-economically disadvantaged students [IB/82 INQ000621671]. The question of whether such grades would be used for

progression was also considered, as further clarification from the Secretary of State was awaited [IB/83 INQ000621672].

- 167 I have reviewed correspondence from the Executive Director for General Qualifications (Julie Swan) advising the DfE against a September exam series [IB/84 INQ000621673]. She identified it as extremely risky and potentially undeliverable, citing concerns about public scrutiny, negative impacts on disadvantaged students, school disruption, assessment complications, and delayed results that would arrive too late for 2020/21 academic year decisions.
- 168 There was also further correspondence internally at this time regarding implications and challenges for VTQs, presenting qualification and student number analysis and emphasising the need for a Ministerial Direction that covered VTQ scenarios. Key challenges flagged to SMG from the Executive Director for VTQ (Phil Beach) included distinguishing between year groups, assessment reliability concerns, occupational competence verification issues, and potential resource/fairness problems if assessments were postponed.

Ofqual's Announcement on 20 March 2020

- 169 Ofqual held a further 'summer series incident meeting' on 20 March 2020 (from 10:30 hours to 11:00 hours) [IB/85 INQ000621823]. It was noted that:
- 169.1 A statement from the Secretary of State for Education (Rt Hon Gavin Williamson MP) was expected that day, around 13:00. Ofqual expected it to say that grades would be issued in August, using a process involving *"teacher assessment"*. There would be an appeals process and two options for students retaking (autumn 2020 or summer 2021). Ofqual planned to speak to teaching unions and the Board later in the day.
- 169.2 The statement arrived for Ofqual comment during the meeting [IB/86 INQ000621685] and Ofqual were asked to provide comments within *"20 minutes."* The statement was discussed at the meeting. Ofqual raised concerns that the statement contained language which suggested that *"Ofqual setting the process completely predetermines the position."*

170 On 20 March 2020, Ofqual published a statement stating the following –

"The exam regulator, Ofqual, and exam boards will work with teachers to provide grades to students whose exams have been cancelled this summer, following our actions to slow the spread of coronavirus.

University representatives have confirmed that they expect universities to be flexible and do all they can to support students and ensure they can progress to higher education.

This year's summer exam series, including A levels, GCSEs and other qualifications, and all primary assessments, have been cancelled as we fight to stop the spread of coronavirus.

The Government's priority is now to ensure affected students can move on as planned to the next stage of their lives, including going into employment, starting university, college or sixth form courses, or an apprenticeship in the autumn.

This means ensuring GCSE, A and AS level students are awarded a grade which fairly reflects the work that they have put in. There will also be an option to sit an exam early in the next academic year for students who wish to. Ofqual will develop and set out a process that will provide a calculated grade to each student which reflects their performance as fairly as possible, and will work with the exam boards to ensure this is consistently applied for all students. The exam boards will be asking teachers, who know their students well, to submit their judgement about the grade that they believe the student would have received if exams had gone ahead.

To produce this, teachers will take into account a range of evidence and data including performance on mock exams and non-exam assessment – clear guidance on how to do this fairly and robustly will be provided to schools and colleges. The exam boards will then combine this information with other relevant data, including prior attainment, and use this information to produce a calculated grade for each student, which will be a best assessment of the work they have put in.

Ofqual and exam boards will be discussing with teachers' representatives before finalising an approach, to ensure that it is as fair as possible. More information will be provided as soon as possible.

The aim is to provide these calculated grades to students before the end of July. In terms of a permanent record, the grades will be indistinguishable from those provided

in other years. We will also aim to ensure that the distribution of grades follows a similar pattern to that in other years, so that this year's students do not face a systematic disadvantage as a consequence of these extraordinary circumstances.

Secretary of State for Education (Rt Hon Gavin Williamson MP) said:

"Cancelling exams is something no Education Secretary would ever want to do, however these are extraordinary times and this measure is a vital but unprecedented step in the country's efforts to stop the spread of coronavirus.

My priority now is to ensure no young person faces a barrier when it comes to moving onto the next stage of their lives – whether that's further or higher education, an apprenticeship or a job.

I have asked exam boards to work closely with the teachers who know their pupils best to ensure their hard work and dedication is rewarded and fairly recognised."

We recognise that some students may nevertheless feel disappointed that they haven't been able to sit their exams. If they do not believe the correct process has been followed in their case they will be able to appeal on that basis. In addition, if they do not feel their calculated grade reflects their performance, they will have the opportunity to sit an exam at the earliest reasonable opportunity, once schools are open again. Students will also have the option to sit their exams in summer 2021.

There is a very wide range of different vocational and technical qualifications as well as other academic qualifications for which students were expecting to sit exams this summer. These are offered by a large number of awarding organisations, and have differing assessment approaches – in many cases students will already have completed modules or non-exam assessment which could provide evidence to award a grade. We are encouraging these organisations to show the maximum possible flexibility and pragmatism to ensure students are not disadvantaged. Ofqual is working urgently with the sector to explore options and we will work with them to provide more details shortly."

171 Later that evening, Ofqual issued a short statement as follows:

"We welcome the certainty that the Secretary of State's decision not to hold exams this summer provides in these challenging circumstances. We will now work urgently with

the Department for Education to work through the detail of this decision and to provide more information as soon as possible."

THE DECISION TO DESIGN AND IMPLEMENT A CENTRE-ASSESSED GRADING AND STANDARDISATION SYSTEM

- 172 As set out above at paragraphs 148 to 152, on 17 March 2020, Ofqual shared a document called 'Moderated teacher estimates' with the DfE which explained the early thinking on centre assessed grading [IB/63 INQ000621655].
- 173 The document outlined a framework for using moderated teacher estimates as an alternative to exams. Teachers would provide estimated grades and/or student rankings, which AOs would statistically adjust based on prior attainment data and historical performance. Key concerns highlighted included potential grade inflation due to teacher optimism, challenges with small cohorts, potential unfairness to exceptional performers, limited appeal options, and various legal considerations regarding implementation authority and candidate choice. It was also noted that the system would also not accommodate private candidates or support school accountability measures [IB/63 INQ000621655] [IB/64 INQ000621656].
- 174 I can see from the email chain [IB/87 INQ000621658] that discussions regarding contingency planning for exams continued with the DfE on 18 March 2020. Ofqual noted that a decision would be needed by early the following week, as collecting estimated grades would require significant teacher effort. Ofqual emphasised in this exchange of emails that requesting estimated grades without clear communication would create "*anxiety and confusion*", possibly leading to schools that were already closing for lower year groups to close completely, and prompting students to think that their exam preparation was no longer necessary.

Development of Centre-Assessed Grading Approach

- 175 Ofqual received communication from the DfE that reported No. 10's agreement on exam arrangements on 20 March 2020 [IB/88 INQ000621682]. It confirmed that grades would be awarded to all GCSE and A Level students, combining teacher assessment with moderation, and that there would be an appeals process plus two further opportunities to sit exams (firstly once schools were up and running again, and secondly in the following academic year). Ofqual was asked for its input on a draft 'Written Ministerial Statement' which was based on the statement that Ofqual had previously provided input for (referenced at paragraphs 164 and 165 above) [IB/89 INQ000621687].

176 An emergency Board meeting was called on 20 March 2020 to discuss the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s decision to close schools, and cancel the summer examination series for GCSEs, AS and A levels. The Board agreed to the recommendation that Ofqual staff could take preliminary steps to explore with the exam boards, the DfE and other stakeholders how evidence in the system could be used to estimate grades for affected students. The Board was advised that an update on the position would be provided at the next Board meeting on the 25 March 2020 [IB/90 INQ000563213].

177 The Government issued a statement on the same day setting out the plans for how qualifications would be awarded:

"The Government's priority is now to ensure affected students can move on as planned to the next stage of their lives, including going into employment, starting university, college or sixth form courses, or an apprenticeship in the autumn.

This means ensuring GCSE, A and AS level students are awarded a grade which fairly reflects the work that they have put in. There will also be an option to sit an exam early in the next academic year for students who wish to. Ofqual will develop and set out a process that will provide a calculated grade to each student which reflects their performance as fairly as possible, and will work with the exam boards to ensure this is consistently applied for all students. The exam boards will be asking teachers, who know their students well, to submit their judgement about the grade that they believe the student would have received if exams had gone ahead.

To produce this, teachers will take into account a range of evidence and data including performance on mock exams and non-exam assessment – clear guidance on how to do this fairly and robustly will be provided to schools and colleges. The exam boards will then combine this information with other relevant data, including prior attainment, and use this information to produce a calculated grade for each student, which will be a best assessment of the work they have put in.

Ofqual and exam boards will be discussing with teachers' representatives before finalising an approach, to ensure that it is as fair as possible. More information will be provided as soon as possible."

178 Ofqual issued a statement in response:

"We welcome the further information and clarity the Department for Education has outlined today to award students a calculated grade for their GCSEs, AS and A levels this summer, and to provide an exam option for those that wish it as soon as is reasonably possible after schools reopen. We are working tirelessly to support students affected by these unprecedented and difficult circumstances and to develop, quickly, a fair and consistent process. We know that schools and colleges urgently need to know what they will need to do, and when. Work is already underway with exam boards and teachers' representatives to develop our proposals and we will provide more detail in the coming days."

Establishment of Advisory Groups and Governance Structure

179 On 21 March 2020, Ofqual established an External Advisory Group on Exam Grading (**EAG**) to support its role in the awarding of GCSE, AS and A level qualifications in summer 2020. The EAG's terms of reference are undated [IB/91 INQ000621737]. The EAG was to consist of up to five members from Ofqual's Standards Advisory Group (**SAG**) and up to seven other independent members. The independent members were appointed from statistical and assessment communities to bring expertise and/or sector representation. Ofqual was to nominate one SAG member as Chair of the EAG – Chair of the EAG and Board member (Mike Cresswell) - with representatives of the DfE invited to attend meetings, as observers, at the discretion of the Deputy Chief Regulator (Executive Director for Strategy, Risk and Research (Dr Michelle Meadows)). The SAG members all had relevant seniority and expertise, including an ex-chief executive of an exam board, directors from the University of Oxford's Department of Education, and the Research Director at Cambridge Assessment. The independent members consisted of representatives from schools, UCAS, Ofsted, HM Treasury and additional directors of education from both the University of Oxford and UCL. The expertise represented by the EAG brought together experts in schools and education broadly, and specifically educational research in assessment, assessment design, marking, and examination standards.

180 The role of the EAG was to:

- (a) consider technical matters relating to the award of grades in GCSE, AS and A level qualifications in 2020;

- (b) consider and provide advice to the Ofqual Board in relation to the approaches to awarding grades in GCSE, AS and A level qualifications in summer 2020, as proposed by the Deputy Chief Regulator;
- (c) consider these issues in the context of Ofqual's statutory objectives, and with regard to the government's policy intent as explained in the House of Commons on 19 March 2020, in a Written Ministerial Statement of 23 March 2020 and in the direction to Ofqual of 31 March 2020; and
- (d) to review other related technical issues at the request of the Chief Regulator (Sally Collier), Deputy Chief Regulator Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and/or Ofqual Board.

181 The EAG was set up to meet as required.

182 Meetings of the Technical Group would normally be attended by the Deputy Chief Regulator (Executive Director for Strategy, Risk and Research (Dr Michelle Meadows), the Director of Standards and Comparability (Cath Jadhav), the Director of Strategic Projects (Dr Ian Stockford) and relevant members of the Strategy, Risk and Research (**SRR**) Directorate. Other members of staff may be asked to attend meetings as appropriate and other individuals would be invited to attend meetings, for example to hear a particular stakeholder or expert's point of view on a matter. The Ofqual board was confident that it had access to sufficient expertise to arrive at a robust analysis process. Not only were EAG members involved, but expertise was also drawn from all the exam boards.

183 On 22 March, Ofqual held a meeting with VTQ AOs to develop a model to categorise qualifications based on their purpose. For example, exams requiring estimation (such as Applied Generals which are used for progression in similar ways to GQs) or those where estimation would be inappropriate (such as license to practice qualifications). The email noted that AOs had similar thinking about qualification groupings but expressed concern about the systemic impacts that certain approaches might have, particularly on 17-year-old students who are midway through two-year programs. It was indicated that Ofqual would need specific Ministerial direction but would not be able to advise the DfE on a suggested strategy within 48 hours. It was suggested that a VTQ-specific direction should follow the GQ direction later that week. Further discussion was proposed at an upcoming Board session, but it was noted that AOs

were positive about the engagement and seeking a consistent framework [IB/92 INQ000621688] [IB/93 INQ000621689].

184 On 23 March 2020, the Government announced that people should stay at home.

185 On the same day, the Secretary of State for Education (Rt Hon Gavin Williamson MP) provided a final version of the Ministerial Written Statement to Parliament. This explained that students would receive an evidence-based calculated grade that reflected their ability:

"As I announced to the House on 18 March, in light of the unprecedented public health emergency the Government has taken the difficult decision to cancel all exams due to take place in schools and colleges in England this summer. We recognise that students have been working hard towards these exams, and this is not a decision we have taken lightly.

Our priority is to ensure that students can move on as planned to the next stage of their lives, including starting university, college or sixth form, or an apprenticeship or a job in the autumn. For GCSE, A and AS level students we will also make sure they are awarded a grade which reflects their work. Our intention is that a grade will be awarded this summer, based on the best available evidence, including any non-exam assessment that students have already completed. There will also be an option, for students who do not feel this grade reflects their performance, to sit an exam at the earliest reasonable opportunity once schools are open again.

Ofqual will develop and set out a process that will provide a calculated grade to each student which reflects their performance as fairly as possible, and will work with the exam boards to ensure this is consistently applied for all students. The exam boards will be asking teachers, who know their students well, to submit their judgement about the grade that they believe the student would have received if exams had gone ahead. To produce this, teachers will take into account a range of evidence and data including performance on mock exams and non-exam assessment – clear guidance on how to do this fairly and robustly this will be provided to schools and colleges. The exam boards will then combine this information with other relevant data, including prior attainment, and use this information to produce a calculated grade for each student, which will be a best assessment of the work they have put in. Ofqual and exam boards will be discussing with teachers' representatives before finalising an approach, to

ensure that it is as fair as possible. More information will be provided as soon as possible.

The aim is to provide these calculated grades to students before the end of July. In terms of a permanent record, the grades will be indistinguishable from those provided in other years. We will also aim to ensure that the distribution of grades follows a similar pattern to that in other years, so that this year's students do not face a systematic disadvantage as a consequence of these extraordinary circumstances. Furthermore, university representatives have confirmed that they expect universities to be flexible and do all they can to support students and ensure they can progress to higher education.

We recognise that some students may nevertheless feel disappointed that they haven't been able to sit their exams. If they do not believe the correct process has been followed in their case, they will be able to appeal on that basis. In addition, if they do not feel their calculated grade reflects their performance, they will have the opportunity to sit an exam at the earliest reasonable opportunity once schools are open again. Students will also have the option to sit their exams in summer 2021.

There is a very wide range of different vocational and technical qualifications as well as other academic qualifications for which students were expecting to sit exams this summer. These are offered by a large number of awarding organisations and have differing assessment approaches – in many cases students will already have completed modules or non-exam assessment which could provide evidence to award a grade. We are encouraging these organisations to show the maximum possible flexibility and pragmatism to ensure students are not disadvantaged. Ofqual is working urgently with the sector to explore options, and we will work with them to provide more details shortly.

The Government will not publish any school or college level educational performance data based on tests, assessments or exams for 2020."

Ofqual Board Deliberations on Grading Approach

- 186 Ofqual continued to consider the practical implementation of the awarding of calculated grades for GQ and VTQs. On 23 and 24 March 2020 Ofqual held further 'summer series incident meetings' to develop implementation plans for calculated grades. For GQs, teacher guidance was being prepared, with positive feedback received; for

VTQs, a varied approach was necessary due to qualification diversity, with particular challenges noted for FSQs [IB/94 INQ000621824] and [IB/95 INQ000621825].

- 187 On 24 March 2020, an advice note on contingency planning for VTQs was sent by DfE officials to the relevant Minister which reflected the work that was ongoing, particularly with Ofqual [IB/96 INQ000514570]. It set out how to manage assessments for approximately 13,700 VTQs affecting 3.5 million enrolments following school closures and exam cancellations. Three approaches were being considered: rescheduling assessments, estimating grades, or adapting assessment methods. The document noted that decisions would vary by qualification type, with estimation favoured where possible for school/college qualifications to avoid disadvantaging VTQ students compared to GCSE, AS and A level students.
- 188 Ofqual held a further 'summer series incident meeting' on 25 March 2020, which addressed the development and consultation process for draft guidance for the summer examination process. The Chief Regulator (Sally Collier) delegated sign-off authority to the Director of Policy and Strategic Relationships for General Qualifications (Richard Garrett), responsibility for guidance was assigned, and plans were established for stakeholder consultation, communications, and timeline coordination between general and vocational qualifications [IB/97 INQ000621713].
- 189 On 25 March 2020, a full Board Meeting took place [IB/98 INQ000622301]. A copy of a slide deck presented at this meeting concerning GCSEs, AS and A levels is at [IB/99 INQ000621712].
- 190 The Ofqual Board reviewed proposals for calculated grades based on teacher judgements and rank ordering of students, noting that written guidance would be provided to teachers. Key concerns were noted regarding the prohibition of tied rankings, challenges for private candidates, and confidentiality of assessment grades. The Board questioned why exam boards rather than a central team would manage the process and explored the complexity of the statistical model to be developed by a technical advisory group. After discussing options for autumn exams, the Board approved the centre assessment grades approach while delegating consultation authority to the Chief Regulator (Sally Collier) in consultation with the Chair of the Board (Roger Taylor).

- 191 The Board was also presented with a paper on the VTQ approach to summer series disruption [IB/100 INQ000621710] which recommended a three-tiered approach for qualifications within scope of an anticipated Ministerial Direction:
- (a) For qualifications primarily used for progression to further or higher education, results should be estimated;
 - (b) For qualifications certifying occupational competency, estimation was inappropriate so assessment methods should be adapted;
 - (c) For qualifications with mixed purposes, estimation was to be used as the starting point with possible exceptions.
- 192 The paper recommended these measures apply to all learners regardless of age or setting. It acknowledged the complexity of implementing estimation for VTQs compared to GCSEs, AS and A levels, and recognised that complete consistency with previous cohorts may not be possible. FSQs were highlighted as particularly challenging for estimation due to limited evidence.
- 193 The Board was asked to advise on qualification scope, estimation approaches, and rights of review for learners receiving estimated results.
- 194 The Board minutes reflect that initially Ofqual had considered rescheduling assessments, but given the pandemic's scale, this was no longer feasible for many qualifications, affecting over 800,000 learners. The guiding principle agreed upon with stakeholders (teacher unions, the Association of Colleges (**AOC**), the Association of Employment and Learning Providers (**AELP**), the Federation of Awarding Bodies (**FAB**), and other regulators) was to ensure VTQ students received qualifications that fairly reflected their work without disadvantaging them compared to General Qualification students.
- 195 The Board deliberated on several critical issues including determining which qualifications should implement extraordinary measures such as estimation, examining the broader systemic consequences of postponing assessments to autumn, recognising that AOs had varying abilities to estimate or adapt assessments, and acknowledging the DfE and sector's preference for estimation or adaptation rather than delays, with exceptions made for qualifications centred on occupational competency or involving safety risks. Regarding FSQs, there was no consensus among sector stakeholders, though Ofqual tentatively supported adapting assessments rather than

estimating grades. Ultimately, the Board endorsed the principles for VTQs while awaiting further direction from the Secretary of State and decided to form a dedicated committee to continue this work.

Further Development after the 25 March 2020 Board meeting

196 With regard to the position for GQs, following the Board meeting above, there was a period of AO and sector stakeholder engagement, and work continued, in conjunction with the DfE, on draft guidance and instructions for schools and colleges to think about when generating the 'teacher assessment grades', as they were referred to at that time [IB/101 INQ000621716], [IB/102 INQ000621718]. It was proposed that there would be a limited consultation on the guidance for the teacher assessed grades (**TAGS**), taking place with a small number of consultees representing teachers, head teachers and schools and colleges throughout the system, taking into account stakeholder feedback [IB/103 INQ000621714].

197 An email from Ofqual Senior Officer Standards Name Redacted confirmed the decisions and actions that had been agreed from a Contingency planning meeting held on 25 March 2020 with AOs [IB/104 INQ000621720]. This email indicates coordination between Ofqual and exam boards, with Ministers sighted and consulted on key decisions. The initial email is followed by a table outlining the agreed data collection process with five main sections [IB/104 INQ000621720] [IB/105 INQ000621721]:

- (a) Data requirements: Teachers would provide subject-level grades (not component grades) and rank students within each grade band. NEA marks would not be collected though teachers should consider completed NEA work. Science practical and English endorsement data would be collected.
- (b) Eligible students: For GCSEs, Year 11 and above (not Year 10); for A-levels, Year 13 and others needing results for progression.
- (c) Timeline: Exam boards were developing collection systems with JCQ drafting timelines.
- (d) Systems development: Boards were assessing what would be needed to collect the data, particularly rank ordering.
- (e) Centre guidance: Instructions were being drafted, including requirements for a Head of Centre declaration confirming grades were prepared in line with Ofqual's guidance and might be adjusted if inconsistent with historical data.

Public Statements and Stakeholder Communications

198 On 25 March 2020 Ofqual issued a statement regarding VTQs:

"We recognise learners on vocational and technical courses urgently need reassurance about how their qualifications will be assessed and awarded in the coming weeks and months. We are working as quickly as possible to develop an approach which enables learners to get the qualifications they deserve and that they need to progress.

For the wide range of vocational and technical qualifications (VTQs) used for progression and taken in schools, colleges and training providers, we are considering how similar arrangements to those set out for GCSEs, AS and A levels could be applied. Some form of teacher calculated grade, or other form of estimation based on assessment that has already taken place, will be possible in many cases. For other qualifications, it might be more appropriate to adapt the assessment or delivery arrangements so that everyone can have confidence in the outcome. And for some qualifications that signify occupational competence or award a licence to practise in safety-critical industries, assessment might need to be delayed in order to ensure public safety and meet the needs of employers.

There are many different types of qualification, awarding organisations, learner groups and assessment approaches, so the landscape is complex and it is clear that one size will not fit all circumstances.

We are working urgently with the Department for Education, awarding organisations, other regulators and the wider sector to develop and publish a clear approach for the different categories of VTQs in the coming days."

199 On 26 March 2020 Ofqual issued a statement regarding GQs:

"We are rapidly working up plans to implement the arrangements the Secretary of State for Education has set out for exams this summer and, with exam boards and teaching bodies, are making considerable progress.

Students understandably want reassurance, and teachers urgently need to know what to do, and when. We expect to publish detailed information about the process and timetable which will apply this summer next week. This will include the steps we would like teachers to follow and more detailed guidance on how to consider the full range of evidence they will have available when submitting their assessment grades. We are

talking to teaching representatives to make sure that what we are planning is manageable and appropriate, so that students, parents, carers and teachers can have confidence in the approach.

We will outline by Easter the process we will follow to make sure grades are fair across schools and colleges, as well as our proposals for appeals. We will also say more as soon as possible about the arrangements for additional exams in the new academic year.

We want to reassure students waiting for news that we are doing everything we can to make sure they are not disadvantaged by these unprecedented circumstances."

- 200 Ofqual held a further 'summer series incident meeting' on 26 March 2020 (from 09:00 hours to 09:30 hours) [IB/106 INQ000621826] at which Chief Regulator (Sally Collier) updated the meeting about her call with the DfE Policy Adviser to the Secretary of State (Jo Saxton), who had raised concerns about complex processes and terminology, with a preference for "centre assessment" rather than teacher assessment to take pressure off individual teachers. Discussions at the meeting addressed process options, resource needs, results timing, and coordination of communications between organisations.
- 201 On 26 March 2020, I understand that Ofqual and the DfE attended a call to brief Minister for School Standards (Nick Gibb MP). I have not seen any notes of the meeting and I understand that Ofqual have been unable to find any or a readout of the meeting, but there is a proposed agenda that was circulated on 25 March 2020 [IB/107 INQ000621719].
- 202 The agenda covered two main topics:
- (a) Awarding calculated grades, with Ofqual providing an update on process development and guidance timeline, and a discussion of key challenges: private candidates, grade expectations, potential bias, and early-entry candidates; and
 - (b) Autumn exam series, including timing considerations regarding HE entry, delivery feasibility and equity issues, a preliminary recommendation to expand the November series and flagging up that decisions were needed on the scope of the autumn offerings (such as which qualifications to include).

Development of Centre Assessment Grade Guidance

- 203 On 26 March 2020, the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 came into force which meant that people could only leave their homes for specific purposes. The draft guidance for schools, on what were now referred to as CAGs was circulated to the DfE for input between 24 and 27 March 2020 [IB/108 INQ000621723].
- 204 A draft Ministerial Direction on GQ was circulated for comment on 27 March 2020 and on 29 March 2020. The Direction sought to instruct Ofqual to implement calculated grades based on teacher judgements, standardised across centres, with an appeals process focused on whether procedures were followed correctly rather than questioning teachers' professional judgement. The draft contained comments and proposed amendments by DfE Special Advisers, including suggestions on the timing of results, the wording on maintaining standards, the appeals process, and the scope of the autumn exam series. DfE officials also provided comments, identifying areas where Ofqual would "*likely want them to push back*" [IB/109 INQ000621724]. DfE officials challenged the specific commitments about issuing results by the end of July, proposed softened language about marking arrangements for autumn exams, and wanted to keep wording open regarding the scope of autumn exams [IB/110 INQ000621725].
- 205 Ofqual also continued working on communications with stakeholders, with proposed guidance for students, parents and teachers, a letter to schools and colleges, a direct message to students and a public statement, circulated internally for comment on 30 March 2020, and to a wider group for comment, including me, on 31 March 2020 [IB/111 INQ000621731]. Board members provided feedback, particularly about student/parent guidance. There were other comments regarding consistency, transparency, public confidence, social equity concerns and fairness [IB/112 INQ000621736]. The letter to schools and colleges was subsequently decided against, and an infographic was circulated at a later date (01 April 2020) [IB/113 INQ000621746]. DfE also provided input and sign off, and the final versions were published on 03 April 2020. [IB/114 INQ000621749] [IB/115 INQ000621750] [IB/116 INQ000621751] [IB/117 INQ000621752].
- 206 On 31 March 2020 the Secretary of State for Education (Rt Hon Gavin Williamson MP) issued the finalised direction to Ofqual under Section 129(6) of ACSLA, in relation to the Government's policy for the summer exam series for GCSEs, AS and A levels in

England [IB/118 INQ000563212]. The direction set out that it was the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s policy that GCSEs, AS and A levels could not proceed as planned, that he had considered whether exams could be postponed but this would risk prolonging the disruption experienced by students into the next academic year, having significant repercussions for schools, further/higher education providers and employers. The direction further set out that:

- (a) government policy was that the students should be issued with calculated results based on their exam centres' judgements of their ability in the relevant subjects. This should take NEA into account. It was directed that Ofqual should mandate the method of calculating the final grades;
- (b) the approach asked that Ofqual ensure as far as possible that the standard of qualifications was maintained from previous years and that grade distribution follow a similar profile to previous years;
- (c) Ofqual was asked to develop an appeals process, focusing on whether the process used the right data and was correctly applied, rather than seeking to overturn teachers' judgements.
- (d) students who did not feel that their calculated grade reflected their ability should be given the opportunity to sit exams as soon as possible in the autumn term.

207 Ofqual was therefore asked to make appropriate changes to its regulatory framework and work with exam boards, teachers and other professionals to give effect to the policy positions outlined above as set out in the direction.

208 An Emergency Board meeting took place on 01 April 2020 to discuss the above direction. Specifically, the Board were asked to consider an amended paper that sought the Board's discussion and decisions around not just the GQ direction, but a draft VTQ direction that, although not signed and served on the Chief Regulator (Sally Collier), had been agreed by Ministers [IB/119 INQ000621740]. Under ASCLA, a direction from the Secretary of State of Education (Rt Hon Gavin Williamson MP) is not binding on Ofqual, but it must have regard to it. The Board was invited to consider what weight it wished to give to the directions in the current crisis (assuming the VTQ direction was issued in line with the draft version). The Board determined that Ofqual

should give significant weight to the directions and act in accordance with them. The Board minutes record that it was:

- "i. Considered and agreed that Ofqual should give sufficient weight to government policy as directed and set out by the Secretary of State in the GQ Direction, and act in accordance with that GQ Direction.*
- ii. Noted that the GQ direction would be published, and agreed that a response from the Chief Regulator should also be published, delegating the words of the response to the Chief Regulator in consultation with the Chair.*
- iii. Considered and agreed that Ofqual should give sufficient weight to government policy as directed and set out by the Secretary of State in the VTQ Direction, and act in accordance with that VTQ Direction.*
- iv. Agreed that Ofqual should consult on the steps that needed to be taken to bring about the government policy detailed in the VTQ Direction, and that the following be delegated to the Chief Regulator in consultation with the Chair in that regard:-*
 - (i) decisions as to how Ofqual would consult and with whom,*
 - (ii) the duration and wording of any consultation.*
- v. Agreed that Ofqual should provide the Secretary of State with advice setting out views as to which qualifications fall within each category set out in the VTQ Direction in order for the Secretary of State to determine a list of qualifications which would be subject to Ofqual's extraordinary regulatory framework, and that the content of that advice be delegated to the Chief Regulator in consultation with the Chair.*
- vii. Noted that the VTQ Direction would be published, and agreed that the Chief Regulator should reply to the Secretary of State with the Board's position in respect of the VTQ Direction, agreed that the reply should also be published and that the words of that reply are delegated to the Chief Regulator in consultation with the Chair."*

209 In respect of ongoing communications between Ofqual and DfE, an email from DfE's Deputy Director (Jacquie Spatcher) to the DfE Permanent Secretary (Jonathan Slater) confirmed an agenda for a call with the Minister for School Standards (Nick Gibb MP)

on 01 April 2020 at 16:00 hours attended by Ofqual (Chief Regulator (Sally Collier), Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and Executive Director for General Qualifications (Julie Swan). I have not seen any confirming outcomes or notes from this meeting, and I am informed that Ofqual does not have any notes or readouts. The proposed agenda was as follows [IB/120 INQ000621741]:

- (a) *"Update on publication of guidance on centre assessment grades – including latest on private candidates*
- (b) *Update on thinking about how to deal with schools on an upwards trajectory/the standardisation process more broadly*
- (c) *Update on advice on timing of autumn series*
- (d) *Initial thoughts on scope of autumn series".*

Technical Aspects - VTQs

- 210 On 02 April 2020, the VTQ Summer Advisory group, which included Ofqual Board members and external experts, was provided with two papers to consider ahead of the meeting on the following day.
- 211 The first paper [IB/121 INQ000621759] was on the scope of the draft Ministerial Direction and estimation methods. The paper anticipated that Ofqual would establish an extraordinary regulatory framework (**ERF**) for progression-focused qualifications using a three-part estimation process (teacher/AO estimation, quality assurance, and cohort-level checks). This would be based on a five-tier evidence hierarchy, with adaptations to assessment methods where necessary, while addressing challenges through engagement with a VTQ Covid Oversight Board. The paper highlighted the need to monitor impacts closely to mitigate disadvantages. In summary, the VTQ Summer Advisory group was asked for advice on:
- (a) Whether it was right in principle that AOs should use extraordinary measures to secure qualification results where possible, even if not all learners could benefit from those measures;
 - (b) How to reduce the risk of disadvantaging learners with protected characteristics;

- (c) Determining which qualifications should be within scope (considering issues including funding status, entry levels, employment entry vs. continuing, distinctions between occupational and cross-vocational qualifications, performing arts);
- (d) Whether to encourage AOs to prioritise results for learners taking level 7 to 8 qualifications (which fell outside the draft direction);
- (e) Approaches to estimation methods for VTQs;
- (f) Appeals processes, particularly for teacher assessments; and
- (g) Requirements and feasibility of autumn "*mop-up*" assessments.

212 The second paper [IB/122 INQ000621760] discussed Ofqual's approach to FSQs noting the dilemma between whether to retain the adapt/delay approach (which maintains standards but risking progression for 249,518 largely disadvantaged learners) or to encourage estimation (despite concerns about evidence quality). The paper references adaptation challenges such as technology access and social inequalities, and estimation challenges, such as pass/fail limitations, delivery model variations, limited evidence due to the short course length for some students and a lack of strong statistical adjustment mechanisms. In summary, the VTQ Summer Advisory group was asked to advise on:

- (a) Their views on different impacts of estimate, adapt and delay options for FSQs;
- (b) The extent to which a common approach between AOs should be taken;
- (c) The extent to which a common approach between centre types and cohorts should be taken;
- (d) Whether to explore combined approaches (both estimation and adaptation within a single AO);
- (e) Additional concerns about the proposed estimation approach;
- (f) Whether estimation of FSQs should be explored; and
- (g) Whether estimations should only be permitted in settings where AOs had confidence in teacher estimates, and determining the appropriate confidence threshold.

'Principles of grading GCSE, AS and A level Qualifications in 2020' Paper

- 213 On 02 April 2020, the Ofqual EAG met to discuss a paper titled 'Principles of grading GCSE, AS and A level Qualifications in 2020' [IB/123 INQ000621733] which had been prepared by Ofqual covering some overarching principles and approaches to standardisation [IB/124 INQ000621732].
- 214 As the paper set out, its purpose was to establish the most appropriate method of awarding the grades for summer 2020. The EAG draft note of the teleconference [IB/125 INQ000622049] sets out at the start of the item that since the paper was written the Secretary of State for Education (Rt Hon Gavin Williamson MP) had issued a direction to Ofqual, and the basis of that direction was noted. A number of issues were discussed at the first meeting of the group.
- 215 The aims, recognising that there would be limitations of any method used to award qualifications in this context, were [IB/123 INQ000621733]:
- "i. to provide candidates with the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020;*
 - ii. to protect, so far as is possible, identifiable groups of candidates so that they are not systematically advantaged or disadvantaged through the process;*
 - iii. to enable the maximum possible number of candidates to receive grades based on a common approach, within and across subjects;*
 - iv. for the method to be transparent and easy to explain, wherever possible;*
 - v. to be deliverable by exam boards in a consistent way that they quality assure and can be overseen effectively by Ofqual."*
- 216 It was anticipated that public confidence in the grades resulting from any such process would be lower than in typical years. In designing the model, a balance was to be sought between competing considerations (for example, accuracy, which could lead to a complicated approach, as against how easy it was for stakeholders to understand how the grades had been arrived at). It was recognised that particular care was needed around the risk of overestimation and/or overinterpretation of any models, particularly with more sophisticated solutions, but it was assumed that this risk would be managed via communication and engagement strategies, rather than through adaption of the method used or through the approach to reporting grades.

- 217 The paper recognised that the first of the aims, to deliver the grades candidates would have otherwise achieved, would be the most challenging to deliver and it seemed reasonable to assume that grades would be less reliable in summer 2020. It was considered inevitable that, whatever method was applied, some students would be awarded a grade that was higher or lower than that which they would otherwise have achieved.
- 218 With the risk of under-awarding to students heightened, and in a context where they had not had the opportunity to complete their assessments, the risk of unfairness appeared significant. This combination of factors might have suggested it appropriate to award outcomes that summer that were higher than might be expected in order to protect the interests of that cohort, while accepting that many other candidates would be over-rewarded. There were noted to be drivers in the opposite direction. Any overall generosity built into the results to protect those who would otherwise have been disadvantaged would have led to an inflation of outcomes for 2020. For students who positively benefited from both the increased unreliability of the process and lenient overall award, the effect might have been particularly significant presenting risks to:
- (a) the credibility of the grades issued that summer;
 - (b) the inferences that could be drawn by users of the qualification outcomes;
 - (c) fairness to students over time, potentially disadvantaging those who certificated the previous year and those who would certificate the next year if in competition with the 2020 cohort for admissions or employment; and
 - (d) the healthy operation of other areas of the system which are usually reliant on stable qualifications outcomes.
- 219 The paper recognised that the competing sets of risks presented a tension between the protection of potentially disadvantaged students in 2020 and wider systemic impact. The paper suggested that, given the potentially finely balanced nature of these considerations, the favoured method should allow the levels of leniency or severity in the 2020 results to be actively and knowingly managed.
- 220 There is no granularity set out in the minute of the discussion of the meeting, but it can be seen from the minute that the group discussed issues around transparency, public confidence, the reliability of results, the feasibility of having one approach for all students. the type of students that might be advantaged or disadvantaged depending

on the approach, the timing of issue of results and how this might interact with university admissions, and the uses to which results would be put. Overall, a principled approach that could be applied in a consistent way was noted to be desirable.

- 221 There was some discussion that although the Secretary of State for Education (Rt Hon Gavin Williamson MP) was keen that results should be issued earlier in 2020, and Ofqual was committed to doing what it could to deliver this, exam boards needed to put in place new processes and infrastructure as well as developing the statistical models [IB/125 INQ000622049].
- 222 In general, the group were of the view that subject level outcomes should align as closely as possible with those in previous years. This was to avoid disadvantaging other cohorts, in particular students currently in Years 10 and 12 who would hopefully be taking exams the following summer and whose studies would have also been disrupted. It was also noted that students in summer 2020 would likely have the opportunity to sit an exam in the autumn and would keep the best result of the two.
- 223 The discussion also considered how grades would be presented on students' certificates. The intention at the time of the discussion was that certificates would not indicate how grades have been calculated to avoid students being disadvantaged in future. According to the note of the meeting, Ofqual were at that time working with HE/FE to ensure that decisions around progression were considered appropriately in light of the way that grades would be awarded in summer 2020.
- 224 The EAG paper set out that the obvious challenge for exam boards in summer 2020 would be an absence of evidence on which to base candidates' grades. The types of evidence considered for this purpose were:
- (a) judgements gathered from teachers, schools and colleges regarding the performance of candidates during their current course of study;
 - (b) operational data routinely generated by and/or available to exam boards (such as previous candidate results and measures of prior attainment);
 - (c) wider data sets containing, for example, demographic and other candidate, school and college measures or other assessment data not routinely available to exam boards.

- 225 For the purposes of the EAG discussion, the paper noted the importance of drawing a distinction between two potential uses of evidence:
- (a) the generation of candidates' results; and
 - (b) the evaluation of the approach used to generate those results.
- 226 The use of statistical evidence in isolation to determine candidates' grades in summer 2020 was considered in the paper to be untenable from both a technical and defensibility perspective. To do so would entail significant over-interpretation of whatever statistical approach was applied and would mean candidates had no agency in the grade that they received. Given the absence of formal summative assessment data, it was determined by the EAG that the best evidence available to reflect current or recent performance would be based on the judgement of candidates' teachers. The approach to collecting these judgements, along with the likely limitations of the evidence, was discussed later in the meeting and is set out below.
- 227 The paper noted that to standardise the number of judgements which would be required for summer's awarding would necessitate a purely statistical approach and that there were two categories of data available for this purpose: simple descriptive results data used by the exam boards and/or wider data sets containing richer demographic data (such as that in the National Pupil Database (**NPD**)) or assessment data (such as the NRT).
- 228 It was proposed that the scope of data available for standardisation should be limited to those that are routinely available to exam boards. The EAG noted that, while there were significant practical advantages to using these readily available data, the primary motivations were defensibility and simplicity. It further noted that, while statistical models, based on rich data sets, were valuable for explaining variance for research purposes, the use of such variables, and particularly those relating to candidates' demographic properties, would pose a significant risk were they to be applied for predictive purposes in this context. From a defensibility perspective, predicting grades on the basis of personal demographic features was considered to be highly divisive. Moreover, from a deliverability perspective, an increase in the complexity of the model would be amplified as approximately 150 separate models (one for each subject) would be required to perform the standardisation process.
- 229 The paper noted that whilst it was proposed to limit the data sets that were used for standardisation, there was a far stronger case for wider data being used for the

purposes of validation and for evaluating the potential impact of the model. In addition to back-testing the model on historical operational data, consideration would be given to the use of the NRT outcomes for the purpose of validation at GCSE level.

- 230 Wider data sets were also considered to be valuable for testing for any differential impact of the methods on candidates with different characteristics. A two-stage equalities impact analysis (inter-centre then candidate level) was outlined further in the paper at Section 6. The proposed analyses and the results produced were to be brought to a future meeting of the EAG.
- 231 The group discussion noted the proposal for the predictive models to be based on data that is routinely available to exam boards, with a broader dataset used for evaluation purposes. There were concerns raised from members about potential inequalities that might be built into the models and questions about how these might be dealt with. It was suggested that the modelling should try to replicate what had happened in previous years.
- 232 The discussion also considered the practicalities of running the standardisation process. It was intended to have a single model per subject but at that time it had not yet been agreed who would run (and quality assure) the process in the summer. This was, according to the note of the meeting, under discussion with exam boards. The issue of incomplete data in the NPD and the lack of prior attainment data for students from independent schools were also raised and it was noted that it had been decided that schools did not need to generate more work to support the CAGs that they submitted. (That was to alleviate concerns that schools might take different approaches and that some students would be disadvantaged if they did not have online access or access to resources at home).
- 233 The paper outlined two key aspects of accuracy that must be distinguished when evaluating how well teachers can estimate students' grades:
- (a) absolute accuracy – the teacher's ability to estimate the actual grade that candidates will ultimately achieve;
 - (b) relative accuracy – the teacher's ability to correctly rank students from highest to lower performing regardless of the specific grades assigned, relative to one another.

234 The paper set out an extreme illustrative example, where a teacher might consistently overestimate all students' performance. Their grade predictions would have poor absolute accuracy (potentially missing every exact grade prediction). They may, however, be able to judge perfectly which students will perform better than others, correctly ordering Student A above Student B, and Student B above Student C, and so on. This demonstrates high relative accuracy, even with low absolute accuracy. The paper showed that research examining teacher estimates had found similar patterns in accuracy levels, where teachers often show stronger ability in ranking students correctly than in predicting their exact grades.

235 Key observations from these studies are:

(a) Teacher grade predictions follow a consistent pattern showing optimistic tendencies:

(a) accurate \cong $\frac{1}{2}$ of estimates;

(b) optimistic \cong $\frac{1}{3}$ of estimates;

(c) pessimistic \cong $\frac{1}{6}$ of estimates.

236 The paper outlined that despite this mixed performance in predicting exact grades, teachers demonstrate strong ability to rank students correctly. The paper referred to research which showed strong correlations between teacher-estimated rank orders and actual student performance (correlation values between 0.76 and 0.85). This indicates that teachers can reliably identify which students will perform better than others within their class, even when they might not predict the exact grade correctly. The paper documented that the accuracy of teacher judgements had improved over time, citing earlier studies (before 1997) that showed weaker correlations ranging from 0.45 to 0.79. While not documented in the research literature, the paper noted this improvement over time was likely to be due to the improved diagnostic information available to teachers combined with their increased personal accountability for results data. The discussion focused on different possible approaches to standardising CAGs with three standardisation approaches described:

236.1 Macro-level standardisation: Applies a single population-wide adjustment to all centres (schools) based on prior attainment. This approach was rejected because different centres legitimately have different value-added relationships (some schools consistently add more value than others).

- 236.2 Meso-level standardisation: Creates individualised adjustments for each centre while preserving the teacher-provided rank order of students. This approach accepts teachers' ability to rank students correctly within their centre but adjusts the overall grade distribution at the centre level.
- 236.3 Micro-level standardisation: Would directly modify individual student grades and potentially even change the rank order provided by teachers. This was considered risky because it might over-interpret statistical models at the individual student level.
- 237 In general, there was support for a meso-approach, but there were further discussions about the possible implications for different groups of candidates. It was suggested that an adjustment might be applied at the population level if there was evidence that some groups had been disadvantaged in the centre rank orders. However, this might change the rank orders submitted by centres. The discussion also considered how prior centre performance should be included in the models, noting that for some centres performance is not stable from year to year. Further, some centres had shown improvement over time. These issues were at that time being considered by Ofqual and it was noted that some of these questions could be addressed empirically in the modelling (i.e. whether to use a single or multiple years data as prior centre performance).
- 238 The discussion focused on how a meso-level approach to standardising CAGs might operate, noting that the paper described two possible modes which differed in terms of the emphasis that they placed on the statistical evidence or the centre estimates: Mode 1 (statistically defined centre location) establishes each school's overall grade distribution using statistical models based on historical performance and prior attainment data. Once this distribution is determined, teachers' rankings of students are used to assign specific grades within these statistical boundaries. This approach leverages statistical evidence to determine how many of each grade a school should receive, while relying on teachers' judgment to determine which specific students receive those grades.
- 239 Mode 2 (estimate weighted centre location) takes teacher estimates as the starting point and assumes they are accurate unless proven otherwise. Schools' grade distributions are only adjusted when statistical evidence strongly suggests the teacher-provided grades are implausible. While this approach would result in fewer modifications to teacher-assessed grades, it risks maintaining systematic biases

between different schools, as it may not sufficiently correct for centres that are consistently lenient or severe in their grading.

- 240 There were mixed views from the group on which mode was preferable. It was suggested that if centres used appropriate statistical evidence and based their judgements using a strong steer from the historical data then their judgements were likely to be reasonably sound, but not doing so would likely lead to variations in standards applied by different centres. However, Director of Strategic Projects (Dr Ian Stockford) noted that some centres might not have the capability to do this, and therefore there might be inconsistencies if expecting centres to apply strongly statistical approaches themselves.
- 241 There was a brief discussion about whether the outcome would be the same regardless of the approach taken if centres were given a clear single method to calculate their own grade distribution. Director of Strategic Projects (Dr Ian Stockford) suggested that the outcomes could be the same depending on the rules that were applied when adjusting centres' estimates.
- 242 There was general agreement that sequencing the approach outlined in Mode 1 seemed more appropriate, whereby exam boards applied the statistical procedure to the CAGs before issuing final grades to centres. While statistically the outcomes would be the same, it was noted that the approaches were quite different in terms of what centres are being asked to do. Further, concerns were raised that if predictions are provided to centres (as in the approach outlined in Mode 2) then these might be compared across schools. The issues around tied ranks, and large centres were also discussed. Ofqual considered these issues as there might be scope to allow large centres to rank order candidates in groups (e.g. of 10), but how this might be operationalised required consideration. Rank ordering candidates across different classes might also be more challenging.
- 243 Director of Strategic Projects (Dr Ian Stockford) noted that Ofqual would be consulting on various aspects of the proposed approach to awarding grades in the coming weeks. As part of the consultation, it was noted that it would be helpful to indicate the different groups of stakeholders that Ofqual have engaged with, and would be engaging with, throughout the process.
- 244 The EAG agreed to meet again in late April/early May to discuss the possible approaches to standardising CAGs in more detail. Ofqual commissioned a paper titled

'Awarding tiered subjects in 2020' in April 2020 addressing how to handle tiered GCSE subjects (such as Maths and Sciences) in the 2020 calculated grades process [IB/126 INQ000621847]. The paper examined several technical aspects of the standardisation model, including what range of grades centres could submit for different tiers, how rank orders should be collected, whether standardisation should operate at subject or tier level, and what grades could be awarded after standardisation. Three recommendations were made: to adopt a subject-level approach rather than tier-level standardisation, to explore different approaches for accommodating tier-level value-added, and to collect rank orders at subject level rather than separate tier levels.

- 245 Ofqual also commissioned a paper titled 'Rank ordering in very large centres' that addressed the challenges of ranking candidates in centres with at least 500 students in a single subject for the 2020 calculated grades process [IB/127 INQ000621848]. The paper proposed allowing these large centres to submit rank orders with candidates clustered in groups of 10, effectively creating ties to make the process more manageable. Several options were presented for consideration: maintaining a fixed group size of 10, varying group sizes based on centre size (such as groups of 5 for centres with 500-999 candidates and groups of 10 for those with over 1,000), allowing variable group sizes within a centre's rank order, or applying grouping only to certain grades where large numbers of similar candidates existed. The paper identified that approximately 85 centres had over 500 candidates in GCSE Mathematics and 82 in GCSE English Language in 2019, with these often being FE Colleges with numerous resitting students.

Publication of Grade Awarding Approach and Guidance

- 246 On 03 April 2020 Ofqual published details of how GCSEs, AS and A levels would be awarded in summer 2020 following cancellation of exams. The details included how qualifications would be awarded through CAGs and standardisation, including timelines. Guidance for teachers, students, parents and carers was also published. The general publication stated:

"Since the Secretary of State for Education [(Rt Hon Gavin Williamson MP)] announced that the 2020 exam series in England would be cancelled to help fight the spread of Coronavirus (COVID-19), we have worked at speed to develop a process which fairly recognises students' work and makes sure they get their grades in time to progress. We have today, Friday 3 April, set out details about how GCSEs, AS and A levels will

be awarded this summer and published further guidance for teachers, students, parents and carers.

For this summer's awards, schools and colleges are being asked to provide centre assessment grades for their students. These should be fair, objective and carefully considered judgements of the grades schools and colleges believe their students would have been most likely to achieve if they had sat their exams, and should take into account the full range of available evidence."

- 247 This publication set out the information which we considered would be necessary for schools and colleges to collect and submit to exam boards to allow results to be issued to the 2020 cohort of students. The document was developed as quickly as Ofqual reasonably could following the Government's decision that exams would not take place in summer 2020, recognising that it was important for schools, colleges and students to understand the outline of our proposed approach to making sure results could be issued even though exams would not take place. Ofqual also recognised that centres would need as long a period of time as possible to gather the information which would inform those results and we consulted with a variety of representative groups, as well as the exam boards, to help us develop the document and sought to avoid any narrow stipulation which might reduce our ability to secure that reliable results would be issued.
- 248 On 05 April 2020 an email was sent from Economic Adviser to the Chancellor and EAG member (Tim Leunig) copying Director of Qualification, Curriculum and Extra Curricular at DfE (Michelle Dyson). The email referred to the Technical Advisory paper of 02 April 2020 and raised concerns about the proposed grading approach, setting out that teachers would provide overly optimistic predictions and that bias cannot be addressed without changing rank orders, suggesting instead that teachers should only provide rankings (with ties allowed) and statistical adjustments should be permitted to address unconscious bias [IB/128 INQ000621761]. The email chain considered the potential bias in the proposed exam grading system and stated that there were differing views on whether demographic factors should be considered during the grading process or only in subsequent evaluation, with the DfE stating that equality impact issues in standardisation have been an ongoing concern. Ofqual clarified that it would be consulting on the principles underlying the model. In a further continuation of the same email chain on 06 April 2020, Ofqual detailed several concerns about changing student rank orders (including ethical issues and difficulty separating bias from

legitimate differences, and the need to establish principles for establishing when adjusting for bias was appropriate) [IB/129 INQ000621765].

249 Ofqual produced a one-page summary of the proposed consultation to share with the DfE on 06 April 2020 [IB/130 INQ000621763]. This outlined that the consultation would focus on the proposed new regulatory mechanisms requiring AOs to issue results based on teacher assessments rather than exams, the implications for particular groups such as private candidates, year 10 and international students, and the operational implementation of appeals, to be limited to procedural errors only, with a statistical model standardising teacher assessments and potential single certificate issuance. It confirmed that Ofqual would include in the consultation, equalities and regulatory impact assessments and research literature as part of the EIA to set out evidence in relation to teacher bias in estimates.

250 On 07 April 2020, DfE's Deputy Director (Jacquie Spatcher) sent an email to the Executive Director for General Qualifications (Julie Swan) ahead of a meeting with the Minister for School Standards (Nick Gibb MP) which was scheduled for 08 April 2020 [IB/131 INQ000621768]. The email noted that *"Ministers and spads have also been hearing a lot of noise about the Y10 issue, including receiving copy of Hamid Patel's letter ... Nick Gibb wants to discuss this at your meeting with him tomorrow and I think will be pressing for Y10s to be given a calculated grade"* [IB/131 INQ000621768] [IB/132 INQ000621769]. The DfE Deputy Director (Jacquie Spatcher) also suggested having a discussion prior to the meeting with the Minister for School Standards (Nick Gibb MP) to provide the Executive Director for General Qualifications (Julie Swan) with more context. I do not know if either of these meetings took place.

251 In terms of governance arrangements, there were discussions with DfE regarding decision-making responsibilities, and the following guidelines were drafted by way of clarification on 06 April 2020 [IB/133 INQ000621764]:

- (a) Summer Series: Ofqual determines results dates within Ministerial parameters, controls the statistical model (with Ministerial feedback), and oversees delivery.
- (b) Autumn Series: Ministers set timing parameters while Ofqual proposes specific dates. Series scope could be limited by exam boards, Ministerial direction, or funding incentives. Ofqual has sole responsibility for standard setting.

- (c) Charging: Exam boards decide individually on summer discounts and autumn charges, with Ministers potentially directing expectations or changing competition laws.

252 On 07 April 2020, Ofqual also received feedback from the Government on the proposed draft VTQ Ministerial Direction [IB/134 INQ000621767]. A member of the DfE Post-16 Qualifications Review Team (Amy Sullivan) provided specific amendments to strengthen the language about using statistical techniques for calculating results, clarifying that VTQ qualifications should maintain the same levels of comparability with GCSEs and A levels as in previous years, and adding explicit references to FSQs receiving calculated results. The Direction outlined different approaches for different qualification types: calculated results for those used for progression, adapted assessments for those signalling occupational competence, and a mixed approach for qualifications serving multiple purposes. The document noted that text regarding FSQs was still subject to approval from the Secretary of State for Education (Rt Hon Gavin Williamson MP) and policy colleagues.

Development of Centre Assessment Grade Guidance and Consultation Process

253 On 08 April 2020, an email chain containing a draft agenda suggests that a meeting took place between Ofqual and DfE. Given the email copy list it is likely that this meeting was attended by the Chief Regulator (Sally Collier) on behalf of Ofqual. Again, I have not seen any note or readout of the meeting and Ofqual have been unable to find such a record. The following agenda items for discussion [IB/135 INQ000621695] are set out in the email:

"Y10 entry – treatment of these students in relation to calculated grades and accountability implications

Update on Ofqual consultation plans

Timing of summer results and autumn series

Update on process for awarding vocational and technical qualifications."

254 On 09 April 2020, Ofqual published on the Ofqual blog the arrangements which would take place for summer 2020 [IB/136 INQ000622718]. This outlined a two-step process for schools and colleges to award grades to students who could not take exams due to Covid-19: first, that teachers must make judgements about the grades students would likely have achieved based on all available evidence; second, they must rank

students within each grade. It was explained that these teacher assessments would undergo standardisation by exam boards to ensure fairness across schools, with Ofqual emphasising that grades will remain confidential until results day, noting we would soon consult on rule changes needed for this unprecedented approach, including appeals processes and arrangements for private candidates.

- 255 A follow-up call with education stakeholders took place to discuss exam awarding arrangements and an overview of the consultation areas [IB/137 INQ000621774].
- 256 Prior to this meeting, Ofqual had already engaged with policy colleagues from the ASCL and the National Association of Head Teachers (**NAHT**), who showed particular interest in the statistical model, assessment centre improvements, CAG data protection and year 10 concerns.
- 257 Ofqual received the finalised Ministerial Direction on 09 April 2020 in relation to VTQs [IB/138 INQ000621773]. As anticipated, it directed that for qualifications used as an alternative to GQs, learners should receive results through calculated grades where possible, allowing students to progress despite cancelled exams. It was recognised that calculated grades would not be suitable for qualifications signalling occupational competence and so assessments for those qualifications should be adapted if possible and delayed if not. Where qualifications served a mixed purpose, they should receive calculated grades if one of those purposes was progression and if that was not possible, assessments were to be adapted or delayed. The letter confirmed that the Government's priority was ensuring these students were not disadvantaged compared to GQ peers, with different approaches needed for different qualification types, while maintaining fairness and providing appeal options. On 09 April 2020, Ofqual also received a draft document from JCQ outlining how they proposed to communicate their approach for awarding CAGs to private candidates [IB/139 INQ000621776].
- 258 On 10 April 2020, Board papers were circulated for an Emergency Board meeting on the 15 April, including a draft consultation document and a literature review which formed part of the equality impact assessment (**EIA**). They were circulated for comments by Ofqual's Executive Director for General Qualifications (Julie Swan) to various individuals, including me, the Chair of Ofqual and others. The key change flagged up in respect of the draft consultation document [IB/140 INQ000621781] was the position regarding students in year 10 who were taking exams early whereby, after receiving feedback from school leaders, Ofqual's position changed to propose to allow these younger students calculated grades, recognising that schools had built

timetables expecting students to complete these qualifications and move on to different subjects the following year.

- 259 The literature review examined potential bias in teacher assessments of student grades, establishing that while teachers' exact grade predictions have limitations (with just under half being exactly accurate), their ability to rank-order students was much stronger (correlations 0.76 to 0.85) with predictions typically (overall) being optimistic and higher grades more accurately predicted than lower ones.
- 260 It was also noted that there could be small, inconsistent biases related to characteristics like gender, ethnicity, and socioeconomic status (with disadvantaged high achievers facing greater risk of under-prediction), and additional factors including age (younger students receiving more accurate predictions), subject variations, and some evidence of SEND students being under-rated [IB/141 INQ000621780].
- 261 There were detailed comments from the Board members, including me, on the proposed consultation [IB/142 INQ000621785] [IB/143 INQ000621789] [IB/144 INQ000621795] [IB/145 INQ000621798].
- 262 On 11 April 2020, slides capturing the thinking behind a regulatory framework to cover VTQ qualifications were circulated to the VTQ Advisory Group Members. Ofqual's proposed VTQ regulatory framework was a permissive approach, delegating decisions to AOs against a principles-based framework. Unlike the prescriptive GQ approach, it categorised qualifications into three types: progression-focused (calculated results like GQs), mixed-purpose (calculate where possible, then adapt where not), and occupational competence (adapt assessments first where possible, delay only if necessary). The framework proposed to allow appeals when processes were not followed, permit autumn assessments without mandating them, and allow a flexible approach to international qualifications. The slides indicated that a short two-week consultation was planned due to the urgent implementation timeframe [IB/146 INQ000621783].
- 263 On 14 April 2020, a draft of the guidance to AOs was circulated in confidence to the VTQ Oversight Board, for discussion. The VTQ Oversight Board constituted selected AOs who operated in the VTQ sector, QW, CCEA, JCQ and DfE. The guidance document identified five evidence sources for grade calculation: completed assessments, unmoderated internal assessments, teacher estimates, historical qualification data and prior attainment records. The proposed approach required

estimation (from teachers or AOs), quality assurance of these estimates and verification against historical data. Various calculation methods were suggested based on qualification type and available evidence, with the ultimate goal of ensuring fair outcomes for students during the pandemic disruption [IB/147 INQ000621791].

- 264 On 15 April 2020, an emergency Board meeting took place at which I was present [IB/148 INQ000563364]. The Ofqual Board reviewed updates to the draft consultation document 'Exceptional arrangements in 2020 in response to the Covid-19 pandemic', which clarified several important points [IB/149 INQ000621800]. It was recognised that approaches to statistical standardisation vary in the emphasis they place on historical evidence of centre performance versus the submitted CAGs and the Board discussed two approaches to weighting CAGs versus statistical methods in determining final calculated grades. The document was revised to state that year 10 students would be eligible for calculated grades if they had been entered for summer 2020 exams, though some Board members remained concerned about endorsing early entry practices. The appeals section was shortened, confirming that if one student's grade was appealed, the rest of the cohort would receive grade protection. The Board acknowledged that some private candidates might not receive grades due to insufficient evidence for centre assessment. Additional revisions included clarification that Ofqual does not regulate International GCSEs, acknowledgment of potential significant cost impacts on exam boards, and the decision to exclude centre trajectories from the standardisation model.
- 265 The Board discussed tier entry decisions and noted that exam boards had locked down entries when exams were cancelled, though withdrawn entries could be reinstated for eligible students. The Strategic Risk Register was also reviewed, highlighting public confidence in 2020 examination results and financial stability of the sector as key concerns.
- 266 The Ofqual Board also discussed the proposed strategy for VTQs in response to Covid-19, focusing on creating a principles-based regulatory framework to guide AOs. In line with the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s VTQ direction of 09 April 2020, the Board agreed that learners should receive results that fairly reflected their work and potential attainment where possible. The Board categorised qualifications into three groups: those for progression to further education, those serving mixed purposes, and those signalling occupational competence.

- 267 Six guiding principles were proposed to support consistent awarding decisions, with the Board suggesting amendments to strengthen the hierarchy and wording of these principles. The approach to calculated results would involve AOs maximising trusted evidence from various sources, including banked units and teacher judgments, rather than implementing a detailed framework for each qualification.
- 268 The Board noted that approximately 80% of VTQ learners were covered by the three largest AOs, recommending that Ofqual focus monitoring efforts on these high-profile qualifications. The Board approved the outlined appeals approach and agreed to permit but not require AOs to provide an autumn assessment series, while taking a permissive approach to international awards and deferring decisions on ESOL (English for Speakers of Other Languages are qualifications designed for learners for whom English is not their first language) qualifications to the DfE. A follow-up Emergency Board Meeting was scheduled for 22 April 2020, to finalise the consultation document before publication.
- 269 On the same day, 15 April 2020, the Chief Regulator (Sally Collier), responded to the GQ direction of 31 March 2020 [IB/150 INQ000621778]. The letter set out Ofqual's commitment to playing its part in the challenges presented in the interests of all students and those who rely on qualifications along with the need to adopt an approach which is consistent, fair and maintains standards as far as possible. The letter notified the Secretary of State for Education (Rt Hon Gavin Williamson MP) that Ofqual would launch a consultation seeking views on the principles that should underpin the approach Ofqual should take to the standardisation of assessment grades. The letter further set out the importance of students having the means to question whether they have been issued with the correct grade and that the consultation sets out proposals for an appeals process. Finally, the letter confirmed that Ofqual was engaging with DfE, exam boards and representative bodies across the sector to consider optimal arrangements for sitting exams. It was confirmed in the letter that an EIA and regulatory assessment would take place.
- 270 The Consultation paper for 'Exceptional arrangements for exam grading and assessment in 2020' was published on the 15 April 2020 [IB/151 INQ000514492]. It set out that Ofqual was seeking views on several features of the exceptional arrangements for awarding GCSEs, AS and A levels in 2020 and it was proposed to apply the same arrangements to EPQs and the Advanced Extension Award (**AEA**). The paper set out that Ofqual had already consulted extensively with groups representing teachers, school and college leaders and exam boards and had further

sought views from groups that represent students. It confirmed that Ofqual had considered accounts from many individual students and parents of students, who had expected to take exams that summer, about the way the arrangements might affect them. The consultation also mentioned that Ofqual brought together a panel of assessment and statistical experts to advise on technical issues (the advisory group referred to above at paragraph 190).

271 Ofqual confirmed in the consultation that it had undertaken an EIA. This was published as part of the consultation setting out that the research impact analysis was informed by a review of the research literature on bias in teacher assessments.

272 Ofqual's view, as set out in the consultation paper, was that the research findings were mixed:

"Some studies have identified differences in the accuracy of teachers' predictions of exam success by ethnicity and broad measures of disadvantage. But the size of such effects has not been properly estimated and they do not always survive more sophisticated analyses controlling for the impact of other potentially confounding variables. That is not to say that there is no risk of some level of unconscious bias in centre assessment grades. However, the evidence suggests it will not exceed that which might occur in other forms of assessment, for example when teachers mark non-exam assessments. We believe that in the circumstances, centre assessment grades are the most reliable way of ensuring students get the grade they need to progress this year.

We are sensitive to concerns that some SEND students might be particularly affected by the uncertainty caused by the cancellation of this summer's exams. We have acted quickly to provide information and reassurance. SEND students will be given centre assessment grades by their teachers who will know best how they would likely have performed in their exams. In coming to a centre assessment grade, we have been clear that centres should assume that any reasonable adjustments that would have been sought for a disabled student when taking their exams would have been in place. We have also proposed ways to protect the integrity of the centre assessment grades and the rank ordering from influence or pressure exerted by, or on behalf of, individual students. This will reduce the risk that certain students' grades or position in the rank order will be unfairly inflated to the detriment of others."

273 In terms of EIAs, the consultation confirmed that Ofqual had considered whether Heads of Centres should be asked to include a specific declaration that they had taken into account the interests of students with protected characteristics, within the meaning of equalities law, before submitting the necessary information to exam boards. However, given the unusual circumstances in which the necessary information was being collated by centres and the significance that teachers' professional judgements would have, Ofqual did not think it would be practical for a school or college to conduct an EIA before submitting the information.

274 The consultation went on to say:

"In any event, in making the declaration we proposed in the information document, the Head of Centre will be confirming that the CAGs and rank order information fairly represents the data held by the school in respect of each student. That data will be drawn from normal teaching, learning and formative assessment activity over the academic year, or years, which was subject to the centre's normal policies and procedures. It is through those policies and procedures that the centre discharges its own primary duties under Equalities Law and through which its consideration of the Public Sector Equalities Duty is embedded... In these circumstances, we do not consider it is necessary – even were it practicable – to require a Head of Centre to make any specific declaration in relation to Equalities Law, because the relevant considerations will have been taken into account in the data underpinning the centre assessment grades and rank order information."

275 The consultation also identified that SEND students and others were also considered in relation to potential bias. Whilst centres were to be asked to use their professional judgement to reach fair assessments of the grades that they believed a student would have obtained if they had undertaken exams, it was recognised, that some degree of potential bias may remain.

276 Ofqual's literature review examined potential bias in teacher assessment across three key areas: general teacher assessment compared to exams, teacher-predicted grades for university admissions and teacher-estimated grades used in awarding [IB/152 INQ000514701].

277 The review found that while differences between teacher and exam assessments can sometimes correlate with student characteristics (gender, SEND, ethnicity, and age), these effects were generally small and inconsistent across subjects. Teacher

assessments typically showed good correlation with exam grades but tended toward over-prediction rather than under-prediction.

- 278 For teacher-predicted university admission grades, the review found exact accuracy ranged from 42 to 52% for individual grades, with accuracy exceeding 85% when allowing for predictions within one grade. The research showed some small effects across demographic factors: gender had minimal, inconsistent effects; some ethnic minority groups (particularly Black students) received more over-predicted grades; and more disadvantaged students generally received more over-predicted grades, except among high achievers. The literature review indicated that independent and grammar schools tended to have more accurate predictions compared to other centre types.
- 279 For teacher-estimated grades in awarding, centres were generally good at rank-ordering students, with 43% of GCSE grades and 48% of A level grades being exactly accurate, and 87% and 92% respectively being accurate within one grade. Higher grades tended to be more accurately predicted than lower grades.
- 280 The most consistent finding across all studies was that teachers tended toward optimistic predictions, particularly for students with lower attainment. While various student characteristics may influence teacher assessments, the effects were typically small and often diminished when controlling for other variables.
- 281 Three proposals were made in the consultation paper to mitigate the risk of bias:
- (a) Using statistical standardisation to maintain centre-level outcomes from previous years (assuming stable centre demographics), which would preserve historical relationships between results and demographic factors.
 - (b) Evaluating the technical details of the standardisation model to ensure different demographic groups (based on socioeconomic status, SEND, ethnicity, and gender) were not systematically advantaged or disadvantaged compared to previous years.
 - (c) Statistically adjusting standards for different student groups to replicate historical patterns - which would effectively change centres' rank ordering of students based on demographic characteristics.
- 282 Ofqual proposed to adopt only the first two approaches. The third approach was rejected because: (1) it would override centres' judgments about individual students' relative performance; (2) statistical models would be unreliable for predicting individual

performance; and (3) such demographic-based adjustment would be unprecedented in English qualifications, as even during qualification reforms there had been no attempts to maintain historical outcome differences between demographic groups.

283 The consultation paper set out that some students would have entered the exams as private candidates with an approved exam centre, although not taught by that centre, for example because they were home educated. It was anticipated that some Heads of Centre may have been able to make such a declaration and submit CAGs and a position in the centre's rank order for some private candidates where the Head of Centre was confident that there was sufficient evidence about the student's performance. Other private candidates may have studied with an established provider, such as a distance learning provider that was also an approved exam centre, albeit that they had intended to take their exam at another more local centre. The Heads of Centres with which such students studied were likely to be sufficiently confident in their understanding of those students' likely performance in the exams to submit CAGs on their behalf and include them in the centre's rank order. However, other private candidates would have no existing association with an exam centre that would enable them to issue a centre assessment grade or include them in the centre's rank order.

284 The consultation paper confirmed that there was ongoing work in relation to private candidates, in particular regarding whether centres would be able to submit CAGs where sufficient evidence could be provided about likely attainment even though there was no existing relationship between the candidate and the centre. It noted that an additional autumn exam series would take place that year and discussed Ofqual's consideration of whether to require exam boards to secure relevant information, similar to CAGs, from private tutors or parents who have taken responsibility for preparing candidates for exams, although it was recognised that this could not be enforced. More significant, however was the fact that in relation to schools and colleges, judgements would be made based upon experience of the students and comparisons could be made with peers, which private tutors and parents would be unable to do, and this would affect the reliability of any judgement they might make as to grades. For all of these reasons Ofqual proposed that exam boards should only be able to issue results for private candidates where CAGs and a ranking could properly be submitted.

285 The consultation paper further outlined the direction of the Secretary of State for Education (Rt Hon Gavin Williamson MP) which explained that results should combine centre judgements with other evidence, standardised across centres. Ofqual proposed five key aims of the standardisation process: to award grades students would likely

have achieved under normal circumstances; to apply consistent standardisation across subjects; to use transparent, explicable methods to build confidence; to protect students from systematic disadvantage regardless of background or protected characteristics; and to ensure deliverability by exam boards in a manner Ofqual could effectively oversee. The paper acknowledged the need to balance these aims where tensions arose, while maintaining qualification standards over time, and sought feedback on the proposals.

286 The consultation paper also set out information on statistical standardisation which would draw on the following sources of evidence:

- (a) historical outcomes for each centre;
- (b) the prior attainment (KS2 or GCSE) of the cohort and those in previous years within each centre;
- (c) the expected national grade distribution for the subject given the prior attainment of the national entry.

287 The consultation paper went on to explain two potential approaches to statistical standardisation. The first approach would place more weight on CAGs, trusting teachers' judgements unless statistical evidence contradicted them. It was noted that while this would minimise changes between submitted and final grades and better reflect teachers' professional judgement, it had two significant disadvantages: (1) differences in standards between centres would persist, disadvantaging students from centres providing more severe judgements; and (2) it would likely produce overly lenient results overall, as research showed teachers tend toward generosity when predicting grades. This would create unfairness compared to previous and future cohorts.

288 The second approach would place more weight on statistical expectations, using centres' historical performance and current students' prior attainment to determine likely grade distributions, then apply the submitted rank order within those distributions. While this would result in more differences between submitted and final grades, it offered three key advantages: (1) it aligned with the research showing teachers are better at rank ordering than absolute grading; (2) it would ensure more consistent standards across centres; and (3) it would maintain appropriate national grade distributions without disadvantaging candidates from centres providing accurate or severe assessments.

289 Ofqual proposed that the second approach, placing more weight on statistical expectations, would be more appropriate and fairer, particularly given one of Ofqual's statutory objectives to maintain standards over time.

290 Given the tight timescales within which to be prepared for summer awarding the consultation ran for a period of two weeks to the 29 April 2020. The consultation paper set out at page 12 that Ofqual were seeking views on a range of matters, including:

- *The requirement that exam boards issue grades for GCSE, AS, A level, Extended Project Qualification and Advanced Extended Award grades in the summer to students based on their school's or college's judgement of the grade they would have expected the student to have gained had they taken their exams or assessments as planned and their place in the rank order of students in the school or college entered for that qualification.*
- *The requirement that exam boards would need to combine these judgements with other existing evidence of the likely performance of the cohort in each school or college had the exams and assessments gone ahead to standardise judgements made between centres. The exam boards would then issue results using the normal grades of A*-E for A levels, A-E for AS and 9 to 1 for Exceptional arrangements for exam grading and assessment in 2020 12 GCSEs. The principles would underpin the standardisation arrangements.*
- *The proposal that schools and colleges should be able to question, on behalf of their students, whether the correct evidence and/or process was used to determine the grades awarded to all or some of their students.*
- *Where students did not feel their grade reflected their ability, or who were unable to receive a calculated grade should be able to take exams in the additional exam series to be arranged autumn term or next summer.*
- *To what extent did respondents agree or disagree that students in year 10 and below who had been entered to complete exams this summer should be issued results on the same basis as students in year 11 and above?*
- *To what extent did respondents agree or disagree that we should only allow exam boards to issue results for private candidates for whom a Head of Centre considers that centre assessment grades and a place in a rank order can properly be submitted?*

- *To what extent did respondents agree or disagree that using an approach to statistical standardisation which emphasises historical evidence of centre performance given the prior attainment of students is likely to be fairest for all students?*
- *To what extent did respondents agree or disagree that the individual rank orders provided by centres should NOT be modified to account for bias regarding different students according to their particular protected characteristics or their socio-economic backgrounds?*
- *To what extent did respondents agree or disagree that Heads of Centre should not need to make a specific declaration in relation to Equalities Law?"*

Stakeholder Engagement During Consultation

- 291 Around the same period, Ofqual continued to receive, consider and respond to feedback from various stakeholders, including learners, parents of learners, industry bodies such as UCAS, [IB/153 INQ000621796], Members of Parliament writing on behalf of constituents and raising questions in Parliament [e.g. IB/154 INQ000621802], [IB/155 INQ000621806] and trade unions [IB/156 INQ000621804], as well as providing comment on press articles and news stories in order to ensure a consistency of communication.
- 292 On 21 April 2020, Chief Regulator (Sally Collier) and Executive Director for General qualifications (Julie Swan) according to the email dated 20 April) met with the Minister for School Standards (Nick Gibb MP) to discuss an update on the consultation responses and feedback, confidentiality of CAGs and rank orders, and an update on exam board readiness and risks around summer awarding [IB/157 INQ000621690]. I have not seen any note or readout from this meeting; however, I have seen that the DfE provided a note which highlighted concerns about parents attempting to influence teacher judgements on CAGs. The document outlined two primary concerns: schools potentially receiving numerous Data Protection Act (**DPA**) requests from parents and candidates after results publication, and teachers potentially adjusting their grading decisions if they know CAGs will later be disclosed. The note acknowledged tension between protecting teachers from pressure to inflate grades and the fundamental DPA principle of citizens' rights to access information held about them. The DfE indicated that further legal discussions with lawyers and DCMS were planned, seeking ministerial views on balancing these competing concerns [IB/157 INQ000621690]

[IB/158 INQ000621703]. Furthermore, on 21 April 2020, a draft VTQ consultation document was circulated to Ofqual Board members for their review and feedback before an extraordinary Board meeting scheduled for 22 April 2020. The document, intended for public release on 23 April 2020, incorporated previous Board feedback regarding equalities considerations, refining the wording of principles to ensure results would have "*sufficient validity and reliability*" rather than being issued "*at any cost*", focusing resources on high-profile qualifications like BTECs, and addressing the challenge of defining the threshold for "*sufficient evidence*" when calculating grades. Several Board members, myself included, provided further feedback [IB/159 INQ000621810] [IB/160 INQ000621814] [IB/161 INQ000621812] [IB/162 INQ000621816].

Private Candidates

- 293 On 22 April 2020 a further Emergency Board meeting took place at which I was present in my capacity as Board member. An agenda is at [IB/163 INQ000621818]. In addition to VTQs, the Board discussed Pearson's (the exam board) proposals regarding private candidates and what the wider approach should be to their calculated grades [IB/164 INQ000621819]. This proposal was presented to the Board in this paper [IB/165 INQ000621820]. Pearson had been in discussions with the other exam boards about options for private candidates and Ofqual sought the Board's views about whether such approaches should be included within Ofqual's regulatory frameworks to be apply to all exam boards, The Board Minutes are at [IB/166 INQ000563365].
- 294 Ofqual's Executive Director for General Qualifications (Julie Swan), presented an approach to awarding calculated grades for some private candidates, based on what had been proposed by Pearson. As the paper and minutes state, an approach would be available to candidates who had no previous relationship with a centre, for whom a CAG would not otherwise be available, to enter with a specific centre which would consider and where necessary generate and validate evidence that the centre could use to provide a centre assessment grade and a position in the centre's rank order. It was noted that the proposed approach was not without risk, but it provided a solution to ensure that awarding for some private candidates in the summer could proceed.
- 295 The Board was asked to consider a recommendation to supplement the existing information for Heads of Centre to make it clear that they needed to have the same level of confidence in any CAG and rank order position they provided for private candidates as they had for their other candidates. If there was insufficient evidence,

those private candidates would have no other alternative but to sit the autumn examination or explore the proposed approach from Pearson.

- 296 The Board discussed potential impacts on other learners in a school setting if adjustments were made to include private candidates in their rank order. It was felt that one or a small group of private candidates mixed within a school group would have minimal impact on the rank order. However, the Board recognised it might be more effective to have private candidates clustered within dedicated exam centres.
- 297 Key issues discussed included: verification of candidates' identities and authenticity of work; concerns about distance learning centres' grade distributions; the potential for groups of private candidates without prior attainment data to be clustered within a single exam centre; and the high evidence standards proposed requiring 100% specification coverage for top and middle tiers. The Board noted that while the existence of private candidates might make the application of the standardisation model more complex, this was outweighed by the potential to give some private candidates an opportunity to receive calculated grades. Costs remained undetermined but could deter candidates if excessive, with limited Ofqual control over centre charges.
- 298 With approximately 20,000 private candidates affected, the Board acknowledged that even with such a proposed approach, not all private candidates would receive calculated grades, leaving autumn exams (As and A Levels in October, GCSEs in November) as their alternative. Despite implementation challenges, the Board considered providing CAGs to at least some private candidates worthwhile.
- 299 Subject to clarification around the suggestion of evidence of work covering 100% of the specification at top and middle categories and the safeguards about identity, the Board approved three key measures regarding private candidates:
- (a) An addition to Ofqual guidance requiring Heads of Centre to have the same level of confidence in their judgements for private candidates as for their own students.
 - (b) Clarification that exam boards were permitted (but not required) to implement Pearson's approach, allowing approved centres to:
 - (a) Work with students lacking CAGs
 - (b) Generate and validate evidence for these students

(c) Include them in CAGs and rank ordering

(c) Confirmation that any exam board implementing such an approach must operate within their Conditions of Recognition, maintaining responsibility for risk management and safe qualification delivery.

300 These decisions were made with the understanding that exam boards would clarify their evidence requirements and identity verification safeguards.

VTQ Consultation and Regulatory Framework

301 The Ofqual Board also considered the proposed approach to VTQs in the Board meeting of 22 April 2020, commending the VTQ team for their complex work completed in a short timeframe. Following feedback from an earlier emergency Board meeting, the team had produced a consultation document and executive summary for publication, incorporating input from AOs and the Federation of Awarding Bodies, while the DfE had suggested clarifications around how calculated grades would be awarded.

302 The VTQ consultation document proposed an ERF to ensure learners could still receive qualification results for progression to further education or employment.

303 The proposed framework divided qualifications into three categories as had been discussed with the Board at the emergency Board meeting on 15 April 2020: those used for progression to further or higher education, those serving a mixed purpose, and those signalling occupational competence. For the first category, calculated results were prioritised, similar to GCSEs and A-levels. For the third category focusing on occupational competence, calculated results were deemed unsuitable, with adapted assessments being preferred. It was proposed that the middle category could use either approach depending on which purpose the qualification aligned with more closely.

304 The proposed framework set out five key principles that AOs must follow: issuing results to as many learners as possible, ensuring reliability of results, minimising burden, maintaining standards within qualifications, and maintaining standards across similar qualifications. Where principles conflicted, they should be prioritised in the specified order.

305 The document set out that for calculated results, AOs must identify available evidence, develop an approach that maximises the most trusted evidence, and include CAGs, quality assurance measures, and verification against historical outcomes. The

document acknowledged that some learners would not receive results that summer, particularly where there was insufficient evidence for calculation or where adapted assessments cannot be accessed.

- 306 The consultation proposed that those unable to receive results should have an assessment opportunity in autumn 2020, and outlined approaches for appeals, certificates, private learners, and qualifications taken internationally. Special consideration would be given to FSQs, with a preference for calculated results where possible.
- 307 The document included comprehensive equality and regulatory impact assessments, acknowledging potential impacts on learners with protected characteristics and the financial implications for AOs.
- 308 The Board resolved to delegate final sign-off of the document to the Chair of the Board (Roger Taylor) and Chief Regulator (Sally Collier) for publication on 24 April 2020, after Board members had an opportunity to submit additional comments by 23 April 2020.
- 309 On 23 April 2020, there were additional documents circulated. These were developed by Ofqual in collaboration with AOs, the DfE, and other education stakeholders, with input from UCAS and further education representatives who supported the approaches taken. One of the documents was an advice note for teachers, trainers and tutors; learners, parents and carers; and employers and professional bodies on VTQs [IB/167 INQ000621833]. The other document was a copy of the draft VTQ conditions [IB/168 INQ000621834].
- 310 On 24 April 2020, Ofqual responded to the Ministerial VTQ direction of 09 April, outlining Ofqual's proposed ERF for VTQs that would provide calculated grades where possible, maintain assessments for occupational competence, and ensure appeal rights remain in place [IB/169 INQ000507003].
- 311 The VTQ Consultation 'Exceptional arrangements for assessment and grading in 2020 Consultation on the assessment and grading of vocational, technical and other general qualifications' [IB/170 INQ000621838] and a summary of proposals [IB/171 INQ000621839] were published at 11:30 hours on 24 April 2020.
- 312 I have also seen a document titled 'Covid-19: VTQ Questions and Answers for awarding organisations' dated 24 April 2020 [IB/172 INQ000621843], developed by

Ofqual, which provided AOs with guidance on implementing the ERF for qualifications from Entry Level to Level 6.

- 313 For progression-focused qualifications, AOs were instructed to prioritise calculated results using CAGs as quality assurance. For occupational competence qualifications, adapted assessments were preferred, with options including modified delivery methods, assessment techniques, and invigilation requirements.
- 314 The guidance clarified when AOs should notify Ofqual of their approaches, emphasising that postponement should be a last resort. For FSQ, calculated results were prioritised. At this time FSQs were undergoing reform, with a previous version of the qualifications due to be withdrawn. The end date for these legacy qualifications was extended to December 2020.
- 315 The document also addressed operational matters including certification, financial difficulties, furloughed staff, and reduced regulatory burden during the pandemic, with extended deadlines for data submissions and postponed policy work.

Consultation Period and Analysis of Consultation Responses for GQs

- 316 On 27 April 2020, the Chief Regulator (Sally Collier) was scheduled to attend a meeting with the DfE Permanent Secretary (Jonathan Slater), to brief him on Ofqual's work on the summer 2020 awarding arrangements. I can see from the prepared briefing note that the intention was to discuss various aspects of the examination and qualification arrangements, including the consultation responses, the impact of school closures on students, equality issues, and plans for autumn exams [IB/173 INQ000621846]. I have not seen any minutes or notes of this meeting.
- 317 I have seen an email dated 28 April 2020 from the DfE's Deputy Director (Jacquie Spatcher) to the Chief Regulator (Sally Collier) (copied to Executive Director for GQ General Qualifications (Julie Swan)) [IB/174 INQ000621854] confirming that the Minister for School Standards (Nick Gibb MP) wanted the Chief Regulator (Sally Collier) to attend a General Public Sector Ministerial Implementation Group (**GPSMIG**) meeting which had which had been arranged for 01 May 2020.
- 318 Furthermore, I was present at the Emergency Board Meeting held on 04 May 2020, where it was confirmed that the Chief Regulator (Sally Collier) had attended a meeting on 01 May 2020 with the Minister for School Standards (Nick Gibb MP) and that the

meeting attendees were supportive of the measures that Ofqual had put in place which were considered fair and robust [IB/175 INQ000563366].

- 319 A paper circulated by the DfE on 28 April 2020 on which Ofqual had provided input, was sent to the Minister for School Standards (Nick Gibb MP) in preparation for a meeting scheduled for 01 May 2020 [IB/176 INQ000621853]. The document explains the detailed proposals for awarding calculated grades, including the requirement for centres to submit assessment grades and rank orders, summarises Ofqual's consultation process and key issues being addressed, outlines the support for student progression to further/higher education, identifies potential risks, administrative errors, and concerns about bias, describes stakeholder engagement and reactions, and sets out next steps in the process, including timelines.
- 320 The document noted that by 27 April 2020, Ofqual had received over 10,000 consultation responses, with most being broadly supportive of the proposed approach. It also acknowledged challenges regarding private candidates (estimated at around 20,000) and outlined plans for an autumn examination series for students who wished to improve their grades.
- 321 Ofqual provided an interim consultation analysis concerning their public consultation on the standardisation of CAGs to the Advisory Group, as at 27 April 2020, noting that the consultation was due to close on 29 April [IB/177 INQ000621857]. This paper summarised initial quantitative and qualitative responses to key questions about the standardisation process for summer 2020 grades. The document showed that while respondents broadly supported the aims of standardisation (78.1% agreeing or strongly agreeing), there was less consensus on using historical centre performance data (47.4% agreeing) and excluding centre trajectory from the standardisation model (36% agreeing). The analysis included both survey data and excerpts from respondents' comments, with many expressing concerns about schools on improving trajectories being disadvantaged. The document also contained the literature review examining potential bias in teacher assessments and predictions.
- 322 A VTQ Covid-19 Oversight Board meeting took place on 29 April 2020, bringing together Ofqual representatives, AOs, and regulators to discuss qualification categorisation, timelines, consistency across similar qualifications, eligibility criteria for calculated grades and adapted assessments, learner registration issues, and communication strategies [IB/178 INQ000621831]. A copy of the slide deck is at [IB/179 INQ000621856].

- 323 On 29 April 2020 the GQ consultation closed. There were 12,623 responses to the online consultation from teachers, teacher representative groups and unions, university or higher education institutions, parents, carers and students [IB/152 INQ000514701]. Ofqual confirmed that it was taking these into account when finalising plans.
- 324 An analysis of the GQ consultation responses was carried out in respect of the 12,623 responses from various stakeholders, which included the analysis which was subsequently published by Ofqual in May 2020 [IB/152 INQ000514701]. The key findings were as follows:
- (a) Broad support for CAGs and statistical standardisation, with 89% agreeing with the overall aims.
 - (b) A majority (54%) agreed that using an approach to statistical standardisation that emphasised historical evidence of centre performance given the prior attainment of students was fairest for all students.
 - (c) There was agreement from 45% of respondents that the trajectory of centres' results (improving or declining trends over time) should not be included in the statistical standardisation process, due to evidence that few centres show consistent trajectory patterns. Most respondents (64%) agreed that individual rank orders provided by centres should not be modified to account for bias regarding students' protected characteristics or socio-economic backgrounds, as such modifications would be difficult to implement fairly.
 - (d) A majority (62%) agreed that the standardisation approach should be incorporated into the regulatory framework to ensure consistency across exam boards.
 - (e) Schools and colleges largely supported the proposed approach, while students and parents were more cautious.
 - (f) The majority agreed that:
 - (a) Private candidates should only receive grades if centres can confidently submit a CAG and include the student in their centre's rank order.
 - (b) An appeals process should be implemented.

- (c) An autumn assessment series should be provided.
- (d) Exam boards should not reduce other students' grades during appeals.
- (g) Significant concerns were raised about potential bias, the impact of historical data, and the fairness of the grading process.
- (h) The consultation revealed complex challenges in creating a fair system for awarding grades during the pandemic, with stakeholders seeking transparency, consistency, and individual consideration.
- (i) Respondents highlighted particular concerns about:
 - (a) Potential bias against students with protected characteristics.
 - (b) The impact on private candidates and home-educated students.
 - (c) Mental health and progression implications for students.
 - (d) The challenge of ranking students fairly within grade boundaries.
- (j) There was strong support (75%) for cancelling exams and using CAGs, with concerns about creating a fair and consistent approach that minimised disadvantage to vulnerable student groups.

325 On 30 April 2020, the DfE Deputy Director (Jacquie Spatcher) sent Ofqual's Executive Director for General Qualifications (Julie Swan) a final version of the briefing note for the meeting with the Minister for School Standards (Nick Gibb MP) [IB/180 INQ000273280]. The document entitled 'General Public Sector Ministerial Implementation Group Update on arrangements for awarding GCSES/A/AS Levels and other regulated qualifications' for the summer exams identified options and risk papers. DfE confirmed that a copy had been sent to the Cabinet Office.

326 The paper was prepared in readiness for a meeting on 01 May 2020 between DfE and the Cabinet Office, which the Chief Regulator (Sally Collier) was invited to attend, and presented an update of current position for students, the risks identified and the outcomes of the consultation along with a next steps timeline. Ofqual do not have a note of the meeting, but in the briefing paper the key risks were identified as:

- (a) risks of legal challenge to the methodology for producing calculated grades and to the appeals process;

- (b) risks of delays or errors in published results due to exam centres, exam boards and Ofqual having to develop and implement new systems (including new IT systems) in a very short time frame;
- (c) risks that teachers' judgements may be influenced, and/or a significant administrative burden placed on schools and colleges and emotional pressure on teachers, as a result of a requirement under the DPA to release CAGs after results were published;
- (d) risks of widespread dissatisfaction with grades awarded, both from individual students and schools and colleges whose CAGs have been moderated down;
- (e) risks of actual or perceived disadvantage to certain groups of students because of bias in teacher assessments.

327 It was recognised that:

"These risks, both individually and collectively, add up to a risk to public confidence in qualifications which could have knock-on implications for future years as well as for this year's cohort of students."

328 Later that same day, 30 April 2020, a further briefing note for the Minister for School Standards (Nick Gibb MP) was requested by the DfE in relation to the issue of black and ethnic minority (**BAME**) and disadvantaged student bias. A detailed briefing with the statistics and arguments and 'improving school issue' was requested.

329 This briefing note was produced on 30 April 2020, and with regard to improving schools, Ofqual determined that accounting for year-on-year trajectories would be unreliable. Ofqual had undertaken analysis in 2018, looking at the variability of GCSE outcomes for schools and colleges in the years 2015 and 2016, which showed that only just over 1% of schools and colleges showed a steady trajectory over that period, with 90% showing stable outcomes and 8.5% displaying unstable results. The published analysis can be found here [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746952/6432_designed.pdf]. This lack of predictability made it problematic to assume continued trends. Additionally, selectively applying trajectory considerations only to improving schools would advantage those students unfairly and potentially lead to grade inflation, conflicting with Ofqual's mandate to maintain standards.

- 330 On the issue of potential bias, the briefing note outlined that: *"In sum, studies of bias tend to show small but unsystematic effects. The context in which judgements are made seems to affect whether or not bias occurs and there is, of course, no research evidence regarding bias in centre assessment grades as the approach we are taking this year is novel."* To mitigate potential bias, Ofqual implemented three key strategies: asking centres to make objective, holistic judgements; maintaining a statistical standardisation approach that preserves previous years' outcomes; and carefully evaluating the potential impact on different student groups. Crucially, Ofqual rejected the option of statistically adjusting standards for different groups, as this would artificially alter student rankings based on demographic characteristics. The paper explained that Ofqual had been actively engaging with various stakeholders, including teacher unions, educational trusts, and groups representing diverse educational communities, to ensure a comprehensive and fair approach to that year's exceptional assessment process [IB/181 INQ000621864].
- 331 On the same day, 30 April 2020, Ofqual also published a policy update on private candidates [IB/182 INQ000507123] and issued a statement on its website as a message to students [IB/183 INQ000621860] advising of an approach to allow more private candidates to receive grades. This statement followed the discussion and actions agreed at the 22 April Emergency Board meeting. The statement dealt with the exam board guidance which had previously been issued on 03 April 2020 which had been subsequently updated on 30 April 2020 to support Heads of Centres making judgements about private candidates. It also confirmed that Higher Education providers had been asked to consider alternative evidence for admissions, and an autumn examination series would be available for private candidates who did not receive a grade through the summer assessment process.

Technical Advisory Group Recommendations

- 332 On 01 May 2020, the Ofqual EAG on exam grading considered papers covering policy consultation outcomes, potential standardisation models and ungraded (**U grade**) candidates [IB/184 INQ000621849]. This included an Ofqual paper titled 'Potential approaches to statistical standardisation' [IB/185 INQ000621850]. The paper described four main categories of approach: direct centre-level performance (**DCP**) approaches, mark-based regression approaches, grade-based regression approaches, and trajectory tracking approaches. Each method was explained in detail with mathematical formulas and potential variants. The document discussed the relative strengths and weaknesses of each approach, such as the simplicity and

transparency of DCP approaches versus the greater flexibility of mark-based regression models. The paper also addressed how to handle missing data and evaluate the accuracy of different models.

333 It also included an Ofqual paper titled 'Ungraded results in summer 2020' that explored options for handling U grade results in the 2020 calculated grades process. The paper presented five potential options: (1) award U grade results using the same approach as other grades; (2) award a higher proportion of lowest grades; (3) restrict U grade results to certain candidates based on Centre Assessment Grades and/or statistical modelling; (4) award no U grade results at all; (5) require centres to withdraw candidates expected to be U grade. For each approach, the paper analysed advantages and disadvantages, considering fairness to students, potential grade inflation, public confidence, and technical challenges [IB/186 INQ000621851].

334 The draft note of the meeting is at [IB/187 INQ000622050]. The notes confirm that:

- (a) there was general consensus from members that centre trajectory should not be taken into account in standardisation. This was because of uncertainty around the extent to which centre trajectories would continue this year and the potential disadvantage if it is assumed that centres on a downwards trajectory would continue this trend;
- (b) in relation to the potential bias in CAGs and noting that previous evidence was mixed, it was suggested that individual schools could be encouraged to consider any attainment gaps in their CAGs based on various student characteristics ahead of submitting these. There was limited support for accounting for any potential bias in the statistical model and a strong consensus around the need to evaluate the existence of any bias prior to exam boards issuing results;
- (c) in relation to standardisation and potential approaches, there was general agreement from members that statistical scrutiny of grade outcomes should be undertaken for all grades this year, rather than just the 'key' grades (as in typical years). It was also noted that schools would likely take the same approach to generating CAGs and rank orders across the grade scale. The discussion then considered the statistical models in further detail, focusing on the perceived complexity of the models, issues around small centres and missing data, and the extent to which adjustments would be made to the CAGs. It was suggested

that any adjustments should focus on centres where there was evidence that the assessed grades were out of line with expectations, however, it was noted that the size of the adjustment required to achieve statistical alignment did not necessarily indicate anything regarding the legitimacy of the difference. It was also suggested that outcomes at institutional level (i.e. across all subjects) should be considered as an additional source of information;

- (d) In relation to U grade results, members suggested that AS/A level and GCSE should be considered separately due to the different uses to which results are put. The discussion also considered the extent to which CAGs might be more or less reliable at the lowest grades and the possible implications for the statistical models if candidates expected to be U grade were withdrawn. At AS and A level, there was general consensus that U grade results should be treated the same as other grades, given that it would not be beneficial to award candidates a grade if they were likely to be U grade had they sat the assessments, since this might have negative future implications. For GCSE, members suggested that a combination of options 2 and 3 might be preferable. Consideration was also given to whether candidates in tiered subjects should be able to receive grades not usually available on their tier of entry. In general members supported allowing off-tier grades.

Decision-Making and Implementation

- 335 On 04 May 2020, a further Emergency Board Meeting took place, the minutes of which can be found here: [IB/175 INQ000563366]. The purpose of the meeting was to seek the Board's early approval regarding which students should be able to receive calculated grades; in particular, whether grades should be available for students in year 10 or below who had been entered to take exams, and the basis on which private candidates should be able to receive calculated grades in summer 2020.
- 336 The Executive Director for General Qualifications (Julie Swan) reported that all of the consultation responses had been read, and equality and regulatory impact analysis had been undertaken prior to the production of the report, with the full consultation report and analysis to be presented at an emergency Board meeting on 13 May 2020. An early decision on the two areas was required at this meeting because exam boards needed to know which students could receive calculated grades this summer before they could finalise the build of their IT systems that supported the 2020 approach. In

addition, schools, colleges and private candidates needed to know whether to withdraw entries made for any student that would not be eligible to receive a calculated grade.

337 In relation to the earlier thinking that year 10 should not be included in the calculated assessments, it was noted that there was significant support for this proposal from parents and others and this was supported by those who responded on behalf of some SEND students, who may intentionally spread their exams to make them more manageable, by students studying community languages out of school, and by Jewish boys' schools that entered students for GCSEs in year 10 so that they could attend Talmudical college.

338 The Board also considered the revised approach for private candidates, that exam boards should only issue results for students for whom a CAG and ranking could be reliably submitted by a Head of Centre.

339 The Board also discussed the standardisation model, which is set out in the paragraph below.

340 The Board agreed that:

- (a) students in year 10 and below, who had been entered to complete exams in GCSEs, AS and A levels this summer, should be issued with results on the same basis as students in year 11 and above; and
- (b) exam boards should only issue results for private candidates for GCSE, AS and A levels this summer for whom a Head of Centre considered that CAGs and rank order could be properly submitted.

341 On the standardisation model, it was:

- (a) proposed that national outcomes at all grades be determined using statistical predictions. Board members concurred with this approach;
- (b) discussed how U grade candidates could be moderated. Board members discussed whether it was appropriate to treat U grade outcomes differently for each qualification, perhaps moderating U grade like any other grade at AS and A level but treating U grade differently at GCSE. The Board agreed that a different approach might be appropriate but suggested that the rationale for each level would need to be explained;

- (c) discussed that some students might receive off-tier grades (in relation to the tier for which they would have been entered) which would benefit some students as it was a fairer moderation process. It was reported that the EAG was happy with this position. The Board did not object to this approach.
- 342 On 05 May 2020 Ofqual published an 'Early Decisions' document (following the Board meeting on 04 May 2020 and in line with the decisions approved by the Board) on year 10 and Private Candidates [IB/188 INQ000621866].
- 343 The Early Decisions document confirmed that students in year 10 and below who were entered for exams would be eligible to receive calculated grades, addressing concerns about potential disadvantage to students, particularly those with special educational needs (**SEN**) or studying community languages. Regarding private candidates, it was confirmed that exam boards would only issue calculated grades to students for whom a Head of Centre could provide a centre assessment grade and rank order position.
- 344 To support private candidates, Ofqual and exam boards confirmed that they had introduced new guidance allowing students to potentially transfer to another centre that could assess their work and generate evidence of their likely performance. However, it was acknowledged this option would not be suitable for all private candidates. The document stated that those unable to receive a calculated grade this summer would be able to participate in the additional autumn exam series
- 345 Ofqual also published a press release on its website aimed at giving students, schools and colleges early sight of the above decisions and confirmed: *"To give students, schools and colleges certainty at the earliest opportunity, we have prioritised our analysis and decisions on 2 proposals about who should receive a calculated grade"* [IB/189 INQ000621868].

1 *Calculated grades for students in year 10 and below*

In line with our consultation proposal, we have decided that students entered for exams in year 10 and below will be eligible to receive calculated grades this summer. This follows the majority of responses received, which indicate that the progression of some students would be disrupted if they were not awarded a grade this summer, and to exclude them would have an unfair impact. Amongst the responses we received were concerns about the potential impact of excluding early entrants on disabled students or those with special educational needs, who might wish to spread their GCSE exams over different years.

2 Private candidates

There was broad support for our proposal to only allow exam boards to issue results for private candidates for whom the Head of Centre is confident they can submit a centre assessment grade and include them in the centre's rank order. The majority of respondents considered this necessary for the fairness and integrity of the approach. Most of those who disagreed were students who are private candidates themselves and their parents or carers.

We have worked with exam boards to explore options for private candidates to receive grades this summer. Last week, the boards set out new guidance, and we published an update to our information document about the alternative sources of evidence a school or college might consider where it does not have sufficient evidence about a student's attainment to submit a centre assessment grade and rank order information. It also confirms that some students may transfer to another centre ahead of the grading process if the centre where they had registered decides it cannot submit a centre assessment grade. In this case, some other centres may be able to work with private candidates who need a grade this summer in order to progress. So that the grading process is fair, the Head of Centre must have the same level of confidence in the grade and rank order position as for all other students when providing information to the exam board.

We said in our consultation decision document that we could not identify any reliable way to calculate grades for private candidates who could not be included within a centre's cohort of students. No workable possibilities were advanced by respondents to the consultation and we have decided that private candidates can be included only through centres.

We are continuing to analyse consultation responses on our other proposals for awarding GCSEs, AS/A levels, Extended Project Qualification and Advanced Extension Award in maths this summer; we will publish final decisions later in May.

Separately, our consultation on arrangements for awarding vocational, technical and other general qualifications,, including proposals for early entrants and private candidates in these qualifications, remains open until Friday 8 May."

- 346 A VTQ Oversight Board Meeting took place on 06 May 2020 in advance of the VTQ consultation closing on 08 May 2020, bringing together representatives from Ofqual, AOs, other regulators (Qualification Wales, CCEA Regulation, SQA Accreditation), and

the DfE to explore consultation updates, qualification categorisation, identifying potentially overlooked students, and managing exceptional circumstances for 2020 examinations, including equalities in calculation and adaptation, covering CAGs and reasonable adjustments. A copy of the agenda is at [IB/190 INQ000621871], and a copy of the slides and actions from the meeting are at [IB/191 INQ000621886] and [IB/192 INQ000621885] respectively.

347 On 12 May 2020, the DfE sent Ofqual a draft copy (dated April 2020) of their 'Rapid Evidence Assessment – Evidence on Grade Prediction in the UK' paper [IB/193 INQ000621888]. This document is a bibliography and literature review on the accuracy of teacher assessments, particularly focusing on predicted grades for qualifications such as A-levels in the UK. The key points included:

- (a) Evidence showing inconsistencies exist in teacher assessments of students, which can be influenced by various factors including the intended purpose of the grade predictions;
- (b) That teachers tend to over-predict grades in high-stakes situations, often giving pupils "*the benefit of the doubt*" or using predictions as motivational tools;
- (c) Research indicates there are systematic biases in teacher assessments related to ethnicity - with studies showing Black students are often under-assessed while white-Asian pupils are over-assessed;
- (d) Other factors affecting grade accuracy include gender, centre-type (school or college), unconscious biases, and even personality clashes between teachers and pupils.

348 The document outlines several reasons why variations between predicted and actual grades occur: high-stakes situations leading to conscious or unconscious over-prediction, using predicted grades as motivational tools for students, awareness that students do not always need to meet predicted grades for university admission, and pressure from students or parents to inflate grades.

349 On 13 May 2020, a further Emergency Board Meeting took place, to finalise arrangements for awarding GQs [IB/194 INQ000563275]. A copy of the relevant Board paper is at [IB/195 INQ000621892]. The Board focused particularly on the standardisation model and appeals process to ensure fairness for students.

- 350 The Board was informed that whilst representative groups like ASCL and the National Education Union (**NEU**) supported the proposal to exclude centre trajectory from the standardisation model, some Multi Academy Trusts disagreed with this approach. Concerns were raised about how the model would handle small centres, special schools, and centres with fluctuating results or students without prior attainment data.
- 351 The paper recommended that the Board agree to a number of proposals including:
- (a) that Ofqual implement exceptional regulatory requirements for summer 2020, requiring exam boards to collect CAGs and rank order information, issue results consistently for all students regardless of location, and prohibit exams during May-June.
 - (b) that Ofqual require that exam boards only accept centre submissions when the Head of Centre or deputy has made a declaration about accuracy and integrity, without requiring a separate equalities law declaration but with updated guidance for centres on their Equality Act duties.
 - (c) that inappropriate disclosure of CAGs and rank orders should be investigated as potential malpractice.
 - (d) that the proposed aims of the standardisation model are adopted with reordered priorities, placing transparency below other considerations in importance.
 - (e) that the model should generally place more weight on historical evidence of centre performance than submitted CAGs, but with flexibility for small centres and low-entry subjects.
 - (f) that the standardisation model should not attempt to reflect trends in improvement or deterioration over previous years, nor modify rank orders to account for potential bias, but provide additional support to centres for making objective judgements.
 - (g) that Ofqual should incorporate the standardisation approach into the regulatory framework
 - (h) that students should not be allowed to appeal their CAG or rank order position, nor permit appeals regarding the process used by a centre.

- (i) that Ofqual should allow centres to appeal if exam boards used wrong data or incorrectly communicated grades, requiring supporting evidence if claiming centre error in submission.
- (j) that Ofqual should protect the grades of students not involved in appeals brought on behalf of other students in their centre.
- (k) that Ofqual should require exam boards to ensure centres have an internal appeals process for students to challenge a centre's decision not to submit an appeal.
- (l) that Ofqual should maintain normal guidance on error correction, and permit exam boards to run simplified appeal processes with involvement of staff who calculated original grades and not permit appeals against the operation or outcome of the standardisation model itself.
- (m) to make the EPRS available for summer 2020 results and apply the same arrangements to EPQs and Advanced Extension Award as to GCSE, AS and A levels.

352 The recommendations also included details on the autumn exam series entry eligibility and the delegation of final decisions on the standardisation model.

353 The Board agreed that the standardisation model should place more weight on historical evidence of centre performance than submitted CAGs where this would result in students receiving grades they would likely have achieved had exams proceeded. For smaller centres however, because the model would not provide accurate results for small entries, greater reliance would be placed on CAGs. This is covered above at paragraph 334 (c) of this statement. The Board decided against incorporating trends in improvement or deterioration in outcomes over previous years into the model.

354 Regarding appeals, the Board resolved that students should not be permitted to challenge their CAG or rank order position directly. Appeals would only be considered when submitted by centres, on grounds such as exam boards using incorrect data or miscommunicating calculated grades. The Board noted that students would have alternative redress through the autumn examination series, though the Secretary of State for Education (Rt Hon Gavin Williamson MP) had not yet confirmed whether this would proceed.

355 The Board agreed that exam boards should only accept CAGs when accompanied by a declaration from the Head of Centre confirming their accuracy and integrity. Whilst Heads would not need to make any separate declaration regarding equalities, information for centres should be updated to remind them of their duties under the Equality Act 2010 and to suggest how they might identify indicators or systemic under or over performance within their centre in past years. Final decisions on operating the standardisation model were delegated to the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) in discussion with the Chair of the EAG and Board member (Mike Cresswell), with key decisions to be shared with the Board as the approach developed.

356 I have reviewed the minutes of the emergency Board meeting of 13 May 2020 [IB/194 INQ000563275], and for completeness, they show that the Board resolved as follows:

"With regard to centre assessed grades and rank order information, the Board resolved to agree that:

- i. Ofqual should build into its exceptional regulatory requirements for summer 2020: requirements on the exam boards to collect centre assessment grades and student rank order information from centres; to issue results to all students, wherever they are based in the same way this summer and not to allow them to provide exams during May and June;*
- ii. Exam boards should only accept centre assessment grades and student rank orders from a centre when the Head of Centre or their nominated deputy had made a declaration as to their accuracy and integrity;*
- iii. Heads of Centre should not need to make a separate declaration in relation to equalities law, but the information for centres should be updated to remind centres of their duties under the Equality Act 2010 and to suggest how they might identify indicators of systematic under or over performance within their centre in past years; and*
- iv. Inappropriate disclosure of centre assessment grades and rank order information should be investigated by exam boards as potential malpractice and that we should build these provisions into the arrangements for summer 2020.*

With regard to the standardisation model, the Board resolved to agree:

- v. That the proposed aims of the standardisation model are adopted but that they are reordered such that the aim regarding the method's transparency and simplicity, appears at the end of the list so as to not overstate the importance of simplicity over likely accuracy;*
- vi. That the statistical standardisation model should place more weight on historical evidence of centre performance (given the prior attainment of students) than the submitted centre assessment grades where it will result in students getting the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020;*
- vii. That the standardisation model should not seek to reflect trends in improvement or deterioration in outcomes over previous years;*
- viii. Subject to legal advice, that the individual rank orders provided by centres should not be modified to account for possible bias regarding different students according to their particular protected characteristics or their socio-economic backgrounds, as there was no reliable way of identifying where such bias may occur, but that additional support be issued to centres in making objective judgements;*
- ix. That Ofqual should incorporate the standardisation approach into our regulatory framework;*
- x. To consider the timing of a publication on the details of the standardisation model;*
- xi. That Ofqual should consult exam boards on the final details of the model, but that Ofqual should not consult publicly; and*
- xii. To delegate final decisions as to the operation of the standardisation model to Michelle Meadows, Executive Director for Strategy, Risk and Research, in discussion with Mike Cresswell as Chair of the External Advisory Group.*

With regard to the autumn exam series, the Board resolved to agree that:

- xiii. Ofqual is minded that entry to the autumn exam series should be restricted to students who had entered for the summer series or to those who the exam*

board believes have made a compelling case about their intention to have entered for the summer series, and that students who would normally be entitled to take GCSEs in English language and maths in November should be able to take exams in those subjects. However, Ofqual will defer taking a formal decision on this until it confirms the other arrangements for the series; and

xiv. Ofqual should apply the same provisions as GCSEs, AS and A level qualifications to all Extended Project Qualifications and to the Advanced Extension Award."

357 The Equality and Human Rights Commission's (EHRC's) consultation response, submitted on 07 May 2020, provided detailed guidance on ensuring equality considerations were properly embedded within Ofqual's proposed exceptional arrangements for VTQs. The response acknowledged the unprecedented challenges faced by Ofqual and the need for rapid implementation, whilst offering constructive advice on meeting legal obligations under the Human Rights Act 1998 and the Equality Act 2010. The EHRC highlighted key areas requiring attention, including ensuring reasonable adjustments remained available for disabled learners, identifying potential indirect discrimination through adapted assessment procedures, and conducting robust equality analysis that considered outcomes across different protected characteristics. Recognising the flexibility given to AOs to develop appropriate arrangements for their qualifications, the EHRC offered collaborative support to help maintain consistent equality standards across the sector. They proposed developing Public Sector Equality Duty (PSED) toolkits to assist AOs and recommended that Ofqual publish an evaluation report on the equality impact of these exceptional arrangements to assess the arrangements' impact on learners with protected characteristics and inform future practice [IB/196 INQ000185277].

358 Ofqual held a meeting with the EHRC on 13 May 2020 to discuss their response to the GQ and VTQ consultations. Two of the EHRC representatives were attending a VTQ Oversight Board soon thereafter to discuss the VTQ consultation further. Matters discussed on 13 May 2020 included the flexible approach allowing AOs to choose appropriate assessment methods for their qualifications, potential bias in teacher assessments, the impact of standardisation models on different student groups, and ensuring reasonable adjustments were incorporated into centre assessment grades. Due to time constraints, discussions about the autumn series, 2021 arrangements, and the PSED were limited, but both parties agreed to continue their dialogue [IB/197 INQ000621916].

- 359 The fourth VTQ Oversight Board meeting was held on 14 May 2020, attended by representatives from Ofqual, AOs, other regulators (Qualification Wales, CCEA Regulation, SQA Accreditation) and the DfE. I can see that the meeting covered: consultation updates, communications strategies, equalities issues (with EHRC representatives), appeals processes, and complaints, whistleblowing and malpractice handling. A copy of the presented slides is at [IB/198 INQ000621900].
- 360 An internal email from the Executive Director for VTQ (Phil Beach) to the Chief Regulator (Sally Collier) dated 14 May 2020 shows Ofqual's continued work on finalising the list of VTQ qualifications in scope of the Ministerial VTQ direction [IB/199 INQ000621897]. The analysis covered approximately 16,600 qualifications, with about 13,000 in scope, representing a projected 3.4 million certificates through July. It was noted that about 65% would receive calculated grades, with calculated grades plus adapted assessments covering approximately 84% of qualifications, while roughly 12% would be delayed or rescheduled. Although it was noted these figures were subject to change, this analysis aligned with Ofqual's expectations at that time.
- 361 During this period, Ofqual continued to work with AOs to address inconsistencies in timelines for the collection of CAGs and other information [IB/200 INQ000621898].
- 362 On 15 May, Ofqual published a blog which explained the upcoming process for awarding grades in GCSEs, AS and A levels for summer 2020. The blog confirmed that schools and colleges would need to submit centre assessment grades and rank order information between 01 and 12 June. It clarified that standardisation would operate at subject level rather than centre level, considering each centre individually using historical results and prior attainment of current students. The blog addressed concerns about potential disadvantages to certain students and emphasised the importance of making objective judgements that did not take into account factors such as socioeconomic background or protected characteristics. Ofqual acknowledged that rank ordering students was challenging but necessary to allow exam boards to make nuanced adjustments for fairness across centres. The blog recommended keeping assessment grades and rank orders confidential until after results were issued and stressed the importance of checking data thoroughly before submission [IB/201 INQ000622719].
- 363 On 15 May, Ofqual shared a paper with the VTQ Advisory Committee about the VTQ consultation outcomes. In an email to the Committee, it was explained that Ofqual had received 1,510 responses to the consultation, with all proposals receiving high levels

of support [IB/202 INQ000621901]. As a result, Ofqual planned to implement the overall approach they had consulted on, with some minor adjustments based on detailed feedback.

- 364 The email included three annexes: high-level overview tables of consultation responses [IB/202 INQ000621901] [IB/203 INQ000621904], a summary of the consultation proposals [IB/204 INQ000621903], and details about the number of qualifications in scope [IB/205 INQ000621902]. Ofqual sought the Committee's views on five key areas before presenting to the Ofqual Board: scope, equalities, malpractice, autumn assessment opportunity, and appeals. A document containing a detailed statistical breakdown of responses to Ofqual's VTQ consultation was also circulated, showing the distribution of responses across different questions from various respondent types, including academy chains, awarding bodies, employers, local authorities, interest groups, personal responses, private training providers, schools/colleges, and universities [IB/206 INQ000621905].
- 365 Consultation responses from the FAB [IB/207 INQ000621907], AOC [IB/208 INQ000621912], ASCL [IB/209 INQ000621909], AELP [IB/210 INQ000621910] and Land Based Colleges & Universities Aspiring to Excellence (**LANDEX**) [IB/211 INQ000621911] to Ofqual's consultation on the ERF for VTQs were also circulated on 16 May 2020, to provide further detail and context to the Advisory Committee.
- 366 On 18 May 2020, Ofqual circulated a draft Regulatory Impact Assessment on the VTQ consultation, providing a detailed analysis of how the regulatory changes impacted different stakeholders, including learners. The document outlined considerations regarding impacts on students, including potential costs, progression delays, and access issues identified during the consultation process [IB/212 INQ000621914].
- 367 A note of a meeting between a GQ representative, the Chair of the Board (Roger Taylor) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) with the EHRC Chair (David Isaacs) on 19 May 2020. The meeting was described internally as positive, with the EHRC taking a position of "*support with challenge*" recognising the difficult decisions Ofqual was making whilst ensuring equality considerations remained central. The EHRC offered ongoing collaborative support in several areas, which Ofqual accepted. Specific actions agreed included: continued engagement on reasonable adjustments in adapted assessments for VTQs, with the EHRC offering to work with Ofqual on the challenging issue of cases where reasonable adjustments might not be possible; collaboration on evaluation

methodology for summer 2020, autumn series, and 2021 arrangements; and joint consideration of how to communicate safeguards against discrimination to students. The EHRC also offered to help develop PSED toolkits for AOs. Both parties committed to continued dialogue, with the EHRC expressing keen interest in ongoing engagement on approaches for 2020, the autumn series, and 2021 arrangements [IB/213 INQ000621921].

368 A working paper dated 19 May 2020, authored by Director of Assessment Research and Development, Cambridge Assessment (Tim Oates), was circulated internally at Ofqual for discussion. The paper discussed approaches to appeals, specifically addressing the problem of how to handle appeals from schools that were purportedly undergoing rapid improvement that might not be properly recognised in the statistical standardisation model [IB/214 INQ000621920]. The paper was considered by the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and the Executive Director for General Qualifications (Julie Swan) who noted some practical issues with the proposals, including that not all schools would have had the test results suggested, and there were issues with getting students to take more tests. Concerns were raised about using mock exams taken at different times and it was noted that there were risks of gaming if randomly selecting students for further testing [IB/215 INQ000621922].

369 Ofqual also examined further research from Cambridge Assessment on the use of standardised aptitude tests like ALIS (A Level Information System aimed at Key Stage 5 students) and YELLIS (Year 11 Indicator System, aimed at Key Stage 4), both adaptive baseline assessment systems to allow schools to understand students strengths and areas for improvement in advance of formal assessment, as objective evidence for appeals from centres claiming improvement. However, several concerns were identified. Only about 50% of schools had this test data available, creating a risk of unfairness between better-resourced and less-resourced schools. There was also concern that only schools showing improvement would appeal, potentially introducing bias in how the tests correlate with different school types. Another significant risk was that centres might inflate their initial CAGs if they knew they had favourable test data to support an appeal [IB/216 INQ000621925].

370 An Emergency Board Meeting took place on 20 May 2020. The Board made key decisions regarding three main areas: exceptional arrangements for VTQs, handling exceptional circumstances in connection with calculated grades, and the additional autumn exam series for GCSEs, AS and A levels. The Board approved the ERF for

VTQs and agreed that centres should not be allowed to appeal calculated grades on the grounds of exceptional circumstances, as this would "*create more unfairness than fairness*". They also agreed to consult on requiring exam boards to offer a full range of GCSE, AS and A level exams in the autumn for students disappointed with their summer results [IB/217 INQ000563369].

- 371 An Ofqual CEO Oversight meeting took place on 21 May 2020, noting that the consultation decisions would be published the following day, and confirming a number of points, including that students with concerns about bias or discrimination should complain to their centre or raise malpractice allegations with exam boards. The notes of this meeting also note that Ofqual was exploring additional appeals mechanisms for centres experiencing significant demographic changes that might make the standardisation model disadvantageous [IB/218 INQ000621930].
- 372 On 22 May 2020, and further to the Early Decisions issued on 05 May 2020, Ofqual published the decisions made in respect of the remaining questions asked in the Consultation, 'Exceptional arrangements for exam grading and assessment in 2020', apart from the question relating to the autumn series of exams [IB/219 INQ000514702]. The document confirmed that the statistical standardisation model would place more weight on historical evidence of centre performance than on submitted CAGs when this would increase the likelihood of students getting grades they would most likely have achieved in exams. Ofqual decided not to include centre trajectory in the standardisation process due to unreliability in predicting trends and confirmed that individual rank orders provided by centres would not be modified to account for potential bias. Regarding appeals, Ofqual confirmed that students could not challenge their CAG or position in the rank order directly but could ask centres to check for administrative errors and raise complaints of bias or discrimination. Centres could appeal to exam boards if the board used incorrect data or made procedural errors. The document also confirmed that results would be issued using the standardisation approach only, and that the arrangements would apply to EPQs and the AEA in mathematics.
- 373 An 'Analysis of Consultation Responses' was published the same day, as discussed above at paragraphs 316 to 331 [IB/152 INQ000514701].
- 374 A further consultation paper from Ofqual was published on 22 May 2020, titled 'Consultation on an additional GCSE, AS and A level exam series in autumn 2020' [IB/220 INQ000621918]. This outlined Ofqual's proposals for arranging an autumn

exam series for students who either were not able to receive calculated grades in summer 2020 or who were unhappy with their calculated grades, in order to come to a decision on the final remaining question from the 'Exceptional arrangements for exam grading and assessment in 2020' consultation.

- 375 Furthermore, Ofqual also published its detailed consultation decisions document regarding the exceptional arrangements for assessment and grading of VTQs on 22 May 2020 [IB/221 INQ000507004].
- 376 Ofqual decided to implement an ERF to award VTQs. The framework would apply to qualifications eligible for funding in England, with a primary focus on enabling as many learners as possible to receive results for progression to further education, higher education, or employment.
- 377 The approach categorised qualifications into three distinct groups: progression qualifications, mixed-purpose qualifications, and occupational competence qualifications. For progression qualifications, the primary method would be calculated results based on centre assessment grades, with adaptation or delay presented as alternative options. Mixed-purpose qualifications would have approaches dependent on their primary purpose, whilst occupational competence qualifications would prioritise adapted assessments.
- 378 AOs would be required to use at least one trusted source of evidence when calculating results, underpinned by a robust quality assurance process. The framework deliberately allowed flexibility for different qualification types whilst maintaining key principles of minimising learner disadvantage, maintaining educational standards, and ensuring result reliability.
- 379 The consultation explicitly recognised potential inequalities, particularly for learners from disadvantaged backgrounds, those with SEN, and private candidates. In response, Ofqual committed to monitoring potential discriminatory impacts and providing additional guidance to mitigate these risks.
- 380 An autumn assessment opportunity would be provided for learners unable to receive calculated results, with AOs expected to minimise administrative burden on centres. Appeals would be limited to procedural challenges, with no appeals permitted against individual teacher judgements.

- 381 The framework would come into effect on 22 May 2020, notably without a fixed end date, thus allowing flexibility to respond to the ongoing pandemic situation. Ofqual would maintain oversight through a risk-based approach, working collaboratively with AOs to ensure fair and reliable results for learners.
- 382 The detailed analysis of consultation responses was also published on 22 May regarding Ofqual's proposed approach to awarding VTQs was finalised [IB/222 INQ000565959]. The analysis showed overwhelming support for a flexible framework addressing the challenges of cancelled examinations, with approximately 70-75% of respondents agreeing with the key proposals. Stakeholders appreciated the pragmatic approach to issue results to as many learners as possible while maintaining educational standards and minimising disruption to academic progression.
- 383 However, stakeholders were particularly concerned about inconsistent approaches across different AOs, qualification types, and educational settings. The potential for disadvantaging vulnerable learners – including those with SEN, learners from disadvantaged backgrounds, and private candidates – were identified as key issues.
- 384 Key themes included: supporting learner progression, maintaining educational standards, ensuring fairness across different learner groups and managing practical challenges of grade calculation, such as collecting reliable evidence, ensuring equitable access to technology, and managing the increased administrative burden on teachers and institutions further complicated the proposed framework. Respondents stressed the importance of clear communication, professional judgment, and careful consideration of individual circumstances.
- 385 Ofqual published a press release on 22 May 2020, titled 'Ofqual decisions on awarding vocational and technical qualifications this summer'. The announcement outlined the three distinct approaches Ofqual determined for different qualification categories:
- (a) Calculated results for qualifications primarily used for progression to further or higher education;
 - (b) Adapted assessments for qualifications signalling occupational competence;
 - (c) A mixed approach for qualifications with dual purposes.
- 386 The press release additionally covered Ofqual's decisions on autumn assessment opportunities, appeals processes, and malpractice prevention [IB/223 INQ000621929].

387 Another blog post was also published by Ofqual on 22 May 2020 titled 'The impact of the Covid-19 outbreak on exams around the world' [IB/224 INQ000622720]. It presented an overview of how different countries were responding to the pandemic's impact on school examinations. The blog noted that Scotland, Wales, Northern Ireland and the Republic of Ireland were taking a similar approach to England regarding exam cancellations. It outlined various international responses, including France using average scores from coursework, Norway cancelling written exams and relying on classwork, and Hong Kong proceeding with socially distanced exams. Some countries postponed exams (China, Caribbean nations, Azerbaijan, Ghana and Vietnam), while others like the USA's College Board redesigned their Advanced Placement Tests to be shorter and taken remotely. The blog concluded that different countries had chosen actions appropriate to their particular contexts, taking into account factors such as the timing and extent of virus spread, and the nature and scheduling of their assessments.

THE DESIGN AND APPLICATION OF THE ALGORITHM

Overview of Standardisation Model

388 AOs were required to calculate final results in accordance with a set of requirements published by Ofqual [IB/225 INQ000622259] published on 20 August 2020. This set of requirements set out how AOs had to undertake standardisation of that information to arrive at the final calculated grades.

389 The standardisation model was set out in Annex E to those requirements and comprised a series of steps made up of calculations which AOs were required to take in relation to specified data sets in order to generate final results for each learner.

390 In terms of how the standardisation model operated, at a very high level, for GCSEs, AS and A levels, AOs had to calculate the average spread of grades for each school in each subject in specified previous years. They then checked this against prior attainment data for 2020 learners taking that subject at that school compared to the prior attainment of learners making up the historical data. The predicted grade distribution for the school in the subject might have been adjusted upwards or downwards according to the prior attainment distribution of the 2020 learners, compared to previous years. AOs then overlaid the school's rank order of learners onto the predicted grade distribution and allocated grades to learners, without changing the rank order. This had the effect that, for some learners, the grade they were allocated was not the same as the CAG that was submitted.

- 391 For schools that had smaller numbers of learners taking a particular subject – on a sliding scale from five to 15 learners – lesser weight was given to data relating to the school's historical performance and greater weight given to the CAGs. Where fewer than five learners were entered for a subject by a school the standardisation approach was not applied and CAGs were accepted. This was because, in statistical terms, Ofqual considered it impossible to standardise such a low number by looking back to previous performance at the school.
- 392 Alongside the standardised grades, AOs were required to develop a set of predictions as to the expected national grade distribution for the 2020 cohort in each subject, as set out in Annex D of the published requirements.

Development of the Standardisation Model

- 393 Ahead of an EAG meeting on 01 June 2020 [IB/226 INQ000622051], Ofqual produced a technical paper titled 'Standardisation approach test results and potential implications' which evaluated different statistical methods for standardising CAGs [IB/227 INQ000563222]. The document compared eleven different approaches, finding that DCP models demonstrated superior predictive accuracy over mark-based and grade-based regression alternatives. The paper included detailed analyses showing how these models performed across different school types, sizes, and demographic factors, with supporting data tables and visualisations. It acknowledged the limitation that statistical standardisation would constrain centre-level outcome variations compared to typical years, and that valuable information in some CAGs might be lost. Despite these drawbacks, Ofqual concluded that the statistical approach was preferable to giving greater weight to CAGs due to concerns about systematic unfairness from centres submitting inflated grades.
- 394 At the meeting on 01 June, at which members of Ofqual and DfE were present, Director of Strategic Projects (Dr Ian Stockford), talked through the 'Standardisation approach test results and potential implications' paper [IB/227 INQ000563222]. Comments were invited from members on two issues:
- 394.1 First, the technical analyses recommended that Approaches 1 and 3 (DCP models) should be taken forward for further consideration based on their superior predictive accuracy.
- 394.2 Second, the group debated the appropriate balance between statistical evidence and CAGs, particularly at "*arithmetic*" grade boundaries.

- 395 The discussion noted that while placing greater weight on CAGs at non-key grades might improve accuracy, this approach risked rewarding centres that had inflated their grades and potentially disadvantaging centres that had predicted stable outcomes. The group also examined centre-level equalities analyses and discussed challenges with small centres where statistical evidence might be less reliable. Concerns were raised about the potential impact of multiple sources of disadvantage and the importance of considering interactions between demographic variables, though it was acknowledged that exam boards lacked comprehensive demographic data beyond gender. The meeting concluded with agreement to explore these issues further in subsequent discussions
- 396 In an email exchange dated 01-02 June 2020, Ofqual officials discussed criteria for appeals based on demographic changes at schools [IB/228 INQ000621938].
- 397 On 03 June 2020, I attended an Emergency Board meeting [IB/229 INQ000563370]. During this meeting the Board considered a detailed paper on options for an appeals process for CAGs that would account for significant organisational changes affecting student cohorts [IB/230 INQ000621937]. The Board agreed to continue research into how demographic changes affect cohort performance and to prepare draft proposals for consultation. These proposals would ensure that appeals could only be brought under carefully specified criteria, focusing on demographic changes that could be scientifically measured and statistically replicated. The Board mandated that any replacement results would be calculated collaboratively by exam boards, with results altered only when they would benefit students. Furthermore, the appeals process would be managed by exam boards, with a crucial provision of grade protection to safeguard students' interests.
- 398 The Board also heard from Director of Strategic Projects (Dr Ian Stockford) who gave a presentation on the standardisation of GCSE, AS, A level, EPQ and AEA qualifications including the challenges for summer 2020, the Board decisions that had already been taken, operational decisions already taken, and details of the statistical model and the two approaches considered - DCP and mark or grade-based regression [IB/231 INQ000622750]. Director of Strategic Projects (Dr Ian Stockford) detailed the approach to testing for accuracy, including where candidate data may be missing, and examined the predictive accuracy of these approaches for GCSEs and A levels. The presentation covered critical aspects of the standardisation process, including centre sub-group analyses and extensive equalities analyses. These analyses considered various demographic characteristics such as gender, ethnicity, social deprivation, and

SEN. Additionally, Director of Strategic Projects (Dr Ian Stockford) highlighted several key decision points that remained unresolved, including the management of arithmetic grade boundaries, handling different year groups, and addressing the complexities of centres with small student entries or atypical subject combinations.

- 399 The Board noted that the EAG supported the DCP approach, with the Board emphasising the need for clear communication about how grade decisions were reached. The Board resolved to agree that an approach grounded in the DCP approach be adopted to determine calculated grades in GCSE, AS, A level, EPQ and AEA qualifications for summer 2020, unless later notified of any significant technical or equalities issues. The ultimate priority remained ensuring timely and fair result delivery for students during unprecedented circumstances.
- 400 On 10 June, a teleconference on the 'Maintenance of Standards in GCSE and GCE Qualifications' was held, attended by representatives from Ofqual, other UK qualification regulators, and examination boards. In this meeting it was confirmed that the Ofqual Board had determined that an approach grounded in the DCP approach should be adopted for the standardisation model [IB/232 INQ000622045]. The minutes noted that Director of Strategic Projects (Dr Ian Stockford) provided a presentation of slides on the model's development and explained the rationale for choosing the DCP approach. As set out in the slide deck [IB/232a INQ000621946], the DCP approach was selected over Mark-Based Regression alternatives because it was considered to perform better in testing, was more computationally efficient, and showed no systematic adverse effects on protected groups in preliminary equalities analyses. The model would use three years of historical data for A-levels and two years for GCSEs and would prioritise statistical evidence over CAGs. The presentation acknowledged the challenge of distinguishing between centres making genuinely accurate predictions versus those over-predicting grades. Dr Stockford also provided an update on the model's development, and the minutes reflect that equalities analyses were ongoing and that decisions about the impact on small centres were still being considered.
- 401 Ofqual's ERF for GQ came into effect on 11 June 2020 [IB/233 INQ000621941]. The document set out conditions covering the cancellation of summer 2020 assessments (GQCov2) and required AOs to issue calculated results to learners registered by 21 February 2020 (GQCov3.1). These results would be calculated using information requested from centres following Ofqual's requirements (GQCov3.2). The framework also established an appeals process (GQCov5) limited to three grounds: procedural inconsistencies, use of incorrect data, and results incorrectly issued.

- 402 On 12 June a letter addressed to Heads of Centres from Chief Regulator (Sally Collier), outlined the arrangements for awarding GCSE, AS and A level grades in summer 2020 [IB/234 INQ000621944]. The letter acknowledged the unprecedented cancellation of exams due to Covid-19 and detailed the process of using centre assessment grades followed by exam board standardisation. It confirmed results would be issued on 13 August for GCSEs and 20 August for AS and A levels, with certificates appearing the same as in previous years. The letter also addressed appeals procedures, plans for an autumn exam series for students wishing to improve their calculated grades, and indicated that consultation on 2021 assessment arrangements would be published before the end of term. Throughout, the Chief Regulator (Sally Collier) emphasised the collective effort to ensure fairness for students despite the extraordinary circumstances.
- 403 On 16 June 2020, the Director of Strategic Projects (Dr Ian Stockford) wrote to the Chief Regulator (Sally Collier) in advance of an Ofqual Board meeting scheduled for the 17 June 2020 regarding outstanding decisions on the statistical model for awarding grades. He identified four remaining technical decisions: centres with small entries, subjects with small entries, the handling of different age groups, and adjustments at arithmetic grades. Whilst the first three had clear recommendations, the fourth required further technical work. Due to tight timescales for implementation, Director of Strategic Projects (Dr Ian Stockford) recommended that the Board be invited to delegate the final decision on arithmetic grade adjustments to a smaller group comprising the Chair of the Board (Roger Taylor), the Chair of the EAG and Board member (Mike Cresswell) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows). Chief Regulator (Sally Collier) replied agreeing with this proposal [IB/235 INQ000621947].
- 404 On 17 June 2020, a Board Meeting took place to consider the standardisation model update [IB/236 INQ000622737]. The Board approved key aspects of the statistical standardisation approach, including special handling of small centres and subjects with fewer than 100 candidates. The Board delegated the final decision around the approach to standardisation in line with the proposal as mentioned in paragraph 403 above. Board members reviewed progress on the submission of CAGs, noting that approximately 96% had been received from exam boards. The Board also considered research on demographic variables and their potential impact on results, ultimately deciding not to consult on demographic changes as grounds for appeals. Members requested further exploration of possible appeal routes and noted that a consultation

on adaptations for the 2021 exam series would be considered at their next Emergency Board meeting on 24 June 2020. Copies of the presentations given on both of those matters can be found at [IB/237 INQ000563231] [IB/238 INQ000563230].

- 405 It was resolved that adjustments for changes in prior attainment between the historical data and the current year would be based on candidates from the target age for the qualification only. The Board confirmed that the DCP approach would be used for the standardisation of CAGs in summer 2020.
- 406 The Ofqual Board decided that, pending any substantive comments from the EAG on 26 June 2020, outcomes should be set without taking into account the differential handling of small centres which would likely result in a low-level inflationary impact in most cases. The Board approved that a specific two-step linear function would be applied for standardisation of small centres with values notionally set to 5 and 15 respectively, with specific values to be reviewed after 2020 data was received. Additionally, subjects with fewer than 100 candidates would be awarded based on centre assessment grades. Subjects with 100 to 500 candidates would undergo statistical standardisation but overall outcomes would not be adjusted to meet subject-level predictions.
- 407 As part of its consideration of potential shortcomings in the awarding process—particularly the risk that the standardisation model might produce results that students perceived as inaccurate or unfair—Ofqual convened an Emergency Board meeting on 24 June 2020 to, amongst other things, evaluate mitigations, including the proposal for an additional autumn exam series for GCSEs, AS and A levels following the conclusion of the consultation [IB/239 INQ000622705]. The consultation received 3,481 responses [IB/240 INQ000621955]. The resulting paper advised requiring exam boards to offer a full autumn series for students disappointed with their calculated summer grades or those unable to receive grades, including private candidates. Key recommendations from the paper, which the Board resolved to implement, included requiring exams to match the cancelled summer format, basing results solely on exam performance (except art and design), allowing students to carry forward previous endorsements, and issuing replacement certificates showing the higher of summer calculated and autumn exam grades.
- 408 The paper also acknowledged several risks associated with this mitigation strategy, including ongoing public health restrictions potentially preventing exams, schools struggling to accommodate returning students no longer on their rolls, and concerns

about the manageability of running a full autumn series. Additionally, the Board considered equality impact concerns for disadvantaged students, those from lower socio-economic backgrounds, disabled students without normal support, and BAME students who might be more vulnerable to Covid-19.

- 409 The Board agreed to the paper's recommended timing of AS and A levels in October and GCSEs in November, with flexibility for GCSE English and mathematics exams to be held in early 2021 to help centres manage large entries. They confirmed that normal review and appeal arrangements would apply to the autumn series.

EAG meeting on 26 June 2020

- 410 In preparation for an EAG meeting scheduled for 26 June 2020, a number of documents were circulated to members of the EAG. The agenda [IB/241 INQ000621977] for that meeting shows that there was to be an update on the decisions that had been made regarding the standardisation of grades, and those that the Ofqual Board had made in principle subject to any substantive comments by the EAG [IB/242 INQ000621961], as well as a discussion regarding the communication of CAGs. There was to be a presentation and a paper on centre level equalities analysis [IB/237 INQ000563231] [IB/243 INQ000621967], and there then followed two papers: (i) a paper on standardisation at arithmetic grades [IB/244 INQ000621956] [IB/245 INQ000621958] and (ii) a paper on standardisation of centres with a small entry no historical data and subjects with a small entry [IB/246 INQ000621964].
- 411 The paper titled 'Equalities analysis – exploring the link between centre demographic/socio-economic composition and the accuracy of the standardisation approach' [IB/243 INQ000621967] examined whether the statistical standardisation approach would systematically disadvantage certain groups of students. The analysis compared two approaches - DCP and DCP Modified - to determine their accuracy in predicting outcomes and potential bias against demographic and socio-economic groups. The paper examined year-on-year variability by comparing actual 2018 outcomes with those predicted by the 2019 standardisation model, as well as comparing both against actual 2019 outcomes. The analysis found that demographic and socio-economic factors—such as gender, SEN status, English as an Additional Language (EAL) status, Free School Meals (FSM) eligibility, Income Deprivation Affecting Children Index (IDACI score), and ethnicity—had minimal impact on variability. Gender showed the most notable effect, but it remained small. The paper notes that the standardisation approach actually produced less year-on-year variability

than the natural fluctuations observed between actual 2018 and 2019 outcomes, suggesting it would be more stable than normal exam conditions. The findings indicated that standardisation was unlikely to exacerbate existing educational inequalities, with only a few centres with very atypical demographic compositions potentially affected.

- 412 The paper on statistical standardisation at arithmetic grades identified problems with applying standardisation at all grades and proposed a "*tapered approach*" that balanced statistical adjustment at key grades with smoother adjustments at arithmetic grades [IB/247 INQ000621962]. The paper set out that this approach would give greater weight to CAGs when they were close to statistical predictions, while applying stricter controls when they significantly deviated. The paper identified four key influencing factors: concentration effect, lever effect, profile effect, and centre-level distribution effect. It recommended using Grades 9, 7, 4 and 1 as key grades for GCSE standardisation, and Grades A*, A, and E for A-level. This tapered method was shown to reduce deviations from statistical predictions more effectively than a simple arithmetic method, particularly where centres' submitted grades diverged significantly from expected outcomes.
- 413 The paper on standardisation for centres with small entries, no historical data, and subjects with small entries proposed a tapered approach using harmonic means to balance statistical evidence with CAGs as entry numbers decreased. Centres with no historical data would be treated as having zero entry size, effectively using CAGs entirely. The recommended thresholds were $n_thresh = 5$ and $n_small = 15$ across all qualifications. Subjects with fewer than 100 candidates would use CAGs only, while those with 100-500 matched candidates would be standardised without subject-level adjustments. This approach aimed to balance fairness with technical defensibility while managing grade inflation, particularly in A-level subjects like German where small centres could lead to higher higher leniency [IB/246 INQ000621964].
- 414 Accompanying data showing average grades which schools had submitted in 2020 compared to average grades in 2019 was also supplied to EAG members [IB/248 INQ000621968] [IB/249 INQ000621969].
- 415 In preparation for the EAG meeting scheduled for the 26 June 2020, I can see from an email from the Director of Strategic Projects (Dr Ian Stockford) [IB/244 INQ000621956] that there was a discussion which took place between the Chair of the Board (Roger Taylor), Chair of the EAG and Board member (Mike Cresswell), Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and the Director of Strategic

Projects (Dr Ian Stockford) regarding the paper titled 'Statistical standardisation at arithmetic grades' [IB/245 INQ000621958]. From the email chain, Director of Strategic Projects (Dr Ian Stockford) refers to having delivered a presentation [IB/250 INQ000621957] on the proposed approach to standardising arithmetic grades, introducing the concept of a "tapered approach" to adjusting CAGs, which, as set out in more detail in the supporting paper, would vary the influence of a centre's submitted grade distribution based on how closely it aligned with statistical predictions, reducing the risk of anomalous adjustments, while still allowing for legitimate centre-level variation. The presentation drew on simulation-based analyses to demonstrate that this approach would reduce undesirable deviations from predictions, especially when CAGs were particularly generous at certain grades. The presentation concluded with two key recommendations: first, that the tapered approach be adopted for GCSE, AS, A level, and EPQs; and second, that the key grades used for standardisation in 2020 should mirror those used in a typical year. Director of Strategic Projects (Dr Ian Stockford) circulated both the paper and the presentation to the delegated EAG members that same day (22 June 2020) and asked members to indicate their agreement or otherwise to the recommendations made.

- 416 There was some internal debate regarding the approach. Following initial agreement on the standardisation approach recommended by Director of Strategic Projects (Dr Ian Stockford) (detailed at slide 15 of [IB/244 INQ000621956] [IB/250 INQ000621957]), an email chain from 23 June 2020 reveals that Chair of the Board (Roger Taylor) and Chair of the EAG and Board member (Mike Cresswell) developed reservations overnight. The core issue debated was whether to use individual grade adjustments or smoothed adjustments across all grades. Chair of the EAG and Board member (Mike Cresswell) expressed concern that smoothing might produce unreasonable outcomes at certain grades, particularly suggesting that teachers might show systematic leniency at key grades like GCSE Grade 4. Chair of the Board (Roger Taylor) considered whether teacher overestimation was likely to occur across all grades rather than independently at each level. Their discussion ultimately focused on two options: either pegging all grades to the predicted distribution with a taper for small centres, or making smoothed adjustments based on deviation from predictions. While Chair of the Board (Roger Taylor) found the latter intuitively more appealing despite its complexity, both acknowledged the need for empirical data [IB/251 INQ000621971].
- 417 In the email exchange between the EAG group preceding the meeting on 26 June 2020, on 24 June 2020 (at 05:04 hours) Director of Strategic Projects (Dr Ian Stockford)

referred to three articles, from FFT Education Datalab (**FFT**), which showed that teacher-assessed grades' (FFT phrasing from the report) were consistently higher than actual exam results from 2019 [IB/252 INQ000621980]. Across all subjects, the average proposed grade was 0.3-0.6 grades higher than 2019 results. Further analysis demonstrated unusually high centre variability, with two-thirds of schools showing no decrease in results across any subjects, and 69 schools showing increases in every subject. The FFT data also revealed that subjects historically graded more severely (like Computer Science and Modern Foreign Languages) showed the largest increases in teacher-assessed grades [IB/253 INQ000622729] [IB/254 INQ000622730] [IB/255 INQ000622731].

- 418 In response, Economic Advisor to the Chancellor and EAG member (Tim Leunig), circulated data on 24 June 2020 (at 19:51 hours) which showed that 18% of schools had submitted an average grade that was 0.3 above 2019, and that 33% of schools submitted grades that were half a grade or more above the average for 2019 [IB/252 INQ000621980]. Ofsted Deputy Director, Data and Insight (Jason Bradbury) identified (on 25 June 2020, at 12:00 hours) that the equalities analysis paper showed that the DCP standardisation approach itself would not negatively impact results, however it did not show whether any unconscious biases in the CAGs introduced any widening of gaps in the data. UCL Professor of Education and Social Statistics and EAG member (John Jerrim) identified (on 25 June 2020, at 12:07 hours) three primary ways that additional inequalities may arise: differing grades provided by different schools, variations in teacher rankings within schools, and decisions regarding who takes exams in the autumn series.
- 419 The Director of Strategic Projects (Dr Ian Stockford) responded to some of those points made on 25 June 2020 at 18:41 hours and clarified the different approaches in the equalities paper [IB/252 INQ000621980]. The first was the DCP approach which had been described in previous papers to the EAG and mentioned elsewhere in this statement. The method would build a historical grade distribution for each centre in each subject. The distribution would then be modified based on any differences in the prior attainment of candidates that year compared to those entering with the centre in previous years. The second was the DCP modified approach within which with the key difference was how the prior attainment-based adjustment was constructed. This approach in effect 'dialled down' the centre effects which existed in the historical data and 'dialled up' the influence of the candidate's prediction based on their prior attainment. It was a nuanced version of the DCP approach which yielded slightly higher

overall accuracy metrics in some circumstances during the testing. It is for that reason that it had been decided to take it into the equalities testing. A revised agenda was circulated on 26 June at 07:03 hours [IB/241 INQ000621977].

420 Economic Adviser to the Chancellor and EAG member (Tim Leunig), observed several challenges about these findings, noting that the standardisation model would potentially require downgrading many students' results, which could create widespread disappointment among students, parents and teachers. Additionally, he highlighted that the approach might inadvertently favour grammar and private schools over comprehensives and secondary moderns, thereby risking public trust in the latter institutions. Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) acknowledged these concerns, and pointed to the forthcoming EAG meeting where the issues could be debated. She noted that collecting CAGs had provided opportunities for the standardisation process, not available through collecting rank orders alone, such as being able to define small centres and subjects. She also stated that the issue of teachers feeling overruled by the statistical model remained at the forefront of their considerations [IB/256 INQ000621972].

421 Based on some of the concerns raised in the email exchanges referenced above [IB/256 INQ000621972] the Chair of the Board (Roger Taylor) had a discussion with Economic Adviser to the Chancellor and EAG member (Tim Leunig) which is referred to in the email exchanges. I have seen an email from the Chair of the Board (Roger Taylor) to the Chief Regulator (Sally Collier) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows), dated 25 June 2020, following that discussion [IB/257 INQ000621974]. Chair of the Board (Roger Taylor) reported that he and Economic Adviser to the Chancellor and EAG member (Tim Leunig) discussed that given the unreliability of CAGs, applying strict adjustment using rank order or predictions was likely to be necessary. The email reflects that they discussed whether the lack of reliability in CAGs brings into question the reliability of teacher rank orders and that comparing moderated CAGs to KS2 and historical grades may reveal discrepancies, particularly across demographics such as ethnicity and gender. They considered whether schools and the public should be engaged about the scale of overestimation of grades to manage expectations. They discussed that they should be considering all possible options, including asking schools to re-evaluate predictions where they were 'wildly out of line' with predictions, despite being impractical. Chair of the Board (Roger Taylor) reported that the Economic Adviser to the Chancellor and

EAG member (Tim Leunig) considered that it would be key to identify the most overstating schools and analyse the impact on distribution between groups.

422 In a further email discussion, which began with Economic Adviser to the Chancellor and EAG member (Tim Leunig) expressing concerns to Chair of the Board (Roger Taylor) about maintaining confidence in the process [IB/258 INQ000621981], the Chair of the Board (Roger Taylor) responded by forwarding these concerns to senior colleagues, emphasising the importance of keeping the EAG fully informed of the judgements being made to ensure support for the final results. Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) acknowledged considerations around the consultation process. In the final contribution to this initial discussion, Chair of the EAG and Board member (Mike Cresswell) addressed the statistical limitations of standardising small centres, explaining: *"The fact is that even if we don't believe the CAGs for small centres, that is just opinion. We have no evidence for it in any specific case because the small numbers mean that a centre's CAGs won't [sic] be statistically different from the centre's results last year."* He recommended transparency about the inherent margin of error, suggesting: *"I think we must be clear that what we are doing is approximate... perhaps we should be explicit that they are effectively accurate to +/- one grade?"* These discussions informed the approach to applying the standardisation process across different cohort sizes.

423 Further to the above discussion and following the EAG meeting referred to in more detail below, on 28 June 2020, Chair of the EAG and Board member (Mike Cresswell) followed up by sending Director of Strategic Projects (Dr Ian Stockford) a technical note validating his assertion that there was no way of deciding for very small centres which of them was truly lenient or by how much [IB/259 INQ000621985]. Chair of the EAG and Board member (Mike Cresswell) confirmed that his assertion was indeed correct and provided a statistical justification for setting the threshold parameter at a value of 5, as Director of Strategic Projects (Dr Ian Stockford) had proposed. The technical note demonstrated that it was statistically impossible to achieve 95% confidence that any difference between CAGs and Model Predicted Grades was significant for centres with 5 or fewer candidates, thereby providing a sound technical rationale for this threshold. This analysis was subsequently incorporated as Annex K to Ofqual's technical report 'Awarding GCSE, AS, A level, advanced extension awards and extended project qualifications in summer 2020: interim report' [IB/260 INQ000622182]

- 424 The EAG met on the 26 June 2020 [IB/241 INQ000621977] [IB/261 INQ000622052]. The minutes reflect that the centre level analyses did not suggest that the standardisation approach would exacerbate any existing inequalities in attainment of those that had been considered in the analyses. Noting the model operated at centre level, further equalities analyses at candidate level was planned. The EAG noted that data on centres assessed grades would be available in July, but the calculated grades would be needed to undertake the further analyses. The EAG welcomed the analysis demonstrating the performance of the model, and noted the *'greatest impact would likely arise from the potential for there to be bias in the centre assessed grades submitted by schools rather than the model itself.'*
- 425 The EAG also considered the paper concerning standardisation at arithmetic grades, which as written, proposed putting greater weight on the centre assessment grades at the arithmetic grades rather than applying statistical predictions at all grades. The minutes of the meeting reflect that the Director of Strategic Projects (Dr Ian Stockford) advised the EAG that since the paper had been written, further analysis based on actual CAG distributions had been done, and the recommendations in the paper had been reversed. This was due to the potential to inadvertently disadvantage candidates, particularly those at GCSE grades 2 and 3, for centres who had predicted relatively relative stable results. The minutes show that the EAG agreed with the revised recommendation. Director of Strategic Projects (Dr Ian Stockford) also presented the paper on standardisation of centres with a small entry, no historical data and subjects with a small entry. The minutes show that the recommendations as set out in the paper were agreed by the EAG.

CAG moderation

- 426 I have seen an email from the Chair of the Board (Roger Taylor), dated 25 June 2020, discussing the moderation of CAGs [IB/262 INQ000621975]. He emphasised the importance of resolving the argument about moderation before results day. He suggested making an announcement about the approach to be taken as soon as possible, but only after gathering sufficient evidence. Additionally, he highlighted the consequences of not addressing the issue, which would result in students being awarded grades that were likely incorrect and acknowledged that while some grades might be accurate, it would be impossible to identify which ones.
- 427 I have seen an email Chair of the Board (Roger Taylor), dated 25 June 2020, to Economic Adviser to the Chancellor and EAG member (Tim Leunig), separate from

both the above discussions arising from distribution of the papers for the EAG. The email stated that following a conversation the previous evening, 24 June 2020, it appeared that the most equitable solution would be to adjust the CAGs to align with predicted grades using the rank order of students [IB/263 INQ000621976]. He stated that the reliability of the rank order was to be verified by comparing it to KS2 and NRT outcomes and investigating if particular factors influenced them. In addition, surveys and interviews with teachers and heads would be conducted to better understand what steps had been taken.

428 A CEO Oversight meeting took place on the 25 June 2020, the notes of which are contained within an email dated 30 June 2020 [IB/264 INQ000621997]. Within these notes, it was reflected that exam boards' initial analysis showed notable grade inflation of CAGs pre-standardisation, as compared to results from the previous year. There was an additional concern from exam boards regarding the final sign off on the standardisation model and having sufficient time to implement and test the code. Ofqual confirmed that a final decision had been communicated regarding the model that day (30 June 2020).

429 In an email chain from 26 June 2020 to 07 July 2020, I have seen correspondence between Chief Executive of United Learning (Sir Jon Coles), Economic Adviser to the Chancellor and EAG member (Tim Leunig), and Ofqual officials regarding the standardisation model for exam grades. Ofqual maintained that their standardisation approach was appropriate and did not adopt the proposal of Sir Jon Coles, which suggested allowing CAGs to influence centre-level distributions to a greater extent [IB/265 INQ000622024] (see further paragraphs 454 to 456 below).

Finalising the Standardisation Approach

430 I have seen an email on 29 June 2020, in which the Chair of the EAG and Board member (Mike Cresswell) suggested that a robust defence should be constructed using actual data obtained from models and standardisation processes [IB/266 INQ000621986]. He proposed working on a few subjects in parallel with the exam boards to better understand the data and believed that this approach would yield powerful arguments and advised holding until all data was collected to make a compelling defence against any complaints.

431 During the period between the 16 and 29 June 2020, and specifically with regard to the decisions that were to be made by the Board on 24 June 2020 around an autumn

series for 2020, I have seen an email chain [IB/268 INQ000621991] in which the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) discussed a piece of research that was commissioned by Ofqual in 2019 about the impact of coursework on attainment dependent on student characteristics authored by Anne Pinot de Moira [IB/267 INQ000622734]. The email chain shows that the research may be supportive of the EIAs for both decisions around the autumn series and planning for summer 2021 [IB/268 INQ000621991]. The research was published on 30 June 2020. It concluded that variation in GCSE and A level grade outcomes was largely explained by students' prior attainment and found little evidence that coursework in the subjects researched had any impact on outcomes for students with SEN.

- 432 A consultation regarding the 'Extraordinary regulatory framework, General Qualifications Covid-19: guidance', was published on 30 June 2020, seeking feedback on draft guidance concerning appeals related to calculated results for the summer of 2020 [IB/269 INQ000621990]. The consultation was open to anyone interested, but particularly targeting AOs who were required to comply with the GQ Covid framework, centres that might appeal against calculated results, and learners who might request appeals. The document emphasised the need for AOs to distinguish between genuine errors and attempts to amend centre assessment grades based on subjective judgments. It outlined the administrative procedures that should be followed if a centre claimed an error in its submissions. The consultation included several questions aimed at gathering feedback on the draft guidance, including its clarity and potential impacts on AOs and individuals with protected characteristics. The consultation invited comments and feedback on the proposed guidance and indicated that decisions regarding the implementation of the guidance would be published by 31 July 2020.
- 433 I have seen documents regarding the standardisation model that were circulated on 30 June to the Chief Regulator (Sally Collier) for sign off [IB/270 INQ000621993] [IB/271 INQ000621994] and published in July 2020. These were aimed at answering centres' and stakeholders' questions about the standardisation process and included links to the main landing page for a significant amount of Ofqual's public facing information. They set out an outline of the grading process, which data would be used, clarification that centre trajectory would not be used, that the process will be sensitive to smaller entries, and also talked to the autumn series opportunity.
- 434 I have seen an email on 30 June 2020 in which the draft speech by the Chief Regulator (Sally Collier) for the Summer Symposium on 21 July 2020, was circulated [IB/272 INQ000621995] [IB/273 INQ000621996]. The draft speech discussed that the main

goals of that year's exceptional arrangements included allowing learners to receive results and progress to further study or employment, ensuring sufficient validity and reliability of grades, and ensuring that arrangements were as fair as possible to the students in 2020 and those in previous and future years. The Director of Policy and Strategic Relationships for General Qualifications (Richard Garrett) proposed some additional changes which highlighted the importance of the standardisation model in the context of grade inflation and ensuring the fairness of students' grades, as well as touching on the fact that the rank orders provided by schools and colleges would be maintained.

- 435 Ofqual produced a paper on 30 June 2020 titled 'DRAFT: Our work to manage bias and equalities issues in awarding summer 2020', which particularly considered students with protected characteristics and those from lower socio-economic backgrounds [IB/274 INQ000563234]. Ofqual actively engaged with experts and stakeholders to ensure that communications regarding the grading process were sensitive and informed. That included plans to publish analyses of student outcomes based on protected characteristics. Acknowledging the potential for unconscious bias in grading, additional guidance was provided to schools to ensure objectivity in assessments. The grading model aimed to prevent exacerbating attainment gaps among different student groups. Students dissatisfied with their calculated grades would have the option to sit for exams in the autumn, allowing them to use the higher grade for future academic progression.
- 436 Ofqual produced a paper on 30 June 2020 on the standardisation process, emphasising fairness in the absence of exams [IB/275 INQ000622008]. The document outlined the process and that adjustments would be made based on objective evidence to maintain equity among students. Students who felt that their calculated grades did not reflect their likely performance would have the chance to sit for exams in the autumn, allowing them to use the higher of the two grades for future progression.
- 437 I have seen an email exchange between the Chair of the EAG and Board member (Mike Cresswell) to the Chair of the Board (Roger Taylor) on 02-03 July 2020 in which the need to address the complications with the standardisation process was raised, especially for small centre entries that were receiving CAGs [IB/276 INQ000622013]. He discussed that intermediate-sized entries must also be considered carefully and that revising the process may be necessary to ensure it remained defensible and unbiased.

- 438 I have seen a letter to be signed off by the Chief Regulator (Sally Collier) circulated on 03 July 2020, which sets out the decision on the NRT results in 2020 and the rationale for that [IB/277 INQ000622011]. Despite students not taking exams, it was decided that ignoring the NRT would be unfair, as students might have shown improved performance. The decision to use NRT evidence was endorsed by the Ofqual Board on 03 June 2020 stating that *"if there is sufficient evidence to make an adjustment, then we should make the adjustment to the national predictions that will be used as part of the statistical standardisation process"*.
- 439 I have seen an email dated 03 July 2020 in which Research Fellow (Rachel Taylor) invites the Chief Regulator (Sally Collier) and the Chair of the Ofqual Board (Roger Taylor) to give final approval for the set of documents which comprise the requirements for the calculation of results under the GQ Covid framework to be published on the 06 July 2020 [IB/278 INQ000622014]. Within the email, it is proposed that Ofqual refrains from publishing Annex E and G (details regarding the standardisation process) until 20 August 2020. The reasons for that delay are set out in the email, but with regard to Annex E (the detail of the standardisation model) the risks were two-fold. Firstly, there was a risk that some centres could use the information to calculate results for their own students, and in doing so, undermine the premise of results day and create an actual or perceived unfairness in respect of early access to progression opportunities. Also, those results could be inaccurate due to differences in data sets. Secondly, there was a malpractice risk for a minority number of centres who had not as yet finalised submission of their assessed grades. The note clearly states, even with some redaction, a malpractice risk would remain. As regards Annex G and the outcome of the NRT, before publication, Ofqual would publish further information to allow users of qualifications to understand how the statistical standardisation process operated, in a way which avoided pre-calculation of results, and which minimised any malpractice risk.
- 440 An email dated 18 August 2020 [IB/278a INQ000622237] set out details of a telephone meeting with the Secretary of State for Education (Rt Hon Gavin Williamson MP), the Minister for School Standards (Nick Gibb MP) and the Chief Regulator (Sally Collier), the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) on 09 July 2020. This email also referred to a telephone meeting of 05 July 2020 with the Minister for School Standards (Nick Gibb MP) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows). It is assumed that these meetings did take place in the absence of any emails stating that they were cancelled [IB/279

INQ000622023]. I have seen the points for discussion that the Chair of the Board (Roger Taylor), the Chief Regulator (Sally Collier) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) discussed on 08 July 2020 ahead of their meeting with the Secretary of State for Education (Rt Hon Gavin Williamson MP) on 09 July 2020 [IB/280 INQ000622033], noting that the Secretary of State for Education (Rt Hon Gavin Williamson MP) wanted a clear idea of the impact of standardising results; there it was acknowledged that there may be issues with schools that have no prior attainment history, particularly private schools that did IGCSEs until the year prior, or new schools. The Chair of the Board (Roger Taylor) noted that there *"is a concern that they will be disadvantaged by having an average value add score applied"*.

- 441 In a separate email chain between the Chair of the Board (Roger Taylor), the Chief Regulator (Sally Collier) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) [IB/281 INQ000622035] prior to the meeting noted that *"A private school with no prior attainment data will have its predictions based on its previous outcomes – so if they were very high in previous years they will continue to be very high. If they have a few pupils matched to prior attainment this will be used but in a weighted fashion. Obviously the prior attainment measure at A level is mean GCSE so most pupils will have done at least some GCSEs. I'm not aware of anything that actively disadvantages independent schools in the model."*
- 442 An email sent by DfE's Deputy Director (Jacquie Spatcher) to the Chief Regulator (Sally Collier) following the meeting with the Secretary of State (Rt Hon Gavin Williamson MP) on 09 July 2020 [IB/282 INQ000622036] confirmed the meeting with the Secretary of State (Rt Hon Gavin Williamson MP) took place. Also on 09 July 2020, I responded to an update from the Chair of the Board (Roger Taylor) thanking him for the update which stated that the Secretary of State for Education (Rt Gavin Williamson MP) was on board with Ofqual's proposed approach, which included managing risks relating to the significant communications challenge [IB/283 INQ000622037].
- 443 Ofqual produced a draft of key messages for stakeholders, students, parents and teachers in advance of presenting that to the Board on 09 July 2020 and refined some of those after the Board meeting had taken place [IB/284 INQ000622029] [IB/285 INQ000622040] [IB/286 INQ000622043] [IB/287 INQ000622047] [IB/288 INQ000622032]. The messaging outlined that the model would consider each centre individually, comparing CAGs to the centre's historical results and the prior attainment of the students, to judge whether its CAGs were more generous or severe than

predicted. They highlighted that without standardisation, the currency of the grades would be undermined, and national outcomes would be implausibly higher than previous years, by as much as 10 or more percent. Ofqual anticipated that stakeholder conversations would be accompanied by a detailed walk-through of the model's operation, both to support understanding and to socialise content which would be published on the week commencing 20 July 2020.

444 This further outlined that it was expected that most centres would see some adjustments to their CAGs to align them with other schools and colleges. Consequently, most students would experience some changes in their grades. From the data reviewed, it was evident that while most students would receive their CAGs, a significant number would have their results adjusted through the standardisation process as, on average, centres had been more generous in their outcomes than expected.

445 In an email chain from 08-09 July 2020, Chair of the Board (Roger Taylor) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) discussed preliminary findings from Ofqual's standardisation model based on a 75% cut of the data [IB/289 INQ000622034]. The Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) indicates that around 50-60% of calculated grades would match the Centre Assessment Grades (CAGs), with Biology falling just below 50%. Where CAGs were adjusted downward, the vast majority would change by only one grade, though some would move by two or more grades. The model was expected to produce outcomes 1-2% higher than would normally be expected given the entry patterns to any subject. She provided an example of a private college's Chemistry A-level CAGs showing significant disparity with the school's historical performance over three years, with 73.8% of students receiving A* grades in their CAGs compared to historically only 34.2% achieving this grade.

446 Chair of the Board (Roger Taylor) referenced a telephone conversation with myself as a member of the Board, noting that I had emphasised the Board's ultimate authority over the process. His email noted that I had made clear that if the agreed approach was going to produce "*untenable results*," the Board could "*simply reverse its decisions*" - a point he felt should be acknowledged politically at the start of Board discussions to address concerns that decisions had been presented as irreversible. Chair of the Board (Roger Taylor)'s email highlighted that the Board would require clear comprehensive information about grade changes, particularly regarding the proportion of grades being adjusted, how changes were distributed across schools, and whether

some centres might see all their grades changed. He also highlighted the importance of demonstrating the unreliability of CAGs and confirming that rank orders did not show bias against ethnic minorities, while acknowledging disagreement from some stakeholders about Ofqual's standardisation methodology [IB/289 INQ000622034].

447 Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) authored a Board paper titled 'Decisions taken regarding standardisation of grades in summer 2020' for the Board meeting on 09 July 2020. The paper listed decisions taken regarding the standardisation of CAGs with a short rationale given for each decision, and who took that decision. It noted the risks associated with the standardisation of CAGs were a *"failure to secure standards of GCSE, AS and A level"* and Ofqual being unable to counter the *"perception that student outcomes in 2020 are unfair"* [IB/290 INQ000622026].

448 The minutes of the Emergency Board Meeting on 09 July 2020 at 08:30 hours can be found here [IB/291 INQ000563278]. The Board noted that the Chief Regulator would be meeting the Secretary of State for Education (Rt Hon Gavin Williamson MP) and the Minister for School Standards (Nick Gibb MP) later on the 9 July with the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) to share the high-level preliminary overview of results data to date. It was noted that this was an unusual step but judged to be appropriate under the exceptional arrangements for that summer. The Board discussed the decisions taken regarding the standardisation of grades in summer 2020, which included that *"relevant decisions in the development of the standardisation model had given upward benefit of the doubt to students meaning that collectively, the national results would be between 1% and 2% higher."* An overview of early results was shared with the Board based on 75% of data being received. Two papers were presented to the Board relating to decisions taken regarding (1) standardisation of grades in summer 2020 and (2) communications. The Board noted aspects of the presentation and Board papers received, including:

448.1 The margin of grade inflation in centre assessment grades (CAGs) of 8 – 9% at GCSE and 12% at A levels.

448.2 Where adjusted, CAGs were mainly reduced by one grade, but a small number of grades would be reduced by more than one grade.

448.3 That the inflation in CAGs would support understanding of the need for a standardisation process.

448.4 There was less impact on lower grades at GCSE.

448.5 The data for direct comparisons between A levels and the IB had not yet been received

449 The Board minutes also reflect that the Board noted there was a need to explain variations in distribution across centre types; that there would be some organisations/associations in the sector that would question the integrity of the process; and that it was important to highlight the importance of prior attainment to support the integrity of the process. The minutes also show that the Chief Regulator (Sally Collier) reported to the Board that all four home nations were facing similar challenges.

450 An email dated 16 July 2020 from the Diary Manager for the Minister for School Standards (Nick Gibb MP) [IB/292 INQ000622053/ IB/293 INQ000622054] requested an urgent meeting to be scheduled on 16 July 2020 to discuss the 2020 exam results with the Chief Regulator (Sally Collier), the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and the Executive Director for General Qualifications (Julie Swan). I do not know if this meeting took place [IB/292 INQ000622053] and I have not seen any minutes of it.

451 I have seen an email chain on 17 July 2020 in which the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and the Chair of the Board (Roger Taylor) discussed concerns regarding moderation and the routes for appeal following the request from DfE [IB/294 INQ000622055]. In summary, two ideas were being considered; identifying outlier candidates based on prior attainment, centre assessment grades, and rank order to ensure they fit the model, and addressing centres with significant changes in their constitution that affect the relevance of historical data, using data-driven remedies.

452 In an email exchange from 17 to 18 July 2020, Chair of the Board (Roger Taylor) and Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) discussed how the standardisation model would handle exceptional students at lower-performing schools, prompted by Economic Adviser to the Chancellor and EAG member (Tim Leunig)'s query about school discretion [IB/295 INQ000622061]. The Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) reported they had identified only "*a few thousand*" such outliers among many thousands of grades and were meeting to discuss whether they could develop criteria for special cases. The

Chair of the Board (Roger Taylor) explained to Economic Adviser to the Chancellor and EAG member (Tim Leunig) that CAGs provided unreliable information for this purpose, with centres varying widely in their predictions without plausible relationships to likely outcomes. He noted it remained uncertain whether the feared problem would materialise, as bright students at lower-performing schools might still receive appropriate grades. The Chair of the Board (Roger Taylor) acknowledged that if the issue did arise, they would need to be prepared to defend their approach, and while they had not found a fair solution within the grading process, they were exploring remedies through the appeals process.

453 In an internal email exchange from 17-19 July 2020 between Executive Director for Strategy, Risk and Research (Dr Michelle Meadows), Chief Regulator (Sally Collier) and Chair of the Board (Roger Taylor), there was a brief exchange looking at some emerging equalities and demographic gap data. The Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) shared that the changes were extremely small—approximately *"a twenty-fifth of a grade"*—and comparable to normal year-on-year fluctuations. She cautioned against over-interpretation of the small variations, that she had shared the data with the Chair of the EAG and Board member (Mike Cresswell) and he was not minded to advise any immediate action [IB/296 INQ000622060].

454 I have seen a number of emails suggesting that several meetings were scheduled between the Chief Regulator (Sally Collier) and the Secretary of State (Rt Hon Gavin Williamson MP) on 20, 21 and 22 July 2020. The meeting which was due to be held on 22 July 2020 was brought forward to 21 July 2020 [IB/297 INQ000622030] [IB/298 INQ000622056] [IB/299 INQ000622031] [IB/300 INQ000622063] [IB/301 INQ000622064] to allow for a discussion in advance of the Summer Symposium. The email noted the two key messages from the Secretary of State (Rt Hon Gavin Williamson MP) to the Chief Regulator (Sally Collier) were:

"- To encourage her to be more open at the symposium about the specifics of what you're seeing re levels of grade inflation in the CAGs etc; and

- To encourage her to be more "muscular" in responding publicly to the Jon Coles challenge on the standardisation process ..."

455 I do not know if those meetings took place, but I have not seen any evidence suggesting that they did not.

- 456 On 20 July 2020, Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) provided evidence to DfE's Deputy Director (Jacquie Spatcher) in rebuttal of Chief Executive of United Learning (Sir Jon Coles') proposed alternative standardisation model. Ofqual's position was that Sir Jon Coles' model incorrectly assumed that CAGs provided reliable signals about centre improvement, when they actually reflected differing approaches to producing CAGs. Dr Meadows highlighted that CAG inflation was extreme (13% at A-level grade B, 10% at GCSE grade 4) and implausibly concentrated at specific grade boundaries. She noted concerning patterns where certain centre types (FE Colleges) showed higher inflation than others, with some centres submitting completely unrealistic CAGs. Since some centres had acted with integrity by using previous statistics to moderate their CAGs, Ofqual believed Sir John Coles' model would disadvantage those centres while benefiting those that had been overly generous. Dr Meadows included data showing varying levels of CAG inflation by centre type, with FE Colleges showing the highest inflation at GCSE (0.48 mean grade) and Secondary Modern schools highest at A-level (0.64 mean grade). The correspondence shows DfE officials were seeking this analysis to help counter Sir Jon Coles' arguments in discussions with school leadership organisations [IB/302 INQ000622062].
- 457 On 21 July 2020, Ofqual held its annual summer symposium for stakeholders. An Ofqual presentation for the Summer Symposium 2020 was circulated internally and a draft of the Chief Regulator (Sally Collier's) opening remarks for the Summer Symposium was also circulated [IB/303 INQ000622068] [IB/304 INQ000622066] in advance. The presentation outlined how CAGs vary by centre type, race, and gender and compares them to 2019 results. The document also set out Ofqual's aim to create outcomes in 2020 that were *"broadly similar to those of previous years, if slightly more generous"* and ensure, *"as far as possible, [that] students won't be advantaged or disadvantaged depending on which school or college they attended."* The Chief Regulator's opening remarks also mentioned *"We are today publishing a full explanation of how the model works. We are not publishing the precise statistical formulas being used. We will publish this detail on results days. It is an important principle that everyone finds out their results at the same time on results day. Early publication of this information could lead to some unfairly finding out their results early or cause unhelpful anxiety if they are incorrectly calculated."*
- 458 The same day (21 July 2020), Ofqual published a fact sheet and a short film to outline the grading process, within which it was explained that all grades will be standardised

by exam boards using a process developed by Ofqual to bring consistency to judgements [IB/305 INQ000622070]. Exam boards would predict the grade distribution for each subject at a centre by considering the centre's historical performance and the prior attainment of students in previous years. The centre's rank order of students would then be overlaid onto the predicted grade distribution to allocate grades without changing the rank order. Before issuing results, exam boards would compare the national results with those in previous years to ensure they are not too generous or severe. Slight adjustments may be made to ensure comparability and once grades were standardised using this process, the final calculated results would be issued to students.

- 459 On 21 July 2020, a press release was published covering topics discussed at the symposium [IB/306 INQ000622732]. These were: equalities, standardising GCSE, AS and A level grades this summer, calculating results for VTQs and appeals and autumn exams and assessments. These are also touched on in Chief Regulator (Sally Collier)'s opening remarks, the main takeaway being that *"The majority of grades students receive will be the same as the centre assessment grade and almost all grades students receive will be the same as the centre assessment grade or within one grade"*.
- 460 Research Fellow (Rachel Taylor) shared data tables with the exam boards on 22 July 2020 prior to a Maintenance of Standards meeting on 23 July 2020 [IB/307 INQ000622075]. She confirmed in this email that the attachments have been shared and that the *"matched outcomes v predictions"* have been shared nationally and *"by spec with the boards"*. The tables include data related to A Level exam results and statistical adjustments and are as follows:
- 461 A level CAGs vs. 2019 outcomes – by subject and overall [IB/307 INQ000622075] [IB/308 INQ000622080] which also includes a summary by centre type.
- 462 A level calculated grades vs. 2019 outcomes – by subject and overall [IB/307 INQ000622075] [IB/309 INQ000622082].
- 463 A level changes to CAGs [IB/307 INQ000622075] [IB/310 INQ000622079].
- 464 A level small cohorts – by subject and centre type [IB/307 INQ000622075] [IB/311 INQ000622076].
- 465 AS CAGs vs. 2019 outcomes – by subject and overall [IB/307 INQ000622075] [IB/312 INQ000622077].

- 466 AS calculated grades vs. 2019 outcomes – by subject and overall [IB/307 INQ000622075] [IB/313 INQ000622081].
- 467 AS changes to CAGs [IB/307 INQ000622075] [IB/314 INQ000622078].
- 468 The minutes of the Maintenance of Standards meeting held on 23 July 2020 can be found at [IB/315 INQ000622271]. The teleconference was attended by regulators from Ofqual, QW, and the CCEA Regulation, as well as representatives from various exam boards. Chief Regulator (Sally Collier) chaired the meeting. The meeting reviewed updates to Annex E of the Requirements, with the key changes being the approach to large centres and the awarding of phase 4 GCSEs. No comments were received from exam boards regarding these changes.
- 469 A summary of the data tables for AS and A level outcomes that had been circulated ahead of the meeting was provided by Research Fellow (Rachel Taylor), showing a comparison against published 2019 JCQ figures and the proportion of centres with small cohorts. The minutes confirm that there was an overall increase at A level.
- 470 Ofqual's modelling work on the impact of small cohorts on outcomes was discussed and it was noted that modelling was based on the assumption that around 30% of CAGs would be optimistic, however, the actual data shows that this figure was higher. There were suggestions that analyses could be repeated with live data, but that even if that was carried out, outcomes would still be higher than for previous years. Various options were proposed by exam boards to address these concerns, but no consensus was reached.
- 471 I attended an Emergency Board meeting on 23 July 2020, at which we received an update on the 2020 appeals guidance under item 72/20, which had concluded its consultation period with approximately 130 responses received from stakeholders [IB/316 INQ000563247]. The Executive Director for General Qualifications (Julie Swan) reported that the Board had previously delegated sign-off authority for the final statutory guidance to the Chief Regulator (Sally Collier), with a further update scheduled for our emergency meeting on 29 July 2020. The guidance was designed to focus specifically on appeals involving wrong data or mistakes in data provided and would include practical examples of how centres could make evidence-based appeals, such as demonstrating improved performance over two years at A level. Notably, we clarified that a change in a school's URN following conversion to a sponsored academy would not in itself justify an appeal by a Multi-Academy Trust, and that academies

would need to provide concrete evidence of performance improvement sustained over two years.

472 I have seen an email dated 24 July 2020 in which the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) refers to the previous day's Maintenance of Standards meeting (23 July 2020) at which there was *"a discussion of the levels of inflation we are seeing in A level subjects with a large proportion of centres with low entries"* [IB/317 INQ000622085]. The Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) explained that concerns were raised about inflation and unfairness and that there was discussion about *"the possibility of changing thresholds and small to lower values or using CAGs for all centres within these subjects"*. It was confirmed that Wales was considering the former. However, Dr Meadows thought this method would lead to more unfairness between subjects. She also referred to an email from CCEA Head of Regulation (Sharon King) raising a concern as to Ofqual changing its approach.

473 I have seen an email dated 24 July 2020 from the Director of Standards and Comparability (Cath Jadhav) to various exam board representatives [IB/318 INQ000622086]. This email referred to the Maintenance of Standards meeting that occurred on 23 July 2020, where concerns were raised *"about the impact of the tapering thresholds for small cohorts (5 and 15) on overall outcomes, as it causes leniency in some subjects more than others."* It was noted that the exam boards were worried about the unfairness created within and between subjects, particularly where the majority of students were getting CAGs. The email refers to the following proposals, which were made during the meeting by the exam boards:

"1. Continue with the current approach and focus on communications to address/explain the issue

2. Changing the taper thresholds (up or down)

3. Accepting CAGs for all A level subjects

4. Accepting CAGs for all A level subjects where the proportion of centres getting their CAGs is over a certain number

5. Changing the cut-scores for some subjects"

474 The email reflects that it was recognised at the meeting that there was no ideal solution and explained that the current tapering thresholds were agreed upon following careful

consideration of the impacts. Ofqual acknowledged that using a statistical model to standardise the grades of a centre with a very small number of candidates will result in less reliable statistics. Ofqual therefore considered that changing the taper thresholds downwards would be statistically indefensible. The email contains a preliminary analysis table showing the impact of changing the tapering thresholds.

- 475 Ofqual's position as communicated in the email was that accepting CAGs for all A levels would undermine public confidence and create unfairness due to varying inflation rates between centres and between types of centre. The email highlighted that the statistical model used was developed with input from technical colleagues and external advisors, and making last-minute changes could undermine confidence in the model and increase the risk of successful challenges. Additionally, there was a practical reason for not making changes, as the final date for adjustments was that same day (24 July 2020) to ensure data availability for UCAS. The email concluded with a note on the need for careful communication in the run-up to results days.
- 476 An email dated 24 July 2020 from Director of Assessment at OCR (Sylke Scheiner), in response to [IB/318 INQ000622086] above, adds that there was another option to address the issue raised at the Maintenance of Standards meeting. This option was to *"use your option 4. below and adjust the cut scores to adjust national outcomes."* It was explained that the Director of Strategic Projects (Dr Ian Stockford) had explained that this was *"technically not possible / too risky to implement..."* [IB/319 INQ000622087].
- 477 A further email dated 24 July 2020 from the Director of Strategic Projects (Dr Ian Stockford) in response to [IB/319 INQ000622087] explained how the standardisation model works, particularly regarding 'harmonic mean' calculations that determined the extent to which a school's CAGs were adjusted. Director of Strategic Projects (Dr Ian Stockford) outlined his understanding of the email of Director of Assessment at OCR (Sylke Scheiner), and that her explanation was covered by 'Option 5'. Dr Stockford explained that the adjustment process for exam results varied according to the size of educational centres. Larger centres with a harmonic mean exceeding 15 had their grades fully adjusted by the statistical model. Medium-sized centres with a harmonic mean between 5 and 15 received partially adjusted grades through a tapered approach. Small centres with a harmonic mean of 5 or below had their centre assessment grades accepted without any adjustment.

- 478 Director of Strategic Projects (Dr Ian Stockford) went on to explain the difficulty of altering cut-scores (grade boundaries) to address the overall increase in outcomes. *"The suggestion of making changes to the cut-scores was initially raised in the context of the increased outcomes this year. To address this increase in outcomes through the cut-scores, the solution would obviously be to raise them. While this would lower the overall outcomes it would have the impact of introducing differential severity for only those candidates who, as described above, are already being adjusted by the model. This would have no impact on the outcomes for candidates being awarded their CAGs due to the size of the centre's entry. This would disadvantage candidates at larger centres in absolute terms making their award severe to compensate for the overall generosity. It would also increase any potential difference between candidates entering through centres with large entries compared to those with small entries."* This email also refers to an alternative approach to adjusting cut scores, which was not explicitly discussed at the previous meeting, and which would reduce rather than increase the scores, the effect being increased outcomes for candidates at centres receiving a full or partial adjustment based on the statistical model. Ultimately, the alternative approach would not necessarily have resulted in a more legitimate outcome set [IB/320 INQ000622089].
- 479 An email dated 24 July 2020 from the Director General of Joint Council for Qualifications (Philip Wright), also in response to [IB/318 INQ000622086] confirms that following Ofqual's confirmation, the exam boards will process results as agreed. Philip Wright referred to Ofqual's email, encouraging Ofqual to *"consider whether any further analysis is needed to give you greater confidence that the evidence supports your view that this is the best model possible in the present circumstances"*. In this regard, the email specifically refers to carrying out further modelling in relation to the taper and further research in terms of differential impact across centre types [IB/321 INQ000622088]. In addition, JCQ agreed with Ofqual that key next steps included communication with higher and further education candidates from small centres. JCQ also added that it thought *"the Ofqual Board, the Secretary of State for Education and DfE should be made aware of this issue and the potential implications."*
- 480 An email dated 24 July 2020 from Ofqual Official (Dawn Cleaver) to several Ofqual colleagues circulated the internal notes from the 'Four Country Update' [IB/322 INQ000622090]. These notes cover updates from Ofqual, CCEA Regulation, QW, and SQA regarding standardisation models, equality analysis, appeals processes, and results days, including that Ofqual had published its standardisation model and equality

analysis and planned to release student-facing communications about results days. Ofqual were also investigating appeals processes with plan to publish appeals guidance on 31 July 2020. Ofqual noted it had concerns about subjects with low-entry centres. CCEA was finalising a communications package and had released additional information on appeals processes. CCEA shared concerns about subjects with low-entry centres. QW was slightly behind in publishing their standardisation model and was looking at the impacts of changing thresholds for small centres. SQA was working through scenarios and assumptions around appeals and considering modifications for future exams.

Publication of the Model and Preparation for Results

481 Ofqual sent a letter to Heads of Centres on 27 July 2020 explaining the standardisation process for exam results [IB/323 INQ000622100]. The letter indicated that while results would be broadly in line with previous years, they would be slightly higher than the previous years to prioritise fairness for students. It acknowledged that all centres would see adjustments to their CAGs to ensure consistency, with many students having at least one grade adjusted through standardisation. The key points were to:

481.1 provide information about the standardisation model. At a national level, it was expected that results would be broadly in line with those in previous years. However, as Ofqual had taken technical decisions about the operation of the model, Ofqual had prioritised fairness for students over precise statistical alignment where appropriate. This meant that this year's results would be slightly higher than last year's. It was confirmed that Ofqual would make sure there is not any significant change in year-on-year results which would undermine the currency of the qualifications for progression;

481.2 note that the Heads of Centre were not given an opportunity to develop a common approach to grading. Therefore, it was to be expected that all centres will see some adjustments to their CAGs to bring them into line with other schools and colleges; and a substantial number of students will have at least one grade that has been adjusted as a result of standardisation;

481.3 summarise the VTQ awarding arrangements;

481.4 provide information on the appeals process.

- 482 Also on 27 July 2020, Ofqual published guidance for students explaining how results were calculated and what options were available if students were unhappy with their results [IB/324 INQ000622097].
- 483 I have seen the notes for a meeting held on 29 July 2020 between Ofqual and Sutton Trust via Teams [IB/325 INQ000622099]. The purpose of the meeting was to discuss the Sutton Trust's interest in the social mobility implications of exceptional arrangements for awarding in 2020 and plans for 2021. The notes outlined that the Sutton Trust expressed concerns about the potential widening of the attainment gap due to the new grading system and emphasised the need for monitoring these gaps. The Sutton Trust also raised concerns about "*issues around trajectory and the appeals process*." The Trust responded to the Summer and Autumn 2020 consultation series, expressing disagreement with several proposals, including the exclusion of centre trajectory in the standardisation process and the modification of rank order to account for bias. The Trust also highlighted the importance of ensuring that costs related to appeals and autumn series do not impact or disadvantage students. Additionally, the document mentions engagement with the Social Mobility Commission, which raised similar concerns about maintaining equity for disadvantaged students and suggested caution in adjusting CAG's. The Commission emphasised the need to intervene in the rank order if the gap between economically disadvantaged students and their peers is significant.
- 484 An email dated 29 July 2020 from Director of Standards and Comparability (Cath Jadhav) responded to the email from Director General of Joint Council for Qualifications (Philip Wright) mentioned in paragraph 479 above [IB/326 INQ000622106]. In this email, Ofqual expressed confidence in the statistical model while acknowledging its limitations. Ms Jadhav explained that lowering the thresholds would not be statistically defensible in response to concerns expressed about outcomes in some subjects. The email highlighted the exceptional circumstances of summer 2020 and acknowledged potential risks. The email also revealed a lack of consensus among exam boards regarding the standardisation model.
- 485 I attended an Emergency Board meeting on 29 July 2020, where we finalised several critical decisions regarding qualifications arrangements [IB/327 INQ000622707]. Under item 78/20, we received an update on the 2020 appeals guidance, with the Executive Director for General Qualifications (Julie Swan) confirming that the consultation on statutory guidance for appeal arrangements had closed with approximately 130 responses received. We gave detailed consideration to scenarios

where changes in school leadership, teaching and learning, and governance arrangements could affect a centre's performance, and agreed to establish an Appeals Committee internally comprising representatives from both Ofqual and exam boards to ensure consistency of approach. We supported the overall approach to appeals and the statutory guidance for publication, with final sign-off remaining delegated to the Chief Regulator (Sally Collier), though we expressed particular concern about 'outlier' candidates identified through the standardisation process, noting that no advice was included in the statutory guidance on this issue and requesting further work to address outliers within the appeal arrangements, whilst confirming that no additional grounds of appeal should be explored beyond those already set out, except in relation to outlier candidates.

- 486 I have seen an internal Ofqual email chain from 30-31 July 2020 in which the Chair of the Board (Roger Taylor) raised questions about the detailed workings of the standardisation model [IB/328 INQ000622107]. Mr Taylor specifically questioned whether the model had a "*flattening effect*" on high-achieving students in low-performing schools and asked for relevant historical data. He also sought clarification on how the model calculated outcomes for students with no comparable historical cohort and whether it incorporated interaction between prior achievement and school performance.
- 487 In response, Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) acknowledged that analysis on potential flattening effects for high-achieving students in low-performing schools had not been conducted but would be added to their work list. A meeting was arranged to explain the model's detailed functioning with Director of Strategic Projects (Dr Ian Stockford) to discuss how the model worked in detail.
- 488 Minutes from a 31 July 2020 'Maintenance of Standards' teleconference show Ofqual presenting equalities analyses indicating that differences in outcomes across demographic and socio-economic groups appeared consistent with normal year-to-year variations [IB/329 INQ000622293].
- 489 An email chain between the Chief Regulator (Sally Collier) and Chair of the Board (Roger Taylor) dated 31 July 2020 [IB/330 INQ000622108], notes that the Director of Assessment Research and Development, Cambridge Assessment (Tim Oates) identified 400 to 4000 candidates at OCR who might be graded unfairly by the

standardisation model. However, the emails state that it is unclear what definition of 'unfair' was being used.

- 490 A document titled 'Outliers and unusual cases where the final outcome might be harsh' from Cambridge Assessment analysts Tom Bramley and Tim Gill dated 31 July 2020 was sent to the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows). It detailed three specific criteria sets developed to identify anomalous cases in OCR's A Level data. These criteria focused on identifying students whose CAGs were higher than calculated grades in specific circumstances, particularly targeting high-achieving students in centres with conservative grading approaches, top-ranked students, and cases where adjacent students in rankings received significantly different calculated grades despite similar CAGs [IB/331 INQ000622119].
- 491 In and around 31 July 2020, Ofqual prepared a document which provided guidance on compliance with Condition GQCov4 and Condition GQCov5, related to the calculation of results for GQ Qualifications in summer 2020 and the appeals process for those results. The 'Extraordinary regulatory framework: General Qualifications, Covid-19 Guidance' was dated 14 August 2020 [IB/332 INQ000622700].
- 492 Condition GQCov4 required AOs to have arrangements in place which allowed them to provide sufficient information to centres when the latter were considering whether to appeal results. This information included CAGs, rank order information, historical learner data, and prior attainment profiles. The goal was to allow centres to review the data used for calculating results and compare it with their own information to evaluate potential grounds for appeal. AOs were to provide this information promptly to resolve cases where errors might have occurred and reduce unnecessary appeals.
- 493 Condition GQCov5 outlined the grounds for appeal, which included procedural errors, incorrect data used for calculating results, and administrative errors in issuing results. Appeals could be made on any of these grounds, and AOs were to have arrangements in place to handle them.
- 494 The guidance document provided specific examples of incorrect data, such as incorrect CAGs, incorrect data sets used by the AO, and errors introduced by the AO. It emphasised the importance of distinguishing between genuine errors and attempts by a centre to amend CAGs or rank order information in the absence of any error, which was not permitted. The document also discussed the process for handling appeals, including the need for Centres to provide supporting evidence and explain

why previously submitted data was now considered incorrect. It outlined the steps AOs should take to review and correct errors in data sets and emphasised the importance of prompt resolution of appeals to ensure accurate results.

- 495 An email chain dated 01 August 2020 contains an email from Chair of the Board (Roger Taylor) to Ofqual employees and board members [IB/333 INQ000622113] in which he raised concerns about under-prediction for three specific groups: high-achieving students in low-performing schools where schools were not over-predicting; candidates identified by Cambridge Assessment's "*inaccurate grades*" definition; and students with sharp grade drops (such as from a CAG of C to a calculated U-grade). He noted the lack of agreed definition for these cases and insufficient time to develop a robust solution before results day, while presenting two strategic options: standing firm or adopting mitigation measures.
- 496 In response, the Director of Strategy and Markets (Michael Hanton) outlined five specific options [IB/334 INQ000622114]: taking no further action as the model was defensible; seeking technical improvements to the model; confidentially informing qualification users about limitations; openly discussing limitations pre-results; or widening appeal routes for affected students. He emphasised evaluating these against Ofqual's values of transparency, expertise, consistency, and integrity.
- 497 Further correspondence dated 27 July 2020 – 03 August 2020 took place between the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and Cambridge Assessment analyst (Tom Bramley), discussing methods for identifying and addressing concerns regarding outlier candidates at the top of centre rank orders who had higher CAGs and different prior attainment from historical cohorts [IB/335 INQ000622117]. Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) expressed concern that selectively addressing outliers at the higher end of the grade scale might be considered discriminatory. She also noted that DfE had informed Ofqual that OCR had identified 400-4000 potentially affected candidates. Cambridge Assessment analyst (Tom Bramley) specified they used two approaches to identify students who might receive unfair grades through the standardisation model: applying criteria with OCR-specific severity measures rather than national averages and identifying candidates with the same CAG as higher-ranked students but receiving significantly lower calculated grades despite having higher mean GCSE scores.
- 498 I have seen an internal Ofqual email chain dated 03 August 2020 between Chair of the Board's (Roger Taylor), Executive Director for Strategy, Risk and Research (Dr

Michelle Meadows) and colleagues which discusses allowing appeals for exam grades where a centre's 2020 cohort distribution differs significantly from historical data. It was noted that the issue particularly affected centres with sparse or skewed cohorts. The team was working to define what constituted a "*significant*" difference to include in their consultation response. They agree that variation from CAGs alone was not grounds for appeal, but extreme shifts could indicate a valid appeal case. The appeals process would focus on distribution patterns rather than individual students, similar to how they handle gender factors in their model [IB/336 INQ000622120].

- 499 An Emergency Board meeting took place on the 04 August 2020, convened to address outstanding issues raised at a previous Emergency Board meeting on 29 July 2020, specifically concerning candidates being "*outliers*" and potentially receiving less reliable calculated grades, as well as the potential for appeals based on significant changes in the shape of a centre's expected grade distribution [IB/337 INQ000563264].
- 500 At this meeting, Executive Director for General Qualifications (Julie Swan), reported that Ofqual had consulted on draft statutory guidance for appeals, receiving approximately 130 responses. Publication had been delayed to allow further consultation with exam boards on handling appeals based on the use of wrong data. It was confirmed that a Technical Panel would be established to hear appeals, chaired by Ofqual, to ensure a consistent approach across exam boards. It was anticipated that small centres would be most affected due to the shape of distribution of anomalous grades and subject entry sizes.
- 501 The Board resolved to agree that a substantive change in the distribution of the 2020 cohort compared to historical data should be allowable grounds for appeal, subject to consultation with exam boards, completion of an EIA and clarification of wording in the statutory guidance.
- 502 Appeals affecting A-level students progressing to university would be prioritised, with the Technical Panel meeting daily following results. Universities had indicated they would hold student places until 31 August 2020.
- 503 The statutory guidance was expected to be published on 06 August 2020, allowing for a 24-hour consultation with exam boards. A student-facing media campaign would launch on 07 August 2020, continuing until 24 August 2020, and a plan highlighting the appeal system would be provided to all schools by 07 August.

- 504 Under powers of urgency, the Chair and Chief Regulator (Sally Collier) reported that details about small subjects with a small degree of inflation would be shared with UCAS in advance of A-level results day, presenting a three-day risk exposure.
- 505 I have seen the meeting notes and actions document from the Appeals Update Meeting held on 04 August 2020 [IB/338 INQ000622131]. The notes for this meeting confirm that Ofqual had been looking further into "*wrong data*" category as a ground for appeal, including where CAGs are sufficiently different to results of previous cohorts. The meeting notes state that the technical panel would work through a number of examples. Ofqual was to send the wording of the guidance to exam boards and JCQ and the exam boards were to respond to the wording of the guidance and consider any equality issues which relate to the wrong data ground. The meeting also discussed communications with UCAS (about ensuring that universities were not making quick decisions about candidate places and that there was sufficient time for those going through the appeals process) and DfE (about university places for those going through appeals process).
- 506 Exam boards had conducted analysis into results and identified that the number of candidates with outlier grades could range from hundreds to low thousands, from a total of around 6 million entries. The Board noted that data distribution in small cohorts was particularly subject to volatility, making it difficult to distinguish between real differences in student performance and instability related to the size of available historical data. The appeals process would allow additional evidence to be brought forward to remedy cases.
- 507 The Board expressed significant concern about some students receiving unreliable results, particularly outliers, but reluctantly accepted that there was no valid way to address this before results day, necessitating resolution through the appeals route. The minutes of the meeting show that following considerable discussion, "*subject to consultation with the exam boards, the completion of an equalities impact assessment and clarification of the wording in the statutory guidance, the Board resolved to agree that a substantive change in the distribution of the 2020 cohort compared to the historic data should be allowable grounds for appeal. The final wording would be delegated to the Chair [Chair of the Board (Roger Taylor)] and the Chief Regulator [(Sally Collier)]*".
- 508 On 06 August 2020, Ofqual published its consultation decisions guidance entitled 'Extraordinary regulatory framework, General Qualifications COVID-19 [IB/339 INQ000622111]. It focused on the decisions made following consultations on statutory

guidance related to appeals under the GQ Covid regulatory framework. The document summarised the decisions made, including the introduction of new guidance to support Conditions GQCov4 and GQCov5 and changes to the wording of the proposed guidance in response to feedback.

- 509 The wording of a letter from the Chief Regulator (Sally Collier) to the Telegraph [IB/340 INQ000622135] was agreed which would explain that students will be able to move on to further study or employment, with results which carry the same value as any other year. Ofqual wanted to avoid a dramatic increase in high grades which would undermine their value.
- 510 I have seen an email chain dated 06 August 2020 between the DfE Deputy Director (Jacquie Spatcher) and the Director General of Joint Council for Qualifications (Philip Wright) regarding how exam boards were preparing to approach centres to update them about the new grounds of appeal [IB/341 INQ000622132]. JCQ confirmed that there was a plan to contact centres via phone where outcomes looked anomalous considering distribution of results, and centres would be told that JCQ were available to support them where they wished to appeal.

2020 Exam Results

- 511 I have seen a draft briefing pack for the summer 2020 results that was circulated to senior Ofqual officials on 04 August 2020 [IB/342 INQ000622122]. This was a developing 'live' document which explained key elements of the approach to summer 2020 from the perspective of both GQ and VTQs, including the standardisation model, appeals, equalities considerations, autumn series opportunities and plans for 2021.
- 512 On 06 August 2020, Ofqual also prepared a draft document titled 'Results 2020' which was a briefing note for the Ofqual Board and SAG members [IB/343 INQ000622134]. It outlined key messages regarding the standardisation approach. It revealed that without intervention, CAGs would have resulted in significant grade inflation (12 percentage points at A level, 9 at GCSE). Whilst acknowledging that most grades would match CAGs or differ by one grade, the document noted some centres submitted *"implausibly high CAGs"* requiring larger adjustments. Ofqual maintained that despite imperfections in predicting individual performance, the model represented the fairest solution in unprecedented circumstances, with appeals processes established to address potential errors. The document included prepared media responses and comparisons with Scotland's different approach to grading and predictions.

- 513 A briefing note for the then Prime Minister (Boris Johnson) was prepared by DfE and sent to Ofqual on 06 August 2020 for comment. The briefing note set out arrangements covering the key issues for 2020 GCSE, AS and A Level results, including details on grading and areas of impact of the standardisation model. Ofqual commented [IB/344 INQ000622137] setting out that Ofqual expected most calculated grades to be the same as their CAG or within one grade of it. Ofqual had also found that there would have been a significant increase in grades in the absence of a standardisation process:
- 513.1 GCSE results would have been on average 9.7pp higher at grade 4 and above, and 6.9pp higher at grade 7
- 513.2 at A Level, there would have been an increase of 13.4pp at grade B and above, 12.3ppt at grade A and above and 6pp at grade A*
- 514 The note further acknowledges that there would be a difference in average grades between smaller and larger centres because there would have been a greater weight to CAGs for smaller centres. The note provided some guidance in supplying students with CAGs data and confirmed that there was no new bias introduced by the model. It also identified the potential disadvantages for outlier students as discussed at the Board.
- 515 Ofqual published a document on 07 August 2020 titled 'Summer 2020 results for regulated qualifications' which provided a guide to employers regarding the special arrangements made to award results despite exam cancellations [IB/345 INQ000622735]. It explained that for GCSEs, AS, and A levels, students' grades were determined by combining evidence from their teachers and a statistical standardisation process. It stated that for VTQs that signalled occupational competence, adapted assessments were used. Functional Skills, some vocational, technical and other general qualifications would have calculated results based on evidence from teachers and tutors with AOs carrying out quality assurance and checks on overall outcomes. For other VTQs, adapted assessments, such as online assessments or practical simulations, were used where possible. Ofqual signposted an interactive tool to find out the main approach used for each qualification.
- 516 On 09 August 2020, Ofqual circulated documents internally, and subsequently with DfE, on the outcomes of 2020 A Level grades compared to 2019 grades, showing that they were within 0.2% of each other [IB/346 INQ000622242] [IB/347 INQ000622243] [IB/348 INQ000622244] [IB/349 INQ000622245].

- 517 On 10 August 2020, The Director of Standards and Comparability (Cath Jadhav) shared data on equalities and socio-economic status (**SES**) with the DfE's Deputy Director (Jacquie Spatcher). The data showed that low SES group had a higher percentage of downgraded grades than mid and high SES groups.
- 518 I refer to an email exchange between an ASCL Representative (David Blow) and the Chair of the Board (Roger Taylor). The ASCL Representative (David Blow) had seen the recent blog on fairness. He also provided an article that he had written, which ASCL intended to send out the following day. His email reflected his view that the *"process has been incredibly rigorous and every effort has been made to be fair and take into account the information which is actually there"* [IB/350 INQ000622141] [IB/350a INQ000622142].
- 519 On 05 August 2020, the DfE sent an email to Ofqual attaching a briefing document that had been prepared in advance of a *"Dear colleague"* conference – a briefing meeting for MPs. The document prepared was titled 'Meeting with MPs – summer 2020 results'. This document outlined the agenda and key points that were to be discussed during the meeting held on 10 August 2020 [IB/351 INQ000622129]. The primary purpose of the meeting was to provide MPs with an opportunity to ask questions about the arrangements for summer 2020 in place of exams.
- 520 A Skype invite sent on 07 August 2020 confirmed the meeting was arranged for 10 August 2020. The meeting invite indicated the meeting was to brief the Minister for School Standards (Nick Gibb MP) ahead of a conference with MPs on 2020 results. An email from the DfE Deputy Director (Jacquie Spatcher) on 10 August 2020 to the Chief Regulator (Sally Collier), the Executive Director for General Qualifications (Julie Swan) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) confirmed that there was no set agenda for the meeting, and it was an opportunity for Ofqual to update *"on where you are with preparation for results and talk through some of the issues that have been coming up in the media and that you expect over the coming days"* [IB/352 INQ000622140]. It would appear that the conference with MP's was rescheduled to 11 August 2020 [IB/353 INQ000622138]. I also note from earlier in the chain an email from the Private Secretary to the Chief Regulator (Anona White) dated 30 July 2020 to the Private Secretary to the Minister for School Standards that, in respect of the MPs conference, that the Chief Regulator (Sally Collier) could attend and she *"would like Michelle Meadows (our ED in charge of the standardisation model) to join too, and if possible Julie Swan and Richard Garrett too – our ED for General Qualifications and our Director for General Quals Policy"*

respectively – as well. Between the four of them they should be able to answer any questions that Members have". I have not seen any minutes of this meeting. Further to this, I have also seen an email from the DfE Deputy Director (Jacquie Spatcher) to the Executive Director for General Qualifications (Julie Swan) and the Director of Standards and Comparability (Cath Jadhav) dated 07 August 2020 [IB/354 INQ000622240]. The email refers to a meeting which took place between the DfE, Ofqual and the No 10 Policy Unit. The readout from the meeting refers to discussions around publications. It would appear that No 10 asked Ofqual for the breakdown of SES (socio-economic status) on the CAGs versus calculated grades and that the DfE were also keen to see any data that Ofqual may have.

- 521 An email dated 10 August 2020 shows the Equalities and SES calculations from A level (Grade C and above) and GCSE (Grade 4 and above), comparing the numbers with historical data and their CAG differential [IB/355 INQ000622145].
- 522 On 10 August 2020, Ofqual's website published a response to media coverage about the approach taken to results in Scotland (which was to consider whether to award CAGs) and whether there would be an impact of other results. The grades awarded to students would be based on the assessments made by their schools or colleges, moderated by exam boards to ensure uniform standards nationwide. A slight increase of approximately 2 percentage points in A level grades was anticipated compared to previous years. Students would receive an estimate of the grades they would have achieved had the exams occurred. Schools and colleges retained the right to appeal if they suspected errors in the moderation process.
- 523 On 10 August 2020, Ofqual was asked to comment upon a draft letter that was to be sent to Universities by the Minister of State for Universities (Michelle Donelan MP) [IB/356 INQ000622144] in respect of the appeals process which had been confirmed by Ofqual. The letter requested that there should be some flexibility in admission decisions and where the institutions were aware that a student's grade may change as the result of an appeal, the Minister of State for Universities (Michelle Donelan MP) would encourage the offer to be held until the outcome of the appeal. The Minister of State for Universities (Michelle Donelan MP) also welcomed UCAS's decision to extend the 31 August 2020 advisory deadline for applicants to meet academic offer conditions to 7 September 2020.

Triple Lock

- 524 On the morning of 11 August 2020, Ofqual were told about the Government's interest in allowing students to appeal on the basis that they had taken a mock assessment which resulted in a higher result than their calculated grade. Ofqual responded immediately with a list of concerns about the fairness of such an approach. Ofqual's response to and engagement with the DfE with regards to the 'triple lock' proposal and position regarding reliance on mock exams results is detailed further in this statement at paragraphs 547 to 556 below.
- 525 I have reviewed an email exchange on 11 August 2020 [IB/357 INQ000622146] between the Chief Regulator (Sally Collier) and the Chair of the Board (Roger Taylor). The Chair of the Board (Roger Taylor)'s email at 08:49 hours on 11 August 2020 to the Chief Regulator (Sally Collier) noted that the DfE Policy Adviser to the Secretary of State (Jo Saxton) mentioned that No 10 and the Secretary of State for Education (Rt Hon Gavin Williamson MP) were reconsidering their stance, as Scotland appeared to be awarding CAGs and there was contemplation of doing the same in the UK. The Chair of the Board (Roger Taylor) indicated that this would likely contradict Ofqual's statutory objectives. The Chief Regulator (Sally Collier)'s reply expressed concern, anticipating backlash from many schools. The Chair of the Board (Roger Taylor) mentioned discussions with counterparts in Edinburgh and a media report suggesting that the First Minister of Scotland (Nicola Sturgeon) had ruled out this option, thus reflecting a rather confused situation.
- 526 On 11 August 2020, there was an internal Ofqual email exchange which discussed the impact of the change in approach taken in Scotland, the approach of using mock exam grades as evidence in an appeal and the need for an urgent Board meeting [IB/358 INQ000622149].
- 527 A Board briefing took place on 11 August 2020 at 12:45 hours. The notes of that meeting reflect that it had been convened at short notice to consider further options for appeal which had been raised by the Secretary of State for Education (Rt Hon Gavin Williamson MP) [IB/359 INQ000563251]. It was noted that Ofqual had not received a policy position from the DfE at the time of the briefing. The position that was communicated to the Board, as from the notes, was that students could (i) accept their calculated grade, (ii) appeal against the calculated grade, or (iii) ask for a mock exam result to be awarded in place of the calculated grade if that mock exam result was higher than the calculated grade.

528 On 11 August 2020, the General Secretary of the ASCL (Geoff Barton) emailed the Director of Policy and Strategic Relations for General Qualifications (Richard Garrett) and the Executive Director for General Qualifications (Julie Swan) regarding Ofqual's comments on the Scottish position on the standardisation model [IB/360 INQ000622153]. The comment, while supportive of Scotland's autonomy to decide their grading system, highlights the tension this caused within the UK as there was no longer uniformity and acknowledged that this puts pressure on other nations to follow suit.

529 A note was prepared by the Executive Director for General Qualifications (Julie Swan) titled 'Issues with ensuring students will receive a grade that is no lower than their mock', in advance of the lunchtime briefing on 11 August 2020 [IB/361 INQ000622148]. Some of the issues flagged include:

529.1 *"Mocks take many different forms in schools".*

529.2 *"Some teachers deliberately mark harshly to motivate students".*

529.3 *"It will not support the students who were already concerned the approach would treat them harshly because they did not take their mock(s) seriously".*

529.4 *"Students/parents would want to appeal against their mock mark".*

529.5 *"Private candidates will not have mock marks".*

529.6 *"The approach could overturn a school's rank order".*

529.7 Ofqual believed it would be in breach of our statutory objectives if qualifications were awarded on this basis.

530 The note also set out possible alternative options such as the DfE taking on the cost of appeals, centres with grade changes of 2 or more grades being encouraged to appeal, additional exam board resources, offering a set amount of funded private tuition to students who wish to take an autumn exam and removing the re-sit requirement for GCSE English and Maths.

531 The note also states:

"i. *The SoS could instruct Ofqual to issue the CAGs. Such a direction, if followed, could be in conflict with Ofqual's statutory objective to maintain standards.*

Ofqual had already consulted on individual rights of appeal and resolved that these would not be available.

- ii. If results were based on mock grades, this could also be in conflict with Ofqual's statutory objective to maintain standards. It was noted in particular that Ofqual had not consulted on the use of mock grades in appeals in this way, nor considered the equality implications of such an approach.*
- iii. The Department for Education (DfE) could ask Ofqual to step aside and they could issue qualification results on an unregulated basis." [IB/359 INQ000563251]*

- 532 The Board emphasised that there was no standard or consistent approach to mock exams across schools and colleges. To have any legitimacy, schools would have to sign a declaration to say their mock data was reliable and that the assessments had taken place under controlled conditions. However, the Board noted the potential disadvantages of such an approach given the likelihood that many students may not have had an opportunity to sit a mock. The Board expressed its view that if mocks were to provide a route of appeal any new grade should be no higher than the CAG because in most centres the mock results, where done, would have been a key piece of evidence in determining the CAG.
- 533 The Board's views were that an individual appeal on the basis of a mock result would not be possible, but an individual could ask a centre to appeal on the basis that there was reason to believe the result issued to the student was wrong, and that reason could be informed by a mock grade. Such an approach would require a Head of Centre declaration that the basis of the appeal was correct. The Board thought that the CAG would be the ceiling grade for any outcome of an appeal.
- 534 The Board suggested that Ofqual could present to the Secretary of State for Education (Rt Hon Gavin Williamson MP) an alternative of issuing unregulated qualifications based on centre assessments. This alternative had the advantage of making clear to everyone (universities, employers etc) what the status of the qualifications was so that they could make their own decisions. The Chief Regulator (Sally Collier) agreed to present this alternative to the Secretary of State for Education (Rt Hon Gavin Williamson MP).
- 535 I have seen internal correspondence on 11 August 2020 concerning the use of mock grades as a ground of appeal [IB/362 INQ000622150]. Ofqual, including the Chair of

the Board (Roger Taylor) and the Executive Director for General Qualifications (Julie Swan) discussed the position about the use of mocks as an alternative grade outcome for students, and in the face of concerns following the publication of exam results in Scotland, which had caused anxiety among students, parents, and teachers. The email exchanges demonstrate that preparatory thinking and drafting was being considered around a statement and position that would allow schools or colleges to *"include evidence of their students' performance in their mock exams when they make their case"* for an appeal, particularly in cases where a school believes the calculated grades do not reflect what students would likely have achieved in actual exams [IB/363 INQ000622151].

- 536 During the course of the day on 11 August 2020, Ofqual engaged with the DfE about the use of a mock result and the wording of any announcement. The Chair of the Board (Roger Taylor) suggested that use of a mock result could be looked at again. The DfE Policy Adviser to the Secretary of State (Jo Saxton) indicated, *"I think the SoS is after more"*. The Chair of the Board (Roger Taylor)'s email to the DfE Policy Adviser to the Secretary of State (Jo Saxton) on 11 August 2020 at 15:11 hours [IB/364 INQ000622152] noted that:

"As discussed offering a guarantee that no grade is lower than a valid mock is not something we can say we can do since we do not know what a valid mock is; it is far from clear that such a thing even exists; it is entirely unclear why mocks are given this status (wat about e.g. course work in art – does that count?); or how this guarantee interacts with the other elements of the grading system – e.g. we might end up awarding grades higher than the teachers CAG.

Added to this, that it will be massively exploitable by the unscrupulous and this adds up to a recipe for disaster."

- 537 A second Board briefing took place at 20:45 hours on 11 August 2020. The notes of that briefing can be found at [IB/365 INQ000622708].
- 538 The Board had been brought together to provide an update following the afternoon's engagement with the DfE and the Prime Minister (Boris Johnson)'s office on the positions that were communicated earlier in the day about the use of mock exams [IB/365 INQ000622708]. The Board noted that the First Minister of Scotland (Nicola Sturgeon) had announced that centre-assessed grades would be awarded to students in Scotland. The Chief Regulator (Sally Collier) reported that she had provided

feedback concerning the mock-based appeal process. She also confirmed that the proposition to award unregulated grades was put forward to and rejected by the Secretary of State for Education (Rt Hon Gavin Williamson MP).

- 539 The Board noted that the DfE had sent an embargoed (until 22:30 hours that night) draft press statement [IB/366 INQ000622154] to Ofqual that referenced a 'triple lock' process. This set out that students would be able to accept their calculated grade, appeal to receive their mock results or sit autumn exams. The Board noted that Ofqual had advised the DfE that this was not something that had been consulted upon – nor had the Board considered or agreed to such a proposed approach. The DfE's response was that they would proceed with the press statement. The notes of the meeting reflect that the DfE had said it would be a matter for Ofqual to advise what a valid mock process would be.
- 540 The Board having heard what the draft press notice said, noted the wording suggested a *"diluted and compromised standardisation process"*, even with an opportunity to attempt to define what would constitute a valid mock.
- 541 The notes go on to reflect the Board's understanding of the difficult political position the DfE and Ofqual were in given the move to CAGs in Scotland. The notes acknowledge that the Board considered that allowing a further ground of appeal would be preferable to the award of centres assessed grades, *"...Nevertheless, the risks associated with the government policy decision which could be in tension with the independent regulatory system was noted"*.
- 542 The notes reflect that the Chief Regulator (Sally Collier) addressed the Board and indicated that Ofqual had tried to fulfil Ofqual's role in line with its objectives, cognisant of the outcomes that the DfE was targeting. She noted that as the independent regulator she could not *"accede to a request that contradicted what Ofqual had been established to do"*. The notes also reflects that the Chief Regulator (Sally Collier) spoke with the Secretary of State for Education (Rt Hon Gavin Williamson MP) during a break in the Board meeting and she subsequently reported that he was concerned that the issue be resolved quickly.
- 543 The Government's announcement said *"Ofqual has been asked to determine how and when valid mock results can be used to calculate grades."* Whilst the announcement was put on the Government's website on 12 August 2020, it was made on the evening of 11 August 2020, embargoed publicly until 22:30 hours and reported on in the media

(on the evening of 11 August 2020). The Senior Media Officer at the DfE NR sent an email on 11 August 2020 at 21:53 hours to the Director of Communications (Kate Keating) to advise that the embargoed announcement had been leaked [IB/367 INQ000622155].

- 544 The Board noted that Ofqual could not decide to introduce a new ground for appeal upon which it had not consulted and which it did not have sufficient detail about. The Board indicated, as the notes set out, that it wished to pursue the necessary steps to see how the government policy as outlined in the press statement could be achieved, subject to Ofqual being able to define a valid mock result. It noted that Ofqual would need to issue a statement outlining what the proposal meant and why this had happened. It is also noted that one Ofqual Board member did not support the proposal, with a second not in support until clear criteria were established for the use of a mock result – such as that mock being held under exam conditions, based on a whole paper and appropriately marked.
- 545 Ofqual issued a statement responding to the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s announcement about mocks as a backstop grade in appeal and that *"We are working urgently to operationalise this as fairly as possible and to determine what standards of evidence will be required for the appeal. We will provide more detail early next week"* [IB/368 INQ000622748].
- 546 During the course of 11 August 2020, there were meetings between the Chief Regulator (Sally Collier) and various CEOs: OCR Chief Executive (Jill Duffy), Pearson Vice President and Senior Responsible Officer (Derek Richardson), AQA Chief Executive (Mark Bedlow) and WJEC representative (Lorna Turner). In the evening of 11 August 2020, there was an email exchange between the OCR Chief Executive (Jill Duffy), the Pearson Vice President and Senior Responsible Officer (Derek Richardson), the AQA Chief Executive (Mark Bedlow) and WJEC representative (Lorna Turner) requesting updates, [IB/369 INQ000622156], in particular in response to an article in the Guardian. The Chief Regulator (Sally Collier) confirmed (at 22:49 hours) that Ofqual had communicated the need for a consultation with the exam boards regarding the definition of a valid mock exam and that there should not be an automatic replacement of calculated grades with mock results, although mocks may serve as evidence for appeals based on incorrect data and equality grounds.
- 547 Following the Board meeting, the Chair of the EAG and Board member (Mike Cresswell) wrote a letter to the Chair of the Board (Roger Taylor) on 12 August 2020

to make known his dissent from the decision to accept a 'triple lock' within the appeals process [IB/370 INQ000622158]. He raised several issues with using mock examinations:

547.1 There is no standardised approach to administering, questioning or marking mock examinations. The lack of consistency with mock exams is as variable as the approach that the schools and colleges used to determine their CAGs.

547.2 Every school or college would not have a set of mock grades for all students, preventing some students from having access to that route of appeal.

547.3 The Board needed time to assess the accuracy of mock exams, and it was not clear if a set of criteria could be made to determine appeals, without which there would be further unfairness. The Board thought that the ground of appeal *"must be more than simply a device to legitimise the replacement... of calculated grades"*

547.4 It could not be guaranteed that the use of mock grades would be fair and was likely that parents and schools who were better resourced would pursue that route to appeal.

547.5 The use of mock grades was unlikely to be accepted by the government for the individual appeals and unlikely to address the *"political pressures"* that led Scotland to revert to CAGs.

548 The Chair of the Board (Roger Taylor) and the Chief Regulator (Sally Collier) shared their views with the Chair of the EAG and Board member (Mike Cresswell's) letter in an email chain on 12 August 2020, [IB/371 INQ000622159]. Mr Taylor confirmed that he would draft a reply, stating that he thought it important that such a reply indicated that the Board did not disagree with Chair of the EAG and Board member (Mike Cresswell's) concerns. Mr Taylor later noted that in his view *"public confidence is a reasonable consideration in making decisions"* and that the decision did not *"directly"* come about because of a lack of *"political support"*.

549 A Skype invitation dated 12 August 2020 from the Diary Manager for the Minister for School Standards [IB/372 INQ000622162] to schedule a meeting on 12 August 2020 with the Secretary of State for Education (Rt Hon Gavin Williamson MP) and the Minister for School Standards (Nick Gibb MP) was sent to various individuals at the DfE and Ofqual (including the Chief Regulator (Sally Collier), the Executive Director for

General Qualifications (Julie Swan), the Director of Standards and Comparability (Cath Jadhav) and the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows)). I have not seen minutes of such a meeting but have no reason to doubt that it went ahead.

- 550 On 12 August 2020, Ofqual and the DfE had an email exchange related to a document called 'Annex Q' about the *"Differences between CAGs and final grades by socio-economic group"* [IB/373 INQ000622187] with the subject heading *"Publish SES data (or not)"* [IB/374 INQ000622238]. The emails discussed whether the Annex Q should be published, including what if anything would be said regarding Scotland. The DfE expressed the need to maintain reputational integrity and noted a preference from No. 10 to present a favourable comparison with Scotland.
- 551 Ofqual published a press release on 12 August 2020 titled 'Response to the Secretary of State's announcement of 12 August 2020' [IB/368 INQ000622748]. Among other things, this stated that the process of calculating grades may produce results that require review, which was why appeals processes were put in place. It went on to say that Ofqual understood why the government wished to provide additional assurance for students by confirming evidence from valid mock exams could be considered as part of an appeal, and that urgent work was being done to operationalise this as fairly as possible, with more detail to be provided the following week.
- 552 I have seen a letter from the Secretary of State for Education (Rt Hon Gavin Williamson MP) to the Chair of the Board (Roger Taylor) on 12 August 2020, regarding his intention to announce that a higher grade from a valid mock can be considered as part of the appeal process [IB/375 INQ000622164]. The Secretary of State acknowledged that the appeal system announced by Ofqual the previous week addressed some concerns, but he believed they needed to go further to ensure fairness for all students, particularly where students had clearly demonstrated their capabilities through mock exam results.
- 553 I have seen an email exchange on 12 August 2020 between the Economic Adviser to the Chancellor and EAG member (Tim Leunig) and the Chair of the Board (Roger Taylor) regarding the process by which the decision to use mock exam grades came about, [IB/376 INQ000622161]. In this exchange, the Chair states that *"we have backed away from a valid and fair algorithm to a less valid approach in order to appease the lack of public acceptability of the use of an algorithm"*. Mr Leunig suggested that a 'lessons learned' exercise would be needed.

- 554 On 12 August 2020, the Director of Standards and Comparability (Cath Jadhav) shared draft data on A level CAG adjustments and SES equivalent to the SQA data already published, [IB/377 INQ000622166]. The document explains how the 'IDACI Score' variable from the NPD was used to assess equalities impact showing that the difference between low, mid and high SES were similar following the standardisation algorithm.
- 555 I have seen an email chain on 12 August 2020 between a previous Board member (Barnaby Lenon) and the Chair of the Board (Roger Taylor) considering the criteria to establish a valid mock [IB/378 INQ000622168]. Mr Taylor set out his initial thoughts as follows:
- 555.1 The mock must have been conducted before schools were closed.
- 555.2 The mock must have been carried out under exam conditions.
- 555.3 A past paper or other exam that reflects the syllabus must have been used.
- 555.4 It cannot be used to gain a higher grade than CAG.
- 556 The previous Board member (Barnaby Lenon) suggested that the algorithm might not pick up schools with very 'high value added' which could account for the disproportionate downgrading at the B/C border. 'High value added' means the extent by which a school or teacher contributes to a student's learning beyond what would be expected based on their initial abilities. High value-added scores indicate that a school is effectively helping students achieve more than what might be predicted based on their prior performance.
- 557 A Board briefing was held on 12 August 2020 at 16:45 hours. The notes of that briefing can be found at [IB/379 INQ000563279]. The Board were provided with stakeholder feedback following the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s announcement of the triple lock. Stakeholders were concerned about the timing and clarity of the announcements, especially regarding mock exam arrangements and the potential for appeals based on mock grades. The Board discussed the need for clear guidance from Ofqual on what constituted a valid mock exam and the implications of potential appeal volumes. The Board were advised that meetings with exam boards had taken place to consider how a valid mock could be defined. The limitations of the approach for private candidates were noted and that it was not known whether the DfE had undertaken an EIA. The unknown volume of appeals was noted, and the risks to

manageability to the exam boards – with a lack of data apparent. The Board also acknowledged challenges in maintaining public confidence in the results, especially in light of recent decisions in Scotland. A draft direction had been received from the Secretary of State for Education (Rt Hon Gavin Williamson MP), but it had not been possible to engage with it to advise the Board any further. The next day, the Board reconvened to consider the Secretary of State's draft direction regarding mock examination grades [IB/380 INQ000622227].

- 558 On 12 August 2020 at 17:00 hours, the Secretary of State for Education (Rt Hon Gavin Williamson MP) sent a letter to the Chair of the Board (Roger Taylor) which stated:

"I know that we are both fully committed to preserving the system of calculated grades which, in the absence of exams, is the fairest method of recognising students' ability and performance.

Even the best system is not perfect, however, and it is important that we ensure the grades are awarded are fair to all pupils. I welcome the appeal system announced by Ofqual last week that addressed some of these concerns, but also believe we must go further, where students have clearly demonstrated their capabilities.

It is for this reason that I set out my intention to announce that, where a student has achieved a higher grade in a valid mock, they can ask that that be considered as a part of an appeal. I appreciate that in a normal year this is not something we would wish to do, but this year it is necessary and I deeply appreciate your commitment that, should I ask Ofqual to do this, you will do all that you can to deliver it. My officials stand ready to work with Ofqual, where necessary, to ensure an appropriate process can be put in place that is fair, robust and provides the necessary guidance as to how a valid mock should be defined."

Ofqual's guide to AS and A level results for England, 2020

- 559 A level results were announced on 13 August 2020.
- 560 On 13 August 2020, Ofqual published a press release which outlined the following: that A level results showed higher achievement at grade A and above in 2020 (27.6%) compared to 2019 (25.2%) [IB/381 INQ000622749]. In addition, that most grades (96.4% at A level) matched or were within one grade of teacher-submitted CAGs. The press release explained that students unhappy with results could appeal or take

autumn exams. The article went on to note that AS entries continued their significant decline, falling by over 26% from 2019.

561 Ofqual also confirmed that it was publishing the following documents that same day (13 August 2020):

561.1 A summary of the year's results (included in the press release above).

561.2 A technical report detailing the standardisation model [IB/260 INQ000622182] (see paragraph 562 below).

561.3 An infographic about A level results [IB/382 INQ000622178].

561.4 Interactive analytics of A level outcomes in England with a map showing results by subject, grade and county [<https://analytics.ofqual.gov.uk/apps/GCSE/Outcomes>].

561.5 Requirements for calculating summer 2020 results (including detailed model specification) (republished from 07 July 2020, as set out at paragraph 388 above).

561.6 A letter to university admissions officers (see paragraph 646 below) [IB/383 INQ000622139].

561.7 Analysis of grades for Level 1/2, 3 and 4 VTQs (see paragraphs 907 to 912 below) [IB/384 INQ000622736].

562 Ofqual's published technical report titled 'Awarding GCSE, AS, A level, advanced extension awards and extended project qualifications in summer 2020: interim report' [IB/260 INQ000622182] is a comprehensive report, published on 13 August 2020, covering various approaches to standardisation, focusing on the DCP approach that was ultimately implemented. The report explains how Centre Assessment Grades (CAGs) submitted by schools and colleges were standardised using historical centre performance data and statistical methods. The report covers the following:

562.1 Background on why exams were cancelled and how the alternative grading approach was developed.

562.2 The case for standardisation (including research on teacher assessment accuracy) - the report details that research showed teachers tended to be

optimistic when estimating grades, with approximately one-third of estimates being optimistic, half accurate, and one-sixth pessimistic.

- 562.3 Principles and aims of standardisation – the report confirms that the standardisation process was designed to balance several aims: providing students with grades they would likely have achieved had exams taken place, applying a consistent approach across subjects, protecting students from disadvantage, being deliverable by exam boards, and using a transparent method.
- 562.4 Details about maintaining standards across years and exam boards – the report sets out that statistical predictions at the cohort level were used to maintain overall qualification standards, similar to normal years, with some adjustments made to GCSE French and German to address comparability issues. The model attempted to maintain standards whilst avoiding bias, choosing not to change rank orders based on characteristics like socioeconomic status, as this would have undermined centres' judgements about students' relative performance.
- 562.5 Testing of different standardisation models – the report outlines that three standardisation approaches were tested: mark-based regression models, grade-based regression models, and DCP. Mark-based models predicted student marks based on prior attainment, then converted these to a uniform scale before allocating grades. Grade-based models directly predicted probabilities of achieving each grade rather than marks. DCP used centres' historical performance adjusted for changes in cohort ability between years. The DCP approach consistently showed superior predictive accuracy across different centre types and subject characteristics. When tested with 2019 data, it demonstrated high levels of accuracy within plus or minus one grade (over 90% for most A-level subjects). After extensive testing against criteria including accuracy, impact on different centre types, demographic fairness, and practical implementation considerations, the DCP approach was selected as the most reliable and robust against the data limitations present in summer 2020.
- 562.6 Detailed description of the DCP approach that was implemented - The DCP approach implemented a nine-step standardisation process for exam grades. It established centres' historical grade distributions, created national prediction matrices linking prior attainment to exam performance, and generated

predictions for both historical and current students. The system calculated prior-attainment match rates, produced adjusted grade distributions, and applied a mathematical formula to balance historical performance against prior-attainment adjustments. Individual students received grades based on their rank order positions, which were converted to a continuous mark scale with nationally set grade boundaries. This maintained standards whilst preserving centres' rank ordering of students. The summer 2020 A-level results showed a 2.4% increase in grades A and above compared to 2019. Most CAGs remained unchanged (58.7% for A-level), with adjustments typically limited to one grade. All regions showed similar patterns of improvement, with subjects having higher proportions of small cohorts experiencing greater increases. Overall results were lower than CAGs but higher than 2019, maintaining grade profiles for higher education admissions.

562.7 Special handling for specific situations - Private candidates were handled through "*post-hoc slotting*" to avoid affecting other students' outcomes. Small centres with fewer than 15 students received adjustments on a sliding scale, giving more weight to their CAGs than statistical predictions. Tiered subjects were standardised at subject level rather than tier level, permitting "*off-tier*" grades in calculated results. Newly reformed GCSEs focused standardisation on key grades (7, 4, 1) with intermediate grades calculated using smoothing functions. Very large centres grouped students in ranks of 10, with all students in each group receiving identical outcomes to simplify the ranking process. Detailed equalities analyses confirmed the process did not systematically disadvantage any demographic or socio-economic groups. The approach aimed to ensure students received grades enabling progression whilst maintaining qualification credibility through keeping outcomes broadly aligned with previous years.

563 The report concludes, "*Throughout the development and testing of the model, and in its implementation, we have taken all possible steps to ensure the process is as fair as it can be and, where possible, have taken design decisions in the students' favour.*"

564 I have also seen the infographic published on 13 August 2020, in which statistics on England only grades were published showing that the percentage of A Level grades awarded increased in 2020 compared to previous years and provided a breakdown of the percentage of grades down or upgrade by 1, 2 and 3 grades, [IB/385 INQ000622176].

565 In anticipation of receiving a signed direction from the Secretary of State for Education (Rt Hon Gavin Williamson MP), an Emergency Board meeting was held at 15:30 hours on the 13 August 2020. The minutes of that meeting can be found at [IB/386 INQ000622709] and a copy of the paper appears at [IB/387 INQ000622179]. A draft response to the direction was provided to the Board, and the Board minutes reflect that the Board were broadly asked to:

565.1 Decide whether or not to implement government policy as outlined in the Direction.

565.2 In the event the Board decided to implement government policy, agree the implementation approach recommended in the report.

565.3 Note the position in respect of VTQs, that VTQ appeals are set by AOs and the VTQ Extraordinary Regulatory Framework (ERF) allows flexibility to incorporate appeals on this additional basis if necessary.

566 It was noted that a signed direction had not as yet been received, but the Board were invited to consider the draft that had been provided to Ofqual when considering the paper. The minutes state that *"It was highlighted that the Board must consider whether there would be any effect on the maintenance of standards which would result from allowing standardised results to be replaced by higher results in a mock exam and whether this was offset by the potential benefit to public confidence in regulated qualifications of permitting such appeals. The advantages and disadvantages of allowing such appeals were discussed."*

567 Two alternative approaches as opposed to the policy outlined in the draft direction were discussed, namely, no action to secure the policy objective, or move to a decision to issue CAGs where these were higher than the calculated grades derived from the model.

568 The minutes further show that:

"In discussion, Board members noted that:

(i) It was not appropriate to make a decision when the final agreed Direction had not yet been received.

- (ii) *Appropriate time was required to consider the Direction and the resulting options. Any decisions taken at this meeting would be subject to the final Direction letter.*

The paper was presented at short notice and did not reflect that the approach proposed was already in the public domain and thus in train without any public consultation. It was agreed that a further paper would be presented when the Direction was received incorporating the Board's consideration of this draft proposal – it was anticipated the revised paper and direction would be issued to Board members by electronic business.

The Board discussed the draft proposal. It noted that it was not evident that the proposed approach would help public confidence, but also that not acting in furtherance of government policy could further damage public confidence. It noted that the policy position was announced by the DfE without Ofqual's agreement, and that there was evident tension with Ofqual's objectives including the maintenance of standards.

The Board also noted the appeal route would give a wider route for redress for some students."

- 569 The Board also deliberated on establishing a fourth ground of appeal to enable centres to appeal where a student receives a lower calculated grade than they were given for an appropriate mock exam, with draft criteria having been produced with input from exam boards and other key stakeholders. We gave particular attention to ensuring mock grades would be more meaningful than issuing CAGs and sought to mitigate equalities issues as far as possible, noting that mock assessments varied by subject and qualification with some taking place in Year 12 and/or Year 13, whilst acknowledging that not all schools conducted mock exams. We agreed that marks for all papers and an aggregated mark should be included, with a further iteration of the draft mock criteria to be provided to key stakeholder groups and certain Board members and discussed the operational implications including enabling exam boards to process a high volume of appeals by 07 September 2020 deadline whilst reducing malpractice risks. After considering five options for determining successful appeal outcomes, we agreed that 'option d' - a result equal to the lower of the CAG or mock result - would be the recommended approach as it was more consistent with Ofqual's objectives, though we noted that the wording was not consistent with the Secretary of State's press statement and that parents and students were probably under the impression that students would receive the mock grade if successful. Given the limited

time available, we agreed to consult with exam boards, teacher groups and equalities groups, whilst noting our concerns that Ofqual had not been provided with any equalities analysis undertaken by the DfE and requesting further legal advice on the initial equalities analysis that accompanied our paper.

570 The Board also heard from the Executive Director for VTQ (Phil Beach) who reported that VTQ results had broadly proceeded well and in line with expectations. Only 2% of BTEC grades had been adjusted, but a small number of AOs had used a similar process to those in GQ.

571 On 13 August 2020, at 17:52 hours the Secretary of State for Education (Rt Hon Gavin Williamson MP) wrote to the Chief Regulator (Sally Collier) providing direction on appealing calculated grades in line with section 129(6) of the ASCLA to ensure a *"a fair outcome for all students"*, [IB/388 INQ000622184]. The letter also sets out the government's idea of a 'triple lock' which would allow students the opportunity to accept their calculated grade, appeal on the ground of a *"valid mock"* or take an exam in autumn. The letter stated *"Schools and colleges should be able to appeal on behalf of students whose calculated grade was lower than the grade they achieved in any valid mock exam taken in relation to the relevant qualification, with successful appeals resulting in students being awarded their mock grade. I should be grateful if Ofqual would set out criteria for what should constitute a valid mock exam for this purpose (for example that it was a correctly marked mock exam, taken under exam conditions)."*

Royal Statistical Society (RSS)

572 An email chain on 19 August 2020 sets out the recollection of the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and the Director of Strategic Projects (Dr Ian Stockford) of Ofqual's work with the RSS, [IB/389 INQ000622252]. An explanation is provided in the email chain that despite early and well-meaning engagement, the ongoing workload meant that follow up conversations did not happen. Contact was made with the RSS to discuss further engagement in July 2020, but no response was received. A draft version of the Non-Disclosure Agreement (**NDA**) can be seen here [IB/390 INQ000622261].

573 On 21 August 2020, Ofqual wrote to the RSS [IB/391 INQ000622263]. The letter clarifies that the confidentiality agreement did not preclude experts from commenting on the model, but only restricted disclosure of confidential information shared within the Advisory Group. Ofqual explained this was a normal and ethical mechanism to

ensure participants could speak freely during discussions and view analyses of confidential data without fear of information being made public during the deliberative process. Group members were free to make general comments about the process publicly as long as they did not disclose confidential discussions, and once the model details were published on results day, there were no restrictions on commenting. The letter also called for review into the models used by qualification authorities to produce 2020 exam grades, with Ofqual stating they were exploring making the entire data set available through the Office for National Statistics (**ONS**) secure research service to enable others to examine how different approaches to moderation would have worked.

- 574 On 24 August 2020, the RSS sent a letter in response to the Chair of the Board (Roger Taylor's) letter of 21 August [IB/392 INQ000622267]. The letter outlines the RSS's argument that the confidentiality agreement prevented it from discussing the "*choice of the model*" and the process for developing it (the subject of the Office for Statistics Regulation (**OSR**) review). The RSS argued that, under the NDA, it was prevented from discussing "*issues which sit at the heart of the problems with the model itself*" such as details of the commissioning process and how trade-offs were decided for how the model should work – beyond those published by Ofqual.

THE REVERSAL OF THE DECISION ON 17 AUGUST AND THE DECISION IN RESPECT OF OTHER AWARDS

Overview of the reversal of the decision on 17 August 2020

- 575 A-level and AS results had been issued to students on 13 August. Ofqual's Media and Campaigns Manager [Name Redacted] email on 13 August 2020 (at 18:27 hours) [IB/393 INQ000622167] sent a summary of the media's reporting about the negative reactions to the Government's announcement that pupils in England will be able to claim their mock A-level and GCSE grades as their final results. The media focused on: concerns for those who performed poorly in mocks due to lack of revision; the implications on FE admission, for example whether or not first choice universities would wait for students to go through the appeals process before dropping their offer; concerns due to the potential for cheating in mocks versus real exams; and questions as to how the process was going to work for private students. The email also demonstrated the number of direct contacts that Ofqual was receiving on both the telephone and by email: 96 calls and 72 emails in the preceding 24 hours.

576 On 13 August 2020 (16:40 hours), the Associate Director Policy and Strategic Relationships at Ofqual (Sian Blount) sent an email to the Chief Regulator (Sally Collier) (cc'd to the Director of Policy and Strategic Relations for General Qualifications (Richard Garrett) and the Private Secretary to the Chief Regulator (Anona White) with a summary of the responses which had been made by stakeholders [IB/394 INQ000622180] which noted:

"· Very strong feeling from SFCA and AOC about impact on colleges – lots of members really shocked by their results and concern about lower improvement by centre type compared to other centre types

· Concern (including from students) about potential disadvantage because of the higher improvement in results by centre type for independent schools

· ASCL v strong feeling from a significant number of heads

· Some surprise from grammar schools too with more 'downgrades' than expected. Also concern from independent sector about difference between results for those taking large vs smaller cohort subjects in one school

· A lot of concern about the mock proposal – people worried it could introduce more unfairness because of inconsistency of approach re mock. Concern it undermines value of the whole process, in particularly the CAG process

· NEU political comment about handling of mocks and now pushing to use CAGs. Other stakeholders (apart from SFCA) against use of CAGs in general and supportive of standardisation in principle, even if concerned about potential unfairness

· Whilst stakeholders understand the argument around why the % differences between CAG and out[c]omes by SES is not a helpful comparison for reasons we have set out – more generally that is not understood

· Clarity on appeals needed urgently

· HE tending to be flexible but difficult decisions for centres and students re whether to pursue appeal / hold places

· Students v emotive because of lack of agency".

577 By 16 August 2020, the public response to the effect of the standardisation model on individual learners' results had made it clear that it lacked public confidence. Ofqual

therefore decided on 16 August 2020 to remove the requirement for standardisation and to require AOs to award learners the higher of the CAG or the standardised result.

578 On 17 August 2020, the Chair of the Board (Roger Taylor) made an announcement at 16:00 hours in an interview to the BBC that CAGs would be awarded for AS, A levels and GCSEs. A statement on Ofqual's website confirmed this and that it would apply to EPQ and AEA maths [IB/395 INQ000622727]. On 19 August 2020, changes were made to Annex E to the requirements made under Condition GQCov3.2(a)(i) to give effect to that decision.

578.1 AS and A level results were re-issued, and GCSE results were issued on 20 August 2020.

578.2 The effect of this was that results for GQs in 2020 were considerably higher than in previous years [IB/395a INQ000622509].

579 This decision to award learners the higher of the CAG or the standardised result was informed by the circumstances, discussions and analysis surrounding the design and implementation of the standardisation model, set out in more detail at paragraphs 388 to 409 above. However, I have set out further below, following a review of discussions in Board meetings and emails, how Ofqual's (and the Government's) position changed primarily from the early part of August 2020 to 17 August 2020 and how those changes would be implemented.

580 I have seen emails from 13 August 2020 to 14 August 2020 from the Deputy Chief Executive, Sixth Form Colleges Association (**SFCA**) (James Kewin) to the Director of Policy and Strategic Relations for General Qualifications (Richard Garrett) [IB/395b INQ000622369] [IB/396 INQ000622370] stating that they are now *"at the point where we can say with a high degree of certainty that the results for our members are not in line with their historic performance – a key objective of the standardisation model"* and that they *"have also seen exam board analysis that suggests 78% of sixth form college subject entries were arrived at entirely by the algorithm, compared to 28% of subject entries in independent schools"*.

581 On 13 August 2020, Ofqual published an 'Ofqual privacy impact statement: 2020 grading' paper [IB/397 INQ000622701]. The paper set out how the model worked, and the data required for it to assess GDPR considerations. The paper stated that grading decisions were not solely based on *"automated processing"* as CAGs and *"rank orders which will be determined by teachers and signed off by other individuals"*. The paper

also set out the process of scrutiny where there was a significant difference between the CAG and calculated grade.

582 The Board was provided with documents dated 14 August 2020 which included the initial EIA relating to the use of mock grades in an appeal at Annex 2. That Board paper sets out equality concerns over access to the right to appeal [IB/398 INQ000622189]. The equality assessment found that there were various groups of students who would not have taken a mock examination and so would not be able to access this route of appeal, for example private candidates and students who missed their mocks because of health issues. There were concerns that the administration of mocks varied between schools/colleges and therefore, some would meet the criteria for a valid mock, but not all. It was noted that mocks typically brought to light if a student needs reasonable adjustments to be in place for the real exam, so a student's performance in a mock would not reflect their likely performance. In addition, not all groups of students would be likely to take advantage of the new ground of appeal, particularly students from a less advantaged background.

583 I reference the Board meeting on the 13 August 2020 at paragraph 565. The minutes of the 13 August 2020 meeting can be found at [IB/386 INQ000622709], and a copy of the paper appears at [IB/387 INQ000622179]. Following the Board meeting on the 13 August 2020, work was undertaken by Ofqual to attempt to address the Board's concerns around what could constitute a valid mock grade and the criteria for such. It was shared with a selection of Ofqual Board members for their comment, and those Board members were advised that it had also been shared with stakeholders. The email [IB/399 INQ000622186] brought about a response from the Chair of the EAG and Board member (Mike Cresswell). He raised concerns over the validity of accepting a mock grade without the submission of evidence for that grade and the risk of malpractice. He suggested that evidence should include: the mock questions used; the marking scheme and grade boundaries used; and a list of the marks/grades awarded in the centre for that subject.

584 In response to A Level results, Ark (Education Charity) submitted on 14 August 2020 a paper giving their views on the standardisation model and proposed actions [IB/400

INQ000514630]. The paper raised several issues with the model and possible resolutions:

584.1 Regarding schools with fewer than the expected number of years of historical attainment data, a part of step 6 of the algorithm should be changed to add more weight to CAGs.

584.2 Where prior attainment is not matched by current students, the algorithm to treat the centre as if there is no historical data and award CAGs or if there is little attainment matching then more weight should be adjusted towards CAGs.

584.3 Where cohort size varied results between subjects, subjects should be matched where performance is linked, and these matched subjects should be standardised.

585 Ofqual considered the impact of A Level results and methods to mitigate the same response to GCSE results following a call with Ark, Unity, and the Chair of the Board (Roger Taylor) [IB/401 INQ000622192]. Ark and Unity were supportive of the moderation approach. I have also seen an email chain on 14 August 2020 from the Chief Executive of EHRC (Rebecca Hilsenrath) to the Chief Regulator (Sally Collier) following a call with the Chair of the Board (Roger Taylor) [IB/402 INQ000622199]. The email provided insight into the work done together between Ofqual and EHRC which included responding to the five consultations, support with guidance on preventing bias and discrimination for awarding bodies and other steps. The Chief Executive of EHRC (Rebecca Hilsenrath) raised concerns over the "*missing*" data on equality and other assessments conducted on the impact of the model on students with protected characteristics. On 13 August 2020, there was an exchange of emails between the EHRC Compliance Principal (Anna Wilthew) and the Associate Director Policy and Strategic Relationships (Sian Blount) [IB/403 INQ000622181]. Ms Blount noted the analysis which had been done and explained why other analysis had not been undertaken.

586 On 14 August 2020, the General Secretary of ASCL (Geoff Barton), the Chief Executive of Confederation of School Trusts (**CST**) (Leora Cruddas) and the General Secretary of NAHT (Paul Whiteman) emailed the Chief Regulator (Sally Collier) regarding possible approaches to resolve issues with A Level results [IB/404 INQ000622201]. Some proposals included a systematic review of cases where a student was awarded grades that were more than one grade lower than their CAG and

a request to correct anomalies across combination subjects that had led to *"implausible results (e.g. a lower grade in maths than in further maths)"*.

587 Ofqual sent a document showing CAG adjustments by SES for GCSE results to the DfE on 14 August 2020 [IB/405 INQ000622203]. The table showed that the difference between CAGs and final grades was higher for students of a high SES than those with a low SES for grades 6 and above and that the difference was greater for low SES than high SES for grades 5 and below.

588 On 14 August 2020 at 08:30 hours, the Chair of the Board (Roger Taylor) sent an email with the subject heading *"Mocks and CAGs"* [IB/406 INQ000622185] to the Director of Strategy and Markets (Michael Hanton), the Director of Legal (Daniel Gutteridge) and the Executive Director for General Qualifications (Julie Swan) (cc'd to the Chief Regulator (Sally Collier)) which noted three points:

588.1 The Board was divided on the consistency of mocks versus CAGs issue as it risked undermining public confidence despite acknowledging the potential inaccuracies in grading.

588.2 A valid mock grade must align with the CAGs. Higher mock grades should not be used as teachers believe students would not achieve them in exams. Ofqual would permit appeals based on higher mock results, but on the basis that the CAG would be awarded instead of the mock grade to adhere to Ofqual's objectives and meet the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s direction.

588.3 An alternative approach could be that teachers could request a grade based on the mock result as evidence, but that it does not have to match the mock grade.

589 An Emergency Board meeting took place on 14 August 2020 to consider the signed direction from the Secretary of State for Education (Rt Hon Gavin Williamson MP) dated 13 August 2020. The minutes of the Board meeting on 14 August 2020 can be found at [IB/407 INQ000622378] and the papers that were considered by the Board can be found at [IB/408 INQ000622200].

590 The relevant Board paper considered the Direction from the Secretary of State for Education (Rt Hon Gavin Williamson MP) regarding the ground of appeal for students who received a calculated grade lower than their mock examination and CAG. Annex 1 contained Acceptable Mock Assessment Criteria drafted by Ofqual with requirements

[IB/409 INQ000622196], which covered: a) Assessment conditions; b) Form of assessment; c) Specification coverage; d) Duration of assessment; e) Assessment window; f) Marking; g) Final grade; h) Evidence. Annex 2 contained an initial EIA of using mocks in an appeal [IB/398 INQ000622189] which assessed the potential equality impacts of allowing students to appeal based on mock assessment outcomes. It highlighted concerns about accessibility to the appeal system for certain groups of students, particularly those with protected characteristics. In particular:

590.1 Limited access for some students: Not all students would have taken a mock assessment, potentially restricting access to the appeal system for those who have not.

590.2 Disproportionate impact on certain groups: Private candidates, students absent due to health, and those from disadvantaged backgrounds may be disproportionately affected by the appeal restrictions.

590.3 Variability in mock assessments: The quality and availability of mock assessments can vary significantly, with better-resourced schools providing more opportunities and support for their students.

590.4 Concerns about mock performance: Mock results may not accurately reflect a student's potential performance in actual exams, particularly for those needing reasonable adjustments due to disabilities.

590.5 Financial considerations for appeals: The costs associated with appeals to ensure financial barriers do not deter students from accessing this option.

590.6 Need for further evaluation: The right to appeal may not be equally accessible and the appeal process could lead to indirect discrimination.

591 The paper also found three advantages to this route of appeal:

591.1 *"Providing a 'pressure valve' for those students with a higher mock result,*

591.2 *Promoting public confidence to the extent that calculated grades which are lower than mock results might be perceived to be surprising,*

591.3 *Providing a quicker route of appeal than exceptional wrong data grounds where, for example mock results show a cohort has outperformed those in previous years."*

- 592 Implementation would create substantial operational burdens for exam boards and centres, requiring rapid system development, increased customer service support, and significant evidence review processes, all with extremely limited preparation time.
- 593 The Board was asked to consider whether the policy's potential benefits to public confidence outweighed its detrimental impact on the maintenance of standards, acknowledging the significant equalities implications and operational challenges of implementation at such short notice.
- 594 The paper also set out alternative options for the Board to consider:
- 594.1 Firstly, not to make any change. The Board were advised that the current standardisation approach and the grounds of appeal that had been considered and consulted upon may remain the most appropriate to secure Ofqual's objectives and no action should be taken to secure the policy objectives as communicated.
- 594.2 Secondly, whether to implement the policy in part, or indeed add to it. The Board had already considered that a successful appeal on the basis of a valid mock being higher than a calculated grade should mean an outcome grade no higher than a CAG, so the Board could decide to cap such appeals such that the result was no higher than the CAGs arrived at as of 12 May 2020. This option also highlighted the option to include valid NEA outcomes as a possible route, again capped at the initial CAG.
- 594.3 Thirdly, whether the Board should consider issuing CAGs to all students. The Board was posed the question whether a change of approach was required such that greater weight should be placed on public confidence, rather than maintaining standards, and issuing CAGs would be the most effective way of securing that. The Board were pointed to the equalities analysis in respect of the policy question before them, and that the Board might consider that fewer adverse impacts may arise should centres assessed grades be issued to all.
- 595 The minutes reflected that the Board were reminded that they had considered the emerging policy position in their meetings on 12 and 13 August 2020, prior to the receipt of the signed direction. The Board also noted that *"not implementing the policy as directed* [by the Secretary of State for Education (Rt Hon Gavin Williamson MP)] *could have a significant detrimental effect on public confidence"*. The Chief Regulator (Sally Collier) is noted as identifying the challenges to the examination system and the

credibility of Ofqual as the regulator in not implementing the policy given it had already been announced. The Board noted the limited mitigations against the equalities risks, i.e. that allowing appeals on the basis of NEA results as well as mock exams would open the appeal route to students who had not had the opportunity of taking a mock prior to schools closing. The Board papers show that the Board had sight of, albeit not comprehensive, information from a teacher survey about the scale of such opportunities.

596 The Board further noted that the exam boards were expecting a large number of appeals given the announcement by the Secretary of State for Education (Rt Hon Gavin Williamson MP). However, there was no consistent approach to mock exams, which are not controlled by exam boards and/or the regulatory system, and feedback from schools and colleges and other stakeholders expressed concerns as to how this route of appeal could be fair for all students.

597 As regards the criteria for a valid mock assessment, the Board were confident that schools would be able to understand and apply Ofqual's stated criteria.

598 With regard to appeals, there was concern about the scale of the route for appeals, and that detailed scrutiny and consideration of individual appeals may not be possible. It was rightly noted that if mock results existed in schools at the time that schools had been considering CAGs, then it was likely that mocks would have formed part of the evidence to justify that CAG.

599 The Board considered the competing factors, acknowledging the need for decisions to be made as quickly as possible given that results were already issued. The Board weighed the potential detrimental effect on a desire to maintain standards in A levels and GCSEs which would result from a decision to allow standardised results to be replaced by a mock exam result, against the benefit to public confidence in permitting such appeals.

600 Following the direction as written would likely result in less valid results overall, and potential unfairness to schools, colleges and students. Allowing a mock result to stand as a final grade could exceed a CAG, which was based on a number of pieces of evidence, likely including any mock result. However, it was also right that confidence in the approach already in place had diminished in the preceding few days in any event.

601 Ultimately the Board decided to:

601.1 implement the Direction to allow an appeal on the basis of a student having a valid mock or NEA result which was higher than their calculated grade as set out and proposed in the paper before it. However, on a successful appeal, the grade awarded should not exceed the CAG; and

601.2 delegate all decisions as to any proposed and final conditions, requirements and/or guidance necessary to implement the approach to the Chief Regulator (Sally Collier) in consultation with the Chair.

602 On 14 August 2020, there was an exchange of emails between Ofqual and the DfE concerning the wording of a proposed Ofqual press release. The DfE had provided comments on the draft concerning the appeal process available to students whose mock grades exceed their calculated grades. The Chief Regulator (Sally Collier) raised with the DfE Director of Qualifications, Curriculum and Extra Curricular (Michelle Dyson), that she did not agree with the DfE alternative wording as suggested. The emails sought to reach an agreement, but the Chief Regulator (Sally Collier) maintained the position that the wording could not be agreed and suggested alternate wording (at 22:43 hours). The DfE Policy Advisor to the Secretary of State (Jo Saxton) indicated she would consider the alternate wording with the Special Advisers [IB/410 INQ000622206].

603 On 14 August 2020, Ofqual also published Annex Q titled 'Differences between CAGs and final grades by socio-economic groups', [IB/373 INQ000622187] following their interim report titled 'Awarding GCSE, AS, A level, advanced extension awards and extended project qualifications in summer 2020', [interim report at [IB/260 INQ000622182] and Executive Summary at [IB/411 INQ000622173] which analysed how CAGs and final calculated grades differed across socio-economic groups during the 2020 summer assessment period. It contained detailed tables comparing outcomes for students from low, medium and high SES backgrounds. The analysis demonstrated a clear pattern: at higher grade levels (A* and A), students from higher socio-economic backgrounds experienced larger downward adjustments from their teacher-assessed grades than disadvantaged students. However, this trend reversed at lower grades, where students from poorer backgrounds saw larger reductions.

604 The document cautioned against drawing firm conclusions, noting that differences in centre generosity, teachers' tendency to over-estimate disadvantaged students'

performance, and the higher baseline performance of advantaged students all complicated interpretation. It concluded that overall adjustment levels were broadly similar across different socio-economic groups.

605 A letter to 'all head teachers and college principals' dated 15 August 2020 was produced on behalf of the Minister for School Standards (Nick Gibb MP) and published on the 15 August 2020 [IB/412 INQ000622234], explaining the grounds for appeal as being:

605.1 *"something has gone wrong in processing their results";*

605.2 *"evidence that grades are lower than expected because previous cohorts...are not sufficiently representative of this year's students";*

605.3 *"a student has a valid mock result which is higher than the grade they have been awarded".*

606 On 15 August 2020, The DfE Special Adviser (Iain Mansfield) sent guidance on appeals based on mock exams and with criteria for what will determine 'valid' mocks [IB/413 INQ000622208] and confirmed that the Secretary of State for Education (Rt Hon Gavin Williamson MP) would like this document to be published as soon as possible.

607 Ofqual produced and published a guidance document on mock appeals on Saturday, 15 August 2020 setting out the grounds for appeals and criteria for a valid mock [IB/413 INQ000622208] (although as noted below, following the Board meeting on the evening of 15 August 2020, the guidance was removed from Ofqual's website). The criteria set out in the guidance included:

607.1 Assessment conditions;

607.2 Form of assessment;

607.3 Specification coverage;

607.4 Duration of assessment;

607.5 Assessment window;

607.6 Marking;

607.7 Final grade; and

607.8 Evidence.

- 608 The guidance also confirmed, in accordance with the decisions of the Ofqual Board, that students who did not take a written mock exam could appeal by allowing a "*non-exam assessment*" mark to be used, but that in cases where a CAG was lower than a mock grade, the CAG would be awarded.
- 609 The AQA Chief Executive (Mark Bedlow) sent a letter to the Chief Regulator (Sally Collier) by email on the afternoon of Saturday, 15 August 2020 raising concerns over the use of mock grades as a ground for appeal whilst reflecting the consultative and collective effort in the system [IB/414 INQ000622211] [IB/415 INQ000622212]. The main concern with using mock grades, and the "*very divergent approaches to mocks*", was the risk of discrimination/unfairness. The AQA Chief Executive went as far as to say that allowing mock grades to be used risked the "*integrity of the standardisation model, public confidence in the entire process and the practicalities of concluding the appeals process to very tight deadlines*".
- 610 The Pearson Vice President and Senior Responsible Officer (Derek Richardson) also wrote to the Chief Regulator (Sally Collier) with their concerns over the potential impact of allowing mock grades as a ground of appeal, including: there could be a call to award everyone their CAG and if more students were awarded higher grades there might not be capacity for them on Higher Education courses with a risk of performance degradation due to the higher volume of appeals [IB/416 INQ000622214]. The Pearson Vice President and Senior Responsible Officer (Derek Richardson) expressed concern that, in deciding CAGs, "*most centres will have used mock assessment or non-examined assessment as part of their judgement*" and so "*they will have evidence that meets the new criteria*" in their CAGs.
- 611 In the afternoon of 15 August 2020, the DfE sent an email to Ofqual with questions concerning further potential extensions the Secretary of State for Education (Rt Hon Gavin Williamson) wanted to make to that year's arrangements [IB/417 INQ000622216]. The Executive Director for General Qualifications (Julie Swan) responded, stating that exam boards believed making changes now would be impossible to deliver as they were already focused on handling appeals and expected a much larger workload after the new mock appeal route. On the basis of the questions that had been posed to Ofqual by the DfE, and in respect of how many further grade changes would result if

such policy changes were to be made, she provided data in the email at [IB/418 INQ000622219]:

611.1 Grades being retrospectively changed because they were downgraded from CAGs by more than one grade: 25,175 (3.5%) at A Level, 5,849 (8.3%) at AS Level, and 237,528 (5.0%) at GCSE.

611.2 Grades being changed because students were awarded a U by the model: 10,731 (1.5%) at A Level, 5,084 (7.2%) at AS Level and 38,384 (0.8%) at GCSE.

611.3 Grades being changed because the model awarded students a grade 3 when their CAG was a grade 4 or above: 62,077 (1.3%) for English Literature, 37,235 (0.8%) for GCSE Maths, 99,312 (2.1%) all together.

612 In the afternoon of 15 August 2020, Ofqual was asked to provide comments on draft statements for the Secretary of State for Education (Rt Hon Gavin Williamson MP) on mock exam guidance [IB/419 INQ000622217]. It was ultimately for the DfE to determine what they wished to say publicly, but Ofqual could not agree with a statement that the risk of a student receiving their CAG rather than a mock exam result after a successful appeal was *"incredibly low"* as a mock grade might be higher than a CAG.

613 I have seen an email chain on 15 August 2020 between the DfE Director of Qualifications, Curriculum and Extra Curricular (Michelle Dyson) and Ofqual referring to changes to be made to grades and GCSE results day deliverability and advice that the DfE wished to provide to Ministers [IB/420 INQ000622220]. The email asked Ofqual not to engage with the exam boards in relation to their ability to make changes to the grades already in the system. The Executive Director for General Qualifications (Julie Swan) responded to the queries raised by the DfE and in her view, which was caveated on the basis of not being able to engage with the exam boards, stated that exam boards would not be able to implement model changes and deliver GCSE results day on time and that there would be delays of a few days. The email chain also made it clear that Ofqual was working to be able to share data with the DfE that evening. Subsequently, the Executive Director for General Qualifications (Julie Swan) confirmed that Ofqual had spoken to the exam boards [IB/421 INQ000622215]. The exam board with the largest share of the GCSE market had confirmed it would be impossible to reissue results for results day that Thursday and they were, at that time, already very

focused on receiving and quickly turning around A level appeals in the anticipation of the expected deluge of appeals using the mock grades route. The other three exam boards had also said it was highly unlikely they could reissue results for results day and were also concerned about the number of appeals they would receive on the following Monday after results day via the mock grades route.

- 614 The Executive Director for General Qualifications (Julie Swan) provided figures to the DfE's Qualifications Division NR (at 15:44 hours) [IB/422 INQ000622218] as follows:

"No student should be downgraded by the model by more than one grade from their centre assessment grade. At A level, this will have the effect of retrospectively changing 25,175 grades (3.5% of all grades). At AS, this will have the effect of retrospectively changing 5,849 grades (8.3% of all grades). At GCSE, this will have the effect of changing 237,528 grades (5.0% of all grades).

No student should be downgraded by the model to a U either at A level or at GCSE. At A level, this will have the effect of retrospectively changing 10,731 grades (1.5% of all grades). At AS, this will have the effect of retrospectively changing 5,084 grades (7.2% of all grades). At GCSE, it will have the effect of changing 38,384 grades (0.8% of all grades).

No student who received a centre assessed grade of a 4 or above in GCSE English language or maths should be downgraded by the model to a 3 or below. This will have the effect of changing 99,312 grades (2.1% of all grades). For English language this will have the effect of changing 62,077 grades (1.3% of all grades). For maths this will have the effect of changing 37,235 grades (0.8% of grades)."

- 615 I have seen a chain of emails on 15 August 2020 from the Director of Communications (Kate Keating) to the Chief Regulator (Sally Collier), the Chair of the Board (Roger Taylor), the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) and the Executive Director for General Qualifications (Julie Swan) in which Ms Keating discussed how to respond to queries raised in respect of the change of process [IB/423 INQ000622221]. The email chain concluded with Ms Keating sharing a press statement attributed to the General Secretary of ASCL (Geoff Barton), which criticised the appeals process:

"He said: "This is clearly a face-saving exercise by a government which has said that it won't do a U-turn on its pledge that moderated grades will stand, come what may.

Instead, it is attempting to remedy the grading fiasco through an appeals process so surreal and bureaucratic that it would be better at this point doing that U-turn and allowing original teacher-assessed grades, where they are higher, to replace moderated grades."

He added: "We don't blame Ofqual for the bizarre nature of the appeals criteria. The regulator has been given a hospital pass by a Government that is in disarray. It is time to stop the chaos and fall back on teacher-assessed grades rather than prolong this nightmare."

- 616 At 17:10 hours on 15 August 2020, some members of the Board raised their concerns in an email to the Chair of the Board (Roger Taylor) regarding results and potential reputational damage, [IB/424 INQ000622222] and emphasised their need to *"remedy any identifiable unfairness and to prevent similar incidents occurring in relation to GCSEs"*. The Board Member also requested additional information on A Level results to assist them with their decisions on GCSEs.
- 617 At 20:30 hours on 15 August 2020, an Emergency Board meeting took place. I was not present at that meeting. I have seen the minutes from that meeting [IB/425 INQ000563376]. The minutes reflect that following the Board meeting on the 14 August 2020 with regard to the mock appeal route, the DfE were informed of the Board's decision. The guidance that the Board had seen had been published. The minutes reflect that the Board were informed that the Secretary of State for Education (Rt Hon Gavin Williamson MP) and the Minister for School Standards (Nick Gibb MP) had asked the Chair of the Board (Roger Taylor) and the Chief Regulator (Sally Collier) respectively for the Board to reconsider the decision it took the previous day and remove the guidance that had been published. The Chief Regulator (Sally Collier) advised the Board that she had told the Secretary of State for Education (Rt Hon Gavin Williamson MP) that the guidance accurately represented the Board's decision and that the DfE had sight of the guidance prior to its publication. The Chief Regulator (Sally Collier) proposed to issue a note of clarification around the decision of the Board from the 14 August 2020.
- 618 The Board noted the *"fast-changing public confidence outlook"* and that some stakeholders were proposing that centres assessed grades should be issued as final results.

- 619 The Board determined that it did not wish to reverse its decision of the 14 August 2020. The Board however did wish to withdraw the material from the website to allow time to review all aspects of the developing position, and to issue a holding statement saying that the Board was reviewing the appeals process. This was a difficult decision to reach, but it was agreed by the majority of the Board.
- 620 The Board agreed to reconvene on 16 August 2020 to consider the options again that were outlined in the paper presented at the Emergency Board Meeting on 14 August 2020 and to be further informed and updated on any further communications between the Chief Regulator (Sally Collier), the Chair of the Board (Roger Taylor) and the Secretary of State for Education (Rt Hon Gavin Williamson MP).

16 August 2020

- 621 On the morning of the 16 August 2020, the Chair of the Board (Roger Taylor) informed the Board that he had prepared a Board paper for discussion at a meeting to be brought forward at the request of the Secretary of State for Education (Rt Hon Gavin Williamson MP) [IB/426 INQ000622223] [IB/427 INQ000622224]. That paper noted that the Board was asked to *"consider the guidance in relation to mock exam appeals and to determine whether or not there should be a limit on the grade awarded using the [CAG]"*. Mr Taylor expressed the view *"that to implement a mock appeals route with no cap on the grade requested is inconsistent with our statutory duties, given the advice previously provided to the board. However, given the desire of the board to revisit this question, and given that the team have not had time to update the previous advice, I am circulating Friday's paper as an Annex to this paper."*
- 622 On 16 August 2020, there were three Emergency Board meetings which concluded with an agreement to award CAGs or calculated grades, where they were higher, rather than standardised grades. This was judged to be the best way to support public confidence in grades [13:00 hours meeting: [IB/428 INQ000622753]; 17:00 hours meeting: [IB/429 INQ000622754]; 21:30 hours meeting: [IB/430 INQ000622755]]. It was agreed that the mock appeals route could not be operationalised as there was too much variance in mocks which could have introduced (new) unfairness, especially for Private Candidates and SEND candidates. It was resolved to change the appeals system to remove the CAG cap, but to instruct the Chair of the Board (Roger Taylor) to have a further discussion with the Secretary of State for Education (Rt Hon Gavin Williamson MP) about awarding CAGs. The Board agreed to reissue the mock appeals guidance on the website and the decision to award CAGs rather than calculated

grades, unless the calculated grade was higher. I have summarised each meeting below.

- 623 The minutes of the Emergency Board meeting held at 13:00 hours on 16 August 2020 record that the Board considered the request to revisit their decision of the 14 August 2020, and considered the wider context in doing so, and the urgent need to bring certainty to the wider public. Both the Chair of the Board (Roger Taylor) and the Chief Regulator (Sally Collier) noted the increasing risk of Ofqual's independence being undermined. The Board discussed the options available, and some members acknowledged that whilst the decision of the 14 August 2020 to cap appeals to the CAG was originally considered desirable, this was looking untenable given the position the Secretary of State for Education (Rt Hon Gavin Williamson MP) had made public. Other members considered that the cap should remain in place. The position outlined in the paper of the Board moving to award CAGs was also put forward by the Chair of the Board (Roger Taylor). The position in Northern Ireland and Scotland was noted, as was the Chair of the Board (Roger Taylor) saying that a move to award CAGs may be inevitable. The minutes show that two exam boards had expressed their concerns about their capacity to deliver significant numbers of appeals, and the Board acknowledged the increasing deliverability risk.
- 624 The minutes also record that there was a *"growing consensus on the Board that awarding CAGs for GCSEs would be a more satisfactory decision, in terms of both standards and delivery and that awarding CAGs would have to be enacted retrospectively for A levels too"*. The Chair of the Board (Roger Taylor) outlined his preferred option, that being to revert to the Secretary of State to confirm that the only way forward was to award CAGs. The Chief Regulator (Sally Collier) is recorded as saying that she did not feel that she would be able to defend the high-risk mock appeals position. The Board heard from members of the Executive. It was noted that a priority was to minimise the damage to students and their confidence and ability to progress. Whilst noting the problems with the CAGs, there would be problems in awarding mock grades through appeals.
- 625 The Chair of the Board (Roger Taylor) put some options to the Board, and they agreed to change the appeals system to remove the cap as an immediate response, but the Chair of the Board (Roger Taylor) would immediately move to engage with the Secretary of State for Education (Rt Hon Gavin Williamson MP) about awarding CAGs.

626 On 16 August 2020, an email from the Director of Standards and Comparability (Cath Jadhav) set out her views on mock appeals [IB/431 INQ000622230]. She stated that, while issuing CAGs would likely lead to more unfairness, it was the quickest alternative that could be implemented and was Ofqual's opportunity to preserve a degree of trust and integrity. This email was shared with the Chief Regulator (Sally Collier) and the Chair of the Board (Roger Taylor). Her view was shared by other members of the Executive Directors, including Executive Director for Strategy, Risk and Research (Dr Michelle Meadows). Dr Meadows urged the use of CAGs over mock examination grades and summarised the risks posed by mock exams [IB/432 INQ000622231].

627 The Board reconvened at 17:00 hours on the 16 August 2020. The minutes of that meeting can be found here [IB/429 INQ000622754]. The Chair advised the Board that he had had a call with the Secretary of State for Education (Rt Hon Gavin Williamson MP). It was reported that the Secretary of State recognised the issues that Ofqual had with regards to mock appeals though the Secretary of State thought it was better not to move to awarding CAGs but move to an appeals route as he had previously set out publicly.

628 The minutes stated that:

"The Board appreciated that the risks associated with the mock appeals route had developed. Public confidence was dissipating fast, and the Board judged the mock appeals approach now much less likely to command public confidence, given recent events. Scotland and Northern Ireland had now decided to issue results based on CAGs for GCSE and National 5 qualifications.

The deliverability and public confidence considerations were weighty in themselves, but the Board noted also the potential equalities risks and the risk to standards inherent in the mock appeals approach when compared to an alternative approach – a move to CAGs.

Executive Directors had raised concerns to the Board when the mock appeals process was originally considered on 11 August and subsequently in the papers provided to the Board on 14 August. Members now noted that the majority of the Executive were of the clear view that awarding results based on CAGs would be the fairest, most just and the only acceptable option at this stage.

The Board explored briefly whether there were other ways in which to reach GCSE results (yet to be awarded) more likely to command public confidence – for example, if

they were subject to a revised standardisation approach. It was recognised however that this was not possible in the time available.

The Board considered whether it was possible to separate guidance for A levels, which had already been awarded, and GCSEs which had not, but recognised a differential approach would in itself introduce perceived or actual unfairness. There were practical considerations also: the guidance could not be readily and promptly separated for A levels and GCSEs.

The board returned to the two more realistic options: calculated results with the agreed appeal routes plus a mock-based appeal route or CAGs. Over the previous week there had been a notable and irretrievable falling away of public confidence in the standardisation approach, making appeals based on mocks less likely to promote public confidence in results overall. And the Board could not be sure this approach could be delivered in the time available. These considerations and the advice of the Executive – that the CAGs route would be the fairest and most just at this stage – led the Board to the preliminary conclusion that results based on CAGs was the preferred option.

The Chief Regulator proposed that the Board agree to issue results based on CAGs and for the Chair to write to the SoS as outlined above to move forward. In the interim, the Board would need to decide whether to reissue the mock appeal guidance. The Board decided to reissue the statement and mock appeals guidance, but to advise the Secretary of State that the Board would reconvene quickly to consider whether to issue CAGs."

629 The Board moved to agree to reissue the statement about mock appeals and the guidance on the Ofqual gov.uk webpage, and for the Chair of the Board (Roger Taylor) to write to the Secretary of State for Education (Rt Hon Gavin Williamson MP) outlining that the Board would reconvene the next day and consider whether to move to award CAGs. The Chief Regulator (Sally Collier) did not agree with the proposal for the guidance being reissued on the website and remained of the view that the Board should move to award CAGs.

630 There was a further final meeting at 21:30 hours on 16 August 2020. The minutes of that meeting can be found at [IB/430 INQ000622755]. The Chair of the Board (Roger Taylor) had reconvened the Board to update them on his exchanges with the Secretary of State for Education (Rt Hon Gavin Williamson MP). Mr Taylor reported that he had

advised the Secretary of State that the Board was minded to move to award centres assessed grades on the 17 August 2020, but wished to consult the DfE on that decision, to ensure the best outcomes for students in the circumstances. The Board subsequently determined to remove their instruction to reissue the mock appeals guidance and agreed with a proposition put to them that awarding the higher of CAGs or standardised grades was consistent with Ofqual's objectives in the current exceptional circumstances. The Board acknowledged that the mock appeal route would no longer exist, but that students could appeal on the original grounds or on the grounds of bias or discrimination if they had concerns.

17 August 2020

- 631 On 17 August 2020, there were a number of emails exchanged between Ofqual, the DfE and other stakeholders. Ofqual took steps to announce the Board's decision on the evening of the 17 August 2020 to move to award CAGs, or the calculated grade, whichever was the higher. Ofqual continued to receive complaints from stakeholders.
- 632 As noted above, on 17 August 2020, the Chair of the Board (Roger Taylor) made an announcement at 16:00 hours in an interview to BBC that CAGs would be awarded for AS, A levels and GCSEs. A statement on Ofqual's website confirmed this and confirmed it would apply to EPQ, AEA maths. The statement was [IB/395 INQ000622727]:

"We understand this has been a distressing time for students, who were awarded exam results last week for exams they never took. The pandemic has created circumstances no one could have ever imagined or wished for. We want to now take steps to remove as much stress and uncertainty for young people as possible - and to free up heads and teachers to work towards the important task of getting all schools open in two weeks.

After reflection, we have decided that the best way to do this is to award grades on the basis of what teachers submitted. The switch to centre assessment grades will apply to both AS and A levels and to the GCSE results which students will receive later this week.

There was no easy solution to the problem of awarding exam results when no exams have taken place. Ofqual was asked by the Secretary of State to develop a system for awarding calculated grades, which maintained standards and ensured that grades were awarded broadly in line with previous years. Our goal has always been to protect

the trust that the public rightly has in educational qualifications.

But we recognise that while the approach we adopted attempted to achieve these goals we also appreciate that it has also caused real anguish and damaged public confidence. Expecting schools to submit appeals where grades were incorrect placed a burden on teachers when they need to be preparing for the new term and has created uncertainty and anxiety for students. For all of that, we are extremely sorry.

We have therefore decided that students be awarded their centre assessment for this summer - that is, the grade their school or college estimated was the grade they would most likely have achieved in their exam - or the moderated grade, whichever is higher.

The path forward we now plan to implement will provide urgent clarity. We are already working with the Department for Education, universities and everyone else affected by this issue."

19 August 2020

- 633 On 19 August 2020, Ofqual updated the 'Student guide to post-16 qualification results: summer 2020' and the 'Student guide to appeals, malpractice and maladministration complaints: summer 2020' [IB/433 INQ000622751] were provided on Ofqual's website.
- 634 On 19 August 2020, the British Medical Association (**BMA**) wrote to the Secretary of State for Education (Rt Hon Gavin Williamson MP) about the impacts of the A-levels grade process on medical education [IB/434 INQ000622248]. The BMA welcomed the decision on CAGs on the basis that it saw low-income students as disproportionately affected by the standardised grades. However, it raised concerns about the challenges in medical school admissions, emphasising the need to honour offers for all students, particularly those from low-income backgrounds, despite limited available places. It highlighted the negative consequences of over-subscription on student experience and academic staff workload, while also calling for clarity on the implications for current and future admissions processes.
- 635 The decision to move to awarding CAGs for GCSE, AS and A level qualifications also meant that certain AOs who offered VTQs and GQs, and had followed a similar approach to standardisation, made decisions to revisit some of their grading decisions in the interests of fairness to students. On 19 August 2020, Ofqual were in email correspondence with exam boards about the press releases which were being proposed and letters which were being sent out to colleges and schools [IB/435

INQ000622249] / [IB/436 INQ000622250] [IB/437 INQ000622251]. The letters asked schools and colleges not to issue any BTEC L1 and L2 results [on 20 August 2020] as those results would be reviewed and where appropriate, regraded.

- 636 Work continued in Ofqual regarding the implications of the decision to award CAGs appropriately and fairly. On 19 August 2020, the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) advised the Chief Regulator (Sally Collier) in an email (at 19:30 hours) [IB/438 INQ000622258] that:

"The Board wanted assurance that rank order within a centre will not change from that submitted.

Within a single centre number, we are confident that (assuming it has been implemented correctly) the rank order submitted will be retained in CAG+. By definition, if a candidate is adjusted upwards, the candidate above them will either have also been adjusted upwards or will already have that higher grade or an even higher one. It should not possible for a candidate to be promoted above another irrespective of whether there is a mix of CAGs or calculated grades.

I think the Board might appreciate being sent this assurance so that if they hear of such things tomorrow they know it is caused by error and not something else."

- 637 On 19 August 2020, the revised rules on 'Requirements for the Calculation of Results in Summer 2020 GCE (AS/A level), GCSE, Extended Project and Advanced Extension Award Qualifications' was shared with the Chief Regulator (Sally Collier) [IB/439 INQ000622256] and subsequently published. The updated version included instructions on awarding the higher of the CAG or standardised grade and the NRT requirements for the adjustment for GCSE mathematics.

20 August 2020

- 638 As set out above, AS and A level results were re-issued, and GCSE results were issued on 20 August 2020. The effect of this was that results for GQs in 2020 were significantly higher than in previous years [IB/395a INQ000622509].
- 639 Compared to results in 2019, the greatest increase for A level was at grade B (+14.3pp), followed by grades A (+12.9pp) and C (+12.0pp). The smallest increase was at grade E (+2.2pp), which was not surprising given that, in a typical year, the majority of learners achieve a grade E or above (in 2019, only around 2.5% of candidates did not achieve a grade E or above at A level). For AS, the greatest increase

was at grade C (+16.1pp), followed by grades D (14.4pp) and B (+12.0pp).

640 Likewise, compared to 2019, the largest increase for GCSE was at grade 4 (+8.9pp), followed by grades 5 (+7.5pp) and 6 (+6.7pp). As for A level, the increase at the lowest grade (grade 1 for GCSE) was relatively small (+1.3pp). This was not surprising given that outcomes at grade 1 are high in a typical year (in 2019, only 1.7% of GCSE results were U grade).

641 On 20 August 2020 (GCSE results day), the following GCSE results day publications were put up on Ofqual's website:

641.1 Guide to results.

641.2 Requirements for the calculation of results in summer 2020.

641.3 Results tables for GCSE, AS and A level results in England 2020.

641.4 NRT statement, digest and infographic.

641.5 Updated NRT document collection.

641.6 Changes to awarding of GCSE, AS and A level: guide for teachers, students, parents and carers.

Liaison with UCAS/universities

642 The steps taken in 2020 were aimed at providing students at different stages of their academic career with a grade that would allow them to progress – be that from GCSE to further study, from level 3 studies (A level and equivalent) on to university or employment. Ofqual worked with the DfE and with UCAS so that communication for applicants for university in summer 2020 was appropriately supportive and informative. The opportunity for an autumn series as part of the framework to allow students to sit exams was also prepared with the co-operation of the DfE and UCAS, and with a mind to communicating with higher education providers, given the concerns about timeliness of students receiving grades and starting university. Indeed, UCAS responded formally to Ofqual's consultations.

643 As set out at paragraphs 469 to 473 above, Ofqual's position, as reflected at the Maintenance of Standards meeting on 23 July 2020, was that accepting CAGs for all A levels would undermine public confidence and create unfairness due to varying inflation rates between centres. It was particularly noted at that time that there was a

practical reason for not making changes, as the final date for adjustments was that same day (24 July 2020) to ensure data availability for UCAS.

- 644 I have seen an email from the Senior Officer for Standards Name dated 05 August 2020, which was sent to various Ofqual employees and exam board representatives [IB/440 INQ000622123]. This email provided the notes from the previous week's CEO oversight meeting. As evidenced by this email, the meeting covered several topics, including the progress in the standardisation model, with references made to the limitations of the model, the impact on small cohorts, and CAGs. Topics also included higher inflation subjects and referred to communication between exam boards and UCAS.
- 645 An email from the Universities UK Chief Executive (Alistair Jarvis) to the Chief Regulator (Sally Collier) raised concerns over the validity of mock grades and the potential impact on university places following the announcement of the 'triple lock' [IB/441 INQ000622160]. The Universities UK Chief Executive (Alistair Jarvis) requested clarification on the process by which universities are expected to grant places to students and sought data on the distribution of mock grades in comparison to CAGs.
- 646 A letter from the Chief Regulator (Sally Collier), dated 07 August 2020 to directors of university admissions published on 13 August 2020 [IB/442 INQ000622728] also outlined how students would receive calculated grades based on CAGs and rank order information, which had been standardised using Ofqual's statistical model. It emphasised that overall outcomes would remain broadly similar to previous years, with a small increase in A/A* grades but stable B and C grades. The letter explained that the standardisation process was necessary as CAGs alone would have resulted in a 12 percentage point increase at grades A* and A.
- 647 The letter made three key requests to universities: to understand the grading arrangements, to hold places open until 07 September 2020 for students awaiting appeal outcomes and to be flexible with students who missed their offers. It noted that testing showed no widening of attainment gaps between students from different backgrounds, though it acknowledged some students would inevitably be disappointed with their results.
- 648 An email from UCAS on 19 August 2020 updated Ofqual on their analysis on Higher Education progression [IB/443 INQ000622253]. The email confirmed that, of the

160,000 applications, 100,000 already had their first choice and 15,000 were in a position where they may have met the A level terms of their offers.

The resignation of Ms Collier

- 649 The Chief Regulator (Sally Collier) was appointed on a 5-year term, with that term due to conclude in March 2021. I understand that it was her intention to consider returning to her home department at the Cabinet Office at the conclusion of her term as Chief Regulator at Ofqual.
- 650 Ms Collier resigned by way of letter to the Secretary of State for Education (Rt Hon Gavin Williamson MP) on 25 August 2020 and is of course best placed to set out her reasons resigning from the post of Chief Regulator; however, I set out below a summary of the events in the days prior to the 25 August 2020.
- 651 In the days that followed the decision of the Ofqual Board to abandon the standardisation model for GCSEs, AS and A levels, many news outlets were seeking to understand the chronology of events and what was known more broadly as to the effects of the standardisation model. Reports were also in the public domain about an 'ultimatum' from the Chair of the Board (Roger Taylor) to the Secretary of State for Education (Rt Hon Gavin Williamson MP) that he would resign if the Secretary of State did not support Ofqual publicly. Similar reports appeared in newspapers concerning the impact of any resignations of senior leadership at Ofqual. Examples of two articles dated 20 and 21 August 2020 respectively are at [IB/444 INQ000622766] and [IB/445 INQ000622765].
- 652 On the 21 August 2020, the Chief Operating Officer (Sean Pearce) sought the permission of the Chief Regulator (Sally Collier) to convene a small team to consider a proposal that had been tabled to the Chair of the Board (Roger Taylor) to create a joint committee of the Ofqual Board with Ofsted [IB/446 INQ000622264]. This proposal was in effect to present to the Ofqual Board a 'recovery plan' should Ofqual find itself in a position with no Chief Regulator, with any such plan to be in place only until the end of the calendar year. That proposal would see the former Chair of Ofqual, Ofsted HM Chief Inspector (Amanda Spielman) and the former Chief Regulator (Dame Glenys Stacey) appointed to the Joint Committee, along with selected Ofsted and Ofqual Board members. The Chief Regulator (Sally Collier) gave permission for the proposal to be considered, although she expressed her concerns as to how those proposals had come about and their impact for the organisation and her own position.

- 653 On 22 August 2020, the Chair of the Board (Roger Taylor) (at 10:38 hours) requested, by email (copied to Ofqual's Chief Operating Officer (Sean Pearce) and Chief Regulator (Sally Collier)) that a Board meeting be arranged for the 23 August 2020 to allow the Board to be able to see and ask questions of former Chief Regulator (Dame Glenys Stacey) and former Chair of Ofqual and the Ofsted HM Chief Inspector (Amanda Spielman) in respect of succession planning in the event that Ms Collier left her role [IB/447 INQ000622265]. The Chair of the Board (Roger Taylor) and the Chief Operating Officer (Sean Pearce) discussed the board papers noting that substantive changes could result in significant risk. The Chair of the Board (Roger Taylor) noted that the position as presented had been *"carefully negotiated and has DfE's sign off and legal approval"*. He continued to note the priority was to stabilise the organisation quickly, manage the Chief Regulator (Sally Collier)'s transition back to the Cabinet Office, and reassure staff that the steps to stabilisation were being taken to manage the impact of personnel who were leaving.
- 654 The Chair of the Board (Roger Taylor)'s email (at 12:43 hours) [IB/447 INQ000622265] noted the urgency of addressing the Chief Regulator (Sally Collier)'s situation and the need for an alternative plan for managing succession.
- 655 On 23 August 2020, an Emergency Board meeting was held at short notice in light of an indication from Chief Regulator (Sally Collier) that she was considering her position. Should she resign, the Board would need to act swiftly to prevent the loss of senior skilled staff, to strengthen the organisation's capabilities and to rebuild Ofqual's reputation. The minutes of the meeting can be found here [IB/448 INQ000622710].
- 656 The Board discussed contingency arrangements in the event that the Chief Regulator (Sally Collier) resigned. The Chair of the Board (Roger Taylor) welcomed the Ofsted HM Chief Inspector and former Ofqual Chair (Amanda Spielman) and the former Chief Regulator (Dame Glenys Stacey) to present a proposal for a temporary solution.
- 657 The proposal involved establishing a committee, either as a Committee of the Ofqual Board or a Joint Committee with Ofsted, with delegated powers from the Ofqual Board until 31 December 2020. The Ofsted HM Chief Inspector and former Ofqual Chair (Amanda Spielman) would chair this Committee in her personal capacity and the former Chief Regulator (Dame Glenys Stacey) would take on the role of Interim Chief Regulator for that period. It was emphasised that this would be a temporary arrangement and not a precursor to any merger between the organisations.

658 The former Chief Regulator (Dame Glenys Stacey) outlined the immediate challenges and priorities: stabilising the organisation, reopening the Earlsdon Park office safely, planning for awarding qualifications in 2021 and preparing for the Education Select Committee meeting on 02 September 2020. She stressed the importance of restoring public confidence and rebuilding relationships with stakeholders.

659 After discussion with the Executive Team and consideration of legal advice, the Board unanimously resolved to:

659.1 Accept the proposal in the event that the contingency arose

659.2 Appoint Board members Lesley Davies and me as the Board's representatives to the Committee

659.3 Delegate to those Board members and the Chair of the Board (Roger Taylor) collectively, the responsibility for agreeing the final details of the Terms of Reference of the Committee, if such a contingency was required, taking into account Board member views.

660 On 25 August 2020, the Chief Regulator (Sally Collier) sent a letter to the Secretary of State for Education (Rt Hon Gavin Williamson MP) stating her intention to resign from her position with immediate effect [IB/449 INQ000514699]. The letter stated:

"I write to resign as Chief Regulator of Ofqual, with immediate effect.

In the absence of exams this summer, no solution could have perfectly determined what students would have achieved. Each of the countries of the United Kingdom independently implemented an approach based on statistical standardisation of teacher-assessed grades. Those approaches did not in the end command public confidence anywhere in the UK and I am truly sorry for Ofqual's part in the distress caused to students and their families in England this summer. It is important that lessons are learnt from what has happened, not just about the design of algorithms, but also about how they are used and how people feel about them as a fair way of making decisions. I will be happy to support efforts to learn from this summer's events.

I am proud of my team at Ofqual and the work we have undertaken collaboratively across the education sector during my tenure, including the implementation of reformed qualifications at GCSE and A-level. I also want to pay tribute to the extraordinary dedication that everyone in the organisation, and our colleagues in the Department for Education, have displayed over the last six months.

Delivery of next year's examinations against the background of the disruption that students have experienced will be hugely challenging, as will the implementation of T-levels and the development of other vital new and reformed technical and vocational qualifications. It will therefore be more important than ever to have a robust, expert independent regulator. In order to secure this I feel that I should step aside and allow new leadership to help the organisation face these challenges."

- 661 On 25 August 2020, Ofqual's website announced interim leadership arrangements and confirmed that the Chief Regulator (Sally Collier) had decided that the next stage of the awarding process would be better overseen by new leadership. The former Chief Regulator (Dame Glenys Stacey) assumed a temporary leadership role as acting Chief Regulator until December 2020.

PLANNING FOR 2021

- 662 I have set out below details of work that was carried out and/or plans put in place by Ofqual:

662.1 in summer 2020 (pre-return to school);

662.2 in November 2020 (Second National Lockdown);

662.3 in January 2021 (Third National Lockdown); and

in relation to the next set of national examinations which were due to take place in summer 2021 (including reference to teacher-assessed grades and CAGs where applicable). This includes details of work carried out in relation to the impact of options on children and young people, particularly children with different types of education provider (independent and maintained), children in different regions, children living in poverty, children from different ethnic groups, and children with SEND.

Summer 2020 (Pre-Return to School)

- 663 Ofqual's work on planning for 2021 began very early on during the pandemic and continued in earnest. I therefore describe some of that preparatory work, because it adds important context to the rest of this sub-section.
- 664 While the immediate priority at that time was 2020 awarding, Ofqual was cognisant of potential issues for 2021 and accordingly, from April-May 2020, the risk of school and college closures undermining the validity and fairness of qualifications in summer 2021

was added to Ofqual's internal strategic risk register and regularly analysed and reviewed so that Ofqual could monitor the issue and prepare itself, e.g. in terms of planning mitigating actions [IB/450 INQ000621882].

665 At the same time, Ofqual was already exploring options with exam boards and other stakeholders, including the DfE. For example, I am aware that the Chief Regulator (Sally Collier) regularly met with the CEOs of the exam boards. I have seen from the notes of a CEO Oversight meeting from 07 May 2020 [IB/451 INQ000621893]. At that meeting, it was noted that Ofqual had held a workshop with exam boards in early May to explore options for exams and assessments to be sat in 2021, with early thoughts including that there was a case for not adapting A level assessments for 2021 because there was *"more time in the A level timetable to catch up"* and the prominence of independent study within A level programmes. The note further reflects the challenges of planning for 2021 given the lack of understanding of the loss of teaching and learning at that point in time, and thought was being given as to when that loss of teaching and learning may threaten the functionality and validity of assessments. The note is clear however that proactive and flexible thinking was required to prepare for unknown challenges with the interests of all learners at the forefront of that thinking.

666 Additionally, following previous engagement with the DfE, Ofqual (including the Chief Regulator (Sally Collier)) met with the Minister for School Standards (Nick Gibb MP) on 21 May 2020 and a submission covering 2021 exams was prepared by the DfE for discussion at the meeting [IB/452 INQ000621926] [IB/453 INQ000621927]. In particular, the submission included details on the expected disproportionate impact of centre closures on the attainment of disadvantaged students and other groups (e.g. students with SEND). I have not seen any notes prepared following this meeting, so I do not know the nature of the discussion but have considered the information in the submission. The email from the DfE to Ofqual attaching the DfE note is dated 20 May 2020 and can be seen at [IB/453 INQ000621927].

667 From my review of that note, the assumption was that there would be an exam series in summer 2021, potentially with social distancing measures in place. The DfE note stated that the DfE did not envisage extending 2020's *"exceptional arrangements"* to 2021 (i.e. CAGs), despite some stakeholders favouring this. It was noted that Ofqual had been *"clear"* that this was not a viable option. With that in mind, the note states that the two main strategies were *"catch-up and mitigation"*. Some of the options were expanded upon in the note, e.g. freeing up teaching time to maximise time spent on core/priority subjects by, for example, relaxing the requirements around the provision

of certain subjects like Religious Education, Citizenship, Computing or PE. Other options such as changing content coverage, providing formulae sheets in science or allowing set texts in exams were considered, with a view to improving students' experiences without materially affecting the level of demand. Adapting assessments (including more *"controversial changes"* like removing, reducing or adapting NEA) also featured.

- 668 Ofqual was also working with regulators in the devolved administrations. For example, at a 'Four Country Update' meeting on 29 May 2020, awarding in 2021 was discussed and each regulator shared its thinking, with Ofqual noting that it was looking at different options including dropping or modifying compulsory content. It was also noted that if there were no exams in 2021, the approach that was being taken in 2020 would not work because the standardisation process became *"untenable"* without a previous awarding year's data.

June 2020

- 669 A great deal of relevant work was done by Ofqual in June, which I have described below in order to give important additional context.
- 670 Ofqual was also providing guidance to various stakeholders. For example, on 12 June 2020, the Chief Regulator (Sally Collier) wrote an open letter to the Heads of Centre about GCSEs, AS and A levels, which specifically touched on 2021 exams and assessments and highlighted that close working between Ofqual, the DfE, exam boards, teachers and any groups representing the interests of teachers, schools, colleges and students [IB/234 INQ000621944]. I can also see that on 17 June 2020, Ms Collier reviewed a draft letter to be sent to Heads of Centre on VTQs [IB/454 INQ000621949]. The final published version of that letter [IB/455 INQ000622722] contained messages already conveyed to other stakeholders, including recognition of the disruption to learners and how Ofqual's *"overriding aim"* was to ensure that assessments were *"as fair as possible and take into account any public health requirements and the well-being of students"*, while also repeating the messages from the 12 June letter about Ofqual working alongside the DfE, AOs and representative groups to *"confirm arrangements as quickly as possible"*.
- 671 Ofqual, the EHRC, and the DfE also met on 17 June 2020, to discuss developing guidance about reasonable adjustments. The discussion clarified roles and responsibilities, acknowledged challenges like social distancing for scribes, and

planned a collaborative approach to guidance development. The meeting concluded with action points including EHRC reviewing existing guidance and Ofqual consulting with exam boards on implementation [IB/456 INQ000622741].

672 The Board considered several papers in June 2020 concerning the approaches to assessment in summer 2021. On 17 June 2020, the Board were informed by the Chief Regulator that Ofqual had received a draft letter from the Secretary of State for Education (Rt Hon Gavin Williamson MP) which set out his broad policy objectives for GQs and VTQs for 2021. The Board were also informed that they would be invited at the forthcoming Board meeting on 24 June 2020 to consider approaches to assessment for GQs for summer 2021 [IB/236 INQ000622737].

673 On 18 June 2020, the Secretary of State for Education (Rt Hon Gavin Williamson MP) wrote to the Chief Regulator (Sally Collier) about the arrangements for exams and assessments in 2020/21 [IB/457 INQ000507008]. The purpose of the letter was to set out the DfE's broad policy objectives in relation to general, vocational and technical assessments in 2020/21, on which the Secretary of State for Education (Rt Hon Gavin Williamson MP) welcomed advice and proposals from Ofqual. This is important context to the work that was subsequently carried out during summer 2020. In particular, the letter stated:

"Despite the disruption that had resulted in some students being unable to cover all elements of their course at the depth usually expected, it was the Government's policy that assessments should go ahead in 2020/21 because "exams are the best and fairest form of assessment"

673.1 As in 2020, the most important principle was that students due to sit assessments in 2020/21 *"should be enabled to progress successfully to the next stage of education or employment"*. Additionally, the Secretary of State for Education (Rt Hon Gavin Williamson MP) acknowledged that Ofqual would continue to give *"careful consideration"* to students' wellbeing and would want to look *"particularly carefully"* at the impact of proposals on disadvantaged students, students with SEND and those with *"particular protected characteristics"*.

673.2 For AS and A levels, *"where possible, assessment of the key elements of content for progression"* should be retained. For GCSEs, a key consideration should be *"the successful progression on to A levels or other level 3"*

qualifications". It was recognised that Ofqual's approach might differ by qualification and by subject.

673.3 The letter further stated that schools and colleges will have taught elements of qualification content in an order that suited them best. Commonality in content coverage could not therefore be assumed. Nevertheless, *"[e]ach of the elements of content is important"* and changing the scope of content for one year would in the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s view, *"send the wrong signals for subsequent years"*. Therefore, he was not minded to specify changes to the DfE content forming the foundation of GQ qualifications. Instead, he welcomed Ofqual's advice on *"potential adaptations in assessments"*, e.g. increasing *"optionality"* in papers to give students more choice.

673.4 The Secretary of State for Education (Rt Hon Gavin Williamson MP) recognised that Ofqual would be considering *"how best to protect the 2021 cohort of students"* through its approach to grading, e.g. by using methods similar to those used when introducing new exams, to *"ensure that outcomes next year are similar to those of recent years"*. While the situation remained uncertain, the Secretary of State indicated that, if necessary, he would issue a further direction under the ASCLA.

673.5 The Secretary of State for Education (Rt Hon Gavin Williamson MP) requested that Ofqual explore with AOs the scope of altering the timing of exams in 2021, such as moving some or all of them to a later point in the summer term, to allow for greater teaching time, especially for the highest volume subjects. He acknowledged that the scope for this may be *"limited"*, especially for the qualifications used for progressing to further and higher education.

673.6 The Secretary of State for Education (Rt Hon Gavin Williamson MP) recognised that the VTQ landscape was *"complex"* with a greater *"diversity of content and assessment type, delivery, timing and providers"*. He welcomed advice and proposals from Ofqual on the measures Ofqual and AOs could take in relation to VTQs to mitigate the impact of disruption, in line with policy objectives. In particular, he requested Ofqual's views on arrangements to ensure consistency between the approaches AOs took to similar VTQs and that students taking VTQs were not advantaged or disadvantaged as against their peers taking

GQs, particularly where they were competing for similar *"progression opportunities"*.

673.7 The letter also asked Ofqual to continue liaising with regulators in the devolved administrations in respect of the arrangements for 2021.

674 Ofqual also began a *"programme of engagement activity"* with key stakeholders including FE Colleges, representative organisations and AOs to develop its understanding of the issues that learners, centres and AOs would face in the 2020/21 academic year, demonstrated by a Board paper that was produced for the Ofqual Board meeting that took place on 24 June 2020 [IB/458 INQ000621943]. This paper noted that VTQ learners were likely to be *"significantly impacted"* in several ways and there would be impacts on student mental health, including in respect of the need for learners to adapt to different assessment approaches.

675 The Board paper referenced above shows that in June 2020, stakeholders were informing Ofqual that they wanted to see *"a move away from a calculation approach in 2020/21"*, but expected that assessments would go ahead, with some recognising the potential need for *"special consideration approaches"* where assessments were impacted by further localised lockdowns. There was some recognition that certain qualifications (e.g. those in the performing arts) would likely need to be adapted.

676 In response, Ofqual proposed the following:

- "a. Assessments should take place (i.e. calculated grades will not be used)*
- b. Qualification content should not be reduced but where it can reasonably be streamlined, such as in relation to optional units, we should allow some discretion to do that*
- c. Assessments must secure that qualifications are a reliable indication of the knowledge, skills and understanding specified in the qualification and required standards of practical competence must not be compromised*
- d. Where assessment burden can be lifted to increase teaching time, we should take steps to secure that as far as possible in order to minimise the impact of the crisis on outcomes, whilst maintaining that qualifications remain sufficiently valid and reliable*

- e. *We should take steps to maximise flexibility in how and how often assessments are delivered so as to reduce the impact of local lockdowns, illness or quarantine*
- f. *We should take steps to increase resilience and safeguard against future disruption including encouraging centres to take advantage of the modular delivery modes of technical and vocational qualifications so that learners can bank assessments as soon as they are ready*
- g. *We should seek to secure, as far as is possible, that awarding organisations act consistently, particularly when delivering similar qualifications*
- h. *We should give clear guidance to awarding organisations how they should approach special consideration where learners miss assessments which they have been prepared to take due to factors outside of their control*
- i. *We should limit the amount of information that centres have to process by centralising communications or coordinating communications between awarding organisations as much as we can*
- j. *Learners taking VTQs should not be advantaged or disadvantaged as against their peers taking general qualifications and this is particularly so where learners are competing for the same progression opportunities*
- k. *We should proactively support other parties, including Government, in reducing disadvantage to learners where those risks cannot be addressed through the regulation of qualifications."*

677 It was also acknowledged by Ofqual that it was not in a position to address many of the risks associated with the loss of teaching and learning, which required a systemic response and, in many cases, intervention from Government.

678 The Board paper from 24 June 2020 [IB/459 INQ000621970] (Page 44) noted that a full EIA would be conducted as part of consultation activity, and Ofqual was continuing to engage with equalities representative groups. It was noted that VTQ learners "*who are already in general subject to greater disadvantage than their GQ counterparts, are likely to suffer further disadvantage regardless of our response to 2020/21*". It was further noted that Ofqual had to look to "*the wider system*" (e.g. Government intervention) to minimise this disadvantage, because Ofqual was "*not in a position to address many of the risks associated with the loss of teaching and learning*".

- 679 The Board also considered a paper with draft consultation proposals regarding how exams and assessments may be adapted to take into account the ongoing disruption to teaching and learning [IB/459 INQ000621970] (Page 49).
- 680 The Board received a presentation from the Director of Standards and Comparability (Cath Jadhav) and Ofqual's Standards Chair (Dennis Opposs) on proposals for an approach to maintaining standards in summer 2021. The Board supported the approach put forward, and the minutes [IB/239 INQ000622705] set out the Board's considerations.
- 681 The minutes further show the Board's consideration and decision making in terms of both the VTQ and GQ approaches at that time. The rest of this sub-section will focus primarily on the period from July to the beginning of September 2020.

July 2020: The Consultation on Proposed Changes to the Assessment of GCSEs, AS and A Levels in 2021

- 682 Following the letter from the Secretary of State for Education (Rt Hon Gavin Williamson MP) on 18 June 2020, Ofqual began work on drafting a consultation on proposed changes to assessments in 2021. In developing the proposals, Ofqual assumed that it would be possible for assessments to take place in 2021.
- 683 The final consultation document was published on 01 July 2020 [IB/460 INQ000565965], with the deadline for response being 16 July 2020. Some of the key elements of the consultation included the following:
- 683.1 Adaptations to exams and assessments were proposed to free up teaching time on individual subjects to support recovery, e.g. for GCSE sciences, teachers could allow students to observe others undertaking practical work rather than undertaking it themselves.
- 683.2 While subject content was determined by the Government, the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s letter asked Ofqual to look at options for "*pragmatic use of content sampling*" in question papers and increasing the use of optional questions. Certain subjects like GCSE English Language, English Literature, Mathematics and the sciences were not to be changed given they are core subjects. For many other GCSEs, Ofqual proposed changes to free up teaching time without making any changes to the way subject content was sampled. This was not the case for some GCSEs like

GCSE History where changes would need to be made to sample less content. For AS and A levels, Ofqual had agreed with the DfE that it should not change the sampling of subject content.

683.3 Generally, Ofqual did not propose that exams in 2021 should include more optional questions than usual. This was for a variety of reasons, including that students were not expected to benefit from this and further, doing this could make assessments *"less fair overall and disadvantage weaker students and those most significantly affected by the disruption to their education"*. This reflected Ofqual's view that providing learners with a wider choice of questions in exams could disadvantage rather than support. This was expressed for example in a paper prepared for the Board meeting on 30 June 2020 [IB/461 INQ000621983].

683.4 Ofqual had considered whether exams could be made more accessible for students, for example, by allowing students to have access to various papers in some subjects. In particular, this was something that the DfE Deputy Director (Jacquie Spatcher) reported to Ofqual that the Minister for School Standards (Nick Gibb MP) felt *"very strongly"* about, and which is he is noted to have felt would *"undermine some key principles of the government's reforms and that they would set a precedent that would be very hard to row back from in future years"*. The email also notes that the Secretary of State for Education (Rt Hon Gavin Williamson MP) was *"very keen on the idea of fewer exams as a way of relieving pressure on students"* [IB/462 INQ000621973].

683.5 Ofqual also considered whether the exam timetable could be delayed to allow for more teaching time. While Ofqual did not prescribe the detailed timetable, it did require that generally, GCSE, AS and A level exams take place in May and June, so if the timetable was delayed, Ofqual would need to change its own rules. It sought views on timetable options.

683.6 An EIA was undertaken in respect of the proposals [IB/460 INQ000565965] (Page 44):

- (a) The EIA acknowledged that the disruption to some students' education would have been more severe than others: for example, some learners may have had access to a full programme of remote education and others would not or would have chosen not to take it.

- (b) Ofqual identified students whose education might have been and would continue to be *"most badly disrupted"*, including those with caring responsibilities, students with SEND, students from different ethnic backgrounds or whose first language was not English, and students from lower socio-economic groups.
- (c) Ofqual shared concerns about a growing *"attainment gap"* and while Ofqual could introduce some adjustments to assessments, *"it will always be the case that students who have been better prepared for the exams and assessments will likely perform better than others."* It was noted that proposed changes could not address the differential impact of the disruption on students.
- (d) In proposing changes, Ofqual had carefully considered how changes might impact on SEND learners who would have reasonable adjustments: for example, Ofqual considered that increasing the length of exam times or exam papers could be *"particularly problematic"* for some SEND students.
- (e) Ofqual had not identified any aspects of its proposed changes to assessment of GCSEs, AS and A levels that would have a negative impact on students sharing particular protected characteristics.

683.7 Ofqual expected to announce its decisions on any adaptations for summer 2021 by August 2020 [IB/460 INQ000565965] (Page 7).

684 Ofqual also published a position paper outlining feedback from the sector about the assessment of VTQs 2020/21 [IB/463 INQ000621998]:

684.1 The position paper detailed the approach that Ofqual was developing, informed by recent experiences and contextual factors, alongside its statutory objectives. For example, the approach would be structured around a set of principles that could guide operational decisions about how qualifications should be treated. Those principles were set out in the paper and included that Ofqual *"should proactively support other parties, including government, in reducing disadvantage to learners where those risks cannot be addressed through the regulation of qualifications."*

685 After publication, individuals who wrote to the Government on the subject were referred to the consultation: see for example [IB/464 INQ000622002], [IB/465 INQ000622000] and [IB/466 INQ000622001]. Additionally, in her opening remarks to Ofqual's annual meeting with stakeholders (the Summer Symposium) which took place on 02 July 2020, the Chief Regulator (Sally Collier) was to invite attendees to engage with the consultation which had opened that day [IB/467 INQ000621988].

Paper on Contingency Options for 2021

686 A group of Ofqual staff began work on contingency options for 2021 if assessments were again unable to take place as normal. On 19 June 2020, the Director of Strategy and Markets (Michael Hanton) shared a first paper as a starting point for discussion on this topic for the Chief Regulator (Sally Collier) to consider further [IB/468 INQ000621953]. The paper noted that *"it would not be feasible to simply repeat the CAG process for 2021"* so an alternative approach was required.

686.1 One of the options proposed by the paper was to consider the use of *"school leaving certificates"* featuring relevant information about the learner, including the likely grade that they would have received, without moderation. However, there were *"significant vulnerabilities"* with this approach, such as the 2021 cohort not having results to put on applications and CVs throughout their career, which was a *"lifelong disadvantage"* – it could also be seen as adding further disadvantage to the most disadvantaged learners. This approach was also the *"most vulnerable to unconscious teacher bias"*.

687 On 07 July 2020, the Chief Regulator (Sally Collier) gave her initial thoughts on this paper. While the paper was worth exploring further, *"the degree of change to implement in schools [might] simply be too much"* [IB/469 INQ000622022].

Further Work Undertaken in July 2020

688 I have seen that on 22 July 2020, the DfE Deputy Director (Jacquie Spatcher) sent papers for the attention of the Minister for School Standards (Nick Gibb MP) ahead of a meeting with him and officials from the DfE and Ofqual (including the Chief Regulator (Sally Collier)) the following day [IB/470 INQ000622073] [IB/471 INQ000622074].

689 One of these papers summarised some of Ofqual's subject-specific proposals from the consultation for 2021 on GCSE, AS and A levels [IB/471 INQ000622074]. The DfE note included with the papers sent to the Minister for School Standards (Nick Gibb

MP), set out that Ofqual recommended taking forward the majority of the proposals in the consultation and invited the Minister's views to enable Ofqual to feed this back in discussions with its Board. However, there were areas in which Ofqual proposed to take a different approach to that set out in the consultation. For example, there was *"significant pressure"* in consultation responses to apply more widely the approach of allowing a choice of topics or sampling less content.

- 690 On 23 July 2020, the Director General of Joint Council for Qualifications (Philip Wright) wrote to the Secretary of State for Education (Rt Hon Gavin Williamson MP) [IB/472 INQ000622084], copying the Chief Regulator (Sally Collier). Of relevance to the proposals in Ofqual's consultation, the letter referred to the Secretary of State for Education (Rt Hon Gavin Williamson MP)'s proposal to move the 2021 exams timetable to later in the year and noted that JCQ had discussed this with the teacher associations who had indicated strong support for retaining the existing timetable due to the impact of the delay on results days and admissions to further and higher education.

Analysis of Responses to the Consultation on GCSE, AS and A Level Assessments in 2021

- 691 The consultation closed on 16 July 2020, with around 29,000 responses received. Ofqual produced an overall analysis of responses to the consultation [IB/473 INQ000622102]. Some key points included the following:

691.1 In respect of optionality, nearly half of respondents disagreed or strongly disagreed with Ofqual's proposal that exams in 2021 should not contain more optional questions than usual, with 37% supporting the proposal. The groups showing least support for Ofqual's proposal (consultants, parents/carers, members of senior leadership teams and students) noted that for example, optional questions would have helped where content could not be covered in suitable detail, but there were differences in respondents' understanding of what optionality would look like. The groups showing most support (academy chains, AOs/exam boards, employers, examiners and exam officers/managers) noted for example that optionality might have meant that some students would not be taught all of the subject content, and this might lead to problems for progression.

- 691.2 39% of respondents agreed or strongly agreed that the number of exams taken for each subject in 2021 should stay the same as usual, with 49% disagreeing or strongly disagreeing. Some respondents were concerned that students had particular expectations of what exams would look like, so it should stay the same. 74% of respondents agreed that exams should not be longer than usual.
- 691.3 The majority of respondents agreed or strongly agreed that exams should start after half term in 2021 if results could still be released on the scheduled results day. Respondents were less supportive of Ofqual's proposal to delay the start of GCSEs and AS and A levels until after half term if it meant also delaying the release of results.
- 691.4 In relation to the EIA, respondents identified "*great variation*" in how well students had been able to continue with their education after schools and colleges largely closed, with disparities in access to IT highlighted. It was also noted that disadvantaged students had been less able to "*accumulate wider knowledge and cultural capital*" during the pandemic. It was noted that SEND students had faced particular challenges, (e.g. the change in teacher setting causing "*severe anxiety*") and there were concerns about how they might fare when schools and colleges reopened (e.g. needing more time). In terms of mitigations, there were various suggestions including "*a range of targeted provision*" to help students recover and progress with their learning, e.g. centres providing access to resources like tutoring and laptops.
- 692 An Emergency Board meeting took place on 23 July 2020 [IB/474 INQ000622706] where the Board considered a detailed paper in relation to VTQs in 2021 following their deliberations on 24 June 2020 [IB/475 INQ000622071]. The Board noted the different approaches to maintaining standards, and the analysis undertaken. The minutes record that the Board agreed that Ofqual should:
- 692.1 Proceed with an adaptations approach to mitigate the disadvantage faced by learners as a result of lost teaching and learning, and to minimise the impact of potential future disruption as a result of the ongoing crisis.
- 692.2 Through its adaptations approach, seek to secure consistency as far as possible across the VTQ landscape.

692.3 Develop additional guidance to support the AOs in delivering their 2020/21 approach, and that it should consult on this (to be signed off by the Chief Regulator in consultation with the Chair).

692.4 Consider further how it supports and oversees awarding organisations in delivering their adaptations approaches.

692.5 Explore the possibility of working alongside other parties to reduce any remaining disadvantage to learners.

The Board also agreed that Ofqual should not adopt a comparable outcomes approach across VTQs in general. The Board noted the intention to continue with the ongoing maintenance of standards work in relation to a small number of applied general qualifications. The Board advised that further consideration should be given to a comparable outcomes approach for any specific other applied general qualifications which closely align to GCSEs and A Levels.

693 Regarding GQs, the Board were informed that the consultation had received c29,000 responses, and the findings and proposals would be communicated to the Minister for Schools Standards (Nick Gibb MP) later that day. Ofqual wished to seek views on the subject content of the qualifications and the extent to which the DfE would wish to implement changes that would remove aspects of the content or change the way in which students engaged with the content. The Board considered the initial recommendations for each subject at GCSE, AS and A level in 2021. The Board noted that there was no recommendation as yet on the 2021 examination timetable. It was noted that Ofqual, the DfE, exam boards and the other jurisdictions would need to undertake further work on the options, risks and mitigations for 2021. In addition, it was noted that teachers may need to be incentivised to mark papers in late July and August, however, this would be a matter for the DfE to resolve. The Board noted that discussions with trade unions, ASCL and NEU, had highlighted that they thought more could be done to reduce content. The Board also noted the challenges around optionality in GCSE English Literature, and the limited time that MFL students will have had to practise their speaking skills and the impact on the coverage of the remainder of the specification. The Board were advised that a further paper would be brought to a further meeting on the 29 July to agree the arrangements for consultation.

694 Accordingly, on 29 July 2020, a paper was prepared on the proposed changes to the way that GCSEs, AS and A levels would be assessed in 2021 [IB/476 INQ000622104].

In considering the responses, it was noted particularly that respondents had raised concerns about the fairness of 2021 arrangements, given that some students had been better supported than others by their schools, colleges and home environment. These concerns were explored further in the EIA which also noted the potential impact on students directly affected by the pandemic (e.g. those shielding). While mitigations had been proposed, the paper noted:

"... if there is to continue to be national qualifications, assessed to a common standard, it is difficult to identify mitigations that would reduce the disadvantage caused to particular groups by the COVID-19 pandemic, although many of the proposed changes are intended to allow non-exam assessments to be undertaken in the context of on-going public health safeguards."

695 The paper invited the Board to agree the following:

695.1 Not yet to take decisions on changes to the GCSE, AS and A level rules that would permit exams to be held in July 2021.

695.2 To confirm exam boards should not, unless to accommodate subject specific decisions, make greater use of optional questions in exams. This was particularly because research demonstrated that such a change could disadvantage students, and Government policy was not to make widespread changes to content.

695.3 That Ofqual should not generally require the exam boards to change the length, number or format of the exam papers, except as necessary to accommodate specific changes to the exam and assessment arrangements.

696 In particular, the Board noted that while there was general support for delaying summer 2021 exams, Ofqual could not decide to alter the exam timetable alone [IB/477 INQ000622346]. Ofqual would work with the DfE, the exam boards, colleagues in Wales and Northern Ireland, and higher education to undertake a further analysis of the options, the risks and the mitigations.

697 The consultation decisions document was subsequently published on 03 August 2020 [IB/478 INQ000514503], explaining that Ofqual proposed to implement the majority of its proposals.

698 Ofqual's engagement with stakeholders continued. For example, I have seen that the Chief Regulator (Sally Collier) was due to meet with the Headteachers' Association,

Headmasters' and Headmistresses' Conference (**HMC**), on 05 August 2020. A briefing prepared ahead of this meeting demonstrated that overall, HMC agreed with Ofqual's proposals in the consultation but "*strongly disagreed*" on some aspects [IB/479 INQ000622125]. For example, HMC preferred to retain the existing exam timetable.

Consultation on Arrangements for the Assessment and Awarding of VTQs and Other General Qualifications in 2020/2021

699 On 03 August 2020, Ofqual published a consultation paper on the arrangements for VTQ and Other General Qualifications in 2020/21 [IB/480 INQ000622116]. The consultation built on the approach in the position paper and made various proposals including that:

699.1 Calculated results would not be issued, as they had been for 2019/20.

699.2 A second version of the Extraordinary Regulatory Framework (**Extended ERF**) would be introduced, to reflect Ofqual's approach to mitigation and adaptation for 2020/21 [IB/481 INQ000622278].

700 The consultation closed on 14 August 2020. The decisions document was published on 07 September 2020 and showed a "*high level of agreement*" from respondents, leading to Ofqual deciding to implement the proposals in full [IB/482 INQ000622304].

August and September 2020: After the Awarding of Grades in Summer 2020

701 Following the awarding of grades in summer 2020, and the resignation of the Chief Regulator (Sally Collier), the Acting Chief Regulator (Dame Glenys Stacey) and the Chair of the Board (Roger Taylor) met with the Secretary of State for Education (Rt Hon Gavin Williamson MP) [IB/483 INQ000622273]. There are no formal minutes of this meeting, but in his subsequent email, the Chair of the Board (Roger Taylor) relayed the detail and outcome of the meeting with the Secretary of State and communicated that he, Mr Taylor, thought Ofqual would welcome the opportunity to look at the approach to 2021 again.

702 Ofqual continued to discuss different options in relation to 2021 arrangements, including the possibility that exams would not take place. I have seen an email chain from 31 August 2020 in which the paper first prepared on 19 June on contingency options is raised, alongside discussions of having one paper per subject [IB/484 INQ000622274]. It was noted that modularising qualifications (an alternative proposed

in that paper) was no longer a practical option now because many students were at that point halfway through their courses [IB/485 INQ000622305].

- 703 Ofqual continued work on timetabling in particular, and on 03 September 2020, the JCQ sent Ofqual a paper with thoughts on the issues arising in relation to changes to the scheduling of exams [IB/486 INQ000622295]. Ofqual noted from discussions with the DfE that higher/further education stakeholders might support later results days [IB/487 INQ000622306]. Additionally, Ofqual met with exam board CEOs who were "*cautiously optimistic*" about being able to deliver to the proposed dates for A level but were "*less confident*" about GCSE because the work involved in that respect was "*so much greater*" [IB/488 INQ000622308].
- 704 There was an all-staff briefing scheduled on 09 September 2020. At this meeting, the Board's new Recovery Committee was to be introduced [IB/489 INQ000622303]. It was to be explained that the Committee's role was to "*oversee and support*" a range of things, including planning for summer 2021.
- 705 By way of context, I can confirm that the Recovery Committee was subsequently replaced at the end of December 2020 with the **2021 Committee**), whose role it was to "*oversee and support Ofqual with all matters relating to the regulation of all regulated qualifications and assessments in the academic year 2020/2021*" [IB/490 INQ000622484]. A 'Roles and Responsibilities' document dated 03 December 2020 [IB/491 INQ000622483] set out potential scenarios to "*exemplify the respective roles*". One of these included "*[e]ngagement with Minister in respect of any emergency policy response required to change in government policy to cancel exams in 2021*". In respect of this scenario, the Chair of the Board (understood to be Roger Taylor) would be "*consulted*"; the Chief Regulator (understood to be Simon Lemus) would be "*responsible*"; and the Chair of the 2021 Committee (understood to be Dame Glenys Stacey) would be "*accountable*".
- 706 By a letter dated 10 September 2020, the Acting Chief Regulator (Dame Glenys Stacey) wrote to the Secretary of State for Education (Rt Hon Gavin Williamson MP) in respect of summer 2021 [IB/492 INQ000622319]. This letter followed a letter sent by the Secretary of State to the Chief Inspector of Ofsted (Amanda Spielman) on 25 August 2020 in which the Secretary of State thanked the Chief Inspector for her support of Ofqual and noted several priorities for Ofqual in the coming months [IB/493

INQ000622297]. The letter from Dame Glenys Stacey raised various points in respect of summer 2021:

706.1 Ofqual sought confirmation from the Secretary of State that he was now *"settled"* on subject content and assessment for all subjects, noting the importance of clarity for teachers.

706.2 Ofqual welcomed his decision that *"assessment will be largely by examination in summer 2021"*.

706.3 In respect of timetabling, Ofqual confirmed that it was considering the matter with exam boards and the DfE officials, *"recognising the tension between maximising teaching time and retaining examination and marking arrangements we can all have confidence in."* Ofqual suggested running workshops to discuss further.

706.4 It was noted that *"standard-setting in 2021 will be unusual"* because exam boards *"cannot sensibly reference back to summer 2020"*. Consequently, *"a more disparate spread of achievement than usual"* could be expected. Grade profiles would differ accordingly. Ofqual had begun technical work to inform available options, appreciating the need for certainty on this aspect as soon as possible. Ofqual had discussed the technical work with the Minister for School Standards (Nick Gibb MP), outlining the different available options [IB/494 INQ000622321].

707 On 17 September 2020, JCQ responded to a request from Ofqual seeking its view on timetable discussions [IB/495 INQ000622325]. JCQ offers recommendations on how to make the proposed timetable *"workable"*, these include: slight changes to the timetable, stakeholder engagement, examiner recruitment and additional funding.

708 I attended a meeting of Ofqual's Standards Advisory Group (**SAG**)⁸ on 22 September 2020 at which a paper titled 'Summer 2021 GCSE, AS and A level examinations and assessments' was presented and discussed [IB/496 INQ000622354]. The paper confirmed the outcomes of the consultation earlier in the year. At the meeting [IB/497 INQ000622486] (Page 69):

708.1 Ofqual provided an update on timetabling discussions. One option presently being considered was to delay the start of the timetable until after half-term,

⁸ SAG was a committee of the Board, which was set up to help Ofqual maintain the standards of qualifications.

condensing exams into a four-week timescale. Exam boards advised that this was *"achievable"* provided that low-entry exams were scheduled prior to half term.

708.2 SAG strongly considered that discussions should take place with higher education organisations because if they did not agree to move their term dates back, marking and analysis of A level exams could be *"compromised"*. SAG noted that delaying the timetable would provide additional teaching time but noted that consideration should be given to students sitting both A level and VTQs.

708.3 Ofqual invited suggestions as to what it should consider when reaching a final decision. SAG contributed a number of suggestions, including to run two parallel systems: *"one which collects evidence to be used to produce unmoderated teacher assessments if exams are disrupted and the other being the usual exams process"*. There was *"strong support"* for using 2019 grade distributions as the *"starting point"* for setting standards in 2021.

709 In late September 2020, while there seemed to be an *"agreement in principle"* in respect of 2021 timetable discussions with the DfE and JCQ, there continued to be difficulties in reaching a consensus [IB/498 INQ000622355]. The Director of Standards and Comparability (Cath Jadhav) was liaising with JCQ and sought to understand what support JCQ and the exam boards needed from the DfE in order to deliver proposed 2021 timetable changes [IB/499 INQ000622356].

710 On 28 September 2020, the DfE Director of Exams 2021 (David Brown) contacted Ofqual (including the Acting Chief Regulator (Dame Glenys Stacey)) to arrange workshops and establish a *"regular cadence of meetings/joint working"* to later in the year when announcements on grading and contingencies were likely [IB/500 INQ000622357]. On contingencies, the DfE Director of Exams 2021 (David Brown) confirmed that *"[m]ost important is to ensure exams take place"*, while also considering what scenarios might lead to exams not happening and thinking about how to assess without a final exam and managing differential learning.

711 At the same time, Ofqual was working on options and issues to consider in respect of holding *"valid mocks"* [IB/501 INQ000622359].

712 I attended a meeting of the Recovery Committee on 01 October 2020 at which the following was discussed:

712.1 A paper titled 'Confirmation of arrangements for the assessment and awarding of VTQs and Other General qualifications in 2020/21 – implementing the Extended Extraordinary Regulatory Framework' [IB/502 INQ000622362] (Page 11). Following completion of the consultation process on the arrangements for assessing/awarding VTQs and Other General qualifications, the Committee was recommended to agree to the implementation of the Extended ERF for 2020/21. The Committee resolved to agree the implementation [IB/503 INQ000622399].

712.2 A paper titled 'Standard setting autumn 2020, timetabling and results days 2021' was also discussed [IB/502 INQ000622362] (Page 118). It provided updates on the progress on these issues, including confirmation that on 08 October 2020, Ministers were expected to announce the new timetable, which would provide three additional weeks of teaching and learning: this announcement came on 12 October 2020 [IB/504 INQ000622723]. The paper also explored the issues identified by exam boards in relation to having more (around 30,000) examiners. The Committee was supportive of the approach but noted some of the logistical challenges for schools which may have limited space and high entries for certain subjects.

713 A meeting between the Minister for School Standards (Nick Gibb MP), the Acting Chief Regulator (Dame Glenys Stacey), ASCL and other unions was arranged for 05 October 2020 to discuss NFER research on Covid-19 and the impact on schools, how advanced materials might be a factor in 2021, as well as discussion of ASCL's call for teacher assessment. The Acting Chief Regulator (Glenys Stacey) confirmed that she was preparing for the meeting on that day. I do not know if the meeting went ahead as scheduled.

October 2020: Developing Contingency Plans

714 Ofqual confirmed to the DfE on 11 October 2020 that while there were *"additional risks to the exam series in these extraordinary times"*, Ofqual was *"committed to doing everything we can to deliver a safe summer series..."* [IB/505 INQ000622376].

715 In mid-October 2020, the Acting Chief Regulator (Dame Glenys Stacey) was reassured that Ofqual was monitoring what the other nations of the UK – and other countries –

were doing in respect of exams in 2021 [IB/506 INQ000622379]. This demonstrates how Ofqual was considering alternative approaches taken outside of England.

716 Given the preference not to cancel exams, work continued on adaptations to assessments to increase accessibility; contingency planning for scenarios where students might miss exams; consideration of differential learning loss; options for grading standards in 2021; the development of advance notice of topic areas to help focus revision; and the exploration of additional support materials for students in exams.

717 For example, accessibility adaptations were discussed extensively at the Recovery Committee meeting on 22 October 2020, which I attended [IB/507 INQ000563285]. At this meeting, the Committee discussed a range of ways by which 2021 GCSE and A level papers could be made more accessible for students, and raised concerns about the possible measures, given that students would be expecting to take papers which were in the style and format of past papers [IB/508 INQ000622380] [IB/509 INQ000622393]

718 Following this, work was done to identify, evaluate and rank nine possible measures, including in terms of the impact on students (see [IB/510 INQ000622403] and a later version at [IB/511 INQ000622452]). This work fed into the advice sent to the DfE on 23 November 2020 on potential adaptations, referred to elsewhere in my statement.

719 An email dated 20 October 2020 from the DfE Deputy Director (Jacquie Spatcher) to various the DfE and Ofqual officials [IB/512 INQ000622396] confirmed that a meeting with the Minister for School Standards (Nick Gibb MP) and the DfE had been arranged for 20 October 2020. No notes of a ministerial meeting have been found, and I have not seen any evidence of the meeting being cancelled. The DfE Deputy Director (Jacquie Spatcher) suggested covering the following points for the meeting:

"Autumn series – update from Ofqual on progress so far

Preparation for stakeholder meetings on 2021 exams (any reflections on pre-meets?)

Summer 2021 grading (the Minister wanted to touch on key principles, rather than getting into detailed proposals)"

720 Acting Chief Regulator (Dame Glenys Stacey) confirmed in a later email on the same date that she was joining the meeting [IB/512 INQ000622396]. She also confirmed she had been at the earlier stakeholder meeting, where, given the issues around

"grading/contingency options/accessibility", she felt there was a "surprising lack of engagement" and "a lack of strategic thinking".

721 On 26 October 2020, the Pearson Vice President and Senior Responsible Officer (Derek Richardson) emailed Ofqual including the Acting Chief Regulator (Dame Glenys Stacey) and referred to a previous CEO meeting at which Ofqual had mentioned that *"some form of standardised contingency (mock by another name) papers was being considered one of the leading proposals for contingency for next year"* [IB/513 INQ000622400]. Pearson acknowledged that *"[n]o contingency can replace students taking the exam and no contingency provides a silver bullet that addresses all the issues"*. Consequently, *"any contingency, once decided, needs to be openly and transparently communicated, together with an acknowledgement of what issues it cannot address, as well as those that it can"*.

722 I have seen the agenda for the Ministerial Reference Group meeting due to take place on 03 November 2020, chaired by the Minister for School Standards (Nick Gibb MP), [IB/514 INQ000622410]. The agenda listed the attendees which included Teaching Unions, the Acting Chief Regulator (Dame Glenys Stacey), the Director of Policy and Strategic Relationships (Richard Garrett) and the Director of Standards and Comparability (Cath Jadhav). The meeting intended to focus on 2021 contingency and adaption, standard setting for 2021 and the practicalities of delivery. I do not know if the meeting went ahead as scheduled. There is no evidence that the meeting was cancelled.

Consideration of Learning Loss

723 I have seen the agenda for the Ministerial Exam Boards Reference Group meeting on the 2021 exam series due to take place on 17 November 2020 which was to be chaired by Minister for School Standards (Nick Gibb MP), [IB/515 INQ000622435]. The meeting was to focus on 2021 contingency and adaptation options, as well as standard setting for 2021. The agenda listed the attendees which included the Acting Chief Regulator (Dame Glenys Stacey) and members from JCQ, AQA, Pearson, WJEC and OCR. I do not know if the meeting went ahead, and I have not seen any notes of the meeting or anything to suggest it was cancelled.

724 An email dated 19 November 2020 from the DfE Deputy Director (Jacquie Spatcher) to the Minister for School Standards (Nick Gibb MP)'s Private Secretary and various the DfE and Ofqual officials [IB/516 INQ000622459] referred to a scheduled meeting

with the Minister for School Standards (Nick Gibb MP) on 19 November 2020. The DfE Deputy Director (Jacquie Spatcher) proposed an agenda for this meeting, which included discussions on the final exams package and communications, the delivery of the exams and adjusting for differential learning loss. From the email recipients list, it appears that the Acting Chief Regulator (Dame Glenys Stacey), the Executive Director for Strategy, Risk and Research (Dr Michelle Meadows), the Executive Director for General Qualifications (Julie Swan), the DfE's Director of Exams 2021 (David Brown), the DfE's Director of Qualifications, Curriculum and Extra Curricular (Graham Archer) and the DfE's Policy Adviser to the Secretary of State (Jo Saxton) were due to attend this meeting. I do not know if the meeting went ahead as scheduled but have not seen anything to suggest it was cancelled.

- 725 A second scheduled meeting with the Minister for School Standards (Nick Gibb MP) had been arranged for 19 November 2020 with a different set of stakeholders, which I attended, [IB/517 INQ000622457] [IB/518 INQ000622458]. From the email list, it appears that the Acting Chief Regulator (Dame Glenys Stacey) and the DfE (David Brown) attended this meeting alongside several Education Trusts and other stakeholders. The agenda for the Ministerial Reference Group on the 2021 exam series focused on 2021 contingency and adaptation, non-examined assessments, as well as standard setting for 2021.
- 726 An email from the DfE Deputy Director (Jacquie Spatcher) to the Minister for School Standards (Nick Gibb MP)'s private secretary and various the DfE and Ofqual officials dated 26 November 2020 [IB/519 INQ000622477] refers to a scheduled meeting with the Minister for School Standards (Nick Gibb MP) on 26 November 2020. The email contained a proposed agenda from the DfE Deputy Director (Jacquie Spatcher) which set out the next steps on adaptations work, the update on arrangements for announcement and support to exam boards. I have not seen any evidence to suggest the meeting did not go ahead, but I have seen that the Acting Chief Regulator (Dame Glenys Stacey) sent her apologies as she was due at a stakeholder meeting.
- 727 Additionally, Ofqual's work on learning loss continued and the learning from this were part of the underpinning to Ofqual's work considering awarding in 2021.
- 728 I have seen that on 13 October 2020, the Acting Chief Regulator (Dame Glenys Stacey) met with the Minister for School Standards (Nick Gibb MP) [IB/520 INQ000622377]. The Minister for School Standards (Nick Gibb MP) expressed his concern about differential lost learning (**DLL**) between regions and asked Ofqual to

consider what could be done about *"these regional differentiations"*. The Acting Chief Regulator (Dame Glenys Stacey) voiced concern about the Minister for School Standards (Nick Gibb MP)'s proposal that if a school experienced four weeks of disruption, then students could take one fewer paper. The Acting Chief Regulator (Dame Glenys Stacey) noted that *"the underlying issues [sic] is a sense of unfairness, region by region"*.

- 729 On 11 November 2020, various Ofqual colleagues including the Research Chair (Dr Paul Newton) discussed *"grave concerns"* raised by the Chief Executive of United Learning (Sir Jon Coles) about the arrangements for 2021 exams. He considered that three types of adjustment were worth exploring, at individual, school, and area level. In response, the Research Chair (Dr Paul Newton) added comments on the report drafted by Sir Jon Coles [IB/521 INQ000622439] and referenced his 'Compensating for Learning Loss' report (a draft of which is referred to below at paragraph 734) [IB/522 INQ000622438]. Ofqual continued to discuss DLL with Sir Jon Coles (e.g. see [IB/523 INQ000622460] where he highlighted tensions present in the task before Ofqual, including *"competing notions of fairness"*).

November 2020 (Second National Lockdown)

- 730 From 03-13 November 2020, Ofqual held a series of focus groups to gather perspectives from students, teachers and parents on arrangements for assessments in 2021.

730.1 For example, a student panel was held on or before 03 November 2020 [IB/524 INQ000622411]. Early reflections from this included that panel members were clear that *"exams are the best way forward"* but were anxious about them being cancelled. Additionally, while some students favoured the use of reserve papers, some students preferred a robust moderated teacher assessment.

730.2 Ofqual used findings from this student panel in considering options going forward and further student panels were held after this.

- 731 A paper was prepared for a meeting of Ofqual's Audit and Risk Assurance Committee (**ARAC**) on 04 November 2020 [IB/525 INQ000622405]. In relation to the strategic risk register, the paper noted that one general risk (*"Q: School and college closures undermine fairness in summer 2021"*) had been replaced by five more granular risks identified across GQ and VTQ. At that point, one of the most high-risk entries was the risk of not securing consensus support for the approach to secure the standard of

general qualifications; this reflected lower confidence in assessment arrangements and differing perspectives on the *"right"* approaches for 2021. In terms of VTQs, a similar high-risk view was taken in terms of the risk of delivery failure in implementing the ERF, reflecting the unusual demands necessary in the award of qualifications through the pandemic period.

- 732 On 10 November 2020, the Welsh Government decided to cancel GCSE and A level exams [IB/526 INQ000622436]. It was noted that the DfE and the Prime Minister's office spokespersons, in response to queries, were continuing to state that exams were the *"fairest way of judging a student's performance"*.
- 733 The Acting Chief Regulator (Dame Glenys Stacey) wrote to the Secretary of State for Education (Rt Hon Gavin Williamson MP) on 13 November 2020 to explain the work Ofqual was undertaking to mitigate the impact of the pandemic on regulated qualifications beyond GCSE, AS and A levels [IB/527 INQ000622479]. The letter notes that in relation to the *"wide range"* of VTQs and Other General qualifications, Ofqual was building on its approach in the summer, regulating qualification providers *"in novel ways"*. The letter further noted that in order to respond to the unique challenges of these qualifications (e.g. practical assessments requiring specialist equipment, making remote delivery inappropriate), it seemed likely that AOs would need to make further adaptations and Ofqual was encouraging them to consider *"the full range of possible contingency scenarios that might be needed"*. The Secretary of State for Education (Rt Hon Gavin Williamson MP) recognised this in his response dated 03 December 2020 [IB/528 INQ000622480].

Compensation for Learning Loss

- 734 On 02 November 2020, Ofqual's Research Chair (Dr Paul Newton) produced a draft paper titled 'Compensating for learning loss' [IB/529 INQ000622407] with recommendations for further discussion at the next SAG meeting on 13 November 2020 [IB/530 INQ000622408]:
- 734.1 It was noted that it seemed likely that *"many, if not most, learners who are due to take high stakes assessments during 2021"* would have been affected by learning loss, and some learners would have been affected *"far more"* than others. It was noted that learning loss could be seen from several perspectives, including relating to a learner's SES (and variables associated with it including

their ethnicity) and the status of learners across different regions, as different parts of the UK experienced different levels of lockdown.

734.2 Steps could be taken to help compensate for this learning loss, such as increasing available study time by scheduling exams later in the year or making exams more accessible by better 'ramping' of questions. A radical approach would involve adjusting candidates' achieved results to try to award them the result *"they would have achieved, had COVID-19 never occurred"*.

734.3 SAG was invited to offer their views on the paper and how its recommendations might be received by different stakeholders. I have seen the minutes from the subsequent SAG meeting on 13 November 2020 which showed that the consensus of SAG members was that there should not be an attempt to compensate for differential learning loss [IB/531 INQ000563325].

735 For that SAG meeting, Ofqual produced a paper in relation to the approach for VTQ awarding of Performance Table Qualifications in the 2020/2021 academic year, which included analysis on learning loss [IB/532 INQ000622428]. In particular, it noted that learning loss could be attributed to numerous factors including loss of study time due to illness or lack of access to high quality teaching and learning resources, and it was likely that learning loss would not be universal and would depend on many factors – indeed, it was likely that *"the differences in learning loss within a region, due to the interaction of centre characteristics and personal circumstances, are at least as great, if not more so, than the differences between different regions with different 'tier ratings' or centres with different periods of lockdown."*

736 A note was prepared by the Acting Chief Regulator (Dame Glenys Stacey) following a meeting between Ofqual and the Minister for School Standards (Nick Gibb MP) on 11 November 2020. In this note, Dame Glenys Stacey considered that Ofqual had been provided with a statement of policy intent from the DfE as follows: to recognise DLL in summer 2021 without compromising validity unduly and without abandoning examinations [IB/533 INQ000622442]. According to the note, several potential options were discussed with Ofqual clarifying its position on various assessment approaches. During the discussion, Ofqual explained that reducing the number of papers, while being an approach favoured by the Minister, would not meet the policy objective of compensating for DLL and might disadvantage already disadvantaged students. Teacher assessment was not discussed, and no further work was to be done on it at that stage. The email note also recorded that topic optionality was not favoured by

Ofqual and was not pressed by the Minister. In response to the Minister being "*clear that we needed a big idea, a big move*", Dame Glenys Stacey raised potentially supplementing grades with teacher judgements recognising DLL, which according to the note, appeared to go down well and Dame Glenys Stacey asked for options to be worked on in this regard. The email note records that Ofqual emphasised it was approaching assessment "*red lines*" which it would not cross, with the Minister agreeing that validity should not be "*unduly compromised*". The Minister also accepted that Government should be prepared to consider alternative options such as aptitude tests or a statement of learning and attendance.

737 Ofqual produced a paper with proposals in relation to measures that could complement strategies in tackling learning loss [IB/534 INQ000622440]. Some recommendations included changing the way in which grades are reported or interpreted and asking HE providers to use additional assessments in their applications.

738 On 12 November 2020, the Executive Director for General Qualifications (Julie Swan) invited Ofqual colleagues including the Acting Chief Regulator (Dame Glenys Stacey) to identify and discuss proposals or ideas as to how to address learning loss, given concerns at the time [IB/535 INQ000622445]. The idea discussed in the email chain was to include an "*indicator*" alongside issued grades to demonstrate where students had experienced disruption.

739 The Executive Director for General Qualifications (Julie Swan) flagged some points for consideration after the discussion on 13 November 2020, including that the use of statements that could include "*highly sensitive personal information about a student's home life*" should be avoided [IB/536 INQ000622448]. She also acknowledged that "*it will be difficult for private candidates to secure a statement/endorsement*", but that this group should be the group whose learning is the least disrupted. The Acting Chief Regulator (Dame Glenys Stacey) suggested working up an idea to be presented to the DfE and the Recovery Committee.

740 An example 'Student Record Template' (later referred to as a 'Teacher Assessment of Learning Loss Impact' or **TALLI**) was subsequently drawn up [IB/537 INQ000622450]. Stakeholders shared their views on TALLI (e.g. AQA at [IB/538 INQ000622462]).

Options for Adaptations to Assessments

741 There was discussion between the DfE and Ofqual about optionality in assessments. I have seen emails ahead of a 'roundtable' meeting with the Minister for School

Standards (Nick Gibb MP) which was to take place on 05 November 2020 [IB/539 INQ000622419]. The Director of Standards and Comparability (Cath Jadhav) explained to the Acting Chief Regulator (Dame Glenys Stacey) that Ofqual and the DfE had begun to think about delivering optionality *"in a safe way without making things worse for those students who have been hardest hit"*. She proposed introducing the issue in the meeting that afternoon, noting in particular:

741.1 Research showed that optionality could be *"counter-productive"*, and that *"less able and more disadvantaged students are not as good at spotting the easier questions, and that can mean they do less well, by up to a grade in some subjects."*

741.2 If optionality was increased, there are some guiding principles that Ofqual would want to follow, including avoiding the narrowing of the curriculum that students are taught.

742 Ofqual considered that alternatives such as providing 'advance notice' of topic/content areas was arguably better than optionality [IB/540 INQ000622453]. Indeed, further work was done by Ofqual to identify principles for providing advance notice by way of a paper titled 'Principles for providing advance notice of topic/content areas and/or support materials for 2021 GCSE, AS and A level examinations' [IB/541 INQ000622548].

743 I attended a meeting of the Recovery Committee on 16 November 2020, to consider preliminary advice on potential adaptations to GCSE and A level exams for 2021 [IB/542 INQ000622743] / [IB/543 INQ000622454]. The Committee recognised that all adaptations necessarily involved some compromise to validity and discussed various options including advance notice of exam topics. They noted that once any such information was published, teaching would likely focus overwhelmingly on the topics to be examined. The Committee also considered whether limiting the exam series to core subjects could be a middle ground if pressure to cancel exams grew amid public health challenges. After thorough deliberation, the Committee agreed with the proposed approach to adaptations. This governance review step preceded the formal advice sent to the Secretary of State on 23 November 2020, referred to further below.

Equality Impact Assessment

744 At the Recovery Committee on 16 November 2020 [IB/542 INQ000622743], in relation to the potential adaptations, an EIA was undertaken [IB/543 INQ000622454] (Page

14). In particular, it was noted that groups representing the interests of disabled students had cautioned Ofqual against adaptations that would increase the amount of reading students would need to do in an exam, which would be an issue if papers included more optional questions. It was also noted that private candidates studying independently might not receive information about adaptations, which could be an issue particularly for disabled students and those from Gypsy, Traveller, and Roma communities who might be *"disproportionately represented among this cohort"*.

745 The EIA also highlighted concerns about the potential impact of differential learning loss on more disadvantaged students and the need to ensure that any adaptations did not exacerbate existing inequalities.

746 The equalities impact was also addressed in the paper on grading in 2021:

"Exams are intended to measure student attainment in a consistent way for all students. Careful consideration is given in the design phase to minimise any bias in the questions, so that students with particular protected characteristic [sic] are not advantaged or disadvantaged by the exam itself."

"We have not carried out an impact assessment of the different grading options because our starting assumption is that the approach will apply to all learners. While ministers and others are rightly concerned about the impact of differential learning loss on more disadvantaged students, we set out above the reasons why we cannot compensate for differential learning loss in our approach to setting standards."

747 Further detail on the equalities analysis was contained in an Annex A to the paper. In particular, Ofqual noted that *"[w]hile a wide range of factors can have an impact on a student's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment"* (Page 76).

Scenario planning

748 Scenario planning continued, with broad options covering (1) measures identified to reduce the risk that students missed any exams; (2) a pre-summer series contingency paper; (3) moderated teacher assessments; and (4) centre certificates [IB/508 INQ000622380] [IB/544 INQ000622383]. The last option (4) was discounted because it was not considered acceptable to the public to issue a certificate instead of grades, considering that grades had been issued to students in 2020.

749 It is useful to consider Ofqual's analysis in relation to option (3) as it reveals the work done to understand and evaluate options for moderation:

749.1 Ofqual had discounted *"statistical moderation as attempted in summer 2020 as this has been proven not to command public confidence."* Instead, moderation would need to be done on the basis of evidence of student performance. Internal moderation was not considered *"sufficiently robust to award a regulated qualification grade."* Teachers' judgements could also be tested and adjusted accordingly.

749.2 Ofqual considered that when comparing evidence of student performance, it would be *"challenging"* for teachers to *"make fine distinctions between work of similar quality, particularly within the middle of the mark distribution."*

749.3 The paper concluded that the most viable approach to moderated teacher assessments was likely *"one where standardised tasks are set by the exams boards for each specification; judged to a set of common criteria with a defined process for arriving at a mark rather than a grade; and where these marks are then externally moderated through submission of a sample similar to the process currently followed for non-exam assessment"*. However, this still presented *"serious challenges in implementation"*, e.g. to address potential malpractice previously observed in centres.

749.4 The advantages and disadvantages were set out. For example, while the approach would *"likely be seen as a positive and pragmatic solution"*, the main disadvantage was *"potential unfairness created by teachers assessing more or less harshly than their colleagues due to the lack of a common standard"*. Mitigations might prove to be a *"significant burden for teachers"*, noting that the process of teacher assessments had been regarded as burdensome in 2020.

749.5 Risks were also identified in the paper. For example, if higher and further education institutions and employers were dissatisfied with the ability of students who received unmodified CAGs in 2020, they may decide to select on other criteria than grades for the 2021 cohort – and these criteria would likely be less fair than regulated grades and could *"further embed disadvantage"*.

749.6 It would not be possible to have moderated teacher assessments take place alongside exams except for an extremely limited number of pupils. The work involved for exam boards and centres to implement moderated teacher

assessments would also exclude work on other contingencies. This might have been *"the key limitation"* because *"any decision to implement this option for the majority of students would need to be taken before the point it became apparent that efforts to maximise the number of students taking exams would not be sufficient to address the scale of disruption."*

Advice to the DfE

- 750 On 23 November 2020, the Acting Chief Regulator (Dame Glenys Stacey) sent a letter to the Secretary of State (Rt Hon Gavin Williamson MP) regarding a series of advice papers about the arrangements for GCSEs, AS and A Level qualifications in 2021, [IB/545 INQ000622472], which is referred to above.
- 751 On 23 November 2020, Ofqual sent advice to the DfE on potential adaptations to GCSE and A level exams in 2021 [IB/546 INQ000622473]. The advice evaluated a range of different adaptations, including allowing students access to *"support materials"* in the exam (e.g. formulae sheets) and greater use of multiple-choice questions (**MCQ**). The advice confirmed that Ofqual did not favour optionality for the reasons previously explained.
- 752 The advice confirmed that Ofqual would work with exam boards and subject experts to agree the package of measures. Ofqual recommended that the detailed measures were announced at the start of the spring term, alongside a timeline for the release of information published in advance.

Grading

- 753 On 23 November 2020, Ofqual sent advice to the DfE on grading GCSE, AS and A levels in 2021 [IB/547 INQ000622474]. The issue was that results in 2020 were universally higher than in 2019, but there were differential increases between grades and subjects. While matching 2021 grade distribution to 2019 would be the easiest approach to operationalise, Ofqual considered that this approach *"would not command public confidence"*, so it was discounted. The favoured approach was to carry forward a 'smoothed' 2020 grade distribution, which would distribute *"generosity (when compared to 2019) ... evenly and fairly between subjects"*. Achieving this would be *"technically complex"* and would see results in 2021 that were lower than 2020 but still notably higher than in 2019.

- 754 Ofqual also submitted options to *"accelerate the delivery of FSQ assessments in English and Maths"* [IB/548 INQ000622588]. The submission sets out methods to address difficulties in delivering *"training or assessments"* students would normally have to take.

Contingency Options

- 755 On 23 November 2020, Ofqual sent advice to the DfE on contingency options to respond to scenarios that might impact delivery of GCSE, AS and A levels exams in 2021 [IB/549 INQ000622475]. The advice set out the main areas Ofqual would consider in evaluating contingency options, including whether the option would command and maintain public confidence and whether exam boards could deliver it.
- 756 As it remained Government policy that exams would go ahead in the summer, the paper did not explore potential responses for a scenario in which exams did not take place. The paper considered the following broad options:
- 756.1 A range of measures that could be taken to reduce the risk that students missed exams in summer 2021, including consideration of the full range of steps that could be undertaken by Ofqual, the DfE and exam boards to maximise the opportunity for students to take at least one assessment in each subject for which they are entered on which their grade could be based in summer 2021. For example, practical measures like allowing candidates who were shielding to take exams at home.
 - 756.2 The provision of additional exam opportunities after the timetabled exam series.
 - 756.3 Other approaches to determine results for those unable to take timetabled exams, either by basing results on an exam taken before the timetabled exam series or by some form of moderated teacher assessment of students' work.
 - 756.4 Other options to allow students to receive a grade if they were unable to take their exams in summer, e.g. ranking students so that where most other candidates at a centre had taken their exams, that student's grade could be based on the rank order judgement.

757 On 26 November 2020, Ofqual's internal Programme Board considered a number of papers [IB/550 INQ000622494]:

757.1 A paper that set out the steps and timeline for consultation to allow contingency planning for GQs in 2021.

757.2 A proposition paper about options to take if a decision to cancel exams in summer 2021 was made. The note of the Programme Board records that an agreement was reached to write to the Secretary of State highlighting the importance that if there was to be a change in position on exams, it would need to be made before the end of February 2021.

757.3 A paper that considered contingency planning in respect of qualifications subject to the adaptations made by the Extended ERF. It was noted that a 'safety net' would be needed for students who might be unable to complete qualifications, but research had shown a *"reluctance"* from centres to move towards CAGs. It was noted that should exams be cancelled, VTQs would look to take a similar approach to 2020 as this seemed to work well. For the short-term, the *"key area of interest"* was adaptations.

Further work on learning loss

758 Learning loss remained a key consideration for Ofqual. For example, in a discussion with the Secretary of State for Education (Rt Hon Gavin Williamson MP) on 12 November 2020, the Acting Chief Regulator (Dame Glenys Stacey) reported that she had *"pushed back strongly"* on reducing the number of papers taken by students and had questioned the policy intent [IB/551 INQ000622444]. She stated: *"I was VERY clear that this achieves nothing by way of recognising lost learning, or being fair and we will stand out against it."* There was also reference to work underway on potentially recognising learning loss in a supplementary statement alongside a student's grade.

759 In an email of 04 December 2020 to the DfE Director of Exams 2021 (David Brown), the Acting Chief Regulator (Dame Glenys Stacey) noted that Ofqual would recognise lost learning in three ways: *"by setting an overall (national) standard that is generous, by adaptations (which are likely to be more advantageous to the least prepared student) and by supporting the three week delay in the start of exams (which puts pressure in the back end of the awarding season)"* [IB/552 INQ000622487].

- 760 The Acting Chief Regulator (Dame Glenys Stacey) also noted that Ofqual did not think *"the answer to differential lost learning lies in the qualification assessment."* Ofqual could not see how that could be done *"sufficiently fairly"* or that it would be right to make the qualification outcome a measure in part of knowledge and understanding and in part a compensation for lost learning: *"Instead, a qualification outcome must be a valid measure of knowledge and understanding and must endure as that."*
- 761 Nevertheless, Ofqual was *"right behind all efforts to recognise and deal with lost learning"* in other ways and across the wider system and *"see it for what it is: unfair, and likely to be a much more pronounced problem than is usual for some while, because of the pandemic."* Ofqual wished to support in this work and had put forward the TALLI proposal as a suggestion (but was not *"wedded to"* it).

Ofqual's Relationship with the DfE

- 762 The challenges of the pandemic meant an ever changing and challenging policy position, and the context necessitated Ofqual working closely with the DfE during this period. Recognising the different roles of the two organisations, and importantly Ofqual's position as an independent non-ministerial department, Ofqual attempted to map out internally where accountability for different matters sat for matters that may impact in 2021, among Government and the sector [IB/553 INQ000622327].
- 763 On 06 November 2020, the Acting Chief Regulator (Dame Glenys Stacey) emailed the Chief Executive of United Learning (Sir Jon Coles) in respect of his *"strongly expressed view"* that *"pre-series contingency papers are the way to go"*. She shared the paper prepared for the 22 October 2020 Recovery Committee meeting which discussed different options, [IB/508 INQ000622380] [IB/544 INQ000622383]. She also explained that a student focus group did not support the idea of a pre-series paper, showing how Ofqual was taking into account the views of students in its work.
- 764 Ofqual sought to align with the DfE wherever appropriate. On 12 November 2020, amid increasing suggestions that exams may not go ahead in 2021, it appears that Ofqual was refraining from commenting publicly on matters relating to summer 2021 beyond its *"holding lines"* because it was waiting for the DfE to make an announcement first [IB/554 INQ000622443].
- 765 On 18 November 2020, Ofqual held a brainstorming session on the scenario in which exams were cancelled, setting down some initial thoughts [IB/555 INQ000622456]. The document contains notes from this session that suggest considerations of a

possible contingency approach if exams could not proceed. The notes outline potential objectives such as giving students a sense of agency and basing outcomes on objective evidence. The note sketches a possible approach involving exam board-set tasks that might be administered in schools, with teacher marking and some form of moderation. The notes also appear to acknowledge both potential advantages and challenges of such an approach, including considerations around consistency, malpractice risks, and teacher workload.

- 766 A meeting with the Minister for School Standards (Nick Gibb MP) took place on 20 November 2020 at which he voiced some concern that there should be a *"well enough developed 'plan B' that in the hopefully unlikely event exams are cancelled we are a bit further ahead in our thinking"* [IB/556 INQ000622469]. The email chain at various junctures appended two notes from Ofqual to the DfE. One was a submission on '2021 A/AS Level and GCSE summer exam series decisions on the final package', [IB/559 INQ000622468] and the other was a note titled 'How to award grades if GCSE, AS and/or A level exams are cancelled' which were revised and circulated within Ofqual for review and comment [IB/556 INQ000622469] [IB/557 INQ000622470], building on work done on the 'no exams' scenario [IB/558 INQ000622465]. The submission was developed together with Ofqual, JCQ and awarding organisations, recommending the support of delivering the summer 2021 exam series and to support *"Ofqual's proposal to carry forward the generosity seen in 2020 but in a way the smooths out the subject level anomalies seen in 2020"*. The second note contained what were expressed to be *"preliminary views"* and not *"formal advice"*. The summary stated as follows:

"Our experience of summer 2020 and our work to identify alternatives, leads us to conclude that none of the options available for awarding grades if exams are cancelled is attractive. Exams should, therefore, go ahead if possible. If the government finds it impossible to retain the full suite of exams, we would recommend, if conditions permit, retaining exams in A levels and the key GCSEs most used for progression (English language and mathematics as a minimum).

If exams are cancelled, in full or part, we believe some of the negative reactions to the summer 2020 approach will be avoided if grades are based, at least in part, on students' performance in a standardised assessment developed by the exam boards. Teachers would use this performance to inform an holistic judgement of the grades they believe their students would have received had the exams gone ahead.

We do not believe it will be possible, if we are to secure the support of teachers and students, to avoid further grade inflation – in excess of that we saw in summer 2020. While this would secure wider public support to an extent, it could also dent public confidence in the qualifications and make them less effective in distinguishing between different students.

Clear advice on how grades should be awarded if exams are cancelled can only be given once the reason for the cancellation is known. We assume there are three potential reasons: public health restrictions, the social unacceptability of running exams in the face of differential learning loss or a sense that so much of the curriculum has been lost that it would be unreasonable for student[s] to take exams."

767 Additionally:

767.1 On the evidence to be used to determine grades, the note stated that grades must be *"partly informed by students' performance in standardised assessments"* such as past papers.

767.2 On standardising grades, the note expressed Ofqual's caution about advising on *"any attempt systematically to standardise the grades teachers have decided students should receive"*, so instead, the *"focus"* should be to encourage teacher to make *"realistic"* judgements in the first place. It was noted that the judgement was likely to be more complex in 2021 as students would have had different levels of teaching and that teachers could be expected to be *"more generous in their judgements"*, even more so than in 2020. It was noted that moderation was *"not reliable"*. Ofqual proposed that it could guide centres on the grades it might expect them to submit in each subject, by providing them with an *"illustrative grade profile"* informed by their students' prior performance, suitably adjusted to reflect *"the generous grading intended for 2021"*.

767.3 On timing, again Ofqual noted the learnings from student focus groups, which had stated that they would want to know in advance if their performance relating to a piece of work would be used to determine their grade. Possibly the most important thing was that any approach *"should encourage students to remain engaged with their learning throughout as much of the academic year as possible."* The optimum time would depend on the reason for cancellation and the timing of that decision. Centres, exam boards and students would need time to prepare for the assessments and Ofqual considered that a minimum of three

months' lead time would be needed to put in place alternative arrangements, assuming the use of 2021 summer exam papers. Therefore, if results were to be released as scheduled, a decision to cancel exams could be taken no later than the beginning of March 2021.

Other Work Undertaken in November

768 The Acting Chief Regulator (Dame Glenys Stacey) was scheduled to meet with various stakeholders on 06 November 2020 to discuss arrangements for the 2021 examinations:

768.1 The Chief Executive of EHRC (Rebecca Hilsenrath) [IB/560 INQ000622421] to discuss the work Ofqual had done on equalities analysis as well as arrangements for students with protected characteristics and ensuring that contingencies are in place for them for 2021. Whilst there is no note of this meeting, I have noted that there is a briefing note for a follow up meeting with the EHRC scheduled for 17th December 2020 which refers to discussions having taken place with EHRC in relation to contingency arrangements [IB/561 INQ000622740]

768.2 The Chief Executive of the AOC (David Hughes) [IB/562 INQ000622416]. The briefing noted that he had attended a stakeholder meeting with Ofqual and had raised that CAGs and rankings should not be ruled out as options to fill gaps left by cancellations or missed exams, where individual exams or students are impacted.

768.3 The Chief Executive of the Office for Students (**OfS**) (Nicola Dandridge) [IB/563 INQ000622418]. The briefing appears to reflect that in a previous engagement, OfS had pushed for Ofqual to prioritise methods of standard setting that had a limited impact on disadvantaged groups.

Ofqual's Work Continued

769 On 07 December 2020, the Acting Chief Regulator (Dame Glenys Stacey) sent a letter to the Secretary of State for Education (Rt Hon Gavin Williamson MP) [IB/564 INQ000622488] [IB/565 INQ000622490]. The letter proposed that Ofqual provide the Secretary of State for Education (Rt Hon Gavin Williamson MP) with detailed advice in

relation to determining results for students in such a scenario. Ahead of this, the letter noted the following points:

769.1 Any decision not to hold assessments could be taken no later than the end of February if students were still to receive their results at the usual time.

769.2 Any advice Ofqual gave on how to determine results would depend on the reasons why assessments could not go ahead. Ofqual considered that approaches would likely involve *"significant reliance on teacher judgements about student performance"*. More options would be available if centres remained open so that students could undertake assessment tasks.

769.3 Different approaches would be suitable for different types of qualifications, but a *"common approach"* was expected to be put in place for all GCSE, AS and A levels. By contrast, VTQs would require *"a case-by-case approach"*.

769.4 Ofqual emphasised that *"we cannot foresee any circumstances under which we would recommend to you that all exams and other assessments do not take place"* because Ofqual knew that assessments could be carried out in a socially distanced manner and alternatives to planned assessments were *"highly problematic"*.

769.5 Highlighting previous Ofqual advice on contingencies for GCSE, AS and A level assessments, it was noted that there were issues with the widespread use of teacher assessment, including potential unfairness between students. Additionally, *"[t]here would be a very limited extent to which any exam board checking or moderation could address the wide range of different judgements about similarly performing students that would be made by different teachers for these qualifications."* Ofqual also expected that it would lead to *"substantial additional grade inflation"*. There would be similar problems in relation to some VTQs, and some additional issues in *"other such qualifications"*. In such a scenario, as in summer 2020, *"it would probably not be possible to award some of these qualifications."*

770 I note from the email enclosing the proposed final version of the letter that the DfE appears to have reviewed the draft and had requested Ofqual to be *"less definitive about things"* [IB/564 INQ000622488]. The Director of Policy and Strategic Relations for General Qualifications (Richard Garrett) explained to the DfE that they needed to include timing in the letter to be clear about *"the last possible point to determine results"*

that could be subject to a form of assurance." He justified Ofqual's position by referencing their experience from 2020, noting that exams were cancelled on 18 March 2020, guidance was issued on 3 April 2020, and grades were submitted in late May/June. Given the time needed to process over 6 million pieces of data and perform any checking, the process would need to begin before early April. Ofqual concluded that even without finalising detailed plans, they could confidently state that a decision could not come after February based on these practical constraints. Nevertheless, the drafting reflected the DfE's comments: for example, the letter made clear that it was based on the information currently available to Ofqual, but that Ofqual would look at it further.

771 On 09 December 2020, the Board had agreed to establish a new sub-committee (the 2021 Committee) to consider matters relating to the regulation of qualifications and assessments in the 2020/21 academic year. The 2021 Committee would be in place from 01 January 2021 to 31 December 2021. At that meeting, the new Interim Chief Regulator (Simon Lebus) was introduced, who would join Ofqual on 01 January 2021 [IB/566 INQ000563381] with the current Acting Chief Regulator (Dame Glenys Stacey) taking on the role as an independent Chair of the 2021 Committee. It was proposed and agreed that the Recovery Committee would be wound up on 31 December 2020, with matters that had been delegated to the Recovery Committee returning to the Board and its other committees to consider [IB/567 INQ000622506].

772 A Recovery Committee meeting was held on 15 December 2020 at which a paper titled 'Cancellation [sic] of exams and assessments in 2021', prepared by the Director of Policy and Strategic Relations for General Qualifications (Richard Garrett), was considered [IB/568 INQ000622496]. The final paper [IB/569 INQ000622744] noted the following:

772.1 The decision of whether assessments could go ahead in 2021 rested with the Government. Ofqual had written to the Secretary of State for Education (Rt Hon Gavin Williamson MP) on the issue, welcoming the Government's commitment to exams and NEA going ahead, while making clear the last possible date on which a decision to cancel could be made. The paper stated that *"We emphasise in our letter that we cannot foresee any circumstances under which we would recommend to government that exams and other assessments do not take place. We know that assessments can be carried out in a socially-distanced manner and that the alternatives to the planned assessments are highly problematic."*

- 772.2 The Committee was invited to share its views on the development of Ofqual's advice on this issue, particularly on the planned approach to determining the advice and the detail of what the alternative to assessments could be.
- 772.3 Ofqual's initial ideas on how to award grades were contained in Annex B of the paper. This had been shared with the DfE officials, but not Ministers. Ofqual had not provided any formal advice at this stage.
- 772.4 Ofqual's initial thinking made clear that the experience of summer 2020 and work to identify alternatives had led Ofqual to conclude that *"none of the options available for awarding grades if exams are cancelled is attractive"*. The first instance suggestion was for the Government to retain exams in A levels and the key GCSEs most used for progression (English Language and Mathematics, as a minimum).
- 772.5 Ofqual considered that some of the *"negative reactions"* to the summer 2020 approach would be avoided if grades were based at least partly on student performance in a standardised assessment developed by exam boards, which teachers could use to inform a *"holistic judgement"* on grades.
- 772.6 There were *"significant limitations"* with such an approach. In particular, Ofqual did not believe it would be possible to avoid *"further grade inflation"* and *"moderation could only have a very limited impact on securing fairness between students in different schools and colleges"*, meaning that *"qualifications would be significantly less effective in distinguishing between different students, and public confidence in the qualifications may be damaged"*.
- 772.7 The plan was to develop this advice further in the following weeks to make a recommendation to Ministers on the approach to be taken in *"this worst-case scenario"*, taking into account the views of exam boards, other AOs, and a *"small group of trusted stakeholders"*, sought on a confidential basis.
- 772.8 The following EIA was provided:
- "19. In developing a proposal, we would need to fully consider the range of equalities issues that will be relevant and assess their impact. Our work last year suggests that there would be at least two significant issues with the sorts of approaches likely to [be] necessary."*

20. We know that any use of grades determined by centres would raise concerns about the risk that unconscious bias would have a negative impact on some students, for example because of their disability, ethnicity or socio-economic status. Although the evidence does not suggest that this risk materialised systematically last year, we would need to consider this issue in full in relation to any approach for next summer.

21. Similarly, such options are would be [sic] more difficult for private candidates – those not studying within a school of [sic] college – to access. Disabled students and students from Gypsy, Traveller and Roma communities might be disproportionately represented among this cohort of students. Although steps could be taken to mitigate this impact, it is unlikely the risk that many of these students would be unable to receive a result could be eliminated."

773 This paper was considered and discussed at the Committee meeting, the minutes of which can be found here [IB/570 INQ000563313]:

773.1 The Committee "made clear that it could not see any way in which grades could be issued in 2021 without some form of assessment, undertaken in a secure way as the basis for results", which would rule out any options based solely on teacher judgement.

773.2 The Committee also considered it important that Ofqual's advice to the DfE should set out certain things, including that "any alternatives to exams and other planned assessments would deliver significantly less fair and reliable outcomes and some that have been suggested should be considered would be unacceptable." A range of alternatives to cancellation should be evaluated in the advice, e.g. reducing the number of exams or papers per subject.

774 The Committee also considered and discussed at the meeting a paper titled 'Detail and narrative for VTQ approach 2021' [IB/571 INQ000622552] which set out the approach to VTQs in 2021, adaptations in place, and future areas of work.

775 I have also seen a briefing note for a follow-up meeting with the Chief Executive of EHRC (Rebecca Hilsenrath) scheduled for 17 December 2020, preparing for handover to Ofqual's next Interim Chief Regulator (Simon Lebus) [IB/561 INQ000622740]. It confirmed that Ofqual shared its equalities analysis reports with EHRC in November 2020, provided updates on the formal response to EHRC's recommendation about

analysing pandemic impacts, and discussed 2021 contingency arrangements. The document emphasises that Ofqual's commitment to equality, diversity and inclusion will continue regardless of leadership changes.

Late December 2020: News of Potential School Closures and Discussion of Cancellation of January Exams

- 776 There is usually a January series of VTQ assessments, which are (in the main) modular. On 22 December 2020, the Director of Standards and Comparability (Cath Jadhav) received news that the Prime Minister's office was preparing for schools to be closed in January and *"seriously contemplating making a decision to cancel exams"* taking place then, while appreciating the *"serious disadvantages with any alternative"* [IB/572 INQ000622510].
- 777 While discussions for alternatives to the January exams were discussed, the Education and Skills Funding Agency (ESFA) Deputy Director (Tara Murray) sought to discuss extending those options to the summer exam series. In discussing this with the Acting Chief Regulator (Dame Glenys Stacey), the Director of Research and Analysis (Beth Black) noted that she had spoken with the DfE on Christmas Eve about VTQ and GQ, leading her to suspect that the DfE was doing some *"scenario planning across the piece for summer"* [IB/573 INQ000622511].
- 778 To add some context, there was a concern around the summer that despite modular qualifications, learners may not have any assessments *"banked"* and there was therefore potentially a lack of evidence that could be used for awarding grade outcomes.
- 779 On 29 December 2020, the DfE Director of Exams 2021 (David Brown) emailed the Acting Chief Regulator (Dame Glenys Stacey) inviting comments on a slide deck to be presented to the Secretary of State for Education (Rt Hon Gavin Williamson MP) (and potentially the Prime Minister (Boris Johnson)'s office) [IB/574 INQ000622521] [IB/574a INQ000622522] in relation to *"Plans B"* [IB/574b INQ000622523]. In response, the Acting Chief Regulator (Dame Glenys Stacey) made the following comments [IB/575 INQ000622512]:

"... You have the decision timeline about right. Any decision to cancel exams would need to be made by early March, in our view."

However, I do think you are being dangerously optimistic about the alternative options you present. Some general points:

- **Moderation:** it is known to be weak. It is not designed to quality assure all results, and cannot be in the time we have available. Do see our research evidence. Moderation in any event is focused on the work presented. It takes no account – it cannot – of any 'help' provided ahead of or during the assessment.
- **Reliability:** I do think you need to look at our final report on GCSE English 2012. We found that even in normal times, the marks teachers gave for their students' work were anticipating the grade boundaries that exam boards were expected to set. Teachers felt under extreme pressure (see p. 6.17 of the report). Do please look at the marking pattern, at 6.45 in the report, and the school mark versus moderator mark bar charts at 6.52. And please do look at the mark distributions at 6.80. They are simply not credible. Yes, this was controlled assessment, but it is indicative of the issues we would face in any scenario that is an alternative to exams in the proper sense – and as I say, it was in normal times.
- **Student expectations:** from our focus groups held in recent weeks, students were universal in their wish to take exams. It is a right [sic] of passage at GCSE. It is what students have been expecting throughout their secondary education. They generally want to show what they can do.
- **Demands on teachers:** I cannot see how it could be justifiable to increase the demands on teachers inherent in each of the alternative scenarios you present.
- **Recovery committee views:** I believe you know that our Recovery Committee has rejected the proposals you outline. There was a strong view from those in the sector (John Coles, Ian Baukham [sic]) that they were completely inappropriate, after last year. There is a strong anticipation that schools and colleges, stung after the unfairness between schools and colleges last year will not follow any guidance issued. No Recovery Committee member supported the proposals.

Looking at option 1A, I appreciate the intent here to hang on to some sort of standardised assessment. But it seems to me that it creates a hideous alternative to proper standardised assessment, by way of exam. It creates significant complexity,

and risk, so as to engender an appearance of a valid grade. I fear it will be rumbled very quickly indeed, with unpredictable consequences. And the grades will not be sufficiently valid.

As far as I can see, what is being suggested here is a complex alternative to the usual exam series, with nothing to be gained other than some choice about when the assessment takes place. And that choice means the assessments WILL be leaked (not 'may' be leaked).

I cannot see Ofqual supporting any of these alternatives. Instead, should exams be cancelled we would likely advocate a more radical approach – one in which exam boards did not issue grades. Instead, the solution may be some sort of aptitude test/test of potential (which should be possible to arrange) accompanied by some sort of DfE-owned assessment, a Covid result. We can of course work this up more, in the new year.

I cannot at this stage give Ofqual's final opinion – we need the chance to consider options fully, and you know that we were expecting to do this work in January – but I thought you should know how things appear to me."

- 780 In response, the DfE Director of Exams 2021 (David Brown) noted that the slides had deliberately omitted arguments against Plan B, which were covered in a separate the DfE note sent to the Prime Minister (Boris Johnson)'s office [IB/576 INQ000622515].
- 781 The Acting Chief Regulator (Dame Glenys Stacey) encouraged the DfE Director of Exams 2021 (David Brown) to continue to try and "hang on to exams" and expressed concern at a proposal by the DfE that teachers could give grades with just the threat of "spot checks". [IB/577 INQ000622516].
- 782 In terms of the approach to VTQs, I have seen that on 29 December 2020, further to a meeting, the Director of Research and Analysis (Beth Black) sent the ESFA Deputy Director (Tara Murray) some details on the VTQ approach from the previous year. The Director of Research and Analysis (Beth Black) noted that while Ofqual thought that "the ERF gives a strong basis for how results could work when educational settings are closed", in some respects, the situation had changed and that different problems may arise from those in the previous year.

DECISION TO CANCEL EXAMS IN 2021 and OFQUAL FURTHER ADVICE to DfE

Early January 2021: The Decision to Cancel 2021 Exams

- 783 As of 01 January 2021, I became Interim Chair of the Ofqual Board. The former Chair of the Board (Roger Taylor) had informed the Secretary of State for Education (Rt Hon Gavin Williamson MP) on 15 December 2020 of his intention to resign as Chair of the Board with effect from 31 December 2020.
- 784 An email chain [IB/578 INQ000622525] between the Director of Research and Analysis (Beth Black) and contacts at the DfE and Pearson, starting in late December 2020, concerned the contingency steps that Pearson were considering regarding assessments that were scheduled in the early part of January 2021. The chain on 04 January 2021 (at 16:54 hours) mentioned the Prime Minister (Boris Johnson)'s broadcast which was scheduled for 20:00 hours. At 17:10 hours, the Director of Research and Analysis (Beth Black) explicitly informed Pearson representatives that *"[w]e don't know the contents of the message at the moment. We spoke to DfE colleagues a couple of hours ago who also do not know the content of the announcement"*. Ofqual was aware that a significant announcement from the Prime Minister on the decisions regarding exams was imminent that evening. From the email chain, neither Ofqual nor, it seems the DfE officials involved in these communications, had been briefed on the specific decision.
- 785 Ofqual worked on the basis that exams would go ahead in 2021, but as previously noted, it did a significant amount of work on potential alternatives to assessment before the Government changed its view and decided to cancel exams. This can be seen in the advice Ofqual gave to the DfE on 23 November 2020 (referred to earlier in my statement above at paragraphs 753 to 755), for example [IB/547 INQ000622474].
- 786 On 04 January 2021 at 20:00 hours, the Prime Minister (Boris Johnson) announced that schools and colleges in England would have to move to *"remote provision"* from the following day [IB/579 INQ000622724].
- 787 At 21:14 hours following the Prime Minister (Boris Johnson)'s broadcast on 04 January 2021 at 20:00 hours, the DfE Director of Exams 2021 (David Brown) confirmed that there were no decisions yet on the summer exams, but that equity between different groups of students was *"clearly a part of that and any decisions will follow a consultation and would be made with Ofqual"*.

788 Meanwhile, on 04 and 05 January 2021, there continued to be confusion in respect of what was happening with January exams and Pearson raised that it was considering whether it should advise centres that it would not run exams in the UK in January and February [IB/580 INQ000622532]. In particular, Pearson flagged the uncertainty created in respect of summer exams:

"... If exams do not go ahead as normal in the summer (and given vocational qualifications consist of a large part of internal assessment they have been lower down previously published priority lists) then there is a risk that we will have one group of students with exam performance contributing to a small proportion of their grade and another group of students for whom we will need to calculate a grade based on their completed internal assessments. This would create an unequal basis on which to issue overall grades in the summer..."

789 It is important to note that Ofqual felt strongly that exams should go ahead in 2021 and advised the DfE accordingly. As the documents referred to above demonstrate, the DfE and Ministers had held the policy position late into 2020 that exams were to take place in 2021. This was a key principle in Ofqual's thinking when it came to planning for summer 2021 and informed thinking in respect of alternatives to assessment given the goal was to find a solution that would best replicate the benefits of exams and avoid undermining the validity of qualifications awarded through the use of measures which sought to compensate for the effects of the pandemic (see for example, the risk summary in a report prepared by the Chair of the 2021 Committee (Dame Glenys Stacey) to the Board on 13 January 2021 [IB/581 INQ000622572] (Page 5)).

790 An email chain dated 04 January 2021, noted that the Interim Chief Regulator (Simon Lebus) provided an update to the Director of Standards and Comparability (Cath Jadhav) on a call he had had with the Minister of School Standards (Nick Gibb MP), [IB/582 INQ000622526]. The Interim Chief Regulator (Simon Lebus) confirmed that the Minister of School Standards (Nick Gibb MP) was supportive of the idea of a twin track approach to exams in 2021 and that the statement to be made by the Prime Minister (Boris Johnson) would not preclude it.

791 In an email on 05 January 2021 [IB/583 INQ000622535], the Chair of the 2021 Committee (Dame Glenys Stacey) proposed some initial strategic objectives (which

did not as yet take account of VTQ students) on behalf of herself, me (as Interim Chair of the Board) and the Interim Chief Regulator (Simon Lebus), as follows:

- *To try and secure A level examinations – to inform fair selection decisions for example;*
- *To try and protect examination as the fairest way of assessment for 2022 and beyond;*
- *To enable GCSE students to progress*
- *To try and command public confidence in the approach"*

792 An email chain from 05 January 2021 [IB/584 INQ000622534] – including emails to and from the Director of Research and Analysis (Beth Black), the Chair of the 2021 Committee (Dame Glenys Stacey), the Interim Chief Regulator (Simon Lebus) and myself – shows that the position on whether January assessments were to go ahead was unclear. It was noted that there was a petition in the public domain to cancel BTECs that had over 110,000 signatures.

793 During the evening of 05 January 2021, the Director of Standards and Comparability (Cath Jadhav) circulated to Ofqual colleagues draft advice to the DfE regarding alternative assessment procedures should there be any cancellation of exams and assessments (due at the end of January), following a discussion with colleagues including the Chair of the 2021 Committee (Dame Glenys Stacey) and the Interim Chief Regulator (Simon Lebus). It was acknowledged that much of the advice was out of date due to the announcement the preceding evening. The draft advice [IB/585 INQ000622530] included the following:

793.1 If exams could not take place, *"some form of teacher assessment of a student's attainment in a subject would be required"*, which could for example be based on a standardised assessment (e.g. a past paper) taken in the classroom (as opposed to exam conditions) and could be marked by teachers and moderated by exam boards. This was similar to the approach proposed in Wales for summer 2021.

793.2 Alternatively, a teacher judgement could be based on work already completed or yet to be completed by a student, and attainment records. This was similar to the approach being used in Scotland (with local authority moderation) and the approach in England in summer 2020. This option would be helpful where

centres were closed, provided teachers had enough evidence on which to base their judgements. However, this had significant disadvantages, e.g. even with detailed guidance, it would be *"impossible"* to ensure teacher judgements were consistent between different centres and it would be *"impossible"* to moderate them meaningfully.

793.3 Given this, it was Ofqual's view that *"there is no alternative to exams that would give us confidence that grades would be consistent between different schools and colleges and in relation to previous years"*. The lack of control over outcomes would *"likely lead to grade inflation on a much greater scale than seen in 2020"*, particularly in light of anecdotal evidence which suggested that some centres would actively seek to inflate grades following the summer 2020 experience.

793.4 Additionally, neither approach (or variants of them) dealt with the *"intractable problem of differential learning loss"* which would vary by region, centre, year group and individual student – although Ofqual noted that there was likely to be pressure for teachers' judgements to try to take that into account. Further, neither approach offered a solution for thousands of private candidates.

793.5 The advice proposed a *"twin-track approach"* given Ofqual's belief that there was no *"sufficiently valid and reliable alternative to exams"*:

"Students, including private candidates, who wish to take their exams will be able to do so, providing there are no public health reasons that might make taking exams practically impossible in May/June/July."

...

Separately, we would put in place a system to collect teacher judgements of the grade they believe each student would have been most likely to achieve if teaching and learning had not been disrupted and they had attended school/college and taken their exams as normal. We will provide guidance to schools and colleges about how to make these judgements (based in large part on the guidance we issued for 2020). However, to distinguish these judgments [sic] from the grades based on exams, they will be reported on a different grade scale (perhaps a less granular scale to reflect the lower levels of precision). This would also avoid incentivising students to avoid taking exams in the hope of a higher grade provided by their teacher."

- 793.6 The disadvantages of the approach included the potential for *"significant grade inflation in the teacher judgements"*. *"Those that were excessively generous in 2020 will likely continue to be so, while those that carefully moderated their CAGs will have been aware of the generosity of others and look to match that"*. Ofqual also questioned whether a grade based on unmoderated teacher judgement could be issued as a regulated qualification.
- 794 As before, Ofqual continued to take note of the views of the public and regularly commissioned in-depth analyses of social media commentary and sentiment (e.g. [IB/586 INQ000622539]).
- 795 An email dated 05 January 2021 from the Private Secretary to the Acting Chief Regulator (**NR**) to various Ofqual officials provided an update on that day's activities which included a meeting later that day between the Interim Chief Regulator (Simon Lebus), the Chair of the 2021 Committee (Dame Glenys Stacey) and the Minister for School Standards (Nick Gibb MP), [IB/587 INQ000622533]. It was expected that the meeting would be one where the ask of Ofqual would be explained. The email also confirmed that a meeting with the Secretary of State (Rt Hon Gavin Williamson MP) was also to take place at *"close of play"*. I do not know whether the meetings which were referred to in the email and proposed to take place did in fact take place.
- 796 In addition, on 05 January 2021 the Interim Chief Regulator (Simon Lebus) emailed the Secretary of State for Education (Rt Hon Gavin Williamson MP), copying in the Chair of the 2021 Committee (Dame Glenys Stacey). The email referred to Mr Lebus's conversation with the Minister for School Standards (Nick Gibb MP) on the likely lines the Prime Minister (Boris Johnson) would take regarding the 2021 exam series (IB/582 INQ000622526). It was proposed that the Prime Minister would say that *"not all the summer exams would take place normally"*. Mr Lebus believed that this formulation would allow for *"sufficient flexibility for a serious and strategic discussion"* about how exams could take place. In the email, Mr Lebus expressed his disappointment that the position had changed overnight, with reference to the then Minister for the Cabinet Office (Michael Gove)'s Radio 4 appearance in which he stated that exams would not take place at all. Mr Lebus stated that this had taken place without any consultation with Ofqual and that any argument that relies on the suggestion that summer exams could not take place was fundamentally flawed. The email sought an urgent meeting with the Secretary of State (Rt Hon Gavin Williamson MP) to discuss the implications of cancelling exams and to instead consider a *"twin track approach"* which would allow

the summer exams to run and develop in tandem a form of certificate of education for completion of secondary education which could serve as a substitute for normal exams where a student felt unable to take the exams.

797 On 06 January 2021, the Secretary of State for Education (Rt Hon Gavin Williamson MP) announced that GCSE, AS and A level exams would not go ahead in 2021 and his intention that a form of *"teacher-assessed grades"* would be used for awarding, with the details to be developed in consultation with Ofqual, exam boards and teaching representatives [<https://www.gov.uk/government/speeches/education-secretary-statement-to-parliament-on-national-lockdown>].

798 By a letter dated 06 January 2021 to the Interim Chief Regulator (Simon Lebus) [IB/588 INQ000563294], the Secretary of State for Education (Rt Hon Gavin Williamson MP) confirmed that given the new national lockdown announced by the Prime Minister (Boris Johnson) on 04 January 2021, the Secretary of State could not *"guarantee"* all students would be in a position *"to fairly sit their exams this summer"* and alternative arrangements were required. The Secretary of State wanted to *"undertake a rapid consultation exercise"* with Ofqual to give schools and students *"the certainty they need in February"*. This would include *"joint stakeholder engagement"* that Ofqual and the DfE officials undertook in 2020, to *"engage with as many people as possible in an open and transparent way to consider the main options and their implications"*, particularly the views of students who would have sat exams in 2021 and their parents. The Secretary of State suggested that Ofqual may want to consider the use of a form of standardised assessment to inform teacher judgements and should seek to ensure private candidates were able to obtain a fair grade allowing them to progress.

799 I have seen an email sharing the agenda and proposed strategic intent for an SMG+ 2021 Incident meeting dated 06 January 2021 [IB/589 INQ000622537]. The updated proposed strategic intent was as follows:

- "• *The approach is as fair as possible and commands public confidence, whilst making clear the limitations of what is possible*
- *Qualifications fulfil their purpose as far as possible, prioritising progression*
- *Promote and encourage continued teaching & learning*
- *Minimise additional burden on schools and colleges, avoiding mechanisms that add little or nothing to the validity of results*

- *Protect formal assessment wherever possible*
- *Protect the principle of formal assessments for the academic year starting September 2021, and beyond*
- *Protect certification of other VTQs, in line with the principles of the EERF, with a safety net in place where appropriate*
- *AOs play their proper role in certification, avoiding Ofqual from becoming a pseudo AO*
- *Clear accountabilities for decision making, with the best possible governance and consultation arrangements in place given the time constraints."*

800 Ahead of the Emergency Board meeting on 07 January 2021, the agenda and papers were circulated [IB/590 INQ000622541]. A copy of the minutes is at [IB/591 INQ000563383]. At this meeting, an update was given on the cancellation of summer 2021 exams, and two papers were presented on awarding GQ in summer 2021 and VTQ in VTQs in that academic year.

801 The paper titled 'Alternative arrangements for awarding GCSEs, AS and A levels in 2021' [IB/592 INQ000563296] recommended that the Board consider and comment on a number of proposals, including Ofqual's *"strategic intent given the circumstances"*, as well as the options for teacher assessments set out in the paper.

802 The paper set out the options proposed (which were not mutually exclusive), including the 'twin track approach' at Option 1. It contained detail on standardising grades, noting that the use of exam papers and exam board mark schemes would, in principle, enable some moderation, but this was not reliable. Additionally, the experience from summer 2020 was that centres, students and teachers/parents would be reluctant to accept a change to a grade provided by a teacher.

803 The paper stated that a full EIA would be undertaken when a preferred approach was identified, before a decision was made on whether or not to adopt it. It was noted that Ofqual would wish to evaluate how well the approach would serve private candidates, among whom disabled students can be disproportionately represented. Ofqual would seek input to the impact assessment through the consultation.

804 The paper titled 'Alternative arrangements for awarding some VTQs in 2021' followed [IB/593 INQ000563297], recommending that the Board consider and comment on a

number of proposals, including Ofqual's *"strategic intent given the circumstances"*, as well as the approach and assumptions regarding internal assessment.

- 805 By contrast to the position for GQ, ministerial announcements had backed continuation of VTQ exams in 2021. While some VTQs might be impacted by the cancellation of exams, *"there does appear to be some expectation of some different arrangements for these VTQs throughout the remainder of the 2021 academic year; other VTQs are likely not to fall in scope"*. Ofqual expected to receive a letter from the Secretary of State with more detail on the policy intention and the matters on which to consult.
- 806 The paper noted that *"[d]raft DfE advice"* had assumed formal cancellation of exams, even where they were potentially capable of going ahead. It was *"likely"* that Ofqual would not mandate the exact method of teacher assessment or means of replacing the exam, as a mandate might be inappropriate for some VTQs. Case studies analysed potential issues on a more specific level.
- 807 On 07 January 2021, the Chair of the 2021 Committee (Dame Glenys Stacey) contacted members of the Committee to update them on the change in Government policy to cancel GCSE, AS and A level exams in summer 2021 and to operate a *"permissive approach"* for other assessments (e.g. BTECs) to take place if centres chose to run them. She explained that Ofqual had been asked by Government to consult on alternative assessment options for GQ and VTQ. This was likely to be by way of two separate but related consultations, run jointly with Ofqual and the DfE, which would begin promptly.
- 808 The DfE and Ofqual met to discuss the proposed joint consultation. From the notes of this meeting that were circulated on 07 January 2021 [IB/594 INQ000622557], I can see that the note reflects that Ministers wanted the consultation to go live before 17:00 hours on 12 January 2021. The Director of Standards and Comparability (Cath Jadhav) raised concerns about this timeframe given the *"complex sign-off"* required and the fact that Ofqual and the DfE had not agreed the *"substance"* yet. She was also concerned that Ofqual and the DfE were not working *"jointly"* enough. At that stage, Ofqual had had *"no meaningful engagement"* in the content of the consultation.
- 809 On 08 January 2021, a letter was sent on behalf of the Interim Chief Regulator (Simon Lebus) to the Private Secretary to the Secretary of State for Education (Hollie Godsmark) (Rt Hon Gavin Williamson). The letter asked for assurance that the Secretary of State was fully briefed on the issues set out in the letter. [IB/595

INQ000622563] [IB/596 INQ000622564]. The Interim Chief Regulator [Simon Lebus] set out the context that Ofqual believed that the best way to assess students is through exams and other formal assessments. The letter made clear that it was Ofqual's view that *"All alternative options are unattractive"* and that *"Since the Prime Minister's announcement and the Secretary of State's subsequent statement to the House of Commons we have sought to work with DfE officials to agree the basis of a consultation. However, we have instead been presented with a proposition that we cannot support. We believe there is a better solution that would build on the proposals outlined before Christmas."* In respect of the proposition received from the DfE the concerns were as follows:

- 809.1 The proposition suggested that teachers should make a different judgement that would additionally take account of the disruption to an individual student's education would introduce an element of subjectivity that would be impossible to defend, as teachers would be expected to judge what a student might have achieved had their education not been disrupted. It would also undermine the purpose of a qualification. The concerns heard in 2020 about the potential for biased or discriminatory judgements would be amplified if this approach were adopted.
- 809.2 The accuracy of the national rank order and grades would be affected if teachers are required to take account of the disruption to a student's education as situations would arise whereby a student who has performed to a lower standard in the assessments, they take receives a higher grade than a student who has performed to a higher standard. Ofqual did not believe this would be fair or serve the affected students well.
- 809.3 Student engagement with education would be impacted. A key goal of any alternative arrangement ought to incentivise students to engage with their education. If students were given higher grades because they have experienced more disruption than students whose education has been less disrupted there is a risk that perverse incentives would drive behaviours that are not in the interests of students.
- 809.4 It was recognised that teachers would be taking on additional workload when they assess students and that the task they were required to undertake should be as manageable as possible. It was recognised that some teachers would come under pressure from students and parents to make favourable

assessment decisions. Ofqual would support teachers when they are trusted to make evidence-based decisions, grounded in the use of assessment materials and if required to depart from such decisions, the harder their task would be with the additional risk that students who have the support of a parent advocate would be advantaged over others who do not.

809.5 In relation to appeals, Ofqual proposed that there should be an opportunity for students to question the basis on which their grade was based through a marking review or appeal which would take into account objective evidence.

809.6 The proposition received from the DfE made unrealistic statements about the potential use and value of moderation. Should teachers be asked to award grades, Ofqual believed that it would not be publicly acceptable for exam boards to revoke these in such circumstances and moderation would be impossible to operate.

809.7 Grade inflation would be a consequence of the proposed approach. This would create extreme difficulties for universities who would be obliged to honour offers made in the expectation that grades would be awarded in line with the outcomes seen in 2020. Ofqual's view was that this could be mitigated where teachers provide marks rather than grades to exam boards.

809.8 In respect of VTQs and other general qualifications, Ofqual were concerned to ensure that the policy and regulatory framework put in place takes account of the diversity of the VTQ landscape and that the proposed approach would not be appropriate for qualifications that are different on a range of dimensions.

809.9 Ofqual agreed and supported the proposal of a consultation on the new grading arrangements as Simon Lebus believed they *"owe it to students to make sure the outcomes are as fair as they can be"* and emphasised that Ofqual should not be *"presented with a proposition into which [they] have not been able to input"*.

810 On the same day, the Chair of the 2021 Committee and former Interim Chief Regulator (Dame Glenys Stacey) also wrote to the Secretary of State (Rt Hon Gavin Williamson MP) expressing concerns about the proposals that had originated from the DfE [IB/595 INQ000622563] [IB/597 INQ000622565]. It is important to note that the considerations detailed in this letter, as well as the subsequent Board meeting discussions on 12

January 2021 regarding consultation proposals, were in response to the DfE-originated proposals, not proposals developed by Ofqual.

810.1 The letter raised concerns about *"a clear shift in thinking"* by the DfE, with the *"emerging proposal"* being that *"grades are based on teacher judgement, with teachers selecting which parts of the curriculum to assess."* It was noted that, at first sight, the proposals created significant extra work for teachers and *"in making those judgements, teachers reflect the disruption students have experienced."* Dame Glenys was clear that *"Ofqual has been plain in its advice. We have done all that we can to recognis[e] learning loss at a national level. Individual learning loss cannot be taken into account rigorously enough to support a high stakes qualification function."*

810.2 It was noted that the latest proposals would put teachers in an *"invidious position"* and that the expectation placed on them would be neither *"reasonable or even feasible"*. What was proposed by way of moderation or quality assurance would not be *"effective"*. In the absence of *"hard, standardised evidence"*, it would be *"impossible"* to create a fair national rank order.

810.3 She was also concerned that the proposed approach would *"inevitably result in greater bias and discrimination"*; *"We work extremely hard to eradicate bias and discrimination from the assessment system, yet these proposals would invite it."*

810.4 She noted that the approach proposed *"fundamentally undermines the qualification purpose, in not allowing effective selection decisions to be made."* She expressed that she did not support the proposals and doubted that the 2021 Committee would support them. Instead, she welcomed the chance to work with the DfE officials to *"develop the best approach to assessment in this difficult year"*.

811 In terms of the approach to VTQs, joint working continued but it was not without its challenges, such as the desired pace to complete and publish a consultation.

12 January 2021: Board Meeting Discussion of Consultation Proposals

812 Ahead of the Board meeting, Board member (Lesley Davies) emailed me to share her reflections as she was unable to attend the meeting [IB/598 INQ000622568]. She

emphasised the importance of Ofqual having the support of the sector in its approach and having a clear communications strategy to support this. In particular, she noted:

"I think it is of paramount importance that as a Board we are assured that we are listening to and also that we are giving due regard to the views the sector representatives express, especially as the success of any solution will be dependent on their members ability to deliver ... Of course, I am not suggesting that we expect the sector to drive the strategy but certainly that they have had their views taken into account. The consultation will, of course, help and give the sector the opportunity to express their views."

813 At the Board meeting, the consultation proposals for GQ (Page 17) and VTQ were presented for discussion [IB/599 INQ000622570] (Pages 17 and 37 respectively):

813.1 Firstly, for GQ, a considerable volume of responses was expected from the intended audience of teachers, schools, colleges, headteachers, students and their parents/carers. A programme of engagement with stakeholders (with the DfE) was planned.

813.2 The high-level proposal was that for summer 2021, GCSE, AS and A level students should have their grades determined by their teachers, based on objective evidence, with grades reflecting the standard at which a student was performing. All students, including private candidates, should be able to receive a grade. The papers referenced above show the slides and the proposals in detail.

813.3 In terms of EIAs, Ofqual and the DfE met with the EHRC representatives on 11 February 2021 to discuss EHRC's response to Ofqual's consultations. A note was made of the key points arising from that meeting [IB/600 INQ000622745]. The discussion covered differential learning loss, and that it was impossible for Ofqual to mitigate the impact of the pandemic for all lost learning; implications for progression; reasonable adjustments and accessibility of assessment materials; approach to avoiding bias and discrimination; appeals; and the subject of private candidates. On the latter, it was noted that Ofqual had plans to use equalities groups to reach those students *"that may be less engaged with their centre"*, including private candidates and home educator groups. It was noted that the Government expected that exams for some VTQs and Other GQs would not take place after January because they were not viable and also

to ensure parity with GCSE, AS and A level learners. The DfE preferred for teacher-assessed grades to replace exams, but there was recognition that no single approach would work for VTQs. The Government expected internal assessment to continue but recognised that learners may not be able to complete all internal assessments because of ongoing disruption, so new arrangements for awarding needed to take this into account. Again, as for GQ above, the slides that the Board were presented with can be found at [IB/599 INQ000622570] (Page 17).

- 814 Various potential risks were suggested, including potential equalities risks. A draft (as of 10 January 2021) consultation document for the award of VTQ and Other General qualifications also appeared in the Board pack and included an EIA. Ofqual had learned from previous EIAs that VTQ learners were on average more likely to be disadvantaged when compared with GQ learners (e.g. more likely to come from a lower socio-economic background or have caring responsibilities). It was noted that qualifications that were similar to GCSE and A level would be treated in the same way, while allowing flexibility where the qualifications diverged, to ensure learners, including those with protected characteristics, were not disadvantaged by comparison to GQ learners. Where a learner was able to take an assessment when they felt ready, this helped to mitigate some of the disadvantage faced by them.
- 815 The Board minutes reflect that the Board expressed significant concerns about both potential bias and grade inflation in the absence of standardised testing, highlighted the need for a robust appeals system, and requested that the consultation document be written in student-centric language to ensure maximum engagement from stakeholders. The Board also specifically requested that any consultation should leave open the possibility for grades to be derived from externally set tests, given their advantages in controlling grade inflation and reducing bias. There was particular concern that VTQs might be more severely graded than GQs because some formal assessments in VTQs would continue, and the Board *"asked the Executive to be mindful of and mitigate this risk"* throughout the process [IB/601 INQ000622591] (Page 21).

13 January 2021: Emergency Board Meeting

- 816 The Chair of the 2021 Committee (Dame Glenys Stacey) prepared a report from the 2021 Committee meeting to the Board on 13 January 2021 [IB/581 INQ000622572]. In particular, the paper noted that there was a *"risk of bias and discrimination"* (conscious

and unconscious), and the Committee considered that it would not be "*possible to fully mitigate this risk*". The Committee was also concerned that the proposals would likely increase the disadvantage gap. The report also noted the Committee's concern that it would be difficult to counter grade inflation given the experience in 2020.

817 The Board also considered a paper on the consultations. The Board was recommended to agree to consult on alternative arrangements for the award of qualifications in 2021 in substantially the form of the proposed consultation documents and delegate approval of the final documents to the Interim Chief Regulator (Simon Lebus) in consultation with me, the Chair.

818 A communications strategy was planned to encourage participation among students and parents and Ofqual would proactively engage with stakeholders (like teaching unions, school and college leaders, groups representing different student groups and the exam boards) at multiple levels, e.g. through ministerial reference groups and one-to-one engagements with the Interim Chief Regulator (Simon Lebus).

819 In respect of the consultation document for GCSE, AS and A levels:

819.1 There was a desire to build into the approach opportunities for private candidates to be awarded grades and there were four possible approaches, including for exam boards to run normal exams for private candidates to take in summer 2021, for which appropriate venues would be needed. Private candidates were invited to express their preference.

819.2 The consultation asked whether Ofqual/DfE should prohibit the taking of exams in England, the UK and elsewhere in the world.

819.3 The EIA contained draft wording that replacing exams with something that takes account of learning loss may be advantageous to BAME and SEND students who were most likely to have experienced disruption to their learning – with any advantage intended to act as an "*equaliser*". Where assessments took place remotely, learners could be disadvantaged due to being unable to access or use equipment used to undertake the assessment.

819.4 Disabled students would have to be given reasonable adjustments when taking any assessments providing evidence. It was possible that some learners may have been disadvantaged where they had not been able to complete NEA because of their protected characteristics, e.g. if a disabled student had been

required to shield for longer than other learners. Additionally, guidance would be issued to support teachers in making objective decisions on grades.

819.5 In developing proposals, Ofqual had sought to balance the need to meet the Government's policy intentions with ensuring that the approach did not unfairly disadvantage learners. The views of respondents were sought as to the impacts and mitigation identified.

820 In respect of the consultation document for VTQ and Other GQs:

820.1 The Government had reached the policy view that it would not be viable for external exams to go ahead for some of these qualifications. In Part A of the consultation, the DfE sought views on which qualifications would fall within the scope of the Government's policy.

820.2 Part B set out proposals for how Ofqual would implement the DfE policy. Ofqual proposed to issue a revised ERF, which had been used for 2020.

820.3 As regards EIA, in addition to points already made elsewhere, Ofqual's research on grades awarded for VTQs in spring and summer 2020 showed that in most cases, attainment gaps did not seem to increase over time between different demographic groups and where (seemingly small) changes were found, the reasons for this were unclear. Additionally, Ofqual recognised concerns raised by respondents to 2020 consultations that impacts on learning during the pandemic may have been greater for particular student groups. Ofqual had sought to ensure the proposals did not unfairly disadvantage any groups, but it was not possible through results to seek to rectify the differential impact of the pandemic on different groups, as it would mean results would no longer be a reliable reflection of what students knew and could do.

820.4 The minutes of the Board meeting reflect that the Board resolved to consult on alternative arrangements for the award of qualifications in 2021 in substantially the form of the annexed consultation documents, and delegated approval of the final consultation documents to the Interim Chief Regulator (Simon Lebus) in consultation with me as Interim Chair of the Board [IB/602 INQ000563385].

Beyond January 2021

821 I have seen a note of a meeting held between Ofqual, the DfE and the exam boards on 12 February 2021 on arrangements for GCSEs, AS and A levels in summer 2021

[IB/603 INQ000622595]. Ofqual called the meeting to consider key features of the approach to issuing grades based on teacher assessment in GCSEs, AS and A level in summer 2021. At that meeting:

821.1 Exam boards set out their planned approach in terms of quality assurance to support centres and deter *"poor behaviour"*. The exam boards were clear that while the approach would likely spot and be able to address *"egregiously anomalous cases"*, it would not prevent aggregate grade inflation.

821.2 In terms of the evidence base, the DfE confirmed the expectation that centres would have *"complete freedom"* to decide on the evidence they would use to inform teacher assessments. The advantages of using exam board materials would be clear to centres, it was noted, and it was therefore anticipated that their use would be widespread.

821.3 The exam boards agreed (subject to awaited legal advice) that they could provide an appeal service that would identify any *"egregiously erroneous judgements"*. The bar would need to be very high. The exam boards could only identify implausible or irrational judgements and could not *"fine-tune"* grades. The DfE confirmed that it would be sufficient for exam boards to only be able to identify *"manifestly perverse"* grading decisions.

821.4 The exam boards gave strong advice not to put both results days in the same week as there were concerns that centres and exam boards would find this difficult to manage.

822 I chaired an Ofqual Board meeting that took place on the 17 March 2021. The minutes of that meeting, which can be found here [IB/604 INQ000563388], reflect that the Board was advised by the Executive Director for General Qualifications (Julie Swan) of the proposals for consultation for an autumn examination series for GCSE, AS and A levels in 2021. The presentation considered the availability of the series to students, the proposal that the exams would be in *"normal"* form without adaptations or other easements, and that the consultation would seek views on whether exams for AS levels should be available. The minutes reflect that an EIA was outlined, and it was noted that student preparedness was a key concern. Ofqual had consulted in December 2020 on potential adaptations for summer exams in 2021, before the Government's January decision that exams should not go ahead in summer 2021. Responses had emphasised the need for student support to manage adaptations, and

risks to disadvantaged and disabled students where support was not available. It was noted that most students would not have the opportunity to be supported to understand the impact of adaptations for autumn examinations, which argued in favour of these examinations being in the normal form. This would also reduce the burden for exam boards and centres. The Board questioned whether the proposal not to adjust exams was the right one. It was informed that the potential negative impact on disadvantaged and disabled students had factored significantly in the proposals, informed by the December consultation outcomes. The minutes reflect that the proposal would however mean that some students could be examined on aspects of content that they had not been taught. It was noted that some generosity would be possible through the grading standard applied to the autumn results, though Ofqual would want to reflect on outcomes from the summer before making decisions about autumn grading. Questions were raised on that point and were to be considered alongside responses to the consultation in forming Ofqual's policy post-consultation. The minutes reflect that the Board resolved to delegate approval of the decisions arising out of the consultation for an autumn examination series to the Interim Chief Regulator (Simon Lebus) in consultation with the Chair, myself.

- 823 A further Board meeting took place on 28 April 2021 where an update on 2021 awarding was provided to the Board, including on VTQs and GQs [IB/605 INQ000622605] (Page 8). As I have mentioned in a previous part of my statement ('Decision to Cancel Exams in 2020'), consideration had previously been given to the possibility of an autumn series (for example, at the 25 March 2020 Board meeting). Within this update, the Board noted that Ofqual was working with AOs to ensure results were administered and delivered to learners within *"the short turnaround period"*.
- 824 In relation to GCSEs and A levels, the Board noted the importance of public explanation of the quality assurance arrangements. The quality assurance process was not a moderation process. Controls were in place to enable exam boards to ask centres to provide a rationale or request additional evidence for their grade judgements. Exam boards would have the power to withhold grades.
- 825 JCQ submitted a paper considering Ofqual's proposals for enhancements of the exam boards' quality assurance processes, providing their own refined approach [IB/606 INQ000622599]. The paper sets out the exact process that exam boards were to take, setting out how much support centres will get and the TAG checking process.

Summer 2021: Results

- 826 AS and A level results were issued by exam boards on the 10 August 2021, with GCSEs being issued on the 12 August 2021. JCQ published national results statistics on results day for the A Level and AS Level results [IB/607 INQ000622639]; the AEA and EPQ [IB/608 INQ000622638]; GCSE - Outcomes for main grade set [IB/609 INQ000622661] and GCSE - Outcomes for key grades [IB/610 INQ000622662].
- 827 Ofqual research and analyses [IB/611 INQ000622670] and [IB/612 INQ000622643] published in August 2021 show that for all A level students in England, overall outcomes were higher at the top grades (A* to B) compared to 2020. Grades were relatively stable at the lower grades (C to E). Compared to 2020, grade A was +6.2 percentage points (pp), A* was +4.8pp and B +4.4pp. At the lower grades, outcomes were within 1pp of the outcomes in summer 2020 (+0.7pp at grade C, -0.6pp at grade D, and -0.2pp at grade E).
- 828 The JCQ reported statistics referred to above identified that although outcomes were higher than summer 2020 for A levels in all subjects at the top grades, the extent of the difference varied by subject and grade. For example, at grade A, outcomes were higher than 2020 to the greatest extent in music, PE and Design and Technology, as compared to the least extent in other sciences, further maths, sociology and law.
- 829 For all GCSE students in England, overall GCSE outcomes were higher at grade 7 compared to 2020 (+2.6pp), and relatively stable at grade 4 (+1.0pp) and grade 1 (-0.6pp). The trends were similar when considering outcomes for 16-year-olds, with the greatest increase at grade 7 (+2.5%), and relatively stable outcomes at grade 4 (+0.3pp) and grade 1 (-0.4pp). As for A level outcomes, while these were higher than summer 2020 in all subjects at the top grades, the extent of the difference varied by subject. For example, at grade 7 outcomes were higher than 2020 to the greatest extent in PE, economics, computing and social science subjects, as compared to the smallest increase at grade 7 in art and design and other sciences. At grade 4, the pattern was different, and outcomes were more stable compared to 2020.
- 830 Overall, for England, A level results were higher at grade A and above compared to 2019: 44.3% in 2021, as compared with 38% in 2020, and 25.2% in 2019. Again, for England, overall GCSE results were higher at grade 7 and above compared to 2020 (28.5% in 2021 compared with 25.9% in 2020, and 20.7% in 2019) and relatively stable

at grade 4 and above compared to 2020 (76.9% in 2021 compared with 75.9% in 2020, and 67.1% in 2019).

- 831 In late 2021, Ofqual prepared summer reports in respect of GCSE, AS and A levels, and VTQs, which contained both results analyses and equalities analyses for 2021. I have seen reports prepared by Ofqual and published on 16 December 2021 which set out a summary of work done in respect of summer 2021 at different phases: planning; delivery; quality assurance; and post results [IB/613 INQ000622725] and [IB/614 INQ000622726].
- 832 For GCSEs, AS and A levels, 1.2 million students received grades and staff at school, college and other exam centres submitted 5.7 million TAGs. Of that number, 754,520 TAGs were issued to A level students; 57,360 to AS level students; and 4.9 million to GCSE students. The Ofqual report published in December 2021 correctly identified that this was a *"significant achievement by teachers, school and college leaders, and support staff"* given the size of the task in the face of the pandemic. For VTQ, from October 2020 to September 2021, AOs issued 4.6 million certificates, which was a 9% increase on the number of certificates issued the previous year.

Work completed following Summer 2021 to understand Summer 2021

- 833 I would like to briefly comment on documents I have seen which were created after summer 2021 but shed light on Ofqual's decision-making in respect of summer 2021. These show the work that continued beyond that period, which was particularly geared at learning lessons for future academic years, including summer 2022.
- 834 For example, a paper was prepared for the SAG meeting on 19 November 2021 titled 'Teacher and student experiences of Teacher Assessed Grades (TAGs) in 2021', which was part of work that Ofqual did to evaluate grading in 2021 [IB/615 INQ000622697]. The study took place in July and August 2021, involving surveys and interviews with teachers and students.
- 834.1 Ofqual also published appeals data in January 2022 [IB/616 INQ000622747]. In summary, 17,490 grades across AS and A Levels and GCSE were challenged – which equates to 0.3% of all grades. 0.1% of those grades (6,000) were changed as a part of an appeal being upheld. From the actual 16,000 appeals that were received (as an appeal can relate to more than one qualification grade), 5,760 were upheld. Most upheld appeals resulted in a grade change.

834.2 For comparison, for AS and A levels, there were 480 appeals in 2019, as compared to 6,820 in summer 2021. In 2019, 250 of those 480 were upheld, but only 150 led to a grade change. In 2021, 2,105 of the 6,820 were upheld, with 1,930 of those leading to a grade change. For GCSEs in 2019, there were 745 appeals, as compared to 9,180 in 2021. In 2019, 425 of the 745 were upheld, with 270 of those leading to a grade change. For 2021, 3,655 of the 9,180 were upheld, with 3,320 leading to a grade change.

OFQUAL'S RESEARCH ABOUT LEARNING DURING THE PANDEMIC

Research Conducted by OFQUAL's Strategy, Risk and Research Directorate

Commissioning the Research Series

835 In October 2020, following the closure of schools across the nation and the cancellation of exams and assessments for GQs and VTQs, Ofqual undertook a substantial literature review, which included conceptual analysis of lost learning, to clarify critical issues related to learning during the pandemic. This research series was commissioned internally, through Ofqual's SRR Directorate commissioning process. The Recovery Committee received a presentation from Ofqual's Research Chair and lead author (Dr Paul Newton) (from whom I have had assistance in understanding these reports for the purposes of providing this statement) on 22 October 2020 [IB/617 INQ000622397], and the final research project was signed off by the internal Ofqual Commissioning group in November 2020.

Learning during the Pandemic Research Series

Objectives of the Research Reports

836 In March 2020, schools across the nation terminated whole-class in-school tuition. Soon after, a body of research and analysis devoted to learning during the pandemic began to emerge from a number of institutions. For example, research from: Edge Foundation, 2020; Education Endowment Foundation, 2020; Eyles et al, 2020; Müller & Goldenberg, 2020, amongst various other external research studies. To support effective policy making in the run up to Summer 2021 and beyond, Ofqual closely monitored this work to provide an evidence base for the many decisions that needed to be taken.

837 During October 2020, this developed into a bespoke research programme titled 'Learning During the Pandemic'. This work was drawn together as a series of literature

reviews, preceded by an overarching report, which provided an overview of the project and its conclusions. The objectives of each research report can be summarised as follows:

837.1 Report 1: The context for assessments in summer 2021 [IB/618 INQ000622611] this Report draws together the analysis from the following four Reports;

837.2 Report 2: Quantifying lost time [IB/619 INQ000622612];

837.3 Report 3: Quantifying lost learning [IB/620 INQ000622609];

837.4 Report 4: Review of research from England [IB/621 INQ000515706]; and

837.5 Report 5: Review of international research [IB/622 INQ000622613].

838 Ofqual's overarching objective was to understand the impact of the pandemic on the levels of learning that were likely to be achieved by Summer 2021, with a particular focus upon students in England from years 11 to 13. The reports provided context for understanding qualification results in Summer 2021. In compiling these reports, Ofqual researchers drew upon a wide range of research and analysis and included in Report 1 Ofqual's own analysis and interpretation of the research subject matter pertaining to the other Reports. This included evidence from England, and from overseas, spanning both primary and secondary schooling. From my review of the documentation, the key research findings relied on by Ofqual are set out in this statement.

Key Findings and Conclusions of this Research in respect of the Impact of the Pandemic on Children and Young People's Learning and Educational Attainment

839 From my review of the research documentation, I understand that as 2020 progressed, a narrative emerged that there would be significant learning lost because of the pandemic. Media headlines repeatedly expressed concerns over the weeks and months that students would have lost since Covid-19 struck. It became difficult however to understand what ought to count as lost learning time, as although schools

may have been closed, that did not necessarily mean that students were not undertaking some form of studying and learning.

- 840 The key findings and conclusions of this research in respect of the impact of the pandemic on children and young people's learning and education attainment are summarised below.

Report 2

- 841 Report 2 [IB/619 INQ000622612] was the first of the four evidence bases that the conclusions in Report 1 (below) were drawn from. The focus of Report 2 attempted to make sense of the meaning and implications of 'lost time'. I understand it attempted to understand how much time was lost, the different ways in which it may have been lost and the implications of that for lost learning. It begins by explaining the chronology of the pandemic in terms of its impacts on schooling, having broken down the two most recent academic years into five distinct phases:

841.1 Phase 0 – September 2019 to late March 2020 (pre-pandemic);

841.2 Phase 1 – late March 2020 to end summer term 2020 (mainly remote learning);

841.3 Phase 2 – autumn term 2020 (mainly 'new normal' learning);

841.4 Phase 3 – January 2021 to early March 2021 (mainly remote learning); and

841.5 Phase 4 – early March 2021 to mid-May 2021 (mainly 'new normal' learning)

- 842 It then unpacks alternative meanings of 'lost time' before estimating how much students in different circumstances might actually have lost.

- 843 Report 2 concluded:

843.1 *"During the first school closures from March 2020 to the end of the summer term, phase 1 of the pandemic, many students could potentially have missed up to 14 weeks of face-to-face schooling. Although some vulnerable students and children of critical workers might not have missed any, many of those who were eligible did not attend school in-person, most likely due to concerns about safety. For those who were studying at home, estimates of the amount of time students were studying range from between 2 to 4.5 hours per day between March and May 2020. The differences between these estimates are likely due to differences in sampling and methodology, but all are substantially less than*

average 6 hours per day students spent learning before the pandemic. Importantly, there were large variations around these averages, and some estimates suggested 1 in 10 teenagers were doing zero or less than an hour a day of schoolwork during the first lockdown" [IB/619 INQ000622612] (Page 61);

843.2 *"Some key year groups in most schools, including years 10 and 12 in secondary schools, were allowed to return in June for around 5 to 6 weeks until the end of term, and may therefore have reduced the number of lost weeks from 14 to around 8 or 9" [IB/619 INQ000622612] (Page 61);*

843.3 *"However, only a small proportion of these year groups chose to return to school (again, with the most common reason for not attending being safety concerns), and for those that did provision was mostly only part-time, with 16% of secondary schools open 5 days a week, and 54% open 1 day per week. Although the amount of time spent studying per day increased for students who returned to school in June and July, it actually dropped slightly overall for all students, by an average of 20 minutes. This appears to be largely because students who were not given the opportunity to return experienced a large drop in learning time (driven by richer students decreasing their learning time to the same level of their poorer peers), while those who were offered the opportunity but chose not to return did not experience any notable drops in learning time" [IB/619 INQ000622612] (Page 62);*

843.4 *"When schools reopened in phase 2 (the autumn term), although there was the potential for some students to have received up to 14 weeks of face-to-face schooling, many will not have done due to the rising infection rates in some regions resulting in students being sent home to self-isolate. This is reflected by increased COVID-19-related absence rates near the end of the autumn term, largely driven by increased numbers of self-isolations, rather than students contracting COVID-19 themselves. As well as regional variations depending on infection rates, the amount of in-person teaching time also varied across schools, depending on the size of the 'bubbles' being sent home, with primary schools generally sending home larger bubbles than secondary schools. Teacher absence was also around 4 to 5% in the autumn, possibly a causal factor in some schools having to close due to staff shortages, accounting for further student absences. Although a higher proportion of students were receiving a full school day (more than 5 hours) of learning time compared to during the first lockdown, there was still a substantial proportion (4 in 10) who*

were not. As well as increased absences, the typical day for those in school was likely affected by social distancing measures such as staggered start times. There were also students who did not return at all in the autumn, either because they'd decided to home educate, they were concerned about safety, they were in another country or quarantining after returning, or possibly because they had disengaged from their learning entirely and 'dropped out'" [IB/619 INQ000622612] (Page 62);

843.5 *"When schools closed again in January 2021, phase 3 of the pandemic, many students could have missed another 8 weeks of in-person schooling. However, attendance rates were higher this time when compared to the first lockdown, with an increasing number of children of critical workers in attendance. There was also a change in the eligibility criteria for those allowed in school, meaning that students who "may have difficulty engaging with remote education at home (for example due to a lack of devices or quiet space to study)" were now included in the definition of vulnerable²⁶. Therefore, more vulnerable children were in attendance compared to the first lockdown. In addition, in January the government made it a legal requirement for schools to provide 5 hours of remote learning to key stage 3 and 4 students. This explains the apparent increase in learning time per day for those studying at home during phase 3, compared to phase 1. For example, a higher proportion of students overall were studying more than 5 hours per day (an increase from 19% to 45% in secondary school children)" [IB/619 INQ000622612] (Pages 62-63);*

843.6 *"When schools reopened on the 8 March in phase 4, students will potentially have received 8 weeks of in-person schooling (for those taking GCSEs who would finish their course in mid-May). Attendance rates appear slightly higher than the last time schools were open in phase 2. Although there are still COVID-19-related student and teacher absences, with some areas in England being sent home to self-isolate more than others, these appear to be lower overall than in phase 2. It is possible that the number of hours per school day is still not back to pre-COVID-19 times, however research is not yet available on this. It is also not yet known how many students may have decided to stay at home permanently for elective home education, or how many did not return because they 'dropped out'" [IB/619 INQ000622612] (Page 63);*

843.7 *"Students in regions that have suffered the highest infection rates may have missed a higher average number of in-person teaching weeks than regions with*

lower infection rates. However, within those regions there is also variation at local authority level, therefore some local authorities within a region with a low average infection rate will have missed just as much in person schooling as a local authority in a region with a high average infection rate. So, we cannot conclude that one whole region has lost more time than another region. We cannot even conclude that all schools in a local authority with higher infection rates have missed more time than all schools in a local authority with a lower infection rate, because the extent to which different schools have managed to cope with staffing issues, bubble sizes and the impact of other social distancing measures on timetables has varied" [IB/619 INQ000622612] (Page 63);

843.8 *"Although a disadvantage gap in terms of total number of hours spent learning per day existed before the pandemic, this gap widened during the first lockdown when learning predominantly became remote. This is likely to have been due to a number of factors including a digital divide, amount of school provision, and home environments, which are discussed in Report 4 of this series. One exception to this appeared to be in post-16 education, where students eligible for free school meals were reported by one study to be studying longer hours than those not eligible. During the second school closures in January 2021, more students from middleclass families who were either vulnerable or, more likely, the children of critical workers, attended school than those from working-class families. Of those at home, although overall learning time per day was higher than during the first lockdown, a disadvantage gap still existed"* [IB/619 INQ000622612] (Page 64);

843.9 *"When schools reopened to all students in the autumn, the most disadvantaged areas (those with the highest proportions of students eligible for free school meals) had lower attendance rates than the least disadvantaged areas and therefore experienced less face-to-face teaching. This relationship appeared to vary across time and by region though, with the disadvantage gap apparent in some areas, but not others. For example, there was no obvious disadvantage gap apparent in London at the end of the autumn, although this is of little consolation since it is probably because the spike in cases started to affect the least disadvantaged areas just as badly as the most disadvantaged areas"* [IB/619 INQ000622612] (Page 64);

843.10 *"Parental characteristics and family structure also influenced the number of hours spent learning at home. Children of better educated parents, parents who*

remained employed throughout the first lockdown, where both parents were working from home regularly, or parents with 'service class' occupations (such as managers or professionals) were spending the greatest number of hours studying at home. Children with access to their own computer also spent longer studying than those without. Finally, primary school students who had a younger sibling aged between 0 to 4 spent less time studying than primary school students without a younger sibling. Similarly, having an older sibling negatively influenced the amount of time secondary school children spent on schoolwork, possibly because they may have been competing for resources such as computers or study space" [IB/619 INQ000622612] (Page 65);

843.11 *"One of the main factors driving increased amounts of lost time appears to be socioeconomic deprivation. While there are nuances in this relationship, a recurring theme throughout much of the research reviewed in this report was that the most socioeconomically disadvantaged students were in school less during periods when schools were open and spent less time learning at home when schools were closed, than the least disadvantaged students. There is ordinarily a disadvantage gap in terms of amount of time spent learning, but the switch to remote learning appeared to increase this gap. Further inequalities in terms of the quality of remote learning are discussed further in Report 4. As the scenario modelling demonstrated, it is difficult to put a number on lost time for any particular group of students who share some characteristic, because they will likely differ on some other characteristic or factor, such as where they live, their parents' situation, or how their school coped with the changes. Therefore, lost time is extremely varied and is unique to each individual student"* [IB/619 INQ000622612] (Page 68).

Report 3

844 From my review, I understand that Report 3 [IB/620 INQ000622609] attempted to quantify 'lost learning' directly, by reviewing research and analyses based upon large-scale attainment datasets collected during the pandemic. In theory, this represented an ideal source of evidence. Unfortunately, in practice, the report found these data were limited in a variety of ways and could only tell a partial story.

845 Report 3 concluded:

845.1 *"When assessed during the autumn term of 2020:*

- (a) primary school students were generally a month or so behind expectations
- (b) disadvantaged primary school students were disproportionately behind expectations;

845.2 *Beyond this, the evidence was somewhat mixed, although there was also some indication that:*

- (a) *primary school students were further behind expectations in maths than in reading;*
- (b) *younger primary school students were further behind expectations than older ones;*
- (c) *some older primary school students were actually ahead of expectations in reading; and*
- (d) *the extent of learning loss differed by region, although it was not the case that certain regions consistently appeared to be worse affected than others" [IB/620 INQ000622609] (Page 4).*

845.3 *"The extent to which any of these conclusions can inform expectations concerning likely levels of learning loss for students from years 11 to 13 in summer 2021 is unclear. Evidence that outcomes for younger primary school students differed somewhat from outcomes for older primary school students should immediately alert us to risks of extrapolating from primary to secondary, let alone to upper secondary. In addition, we only have detailed insights from the autumn term, which is only a part of the story of learning during the pandemic in the run up to summer 2021" [IB/620 INQ000622609] (Page 4);*

845.4 *"On the other hand, primary and secondary school students have experienced similar kinds of disruptions over the past year or so, and it would not be unreasonable to expect them to have been affected in similar ways. It would therefore not be surprising if students from year 11 to 13 were also some way behind expectations, with disadvantaged students having experienced disproportionate learning losses" [IB/620 INQ000622609] (Page 4);*

845.5 *"The findings outlined above were mainly based on data from the autumn term 2020, and we should be cautious in extrapolating their conclusions to the end*

of the 2020 to 2021 academic year. Given its proximity to the summer holidays, the autumn term is not necessarily a good baseline for extrapolation" [IB/620 INQ000622609] (Page 22);

845.6 *"Additionally, these findings were based largely on data for reading and maths, and conclusions may not generalise well to other subjects. Reading may be particularly problematic to generalise from, to the extent that students may be able to make considerable progress in reading with limited instructional support from their teachers; even younger children, with support from their parents. This situation seems less likely for maths, GPS, science, and other subjects, which require more specialist guidance and support. Results from studies 9 and 10 ring a warning bell concerning the possibility of far more extreme effects across other subjects. Yet, it is not entirely clear what to make of these results, for example, whether the extreme effects that were observed were genuine, or methodological artefacts, or perhaps a bit of both" [IB/620 INQ000622609] (Page 22); and*

845.7 *"Finally, the findings mainly concerned primary school students. Particularly bearing in mind that conclusions were not necessarily consistent across primary year groups, we should be wary in generalising conclusions to secondary year groups, especially to upper secondary school students. Ultimately, though, both primary and secondary school students have experienced similar kinds of disruptions over the past year or so, and it would not be unreasonable to expect them to have been affected in similar ways. It would therefore not be surprising if students from year 11 to 13 were also some way behind expectations, with disadvantaged students having experienced disproportionate learning losses" [IB/620 INQ000622609] (Pages 22-23).*

Report 4

846 Report 4 [IB/621 INQ000515706] reviewed the broader landscape of research and analysis into learning during the pandemic, providing a comprehensive overview of reports published in England since March 2020. I understand that Ofqual's review was restricted to reports that focused upon impacts on learning, and factors that were likely to influence levels of learning. It did not focus upon longer term consequences of the pandemic, nor upon how those consequences might be addressed.

847 The Report concluded:

847.1 *"Overall, the coronavirus (COVID-19) pandemic has had a detrimental impact on learning in England. There were challenges to learning, both when it was remote and in-school, which resulted in a reduction in the quality and quantity of students' learning.*

847.2 *Learning has been disrupted for most students. For a small proportion, learning has been severely disrupted, while for some others there have been some learning gains. Teachers report the most learning losses in literacy and maths. Practical qualifications and practical aspects of courses have also been particularly disrupted. The impacts of the pandemic on learning are reported by teachers to have been uneven. Learning has been the most disrupted for the most deprived and disadvantaged students, and least disrupted for socioeconomically advantaged students, although there will of course be exceptions to this.*

847.3 *While students with similar backgrounds are more likely to have had similar experiences of learning and learning loss, this report highlights the importance of considering individual experiences. Indeed, there are stark differences between and within contexts, which we note are driven by the complex interactions of the unique circumstances that each student is in and are therefore difficult to predict. It is therefore crucial that mitigations of lost learning, wider educational assessment policy-making and learning recovery programmes acknowledge this complexity to ensure that the benefits are fair and far-reaching" [IB/621 INQ000515706] (Page 67).*

Report 5

848 Report 5 [IB/622 INQ000622613] provided a more selective overview of insights from research and analysis conducted internationally since March 2020. I understand the focus was upon reports that appeared to be particularly important and influential, as it would not have been feasible to attempt a comprehensive review.

849 In relation to learning loss, the international reports concluded:

849.1 *"Early modelling of the impact on learning of school closures anticipated average learning losses, with greater losses in mathematics than reading, and an uneven distribution of losses according to socio-economic factors. Studies*

of pre- and postschool closure assessment data from several countries suggest school shutdowns in the second quarter of 2020 put students typically 2 to 3 months behind the academic milestones their cohorts would be expected to reach" [IB/622 INQ000622613] (Page 13);

849.2 *"Losses were frequently greater in mathematics (3 months) than in reading (1½ months), and in most studies disadvantaged populations experienced above average losses. There is some evidence that younger students were adversely affected more than older ones, though this appears less consistent across studies than the other effects. There is little evidence available on gender effects" [IB/622 INQ000622613] (Page 13);*

849.3 *"In general, a reduction in the time spent in school is associated with a reduction in student test scores" [IB/622 INQ000622613] (Page 6);*

849.4 *"Student absences seem to have more of an impact on this than school closures, perhaps because teachers face more challenges helping individual students catch up than the whole class. A consistent finding, demonstrated in each of the various contexts, is that reduced teaching time has more impact on mathematics than literacy, perhaps because students can develop their literacy skills outside of school more easily. Another common finding is that students from lower socio-economic backgrounds are most impacted by changes to teaching time" [IB/622 INQ000622613] (Page 21); and*

849.5 *"The greatest decline from lost teaching time was observed in cases of student absence. It has been suggested this is due to these students either not catching up on their return or disrupting normal teaching when they do catch up. On the other hand, the lower levels of achievement of those students absent most often may simply reflect their attitude and effort" [IB/622 INQ000622613] (Page 35).*

850 In relation to learning remotely, the international reports concluded:

850.1 *"The effectiveness of online learning will vary according to students' characteristics and circumstances. It is expected that younger students may adapt less easily than older students. Evidence suggests boys and girls may be affected in different ways, for example with boys losing more learning time, but girls being at greater risk of developing mathematics anxiety" [IB/622 INQ000622613] (Page 7);*

850.2 *"Access to the necessary equipment for remote learning, a home environment conducive to learning, and parental support are all key to successful online and home-based learning. These factors are all heterogeneous across student populations and variation in them can lead to substantial variations in learning outcomes"* [IB/622 INQ000622613] (Page 7);

850.3 *"Research on summer learning loss suggests that non-school factors are a principal source of inequalities in educational outcomes. Although COVID-19 related school closures differ from summer holidays insofar as learning is expected to continue online, the closures are likely to widen the learning gap between students from lower-income and higher-income families, because students from low-income households live in conditions that make home schooling difficult"* [IB/622 INQ000622613] (Page 43); and

850.4 *"Evidence from the United States suggests Black and Hispanic students have been disproportionately affected by the pandemic, the school closures, and the move to online learning. It is not entirely clear what effect race has on students' learning in addition to the effect of SES. Multivariate analyses will be important for understanding such effects"* [IB/622 INQ000622613] (Page 43).

Report 1

851 Report 1 drew together the analysis of the above Reports, and concluded:

851.1 *"during each of the phases of the pandemic, students in England had had to study under abnormal circumstances, typically less than ideal circumstances, and sometimes very unfavourable ones* [IB/618 INQ000622611] (Page 5). *This includes, but is not limited to, factors such as abuse, depression, and bereavement as a result of COVID-19, or home-learning distractions (e.g., younger siblings, furloughed parents etc)"* [IB/618 INQ000622611] (Page 17);

851.2 *"[B]y summer 2021, the most widespread concern was that less effective learning took place during periods, rather than less time spent studying. Most students were studying for much of the time that was available to them, albeit under abnormal circumstances – this questioned the relevance of the 'summer holiday learning loss' phenomenon to understanding learning during the pandemic* [IB/618 INQ000622611] (Page 5). *In retrospect, the comparison between the 'summer learning loss' phenomenon and learning loss during the pandemic, is not actually very instructive. Whilst summer learning loss is about*

what happens when learning stops for a certain amount of time, pandemic learning loss is primarily about what happens when students learn less effectively during the time that is available to them" [IB/618 INQ000622611] (Page 43);

851.3 *"[A]s the pandemic progressed through a number of quite distinct phases, learners seemed likely to have lost relatively less learning, as teachers, students, and parent or carers became more adept at managing circumstances" [IB/618 INQ000622611] (Page 53);*

851.4 *"[B]y summer 2021, most students were likely to have experienced a net learning loss as a result of the pandemic" [IB/618 INQ000622611] (Page 5);*

851.5 *"[T]he amount of learning loss that students typically experienced was hard to gauge, although it might not have been as extreme as some of the earliest projections. [IB/618 INQ000622611] (Page 5). The concept of learning loss attributable to the pandemic is not well theorised...[it] typically involves extrapolating from the summer (holiday) learning loss literature to model learning loss in the context of the COVID-19 pandemic" [IB/618 INQ000622611] (Page 12);*

851.6 *"[B]y summer 2021, a minority of students may have achieved a certain amount of learning gain, although how large a group this might have been was unclear. For some students, the net impact of the pandemic on their level of learning by summer 2021 might have been positive. This would be more likely for students who were able to commit more time to studying due to external factors, such as less social events, or who were able to learn more effectively" [IB/618 INQ000622611] (Page 15);*

851.7 *"[S]ocio-economically disadvantaged students were likely, on average, to have lost relatively more learning than their more advantaged peers, due to less access to internet-enabled devices, less parental support with studying, lower access to active learning materials, and being less likely to have parents who were able to pay for private tutoring during lockdown— however, there would have been many exceptions to this general conclusion, as many advantaged students would also have been extremely seriously affected, and many disadvantaged students will not have been" [IB/618 INQ000622611] (Page 6);*

851.8 *"[S]tudents from certain geographical areas were likely, on average, to have lost relatively more learning than students from other areas, although this was best understood locally rather than regionally [IB/618 INQ000622611] (Page 6) (i.e., there was more variation across local authorities within each region than across regions)" [IB/618 INQ000622611] (Page 55) [due to] higher infection rates [IB/618 INQ000622611] (Page 21);*

851.9 *"[L]earning loss was a phenomenon that needs to be understood from the perspective of each and every student, individually – impacts from the pandemic were too complex and nuanced to be described simply (or even primarily) in terms of group effects; and areas" [IB/618 INQ000622611] (Page 6)*

851.10 *"[E]ven students from very similar backgrounds, registered in the same class at the same school, might have experienced quite different levels of learning loss, depending on the particular circumstances of their learning during the pandemic" [IB/618 INQ000622611] (Page 6).*

852 Beyond these general conclusions, little could be said regarding learning loss and learning remotely during Covid-19 with confidence, especially concerning the details of how students in particular circumstances might have been affected.

853 These conclusions provided a backdrop against which patterns of results from summer 2021 could be interpreted. This context was important, because it enabled Ofqual to develop hypotheses concerning underlying attainment patterns, which in turn helped Ofqual to make sense of the patterns that were to be seen in results from summer 2021.

854 Based on these conclusions, Ofqual was able to understand that during normal times, result trends directly mirror attainment trends. However, because of the way that the assessment process worked during the 2020 to 2021 academic year, Ofqual did not expect result trends to mirror attainment trends directly [IB/618 INQ000622611] (Page 58).

855 Ofqual concluded that most students are likely to have been affected by a certain amount of learning loss. If exams were to have run exactly as normal in 2021, Ofqual was able to conclude the following hypotheses:

855.1 *"many students would be awarded grades that were lower than they would have achieved had COVID-19 never occurred (owing to general learning loss)";*

855.2 *"many students would rank within each subject exam cohort quite differently than they would have ranked had COVID-19 never occurred (owing to differential learning loss)";*

855.3 *"attainment gaps between aggregated results for various groups of students (based on socioeconomic status, school type, ethnicity, and so on) would widen" [IB/618 INQ000622611] (Page 62).*

856 Due to the cancellation of exams and changes in processes in 2021, there was no direct mapping between attainment and results that year [IB/618 INQ000622611] (Page 62). Normally, a student's grades will show the overall level of attainment achieved, allowing us to assume that students who have been awarded the same grade will have the same level of knowledge, skills and understanding [IB/618 INQ000622611] (Page 63).

857 However, in 2021, students who were awarded the same grade may not necessarily have learned as much as would ordinarily be required for that grade. This means that 2021 saw a distinction between the level of attainment and the awarded result, resulting in some students receiving grades corresponding to a higher level of attainment. This was to avoid students being penalised for not being able to cover the normal amount of content [IB/618 INQ000622611] (Page 63).

Research Methods Used, including Strengths and Limitations

858 I understand that this research method was entirely desk-based, which also involved liaising with research teams working on related research questions (e.g. Education Policy Institute, NFER, Institute for Fiscal Studies, Sutton Trust amongst many others).

859 I further understand that the main strengths of this research programme were the comprehensiveness of its literature reviewing and the rigour and detail of its analyses. As the research was undertaken throughout a large period of the pandemic, the emerging insights were being used throughout that period, feeding into Ofqual's policy considerations as set out below at paragraph 865 to 867.

Limitations of the Data and Evidence relied upon

860 Report 1 refers to some of the overall limitations of the data and evidence relied upon in this research. It states:

"One potential problem is that almost none of the research or analysis that we identified over the past year or so has been published in an academic journal, perhaps inevitably so, given the timespan in question. Instead, reports have tended to be published by the organisations responsible for producing them (or that sponsored their production) meaning that these reports may not always have gone through a rigorous external review process. The academic review process is far from perfect, but it is useful for helping authors to identify potential flaws in their research design, or potential limitations to the conclusions that have been drawn. It provides a degree of reassurance for the reader that tricky methodological questions have already been asked and answered satisfactorily. This makes it safer to take findings at face value. While many of the organisations that have published reports over the past year or so are likely to have implemented rigorous internal review processes, this may not always have been true, and questionable conclusions may occasionally have slipped through the net. In some cases, the 'need for speed' has resulted in minimally detailed reporting, so we found it useful to contact research teams directly to explore outstanding questions.

Much of the published research has been survey based, and there is always a risk with this approach that those who respond may not be representative of the population for whom conclusions are to be drawn. During the pandemic, a particular risk is that those who were the worst affected at the time of the research may have been least able to contribute, so the results might underestimate the severity of the situation. On the other hand, surveys are also susceptible to a bias that might work in the opposite direction, for example, if the general sense of fear, if not panic, induced by the pandemic led respondents to overestimate the severity of the situation. This is an important risk to bear in mind in relation to some of the more 'ambitious' questions that were posed in some of the surveys, for instance, where teachers were asked to judge how many months behind in their learning they believed students to be" [IB/618 INQ000622611] (Pages 24 to 25).

"Questions of this sort were better answered by using attainment data, for example, where schools had administered progress monitoring tests during the autumn term (2020). Even for these studies, though, the data were largely opportunistic, and few

research teams were able to exercise optimal levels of control over the samples that were being compared. These studies also faced the risk of underrepresenting results from the worst affected schools and students, who might have been amongst the least able to engage with the testing process.

A particular problem for this overview report was the relative lack of evidence related specifically to those students who are its main focus (current years 11 to 13). Almost all of the conclusions based upon attainment data, for example, concerned students in primary schools, which are the largest consumers of commercially published tests. What these studies reveal is that conclusions concerning younger primary students cannot necessarily be generalised to older primary students. Extrapolating results from primary school students to upper secondary school students would be equally precarious, if not far more so. Similar caveats would apply when attempting to extrapolate from schools and students overseas to schools and students in England" [IB/618 INQ000622611] (Page 24).

- 861 In short, and as summarised in Report 1, the insights and conclusions identified above were based on analyses of research that could not be seen as definitive and should therefore be considered with that in mind.

Impact on subsequent decision-making and policy development

- 862 I understand that the research has fed into subsequent decision-making and policy consideration. The research provided a foundation of evidence and analysis that was used by Ofqual from Autumn 2020 onwards (throughout the period of the pandemic and subsequently) to inform policy decisions on approaches to applying qualification standards, and to make sense of the patterns that were seen in results in Summer 2021 and beyond. Examples of when lost learning was prevalent in Ofqual's thinking are demonstrated in Part D. Furthermore, as the country moved out of the pandemic, and towards summer 2022 when students would again sit exams, Ofqual was able to take into consideration the likely impacts of lost learning for those students, who may not have been taught the whole content in one or two years of their studies prior to taking exams and assessments. That fed into Ofqual's consideration of how 2022 would be a transitional year, taking into account the interests of those students and acknowledging the likely disproportionate disruption they had experienced, whilst trying to get back to a pre-pandemic standard in 2023. For example, as set out in the article 'Ofqual's approach to grading exams and assessments in Autumn 2021 and Summer 2022' [IB/623 INQ000622687].

Relevance of Research for Ofqual's Analysis of any Persistent or Long-term impacts of the Pandemic on Children and Young People's Learning and Educational Attainment

- 863 In summer 2021, this research programme was concluded. Subsequently, additional evidence concerning long-term impacts had come from our NRT attainment surveys in maths and English, which are conducted annually. This is discussed further in paragraphs 59 to 79 and paragraphs 227 to 229.

LESSONS LEARNED

- 864 In early 2020, Ofqual held the position that exams were the best option, advising ministers to adhere to this approach. However, with the closure of schools, Ofqual was directed to apply a standardisation model. Ofqual consulted on approaches to awarding grades that summer, utilising expertise from AOs, Ofqual itself, and external contributors to evaluate eleven different models and select the most appropriate one, acknowledging any limitations. Teachers and exam boards did their utmost, but Ofqual was transparent about the fact that applying a model would result to some degree in changes to grades. When CAGs were submitted, they showed significant inflation on previous years. When these grades were standardised, key stakeholders from schools and colleges lost confidence in the model, at least in part due to outliers. The government intervened to propose additional and alternative appeal routes. This was difficult for Ofqual's Board to manage when public confidence was diminishing.
- 865 Significant work was done on approaches for 2021 while also at the same time addressing the issues of 2020. Adaptations to both GQs and VTQs were carefully considered and scrutinised. Ofqual maintained the premise that exams were the fairest system, in line with government policy. However, Ofqual was not informed about the decision to cancel exams in advance. Although Ofqual had developed contingency plans, the main focus had been on making adaptations for exams to account for the circumstances of the pandemic. Once exams for 2021 had been cancelled by decision of the Secretary of State for Education (Rt Hon Gavin Williamson MP) in early January 2021, and with lessons learnt from 2020, an approach using TAGs was adopted for 2021. Although this was designed with as many safeguards as possible, nonetheless, in the absence of exams, there were further inflationary outcomes compared to the previous year.

866 As a public body, Ofqual has a statutory duty to consider the impact of its decisions on all learners, particularly those with protected characteristics and SEN. Ofqual has established clear procedural frameworks and governance structures to ensure all decisions undergo thorough and detailed scrutiny. As detailed in my statement elsewhere, throughout the unprecedented challenges of the Covid-19 pandemic, Ofqual maintained oversight of decision-making processes with formal Board meetings regularly convened, where proposed actions were evaluated against regulatory requirements and informed by research and evidence. These meetings featured documented deliberations, with minutes recording the analysis of options, consideration of risks, and the potential impact on learners. The papers relevant to these meetings also evidence that Ofqual was cognisant of many of the potential issues from the outset of the pandemic response, and that it took steps to mitigate the risks and balance the areas of tension. While not all outcomes achieved the intended objectives, Ofqual systematically gathered evidence, sought expert input, and adapted its approach as new insights emerged, despite the extraordinary circumstances, compressed timescales and fast-evolving policy environment.

Initial Equality Impact Assessments and Approach

867 During the pandemic, as noted in other parts of this statement, Ofqual conducted extensive analysis of the impact of its decisions on children and young people, building upon Ofqual's established approach to EIAs, which were routinely conducted to determine any likely positive or negative impacts of a policy or a change in policy on people who share particular protected characteristics. The thorough consideration of the impact on children and young people of the decisions made by Ofqual was central to Ofqual's statutory duty to consider the impact of its decisions on different groups of learners, including those with SEN.

868 As set out in more detail earlier in my statement, Ofqual had begun this work early in the pandemic, conducting an EIA of our proposals and, as part of this, working at speed to complete a review of the research literature to consider the likely nature and extent of any bias that could arise [IB/141 INQ000621780]. This review of literature focused on potential bias in teachers' estimated grades compared to actual achievement, providing important context for the exceptional arrangements. This literature review was published, as part of the equalities impact assessment, alongside the initial consultation on 15 April 2020 into the proposals for awarding grades in summer 2020. This is set out at paragraphs 258 to 260.

869 Ofqual's early guidance to centres, published 03 April 2020, emphasised fairness, making clear that when centres judge a grade for a student, that should be based on what the student would most likely have achieved if they had sat their exams with the reasonable adjustment or access arrangement in place [IB/114 INQ000621749]. This guidance reflected Ofqual's understanding of the importance of reasonable adjustments for disabled students, an area where we have previously conducted specialist reviews.

870 As set out in more detail throughout this statement, there was also a detailed equality impact analysis carried out at each consultation stage. For example, the aforementioned analysis accompanying the consultation on arrangements for GCSE, AS and A level qualifications in April 2020; and the equalities assessments undertaken alongside the consultations in May 2020 on the autumn series, and the arrangements for awarding of for vocational, technical and other general qualifications. In addition, the interim report 'Awarding GCSE, AS & A level in summer 2020' (published 13 August 2020) [IB/260 INQ000622182] provided an initial analysis of AS and A level results as determined by calculated grades. Key findings included:

870.1 *"The mean grades awarded this year to students who are and are not eligible for free school meals are very similar to those awarded in 2018 and 2019";*

870.2 *"The mean grades awarded this year to students of different socio-economic status are very similar to those awarded in 2018 and 2019";*

870.3 *"There is no evidence that the process of awarding grades has been biased for or against students with special educational needs"; and*

870.4 *"The analyses conducted show no evidence that this year's process of awarding grades has introduced bias."*

Guidance and Support for Learners and Stakeholders

871 Following the consultation on summer arrangements, Ofqual issued further information for centres, based on a review of the available evidence about how to minimise bias in assessment judgements, to support centres to maximise objectivity in their grading and ranking decisions [IB/624 INQ000621754]. This proactive approach to addressing potential bias demonstrated Ofqual's commitment to fairness, reflecting the application of lessons learned during the process. This was also reflected in further iterations of guidance issued throughout the pandemic illustrated by [IB/625 INQ000622756].

- 872 Ofqual demonstrated responsiveness to concerns raised by young people by rapidly scaling up its capacity to handle enquiries raised by the public, successfully handling over 7,000 phone calls in August 2020 alone [IB/626 INQ000622615] (Page 14). This ensured students could receive timely information and support during a period of significant anxiety and uncertainty.
- 873 Ofqual's communications prioritised the needs of young people, with student guides downloaded more than 70,000 times (including accessible British Sign Language versions) and detailed guidance for parents, carers, students and learners receiving over 300,000 downloads [IB/626 INQ000622615] (Page 14). This reflected Ofqual's commitment to ensuring students understood the processes affecting their futures.

Reflections on the Standardisation Model

- 874 The standardisation approach adopted in summer 2020 represented a technical solution to allow students in summer 2020 who were due to sit exams to be issued a set of results to allow them to progress to further study or employment. It was Government policy that any such solution should mitigate risks to standards, as far as possible maintain standards, and the distribution of grades should follow a similar profile to that in previous years. This was obviously in the absence of any formal examination evidence. The solution also had to try and ensure fairness for students both in and between educational centres.
- 875 The implementation involved a multi-step process: establishing each centre's historical grade distributions; determining value-added relationships between prior attainment and outcomes at national level; generating adjusted grade distributions based on the current cohort's prior attainment profile; and assigning grades based on these distributions while respecting teacher-provided rank orders.
- 876 This approach rested on two critical assumptions. The first related to the continuity of student attainment for each centre over time. The second related to the impact that variations in the prior attainment of each centre's cohort would have on their results. The model's key limitation was its inability to appropriately account for students or centres that significantly deviated from historical patterns, potentially disadvantaging exceptional performers or improving centres. Ofqual had, in the consultation from 15 April 2020, made clear that standardising the process by which centres would have to make the necessary judgements about centres assessed grades was challenging due to the limited time available and centres being closed. The consultation acknowledged

that some centres may be more generous, and others slightly more severe than average, and therefore as far as possible, the intention was for exam boards to correct these judgements when standardising. Notwithstanding the attempts to be as transparent about likely outcomes of the application of the standardisation model from the outset, the approach was not accepted and had a significant impact on public trust and confidence. The move to award CAGs went some way to rectifying that position, but the result was significant grade inflation in 2020.

Immediate Responses to Findings in 2020

877 In response to public concern about the standardisation model and its effects on individual students, Ofqual made the decision in August 2020 that exam boards would award CAGs unless the standardised grade was higher.

878 It is evident at this time that Ofqual members of staff were cognisant of the need for a period of further review regarding the decisions made, and there were also informal and ongoing reflections documented during this period. For example, I have seen an email chain dated 07 September 2020 between the Executive Director for General Qualifications (Julie Swan) and the Acting Chief Regulator (Dame Glenys Stacey) [IB/627 INQ000622298] which marked the start of an internal review of the summer and the use of the model and records some of the internal reflections that were taking place at that time. The Executive Director for General Qualifications (Julie Swan) identified that there was a gap in the scoping and a need to understand whether any model that gave students grades other than following exams could have succeeded. She also posed important questions including:

878.1 *"Is there anything we could have done differently to address the inevitable fall-out from this? For example, could the policy have been presented as -- take your exams in the autumn, but if you wish you can 'opt in' to receive a calculated grade? Rather than - everyone will receive a calculated grade but you can take exams in the autumn if you think you should have received a higher grade."*

878.2 *"Associated with this we were, perhaps, overly swayed by what we were hearing from centres (reinforced by DfE) who wanted to show that their recent initiatives/changes had improved overall results in their centre. This dominated a lot of our discussions on appeals. Did this cause us to neglect the impact on isolated individual students?"*

- 879 In 2021, Ofqual subsequently published evaluations of CAGs, and analysis as to who was affected by differences between CAGs and calculated grades. The paper '*An Evaluation of Centre Assessment Grades 2020*' [IB/628 INQ000622618] aimed to understand the factors that influence teacher grade judgements, and how these relate to grades awarded by exams under normal circumstances. Other studies have indicated that teacher grades tend to be more generous, and some evidence that those judgements can be influenced by various candidate or school-level characteristics. The key findings of the research undertaken demonstrated that whilst there were some minor differences in the relationships between the candidate and centre level features analysed and grades in 2020, patterns of grading in 2020 were remarkably similar to previous years, particularly for GCSE.
- 880 In the research paper '*Grading gaps in summer 2020: who was affected by differences between centre assessment grades and calculated grades?*' [IB/629 INQ000622617] Ofqual looked, in particular, at whether candidates with specific characteristics were more likely to be affected by discrepancies in grades between their CAGs and calculated grades. According to the report "*Overall, 10.3% of candidates received calculated grades that were, in total, three grades or more lower than their CAGs. These candidates could, for example, have received one calculated grade which was three grades lower than the CAG, or three calculated grades that were each one grade lower than the CAG.*" Data relating to CAGs and calculated grades facilitated further analysis and as part of this process, Ofqual, Ofsted and the DfE jointly completed some consideration of the data to exemplify potential research and analytical approaches, and to increase understanding of 2020 assessment outcomes.
- 881 The report stated "*results show that, taking centres and subject choices into account, there is no evidence that candidates' socio-economic background, SEND status or the language spoken at home were associated with the likelihood of receiving a three-grade gap. There was some evidence that females and Asian and British Asian students were more likely to receive a three-grade gap than males and white students respectively, but the effect sizes were very small. More precisely, the model predicts that a white female candidate, attending the median school or college, would have a 15.7% likelihood of experiencing a three-grade gap. If that candidate were male the probability of a three-grade gap would be 14.5%. The corresponding probabilities for female and male Asian candidates would be 17% and 15.6%.*"
- 882 Further, the report stated "*It is therefore possible to conclude that in summer 2020 the likelihood of experiencing a three-grade gap between CAGs and calculated grades*

was not systematically and substantially higher for specific groups of students. These findings echo early evidence that students with protected characteristics or from low socio-economic backgrounds were not disadvantaged (Lee, Stringer & Zanini, 2020). As documented in this report, a large number of A level students may have experienced distress arising from differences between CAGs and calculated grades in summer 2020. It is not possible to know whether the CAG or the calculated grade more accurately reflected the grade students would have achieved had they taken the exams. However, these results are reassuring in so far as they suggest candidates with protected characteristics or from disadvantaged groups were not systematically and substantially more likely to experience grade discrepancies."

Impact on the Proposed Autumn Series

- 883 Ofqual also adapted its proposed approach to the Autumn series of exams, in response to the lessons being learned at that time. I have seen the Ofqual Recovery Committee Paper titled 'Setting standards in autumn 2020' dated 10 September 2020 by the Director of Standards and Comparability (Cath Jadhav) [IB/630 INQ000622311]. The paper noted that due to the expectation of entry numbers being small and unrepresentative of the cohort of students that Ofqual might expect in a summer series, it was not possible to adopt an approach similar to a normal summer series. The proposed approach included placing greater reliance on examiner judgement of the quality of student work, making allowances when setting grade boundaries to take account of the disruption that students have experienced.
- 884 I have seen emails from 28 September 2020 to 30 September 2020 following a meeting with the Director of Assessment Research and Development, Cambridge Assessment (Tim Oates) in determining a 2020 grading standard. It is noted in these emails that the Director of Qualifications, Curriculum and Extra-Curricular, at the DfE (Graham Archer) had a meeting with the Minister for School Standards (Nick Gibb MP) to discuss standards [IB/631 INQ000622360]. It was suggested in this email that to establish the standard, the summer 2020 results would be used whilst removing the anomalies, calling it "*summer 2020 'cleaned up'*". The Executive Director for Strategy, Risk and Research (Dr Michelle Meadows) noted that they were "*testing the impact on the predicted outcomes and consequent grade boundaries of removing the centres with the most generous outcomes in 2020*".
- 885 The Standards and Technical Issues Group (**STIG**) item 3 note of the DfE, and the Director of Assessment Research and Development, Cambridge Assessment (Tim

Oates)'s proposition, were circulated on 30 September 2020 [IB/632 INQ000622364]. The item 3 note confirmed that the DfE viewed the autumn series as a continuation of the summer 2020 series, with an expectation that the generosity in the final summer grades was carried forward to autumn. Mr Oates focused on model 1, which was to use all 2020 outcomes to generate proxy grade boundaries and model 3, which was to use outcomes only from centres known to be robust/trustworthy to generate proxy grade boundaries.

- 886 The Ofqual Maintenance of Standards document dated 09 October 2020 discussed awarding in autumn 2020 [IB/633 INQ000622368]. This document proposed that to be as fair as possible to the students in autumn 2020, the proxy 2020 grade boundaries would be used as the primary source of evidence for awarding in the autumn series, whilst recognising that this would likely mean setting slightly different performance standards in autumn 2020, using the series as a continuation of the summer 2020 series.
- 887 The evolution of Ofqual's approach to the autumn series exemplifies how lessons were being applied in real-time. Based on experience from the summer series, we recognised that statistical models required modification when applied to smaller, potentially unrepresentative cohorts. This understanding directly informed the decision to use the summer 2020 results as a benchmark while acknowledging the need for expert judgment to account for the unusual circumstances students faced.
- 888 Entries for the autumn series at AS and A level were low – around 20,000 for A level. The Ofqual blog on 17 December 2020 provides more detail of the analysis of that series [IB/634 INQ000622757]. The blog makes clear that it was not possible to make meaningful comparisons between results for different series because of the small and atypical nature of the cohorts. Analysis included in the blog indicated that of students who had grades from summer 2020, just under 50% improved their result as a result of taking an exam in the autumn series. 20% received a lower grade.

ONS Review

- 889 Ofqual engaged with the ONS on 17 July 2020, seeking ONS advice on the statistical model that had been developed and scrutinised by the EAG [IB/635 INQ000622492]. The request for advice noted that due to the ask of Ofqual from the Secretary of State for Education (Rt Hon Gavin Williamson MP), and the need to consult on the requirements to bring CAGs and standardisation about, the timescales involved made

it unlikely that a change in the approach to the model would be possible ahead of results days. Ofqual met with the ONS on 22 July 2020, and received an overview of the model, and the ONS noted concerns around relying too heavily on past performance and teacher objectivity [IB/636 INQ000622491]. Ofqual offered to send parts of the technical material to the ONS, and the ONS agreed to receive the same but noted that any detailed comments from them would not be provided until after A level results day.

890 The ONS therefore completed that review after the results days, with the final report being titled 'Statistical review of Ofqual's Direct Centre-Level Performance approach to standardisation of 2020 awards' dated 17 September 2020 [IB/637 INQ000622395]. While the ONS recognised that Ofqual developed its methodology *"in a thorough manner, with notable consideration given to handling special cases,"* it also identified areas for improvement. The review acknowledged the extremely challenging circumstances Ofqual faced in developing a methodology to predict grades without exams, noting this was *"an unprecedented situation"* with no historical data to simulate outcomes.

891 The report contained two recommendations: firstly, to seek a wider and independent review of the standardisation process and secondly, to make the student and centre-level data behind the standardisation process available to researchers.

892 Subsequently, as set out in the Ofqual Blog dated 21 December 2020, an advisory board was established [IB/638 INQ000622758] involving Ofqual, the ONS, the Higher Education Policy Institute (**HEPI**), the Education Policy Institute (**EPI**), FFT, and the Chief Executive and co-founder of Teacher Tapp (Laura McNerney) to provide advice to Ofqual, the ONS, UCAS and Ofsted on a data sharing project. That advisory board was chaired by the Former Interim Chair of the Board (Professor Julius Weinberg). In 2021, after collaborative working between Ofqual, the DfE, UCAS and the ONS, the Grading and Admissions Dataset for England (**GRADE**) [IB/639 INQ000622759] was made available to support research on the education, assessment and admissions systems. This arrangement made data available from 2017, 2018, 2019 and 2020 to enable insights on the impact of awarding grades in 2020 on further education, higher education and employment. Further years of awarding data have been added to this dataset and GRADE continues to support educational research.

2021 – Further Analysis

- 893 Ofqual had also subsequently published two reports on 29 July 2021 which examined the awarding of CAGs in England for summer 2020 GCSE, AS and A level qualifications:
- 894 'An evaluation of centre assessment grades from summer 2020' which investigated the relationship between factors influencing teacher grading judgements and the grades awarded under normal exam circumstances [IB/628 INQ000622618]. This analysis indicated that grades were generally more generous than in previous years, with an average increase of around half a grade for both GCSE and A levels. The strongest predictor of grade outcomes was prior attainment, which had a slightly stronger relationship with grades in 2020 compared to previous years.
- 895 'Grading gaps in summer 2020' [IB/640 INQ000622608] found that for most A level entries, the calculated grade matched the CAG, but in 39% of cases, the calculated grade was lower than the CAG. The report found that 10.3% of candidates received calculated grades that were three or more grades lower than their CAGs. While there were small differences in the likelihood of experiencing a grading gap based on gender and ethnicity, the analysis concluded that these discrepancies did not systematically and substantially affect specific groups of students.

OSR Review

- 896 External bodies also conducted their own reviews of Ofqual's approach. I have seen the email chain dated 10 September 2020 'RE: National Statistics Regulator' [IB/641 INQ000622307]. The email noted a conversation with the Director General for Regulation OSR (Ed Humpherson) who was to conduct a review into Ofqual's approach to standardisation following the complaint from the RSS. Ofqual agreed to meet the OSR to answer questions as part of their review, relating to the extent to which Ofqual complied with the Code of Practice for Statistics in developing the model.
- 897 On 16 September 2020, the Director General for Regulation OSR (Ed Humpherson) sent the Chair of the Board (Roger Taylor) a letter regarding the OSR scope and aims of their review of the approach to developing statistical models [IB/642 INQ000622323]. The stated aim of the review was to identify lessons for other public bodies considering the use of statistical models to support decisions. The letter referred to assessing the level of public confidence gained/lost in the development and communication of the model and appropriateness of the model for its intended use.

898 The final report titled 'Ensuring statistical models command public confidence: Learning lessons from the approach to developing models for awarding grades in the UK in 2020' was published on 2 March 2021 [IB/643 INQ000622596]. The report emphasised that all four regulators (Ofqual, SQA, QW and CCEA) faced similar challenges and failed to secure public confidence despite different approaches. Indeed, the summary findings state that "*achieving public confidence is key to the success of any model.*" The report identified that a high level of confidence was placed in the ability of statistical models to arrive at a single grade for each student, whilst maintaining standards and not disadvantaging any groups, and that the limitations of the models used across the UK were not fully communicated. Indeed, acknowledging that retaining degrees of confidentiality when designing the model was necessary to avoid improper use, better transparency and further external challenge may have been of benefit. The report found that while regulators acted with integrity and communicated extensively, they misjudged public concerns about 'algorithms' determining pupils' futures. The report concluded that public confidence requires not just technical excellence but transparency, rigorous quality assurance and meaningful stakeholder engagement throughout.

EHRC Review

899 As set out elsewhere in this statement, Ofqual was engaged with the EHRC during 2020 and 2021 as a key stakeholder via meetings between, on occasions, the Executive Director for General Qualifications (Julie Swan), the Chair of the Ofqual Board, (Roger Taylor), the interim Chief Regulator (Dame Glenys Stacey) and the Chief Regulators in 2021, (Simon Lebus and Dr Jo Saxton). The EHRC had raised concerns about whether students with protected characteristics, particularly ethnic minority and disabled children, were disadvantaged by the standardisation approach. In response, Ofqual provided the EHRC with a comprehensive attainment gap analysis on 7 September 2020, including breakdowns of 2018, 2019, and 2020 grades by various demographic factors including gender, ethnicity, SEN, FSM eligibility, and socioeconomic status. The organisation also worked to coordinate approaches to reasonable adjustments for the autumn exam series, engaging with EHRC and JCQ on accessibility guidance. Ofqual committed to incorporating these equality considerations into their evaluation work, with plans to publish detailed analysis by the end of the year. Ofqual maintained regular dialogue with EHRC and actively addressed their questions about potential disparities in outcomes for different student groups.

Ofqual's Internal Review and Research

900 In addition to the above analysis, Ofqual published six key analytical reports specifically examining how the summer 2020 arrangements affected students, with each report accompanied by accessible interactive visualisations to ensure findings were widely understood. This comprehensive suite of analytical reports published by Ofqual represents a systematic effort to understand the impacts of the decisions that were made and extract actionable lessons. These reports went beyond regulatory requirements, demonstrating a commitment to transparent public accountability and desire to create an evidentiary basis for future improvements. Each report addressed a specific dimension of the grading system's performance, with findings directly informing the development of the 2021 assessment framework and beyond.

900.1 The first of the reports, 'Student-level equalities analyses for GCSE and A level' (published 26 November 2020) was a detailed equalities analysis [IB/644 INQ000622476].

900.2 The second report was 'An analysis of grades awarded for a number of VTQs in spring and summer 2020', published on 18 December 2020 [IB/645 INQ000622463].

900.3 The third report was an update to the Summer 2020 Results Analysis (interim report) (published 18 December 2020) showing the outcomes of the standardisation model, including a breakdown by centre type [IB/395a INQ000622509].

900.4 The fourth report 'Standardisation of grades in general qualifications in summer 2020: outliers' (also published on 18 December 2020) examined the standardisation of grades in GQs, assessing how Ofqual sought to identify students where the model might have been unreliable [IB/646 INQ000622508].

900.5 The fifth report 'Impact of calculated grades, centre assessment grades and final grades on inter-subject comparability in GCSEs and A levels in 2020', initially published on 18 December, analysed the impact of calculated grades, CAGs, and final grades on inter-subject comparability in GCSEs and A levels [IB/647 INQ000622507].

900.6 The sixth report 'The impact of Covid-19 on 2020 to 2021 assessment arrangements' (externally commissioned in November 2020 and ultimately

published 20 December 2022) [IB/648 INQ000622699] investigated student, parent, and teacher views on the arrangements for GCSE, A level, and certain vocational qualifications during the 2020-2021 academic year.

1. Equalities Analysis Report

- 901 This report examined whether the process of awarding grades to candidates in summer 2020 introduced bias in outcomes that could be attributed to their known protected characteristics or SES [IB/644 INQ000622476].
- 902 Significantly, the analysis found no evidence that the arrangements systematically disadvantaged candidates with protected characteristics or from disadvantaged backgrounds (Page 5). The calculated grades neither created new, nor intensified existing, attainment gaps based on these characteristics (Pages 5-6).
- 903 When analysing simple comparisons between groups, the research showed that calculated grades maintained established relationships between candidate characteristics and outcomes more closely than either CAGs or final grades. However, the differences observed with final grades were minimal and did not indicate systematic disadvantage to any protected groups (Page 6).
- 904 More complex statistical modelling that controlled for multiple factors simultaneously revealed the most significant consistent effect was a general uplift in outcomes when using CAGs and final grades, which was not present in calculated grades (Page 6).
- 905 For A levels, there was a narrowing of the gender attainment gap that had previously favoured males (when controlling for prior attainment and other factors), resulting in no significant gender effect (Pages 6-7).
- 906 There was some evidence that approximately 6,300 GCSE entries by low prior attainers with unknown socioeconomic status (predominantly from independent schools) may have received disproportionately high grades. This pattern appeared in CAGs, calculated grades and final grades (Page 6).

2. An analysis of grades awarded for a number of VTQs in spring and summer 2020

- 907 This report provided detailed examination of how decisions during the Covid-19 pandemic affected VTQ outcomes for children and young people [IB/645 INQ000622463].

- 908 The analysis revealed several key impacts on students during this period. Entry patterns showed notable changes, with the report stating that *"the total number of grades awarded for Functional Skills qualifications has decreased in 2020 compared to 2019"*, though this appeared to continue a pre-existing trend. More significantly, for certain qualification types such as Entry Level Other General qualifications and Level 3 Performance Table qualifications (excluding Applied Generals), there was a more sudden decrease in entry size in 2020, suggesting this change was specifically related to the pandemic situation.
- 909 Grade outcomes showed evidence of inflation in certain qualification types, with the report highlighting *"a notable increase in the number of top grades being awarded for certain types of qualifications"*. This was particularly evident in Level 1/2 Other General qualifications, Performance Table Qualifications, and Level 3 Applied General qualifications. We attributed this inflation primarily to *"the reissuing of VTQ grades following the change in approach to awarding for GCSEs, AS and A levels, where many VTQ grades were moved upwards"*.
- 910 Regarding equity considerations, the analysis provided reassurance that *"in the majority of cases, attainment gaps between different demographic groups have remained roughly the same over the past 3 years"*. This suggested that the emergency measures we implemented did not generally exacerbate existing inequalities between different groups of students. However, we observed some specific changes in attainment gaps between males and females in certain qualification types, though these differences appeared relatively small.
- 911 The lessons we learned from this period emphasised the resilience of the qualification system. Despite the unprecedented disruption, *"the general shapes of the grade distributions have remained broadly similar this year compared to previous years"*, indicating that the overall assessment framework maintained its integrity. We committed to *"continue to monitor and engage with the system and qualification outcomes"* as the pandemic continued, recognising the importance of ensuring that outcomes remained as fair and valid as possible for all students.
- 912 Overall, our report suggested that while the pandemic necessitated significant changes to assessment approaches, the system adapted in ways that largely avoided disadvantaging students. The maintenance of previous attainment gap patterns and the preservation of general grade distribution shapes, despite the extraordinary

circumstances, demonstrated the robustness of the qualification framework in protecting students' interests during this challenging period.

3. Summer 2020 Results Analysis

913 The report 'Summer 2020 results analysis - GCSE, AS and A level' (published 18 December 2020) updated the analyses for AS and A level, focusing on the final grades awarded to students - their CAG, or calculated grade, whichever was higher. The report also included analyses for GCSE [IB/395a INQ000622509]. Key findings included:

- i. *"For the vast majority of entries (97.8% at A level and 96.8% at AS), the final grade received by students was the same as their CAG" (Page 8).*
- ii. *"Only a small proportion of students had a higher calculated grade than their CAG (2.2% for A level and 3.2% for AS)" (Page 8).*
- iii. *"Of those students that had an adjustment to at least one (but not all) of their CAGs, the vast majority (92.1%) had only downwards adjustments" (Page 9).*
- iv. *"The final results data for GCSE show that, for students in England, overall outcomes across the grade range increased significantly compared to 2019" (Page 16).*
- v. *"Based on the final grades, the grade combinations for individual students are typically higher than in previous years" (Page 13).*
- vi. *Overall, "the number of students receiving an A* in all their A level subjects is close to double the number of students in 2019, and is over double the number of students in 2018" (Page 14).*
- vii. *For GCSE, "when considering the final grades, the number of students with all grade 9s is significantly higher (2,438)" compared to 966 students based on calculated grades (Page 22).*
- viii. *"When all GCSEs are considered (including combined science), 94.1% of the final grades awarded were the same as the CAGs" (Page 20).*

914 The comprehensive summer results analysis provided crucial insights into how different types of educational settings and their students were affected, offering a valuable breakdown by centre type (Page 17). The analysis by centre type revealed

significant variations in assessment outcomes across different educational institutions. At A level, the increase in outcomes based on final grades at the higher grades (A* and A) was greatest for 'other' and independent centres (Page 6). However, when considering outcomes at grade C, the increase was greatest for 'other' centres, secondary modern centres and FE establishments (Page 6). Similar patterns emerged at GCSE, where at grade 7, the increase was greatest for independent and selective centres, while at grade 4, the increase was greatest for sixth form colleges, 'other' centres and secondary modern centres (Page 17).

- 915 The report highlighted a notable advantage for students in small cohorts who received their CAGs without standardisation, leading to higher outcomes compared to the general student population (Page 10). For post-16 students retaking English language and maths GCSEs, outcomes were the same or higher than in 2019 across all age groups (Page 22), with particularly significant increases at grade 4 for 18-year-olds in maths (an increase of 13.5 percentage points) (Page 23, Table 17). The adjustment patterns also varied by institution type, with FE establishments, tertiary colleges and 'other' centres showing different patterns of grade adjustments than mainstream schools, having the greatest percentage of upwards adjustments to CAGs for GCSE (Page 21). These findings demonstrate how the grading approach affected students differently depending on their educational setting, with implications for educational equity and progression opportunities.

4. Standardisation of grades in general qualifications in summer 2020: outliers

- 916 Ofqual conducted extensive analysis on how the standardisation model affected students, particularly those identified as "*outliers*" - students who were atypical within their centres and potentially disadvantaged by the statistical approach. The report acknowledges that "*a great deal of distress was experienced by students, their families, teachers and the wider public*" following the issuance of standardised A level results and Ofqual expressed profound regret: "*For this we are very sorry*" (Page 3) [IB/646 INQ000622508].
- 917 Our analysis focused on identifying students for whom the standardisation model might be unreliable. The report identified three types of outliers: a) Those who were atypical in terms of their prior attainment and, therefore, the constraints of the centre's statistical prediction could be considered unfair; b) Those who were considered outliers in terms of their current ability meaning that fitting them into a smooth distribution along with

their peers, as defined by the model, could be considered unfair; and c) Those who had a notable difference between their CAG and calculated grade.

918 We developed multiple criteria sets aimed at detecting outlying students based on either their prior attainment distribution (approximately 0.4% of entries were potentially affected) or their CAG distribution (approximately 0.3% of entries were potentially affected). We conducted case studies examining individual instances where the standardisation model may have disadvantaged students. These revealed significant uncertainty in determining which students had been unfairly treated, due to the absence of actual exam results, limitations in the statistical criteria that could produce erroneous identifications, and the persistent doubt about whether calculated grades or teacher assessments better reflected students' true abilities.

919 We also analysed student rank order disruption and how to maintain fairness if adjustments were made for outlying students. Our analysis revealed that correcting grades for identified outliers could potentially undermine the integrity of teacher-submitted rank orders, creating new inequities. For example, awarding CAGs to outliers at the bottom of the distribution might result in them receiving higher grades than students ranked above them by teachers. This created a complex fairness dilemma, as addressing disadvantage for one student might create fresh disadvantages for others. We considered approaches such as awarding outliers *"whichever is lower between the CAG and the calculated grade of the next student above in the rank order"* (Page 43) to preserve relative positioning, recognising that any remedial action would have cascading impacts on student outcomes and progression opportunities.

920 Several key lessons emerged from this analysis:

920.1 The report noted that *"While deviations from expectation were seen as incorrect or anomalous products of the standardisation process, such differences exist routinely in a normal year."* (Page 16). The report also noted how grade differences were perceived differently when they resulted from standardisation versus when they occurred in normal exam years. The report further showed that significant deviations between predicted and actual grades do happen in typical examination years but are more accepted when based on students' own assessment performance rather than a statistical model.

- 920.2 Identifying outlying students through statistical means alone was problematic. The report stated that *"it was impossible to identify outlier students with unreliable grades in advance of the issue of results"* (Page 5).
- 920.3 In addition, the report noted that *"The best available approach to validating the criteria used to identify outliers is inspection of individual cases to evaluate the plausibility of the calculated grade for the student identified as a potential outlier. This inspection process demonstrates the significant uncertainty in whether the instances identified to be outliers through the quantitative analysis have indeed been disadvantaged through the process."* (Pages 4-5)
- 920.4 The inherent limitations of statistical models, when applied to individual students, was also apparent. As noted in the report, *"any statistical model reliant on assumptions about the continuity of results at centre-level would struggle to produce reliable grades for these unusual students"* (Page 10).
- 920.5 We learned that robust post-results appeals processes were necessary for safeguarding student interests as *"a post-results appeal process was necessary to determine whether a student had received an unreliable grade and to determine the most appropriate replacement grade"* (Page 5). Public confidence in particular proved crucial, as the standardisation approach *"had failed to command public confidence"* despite technical merits.
- 920.6 Ofqual was able to conclude as a result of this analysis that future standardisation approaches must better accommodate unusual students as noted in the conclusion: *"Should any form of statistical standardisation of grades be used in the future, there are lessons to be learned about how best to accommodate unusual students and how best to build confidence in the process"* (Page 5). These lessons are critical for ensuring fair assessment systems that maintain both statistical integrity and public confidence while minimising negative impacts on students.

5. Inter-subject comparability in GCSEs and A levels in 2020

- 921 This report, 'Impact of calculated grades, centre assessment grades and final grades on inter-subject comparability in GCSEs and A levels in 2020', published on 18 December 2020 [IB/647 INQ000622507] represented a significant analysis undertaken by Ofqual to understand the impact of the 2020 grading approaches on academic outcomes.

- 922 We conducted detailed statistical analyses of the relationships between subject grades and prior attainment, inter-subject correlations, and subject grade difficulties using the Rasch model to examine how the different grading methods affected comparability between subjects.
- 923 The research demonstrated that both GCSEs and A levels were graded more leniently in 2020 than in 2019, with subjects based on CAGs or final grades (final grade within the research means the higher of the CAG or the calculated grade ultimately received by the student) showing significantly greater leniency than those based on calculated grades (Page 47). For GCSEs, subjects were graded nearly three-fifths of a grade more leniently at the overall subject level, while A levels were graded about half a grade more leniently based on final grades compared to 2019 (Page 3).
- 924 When comparing 2019 to 2020, the amount that grades changed varied significantly from subject to subject, regardless of which grading method was used. Some subjects became much easier while others changed less dramatically, and this inconsistent pattern was observed whether using calculated grades, CAGs, or the final awarded grades. The study found that for some subjects in 2020 (those which are typically harder than others, meaning students of similar ability tend to get lower grades), the standardisation model preserved these traditional difficulty differences between subjects better than teacher assessments did (Pages 3-4).
- 925 The distribution of relative grade difficulties between subjects narrowed in 2020 compared to 2019, particularly for difficulties estimated using CAGs or final grades. This suggests that teacher assessment tended to reduce the statistical difficulty gaps between subjects that typically exist in examination-based assessment (Pages 16-17).
- 926 We observed that changes in grade difficulty rank order positions from 2019 to 2020 were substantially larger than those from 2018 to 2019, indicating the significant departure from normal grading patterns. For GCSEs, average changes in difficulty rank orders were approximately four times larger than in previous years, while for A levels, these changes were nearly twice as large as normal year-on-year variations. (Page 4).
- 927 A key lesson learned was the significant differences in impact on inter-subject comparability between calculated grades, CAGs and final awarded grades which reflected the fundamental differences in how these grades were determined (Page 4). The changes demonstrated the marked shift in assessment approach during this

exceptional period and provided valuable insights for understanding grading in subsequent years.

- 928 To support ongoing improvement and learning, Ofqual took the additional step of releasing the computer code on 07 December 2020, developed for calculated grades and established an innovative data-sharing project through an independently chaired advisory board [IB/649 INQ000622760] and [IB/650 INQ000622761]. This code was not the final code that was used, as exam boards determined the final code that each of them used depending on their own individual computer systems. This collaborative approach with the Deputy Chief National Statistician, UCAS, the DfE, and Ofsted enabled approved researchers to conduct further independent analysis of the impacts on young people (Page 17). This level of transparency reflected a key lesson learned about the importance of external scrutiny and collaborative analysis when implementing novel assessment approaches. By enabling independent researchers to conduct their own analyses, Ofqual acknowledged that building public confidence requires openness to external perspectives and a willingness to subject methodologies to rigorous examination.

6. The impact of Covid-19 on 2020 to 2021 assessment arrangements

- 929 In November 2020, Ofqual commissioned a study examining views on the impact of Covid-19 on learning. The results were published in 'The impact of Covid-19 on 2020 to 2021 assessment arrangements' (final results published 20 December 2022) [IB/648 INQ000622699]. This research tracked and explored experiences of Covid-19's impact, with an emphasis on GQs (A levels and GCSEs) and certain VTQs.
- 930 The approach focused on the perceptions of year 11 and 13 pupils, and their parents and teachers, of the arrangements being put in place for qualifications in the 2020 to 2021 academic year. Key announcements about assessment methods were made throughout the research period, and the 6-phase research design spread over 11 months allowed the project to adjust its focus as events unfolded. This allowed researchers to provide regular feedback to Ofqual on specific current issues, with findings from each research phase being fed back to Ofqual usually within 10 days of data collection finishing. Ofqual was able to use this nearly real-time feedback to refine its proposals for arrangements in 2021.
- 931 Key findings regarding the impact of student attainment showed that significant grade inflation occurred across qualification types in summer 2020, with GCSEs showing a

9 percentage point increase at grade 4 and above, whilst A levels demonstrated a 13 percentage point increase at grades A and A*. The number of students receiving all A grades in their A level subjects nearly doubled compared to 2019 and more than doubled compared to 2018. Similarly, those achieving all grade 9s at GCSE increased markedly from what would have been awarded through calculated grades. For the vast majority of students (97.8% at A level and 96.8% at AS), the final grade received was identical to their centre assessment grade.

- 932 Findings in relation to the impact on teaching and learning showed that students experienced considerable disruption to learning, with effects varying significantly across subjects and cohorts. Vocational qualification entry patterns showed notable changes, including decreases in FSQs and certain Entry Level and Level 3 Performance Table qualifications. Further education institutions raised concerns regarding students who had received teacher-assessed grades from schools that appeared overly optimistic about performance, potentially creating challenges for ongoing education.
- 933 In respect of the impact on different groups of learners, the comprehensive analysis found no evidence that the process of awarding grades introduced bias for or against students with SEN. Attainment gaps between different demographic groups did not increase, suggesting no specific groups were treated unfairly despite the exceptional circumstances. The mean grades awarded to students from different socioeconomic backgrounds, including those eligible for FSM, remained comparable to previous years. However, there was evidence that approximately 6,300 GCSE entries by low prior attainers with unknown socioeconomic status (predominantly from independent schools) may have received disproportionately high grades.
- 934 As set out in the report, the unprecedented circumstances necessitated developing entirely new assessment approaches with limited lead time, revealing systemic vulnerabilities in the qualifications framework. The experience demonstrated that statistical models have significant limitations when used as alternatives to examinations, particularly for unusual students or improving centres. Subject grading patterns changed markedly, with both GCSEs and A levels being graded more leniently in 2020, especially those based on CAGs rather than calculated grades. The distribution of relative grade difficulties between subjects narrowed, suggesting that teacher assessment reduced the statistical difficulty gaps between subjects that typically exist in examination-based assessment.

- 935 These findings directly informed significant changes to the approach to assessment for 2021 and beyond.

Key Lessons Learned

- 936 As acknowledged in Ofqual's Annual Report for 2020-2021, *"the approach we took in summer 2020 was ultimately not widely accepted and had a detrimental impact on public trust and confidence in qualifications. Our Chair apologised publicly for our part in this and set out lessons learned, which have informed our approach to awarding grades in summer 2021"* [IB/651 INQ000622616].

- 937 There are a number of key lessons that have been identified during this process and which we continue to keep under review. These include:

937.1 The importance of public confidence in the assessment system, which requires individuals to have the ability to demonstrate their skills and knowledge through fair assessment.

937.2 The limitations of statistical models when replacing established assessment methods, particularly regarding the ability to account for individual circumstances, exceptional performance, accommodating students who are atypical within their centres and/or handling small cohorts or centres with changing performance patterns.

937.3 The recognition that any alternative to examinations would need to be carefully designed to ensure fairness and to maintain standards.

937.4 The value of transparency in developing assessment approaches, including early and clear communication about methodologies and potential outcomes.

937.5 The need for robust contingency planning for disruptions to normal assessment processes.

937.6 The importance of considering equalities implications throughout the development and implementation of assessment approaches.

937.7 The need for clear approaches for private candidates and other groups who might be disadvantaged by alternative assessment methods.

Development of Approach for 2021

- 938 These lessons directly informed the joint DfE-Ofqual consultation on 2021 arrangements after the Government announced that examinations could not go ahead in summer 2021. Ofqual consulted in January 2021 on its approach to how GCSE, AS and A levels should be awarded in 2021. As detailed in its Annual Report for 2020-21, this consultation received over 100,000 responses, showing *"a high degree of consensus around the principles [we] proposed"* [IB/651 INQ000622616].
- 939 Based on this consultation, Ofqual developed an approach that addressed many of the issues identified in 2020. The key elements of this approach included:
- 939.1 Teachers would assess students' performance only on content that had been delivered to them.
 - 939.2 Teachers could use evidence of student performance from throughout the course to inform their judgement.
 - 939.3 Teachers would determine grades as late in the academic year as practicable to enable teaching to continue for as long as possible.
 - 939.4 Schools and colleges would use a broad range of evidence across taught content to determine grades.
 - 939.5 Heads of centres would confirm that students had been taught sufficient content to allow progression.
 - 939.6 Students would continue work on NEA, which would be marked by teachers and contribute to the overall grade.
 - 939.7 Private candidates would work with a centre to provide evidence in line with that of other students.
 - 939.8 Overall, it would be no easier or harder for a student to achieve a particular grade compared to previous years.
- 940 The evolution from the standardisation model of 2020 to the TAGs approach of 2021 demonstrates how Ofqual incorporated these insights into tangible improvements. Specifically, the emphasis on using a broad range of evidence, allowing teachers to assess only taught content, and implementing robust quality assurance directly addressed the limitations of statistical modelling identified through our analyses of the

2020 experience. Ofqual also required AOs to provide structured support for teachers, schools and colleges as they determined grades for 2021 in order to maintain public confidence.

941 On 24 March 2021, Ofqual published the 'General Qualifications Alternative Awarding Framework' (**GQAA**), establishing the regulatory foundation for awarding qualifications in summer 2021, which included guidance for heads of centres, heads of departments, and teachers, as well as information for centres on making objective judgements [IB/652 INQ000622597].

942 Alongside this framework, Ofqual published two crucial guidance documents that formed the cornerstone of the TAGs approach:

942.1 'Information for heads of centre, heads of department and teachers on the submission of teacher assessed grades' - This document provided comprehensive guidance on how to generate grades based on evidence of student performance on taught curriculum content, emphasizing the importance of fairness and objectivity in assessments [IB/653 INQ000622762].

942.2 'Information for centres about making objective judgements' - This document specifically addressed how to make judgments as objectively as possible to promote fairness and minimize bias in the assessment process [IB/654 INQ000622764]

943 The JCQ subsequently issued detailed guidance documents and requirements for quality assurance. As noted in Ofqual's annual report, we worked closely with JCQ on this, and *"oversaw the exam boards and the Joint Council for Qualifications to ensure that their guidance on the processes centres should follow to generate and submit their TAGs, and the information about the quality assurance process, was comprehensive and as helpful as possible."*

944 The implemented quality assurance process required schools to have internal verification processes with at least two people involved in each judgment, and heads of centres had to sign declarations confirming adherence to objective judgment principles. Exam boards conducted external quality assurance, checking centre policies, reviewing grade profiles, and sampling student work both randomly and through targeted selection.

945 Following the ONS's statistical review, which noted concerns about the completeness of Ofqual's equalities analysis and characterised some aspects of previous assessment approaches as "*ad hoc solutions*", Ofqual incorporated these insights into their approach to TAGs, focusing more explicitly on making assessment processes transparent, consistent, and fair for all student groups.

Embedding Lessons Learned

946 In summer 2022, examinations and assessments went ahead with the approach to grade boundary setting as a transition year back towards those set in 2019. This reflected the learning from the previous two years, acknowledging the disproportionate effects of the pandemic on students. The approach to examinations was tailored to aid students' revision, and exam aids such as formula sheets were allowed. Resilience arrangements were put in place for summer 2023, with Ofqual providing guidance for schools and colleges on how to evidence student performance that could be used in the unlikely event that exams and assessments could not go ahead as planned.

947 However, in May 2023, Ofqual and the DfE jointly consulted on 'Ensuring the resilience of the qualifications system', a comprehensive review of long-term arrangements to safeguard qualification standards during exceptional circumstances [IB/655 INQ000622763]. This consultation was structured in two parts: first, seeking views on proposals for future resilience arrangements for exams, including guidance for gathering evidence of student attainment in GCSEs, AS and A levels, Project Qualifications, and AEA in maths; and second, seeking views on the specific QLCs needed to implement these proposals. The proposals were designed specifically for scenarios with national disruption to exams, not for localised issues, and were carefully tailored for different qualification types - while VTQs used alongside GCSEs and A levels for progression would be included, those assessing occupational competence or acting as a license to practice would be excluded.

948 The regulatory initiative drew upon experience from the pandemic period, acknowledging that alternative assessment arrangements might be necessary in exceptional circumstances. Following this consultation, Ofqual and the DfE decided to adopt long-term arrangements to ensure resilience in the qualifications system, providing guidance to schools and colleges on gathering evidence of student performance and introducing a new Condition C2.6 in the General Conditions of Recognition that, in relation to GCSE, GCE, AEA and Project qualifications, requires AOs to draw centres' attention to Ofqual's guidance on collecting evidence and, in

relation to other qualifications, issue similar guidance to centres if the AO considers it appropriate. This significant regulatory change clarifies that while the DfE is responsible for qualification policy, Ofqual is responsible for assessment arrangements and implementing alternative approaches if required. The regulatory initiative drew upon experience from the pandemic period, with the Decision document explicitly stating that *"the past 3 years have highlighted the need to ensure that there is appropriate resilience in the exam system"* [IB/656 INQ000622721].

- 949 This approach represents a significant evolution in regulatory oversight, demonstrating how Ofqual has incorporated systematic learning from the pandemic in discharging its statutory responsibility for maintaining qualification standards and public confidence, transitioning from reactive crisis management to proactive regulatory design.
- 950 Ofqual accepts, and apologises for, its part in the distress caused to students in the summer of 2020. As this evidence has set out, Ofqual advised against exam cancellation from the start. Once the decision to cancel exams was taken by the Secretary of State, Ofqual did everything it could, under direction from the Secretary of State and evolving steers from the DfE, to design and implement a solution for standardisation which would have regard to Ofqual's statutory objectives on standards. Despite efforts to shape the solution to the complex needs it was to serve, that approach failed ultimately to command public confidence.
- 951 Important lessons have therefore been learnt. Firstly, we now know incontrovertibly that any attempt to award grades for qualifications that factors out student performance in an assessment, for better or worse, is unlikely ever to command confidence. Through rigorous analysis, external scrutiny, and internal reflection, we have developed a comprehensive understanding of the limitations of statistical standardisation when replacing established assessment methods which have a long history of public acceptance and understanding.
- 952 Secondly, we know how important it is to plan, in detail, for a future cancellation of public exams. The experience of awarding qualifications during the Covid-19 pandemic has transformed Ofqual's approach to assessment system resilience. The lessons identified regarding public confidence, the importance of transparency, the challenges of maintaining consistent standards using different assessment methods, and the need for robust contingency planning, have all been systematically incorporated into our regulatory framework. These insights directly shaped the more student-centred,

evidence-based approach implemented in 2021 and continue to inform our long-term resilience planning.

- 953 Ofqual is now better positioned to respond to future exceptional circumstances with approaches that balance rigorous standards with public confidence and individual fairness. The qualification system has emerged more robust as a result of these hard-won insights, with clearer mechanisms for ensuring all students, regardless of background or circumstance, can demonstrate their knowledge and skills even in the most challenging contexts.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: 20 August 2025