

Witness Name: Jenny Oldroyd

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UK COVID-19 INQUIRY

**CORPORATE STATEMENT OF JENNY OLDROYD
ON BEHALF OF THE
DEPARTMENT FOR EDUCATION**

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I, JENNY OLDROYD OF THE DEPARTMENT FOR EDUCATION, SANCTUARY BUILDINGS, GREAT SMITH STREET, LONDON, SW1P 3BT, WILL SAY AS FOLLOWS:

Chapter 1: Introduction

- 1.1 I, Jenny Oldroyd, am employed by the Department for Education (“DfE”) as the Director for Curriculum and General Qualifications. I joined DfE in March 2021 as Director for Qualifications, with the role subsequently becoming Director for Curriculum and General Qualifications on 1 April 2022 and Director for Curriculum, General Qualification and Digital from 1 May 2025. Prior to this role, I was Deputy Director for Obesity, Food and Nutrition at the Department of Health and Social Care (“DHSC”) from January 2018.
- 1.2 I make this statement in response to the Covid-19 Inquiry’s (“CI”) request for evidence under Rule 9 of the Inquiry Rules 2006 sent in draft on 12 September 2024 (“the Rule 9 request”). This statement addresses questions 42 to 55 of the Rule 9 request.
- 1.3 I have been asked to provide a statement relating to the decisions to cancel exams in 2020 and 2021, and the impact this had on children between 1 January 2020 and 28 June 2022. Although I did not join DfE until March 2021, I have been assisted in preparing this statement by officials from DfE who worked in the relevant areas throughout this period. DfE officials have also searched for all relevant documents from the period. In preparing this statement, I have also been assisted by referring to a timeline document that was drafted in late August 2020 by DfE officials, with input from DfE ministers and the Secretary of State for Education’s (“SSE”) policy and special advisers at the request of the Cabinet Secretary. This was sent to Cabinet Office (“CO”) on 3 September 2020 (Exhibits JO/001 - INQ000514558 and JO/002 - INQ000514559).
- 1.4 DfE officials have searched thoroughly for any available evidence in order to set out what happened, when and why as fully as possible. Where there are any gaps in evidence about decision-making, this is because we have not been able to find evidence to fill those gaps.
- 1.5 I am satisfied from the documents found and exhibited in this statement, assurance from current and former DfE officials who worked on this area through the pandemic and my own recollection that this statement sets out the key events that occurred during that period as accurately as possible.
- 1.6 It is important to note that during COVID-19, SSE did not have complete autonomy to make core decisions. The central structures of decision-making changed during the course

of the pandemic (and the parameters and timeframes for decisions were often set centrally).

- 1.7 This statement refers in a number of places to schools and other settings being “closed to the majority of pupils” or “re-opened”. I should make clear that this is a shorthand, referring to periods when attendance restrictions were imposed and then lifted. Settings were always open, at the very least, to children of critical workers (“CCW”) and vulnerable children and I would like to record my gratitude to all the teaching and other school and college staff who attended in person throughout the pandemic period to enable this to happen.
- 1.8 The statement is in 7 chapters, as follows, and includes one annex:
 - 1.8.1 **Chapter 1** – Introduction to the statement.
 - 1.8.2 **Chapter 2** – This covers the roles of the bodies involved, and who was responsible for what areas.
 - 1.8.3 **Chapter 3** – This covers the decision to cancel exams in 2020.
 - 1.8.4 **Chapter 4** – This sets out how decisions were made on how grades should be awarded in 2020.
 - 1.8.5 **Chapter 5** – This sets out in detail the meetings and decision making immediately before, during and after the publication of results in England in August 2020.
 - 1.8.6 **Chapter 6** – This covers planning for exams in 2021, including the decision to cancel exams in January 2021 and then the delivery of grades in summer 2021.
 - 1.8.7 **Chapter 7** – This sets out work that took place to consider the impact the decision to cancel exams had on children and young people and lessons learned for the future.
 - 1.8.8 **Annex A** – This annex contains a high-level timeline of the period in question.
- 1.9 This statement is supported by documentary evidence, which will be referred to in the format (Exhibit JO/xx - INQ0000).

Chapter 2: Roles of the bodies involved – who is responsible for what areas

The Department for Education

- 2.1 SSE is responsible for setting government education policy for England. This includes responsibility for setting out the subject content for GCSEs, AS and A levels; the content of the school curriculum and how it applies to schools in England; and the measures to judge school performance.
- 2.2 The Office for Qualifications and Examinations Regulation (“Ofqual”) has a duty to have regard to such government policy as the SSE may direct in determining how it should perform its functions. The duty can be found at s.129(6) of the Apprenticeships, Skills, Children and Learning Act 2009. The SSE must publish any direction given under this provision.

The Office of Qualifications and Examinations Regulation

- 2.3 Ofqual is the qualifications regulator for England. Most qualifications that are taken in state-funded schools and colleges in England are regulated by Ofqual. Ofqual controls entry to the regulated qualifications market (e.g. GCSEs, AS, A levels and Vocational and Technical Qualifications (“VTQs”)), and creates the rules and guidance awarding organisations must abide by to make sure regulated qualifications are fit for purpose, valid and delivered securely.
- 2.4 Ofqual is a non-ministerial government department, which is independent of ministers and accountable directly to parliament. The Ofqual Chief Regulator position is a Crown appointment. As above, SSE may direct Ofqual to take into account certain aspects of government policy in performing its functions. This power is rarely exercised, although it was used a number of times during the pandemic period (see paragraphs 3.43, 3.45 and 5.15 of this statement for examples).

Awarding organisations (“AOs”)

- 2.5 Qualifications in England are provided by independent, mostly not-for-profit organisations known as AOs. There are four AOs that offer GCSEs, AS and A levels in England (AQA, OCR, Pearson and WJEC Eduqas) – these can also be referred to as exam boards. AOs develop, mark and award GCSEs, AS and A levels. Individual AOs set the subject content for VTQs, with a much larger number of AOs operating in the market, offering thousands of qualifications in specialist areas. These often operate more flexibly than GCSEs, A and AS levels, with students able to take them at different points in the year.

Exam centres

- 2.6 Exam centres are places approved by one or more of the AOs for the delivery of their qualifications. They are often schools or colleges, but apprenticeship and independent training providers and state-funded adult and community centres may also be exam centres. Private candidates (students who exam centres had not taught themselves for a variety of reasons, see paragraph 4.6.4 of this statement for more detail) have to sit exams via an exam centre.

The Joint Council for Qualifications ("JCQ")

- 2.7 JCQ is a membership organisation representing the eight largest national AOs offering qualifications in the UK (Exhibit JO/225 - INQ000525675), including all four exam boards offering GCSEs and A/AS levels in England (see paragraph 2.5 above). One of its main objectives, as stated on its website, is *"providing, wherever possible, common administrative arrangements for examinations, thereby reducing bureaucracy for schools and colleges"* (Exhibit JO/224 - INQ000525674).

The Institute for Apprenticeships and Technical Education ("IfATE")

- 2.8 IfATE was an arms-length body of DfE that worked with employers to develop, approve, review and revise apprenticeships and technical qualifications. It developed the occupational relevance and employer demand tests that technical qualifications are required to meet before they are considered for funding by DfE. IfATE was abolished in June 2025, following the creation of the Skills England Executive Agency.

The Federation of Awarding Bodies ("FAB")

- 2.9 FAB is a trade association that represents the interests of the United Kingdom's qualifications and assessments industry.

Chapter 3: The decision to cancel exams in 2020

- 3.1 Before the pandemic began, neither DfE nor Ofqual had contingency plans in place for the cancellation of an entire exam series. It had always been expected that no matter what the potential scenario, exams in some form would be able to take place. Contingency plans focused on scenarios affecting individuals or groups of students, exam centres or exams – for example individual student illness, the closure of exam centres in circumstances such as flooding, or the leaking of individual exam papers. GCSE and A levels were reformed from 2015 to be linear – that is that most assessment would be by final exam, rather than in a modular way where exams and coursework were taken throughout the course of study. In 2020, around 719,000 certificates were awarded in England for A levels, 5.2 million certificates for GCSEs and almost 950,000 VTQs.
- 3.2 The government was responsible for the eventual decision to close schools and colleges except for CCW and vulnerable children on public health grounds. It was as a result of that decision that the government (rather than Ofqual) subsequently decided that no exams would take place in the summer of 2020.
- 3.3 Within the context of the wider pandemic and school and college closure to the majority of pupils, the initial decision to cancel exams was taken soon after the decision to close schools and colleges to try and provide clarity to the sector and pupils during unprecedented times. It should be noted that many other countries, including France, Germany, the Netherlands and Italy, also took the decision to cancel exams around this period (Exhibit JO/003 -INQ000525666).
- 3.4 During February and the first half of March 2020, the government's Scientific Advisory Group for Emergencies ("SAGE") had discussed a number of papers that looked at whether closing schools and colleges or restricting attendance would reduce the incidence of COVID-19. During this period, SAGE did not reach a conclusive decision on whether education settings should close (Exhibits JO/222 - INQ000075447 and JO/223 - INQ000087326).
- 3.5 On 6 and 9 March 2020, DfE and Ofqual officials held two full-day workshops with the exam boards to discuss options for keeping exams season in place, in light of the developing pandemic. Following these, on 10 March 2020, a meeting took place between SSE, the Ofqual Chief Regulator, the Ofqual Chair and the Deputy Director of DfE's Qualifications Division. A briefing provided to SSE from DfE officials in advance of the meeting (Exhibit JO/004 - INQ000514685) set out that:

“Coronavirus presents a significant threat to this year’s exams season. We are working urgently with Ofqual and the exam boards to review existing contingency plans and put in place additional plans for scenarios not already covered. In a worst-case scenario, this could involve having to postpone or cancel some or all of this summer’s exams in some areas or nationally, and we are working through the implications of that with Ofqual.”

3.6 On 16 March 2020, SSE attended a government Cabinet Office Briefing Room (“COBR”) meeting to discuss the outbreak of COVID-19. COBR meetings are the meetings of a committee convened to handle matters of national emergency or major disruption. The committee’s purpose is to coordinate different departments and agencies in response to such emergencies. SSE was asked to commission DfE officials to produce a paper on what measures DfE could put into place to keep schools and colleges open (Exhibit JO/005 - INQ000075395). At this stage it was evident that the thinking within SAGE and the centre of government was still that schools and colleges should remain open to all learners.

3.7 On the same day, 16 March 2020, (Exhibit JO/006 - INQ000075664), SAGE reviewed the following evidence: *Impact of non-pharmaceutical interventions (NPIs) to reduce Covid-19 mortality and healthcare demand* (Exhibit JO/007 -INQ000087315). SAGE concluded that:

“While SAGE’s view remains that school closures constitutes one of the less effective single measures to reduce the epidemic peak, it may nevertheless become necessary to introduce school closures in order to push demand for critical care below NHS capacity. However, school closures could increase the risks of transmission at smaller gatherings and for more vulnerable groups as well as impacting on key workers including NHS staff. As such it was agreed that further analysis and modelling of potential school closures was required (demand or supply, and effects on spread).”

3.8 On the same day, 16 March 2020, DfE officials sent a submission to SSE setting out contingency options around GCSE and A/AS level exams season in the summer of 2020, given the current situation (Exhibit JO/008 -INQ000514566). This key submission illustrates the overarching objectives that DfE and Ofqual officials were trying to meet, within the context of what they did and did not know about the impact of the pandemic at this stage. These included:

- 3.8.1 Trying to ensure that students could progress to the next stage of their education from September 2020, rather than being held back or disadvantaged, compared to previous cohorts.
 - 3.8.2 Trying to ensure that qualifications would retain their value for students if exams could not go ahead and ensuring that there would not be undue grade inflation if predicted grades or grades provided by teachers were used. This included discussion of options including using a moderation/standardisation process, potentially by looking at data on students' prior attainment and comparing estimates of grades that students would have received that summer if exams had gone ahead, with centres' actual results in previous years, and by asking teachers to place their students in rank order.
 - 3.8.3 Minimising any differential impact on disadvantaged students – the submission looked at how taking exams in September (if exams were delayed rather than cancelled) after a lengthy period of home learning could disproportionately affect disadvantaged students; and
 - 3.8.4 Minimising the potential adverse mental health impact on an already vulnerable age group of delaying or cancelling exams.
- 3.9 The submission set out that the main options in place at the time to try to meet these objectives were:
- 3.9.1 To run the summer exams season as scheduled.
 - 3.9.2 To delay the summer exams season to September.
 - 3.9.3 To cancel the summer exams season and award grades based on a moderated teacher assessment.
- 3.10 The submission noted that the option that was favoured at the time by DHSC was to delay the summer exam season to September 2020 if some or all schools and colleges had to close for a period of time as a result of COVID-19.
- 3.11 The submission was clear, however, about DfE officials' concerns about taking this approach. These included the possible consequences for social equity and the impact on the mental health of children and young people. It also set out the potential for a backlash from parents and students, particularly from those who were well during the original exam period, who were then not able to sit exams in September because they were ill with

COVID-19 or because of other personal circumstances. The submission also outlined the impact that would be caused by the potential loss of teaching time that sitting exams in September would have on the 2021/22 academic year. Finally, it also considered the knock-on impact that sitting exams four months later than normal would have on young people for progression into colleges, Higher Education Institutions (“HEIs”), apprenticeships and work.

- 3.12 Given these concerns and based on detailed discussions with Ofqual, the AOs and the Welsh and Northern Ireland qualifications regulators, the recommendation from DfE officials in the submission was that the government should continue at that point to plan for exams season to take place as scheduled. The submission noted that additional mitigations could be put in place, such as providing contingency papers i.e. additional papers which could be sat at a later date by any students who had missed papers due to illness or isolation. This would be dependent on COBR agreeing to keep schools and colleges open for students to sit exams even if they were otherwise closed to the majority of pupils.
- 3.13 This submission set out that Ofqual had proposed that if exams went ahead but students were not able to take at least 25% of their assessment in each subject, or if exams did not go ahead as planned, grades should be awarded based on moderated teachers’ estimates. Ofqual was exploring how this could be carried out as fairly as possible. The submission noted that this approach meant that it should be possible to issue results in August 2020 as planned even if exams could not go ahead or be taken by all students, avoiding a delay that would have a knock-on effect for pupils moving on to further education (“FE”) and higher education (“HE”). It is important to note that at this early stage, DfE officials were clear that moderation of teacher estimates or predictions was *“likely to reduce teacher predictions overall and so may lead to a high level of challenge”*.
- 3.14 The following day, 17 March 2020, as COVID-19 infections continued to increase rapidly, SSE and the Minister of State for School Standards (“MoSSS”) met the Ofqual Chief Regulator alongside officials from DfE and Ofqual. As a result of that meeting, of the three options set out above at paragraphs 3.9.1 to 3.9.3, the option of postponing the summer exams season was rejected. Following the meeting, a senior DfE official who had attended summarised the options that remained in play and shared this with officials in DfE and Ofqual (Exhibits JO/009 - INQ000514592 and JO/010 - INQ000514593).

“Option A: aim to run exams season as scheduled in May/June with contingency papers as recommended in my sub of yesterday [see paragraph

3.9 of this statement] *but move those contingency papers into July to increase the odds that students who missed them first time round will be able to sit the contingency papers.... For those students unable to sit at least one exam in a given subject, they would be awarded a grade based on moderated teacher assessment.*"

"Option B: cancel the planned exams season and give everyone an estimated grade (results dates would stay where they are in August, or it might even be possible to bring them forward a bit). Work on the assumption that there would be a limited exams season (probably A level only, and possibly with only one paper per subject) to run in the autumn for students who were unhappy with their predicted [sic] grade and wanted the opportunity to improve it."

- 3.15 The proposal for a limited autumn exams season had not been covered in the submission put to ministers on 16 March 2020 (see paragraph 3.8 above), but as set out in paragraph 3.22 below, this was something that SSE was keen should happen.
- 3.16 In the same post-meeting note, the official set out why a decision needed to be taken quickly on this. The summer exam season was due to start in less than 2 months' time and exam papers needed to be sent out to exam centres very shortly to enable the necessary procedures to take place for exams to start on schedule.
- 3.17 At this point in time there was a real lack of certainty within the wider government as to whether schools and colleges should remain open or close, either fully, or to the majority of children and young people, and officials and ministers were considering and preparing for both eventualities, including in terms of the impact on exams.
- 3.18 On 17 March 2020, DfE provided a paper to a cross-government Permanent Secretary meeting titled *Supporting schools to keep open* (Exhibits JO/011 - INQ000075397 and JO/012 - INQ000075398) that had been requested at the COBR meeting on 16 March 2020 (see paragraph 3.6 above). That same day, DfE was commissioned by CO (Exhibit JO/013 - INQ000075399) to provide a paper on schools for the daily Prime Minister-chaired COVID-19 Strategy Meeting on 18 March 2020 to look at closure and other options, including keeping schools open or prioritising different cohorts, such as children of key workers and vulnerable children (Exhibit JO/014 - INQ000107255).
- 3.19 In parallel, as set out in the paragraphs above, discussions took place on 17 and 18 March 2020 within DfE and between DfE and Ofqual officials, around whether exams could take place in summer 2020 if schools and colleges did indeed fully or partially close (Exhibit

JO/009 - INQ000514592). Ofqual and DfE officials felt it was unlikely exams could go ahead in a scenario where it had been considered necessary to close schools and colleges given it would mean approximately one million students travelling around their localities to attend exams. At this point DfE was facing significant pressure from school headteachers, union leaders and parents to provide advice on whether exams would be going ahead (Exhibit JO/015 – INQ000056188).

- 3.20 The COVID-19 Strategy Meeting on the morning of 18 March 2020 agreed to the recommendation in the paper prepared for that meeting by DfE that: *“we now tell schools that after they return from the Easter break, they should be open only to vulnerable children and the children of key workers”*. The readout from SSE’s Principal Private Secretary regarding exams, sent at 10.37 am, said: *“Although SoS argued about the importance of a clear decision on exams now/asap, that decision was postponed for a later discussion (although SoS argued for moderated assessments/predicted grades)”* (Exhibit JO/016 - INQ000514483).
- 3.21 Shortly afterwards, at 11.48 am, CO commissioned a set of slides for a COBR meeting later on the same day, setting out how the proposal agreed at the COVID-19 Strategy Meeting would be taken forward. In this commission, CO asked DfE to include: *“proposed messaging on exams (i.e. just say today that we obviously recognise this will have an impact, without necessarily saying what the answer is)”*. At this stage, therefore, it seems that a decision on exams had still not been taken (Exhibit JO/017 - INQ000107250).
- 3.22 DfE officials had been keeping in close contact with Ofqual during this period to keep them up to date with what was known about the evolving COVID-19 situation and policy considerations on the feasibility of exams going ahead. SSE met the Ofqual Chief Regulator on 18 March 2020 to update her that exams and assessments would not go ahead. The readout from this meeting, circulated at 2.35 pm on the same day (Exhibit JO/018 - INQ000514594) included:

“SoS [SSE] confirmed that exams will not be going ahead this year, but that we will ensure pupils get a fair and proper reflection of the work they have undertaken in terms of grading. He notes he will update the House but that they will be moving to ‘moderated assessment’.

Much of the discussion was dominated by SoS talking about the idea of a short, truncated assessment, ideally in September (or the earliest opportunity) so that those who are not content with the grade they are given would have the opportunity to sit an exam in whatever subject and then have it marked in the usual

manner. He said he is not sure on the exact wording here but is keen we progress this.”

- 3.23 DfE has not identified any further documents setting out exactly how the decision was made that exams would not go ahead. From the evidence available, DfE understands this decision was taken at a point between the COBR slides commission at 11.48 am on 18 March 2020 and the SSE conversation with Ofqual shortly before 14.35 pm on 18 March 2020. To the best of DfE’s knowledge, this decision was not taken within DfE as the result of advice from DfE officials submitted to SSE or DfE ministers. As set out at paragraph 3.25 below, the decision was formally agreed by COBR, in its meeting at 4.00 pm on 18 March 2020.
- 3.24 During 18 March 2020, DfE officials prepared slides for the COBR meeting scheduled for later the same day, that asked COBR to agree that from Monday 23 March 2020, schools would remain open only for the CCW and those who were vulnerable. Following agreement on the slides between CO and DfE at 3.36 pm (Exhibit JO/017 – INQ000107250), the slides were circulated by CO to COBR attendees at 3.45 pm (Exhibits JO/019 - INQ000107251 and JO/015 – [INQ000056188](#)). On exams, the slides said:

“Exams and assessments will not go ahead. We will work with the sector and provide more details shortly.

Rationale: Headteachers, union leaders and parents are urging Government to provide advice on exams as soon as possible. The key exam season will fall between May and June, likely to be at the height of the outbreak.”

- 3.25 The COBR meeting was held at 4.00 pm on 18 March 2020. COBR agreed to implement the policy proposals set out within the DfE slides (Exhibits JO/020 - INQ000107253 and JO/021 - INQ000107254). The formal meeting readout stated that:

“1. The committee agreed to bring forward the Easter Holidays for all schools in England, simultaneously with Northern Ireland and in line with Scotland and Wales. This will have the effect of closing all schools from the evening of Friday 20 March 2020.

2. Schools will remain open over the Easter Holidays and until further notice for children of key workers.

3. There will be no examinations in schools in May or June. Each of the Four Nations has a different examination regime, but all will look to other arrangements to ensure pupils are awarded the qualifications they would have achieved.”

- 3.26 The Prime Minister then announced at approximately 5.00 pm on 18 March 2020 that schools would be closing from 20 March 2020, except for CCW and vulnerable students (although not mentioned specifically in the Prime Minister's statement, colleges would also close on the same date) (Exhibit JO/022 - INQ000086755). At the same time, SSE announced that the government had decided that that year's assessments and exams could not go ahead (Exhibit JO/023 - INQ000075716). Following on from the preliminary work to plan for contingencies if exams could not go ahead already detailed earlier in this chapter, at this point, Ofqual began to work with AOs to develop detailed options for delivering results to students.
- 3.27 The Welsh government had already announced earlier in the day on 18 March 2020 that it had decided not to proceed with the summer exam series (Exhibit JO/024 - INQ000514689). On 19 March 2020 the Northern Irish government (Exhibit JO/025 - INQ000514690) and the Scottish government (Exhibit JO/026 - INQ000514691) also announced that they had made the same decision.
- 3.28 A paper sent by DfE officials to No.10 on 19 March 2020 set out a proposed approach to issuing GCSE, AS and A levels in summer 2020 (Exhibit JO/027 - INQ000514680). Through this approach, Ofqual would work with exam boards to develop a process for awarding grades. The paper noted that the Northern Ireland and Welsh qualifications regulators were taking a similar approach.
- 3.29 As set out in the paper, Ofqual's proposed approach would be based on the following:
- “An estimated grade provided by teachers for every student for every subject that they are entered for. This might be more granular than the current grade scale e.g. 9+, 9, 9- in order to allow any adjustments to be more granular.*
- A rank order of students – again provided by teachers - to provide more granular information. Ofqual's assumption is that, even if teachers cannot make accurate absolute judgements, they could judge students against one another (Student A is better than student B etc.). Indeed, research shows that predicted grades and actual grades correlate between around 0.7 and 0.8 suggesting that this assumption is sound.*
- If some students have already taken non-exam assessments (e.g. coursework) that could be included as additional evidence.*
- Exam boards would then use a statistical adjustment (perhaps similar to what they use to moderate non-exam assessment marks) to bring the teacher estimates*

more into line with expectations based on the students' prior attainment at GCSE [in relation to awarding A and AS level grades] and the school/college's previous results in that subject."

- 3.30 DfE officials noted that Ofqual would need to do a rapid consultation with teacher representatives and others before finalising plans. They also proposed putting in place:

"a formal appeals process to check there were no errors in the working out of students' grades, and an opportunity for the sub-set of those who feel they want an opportunity to sit the exams and try to improve their grade."

- 3.31 The paper looked at alternative options, and recommended that:

"Given that the decision not to run exams as planned in May/June has been taken and announced, the other only option available would be to run exams later in the year instead. We would recommend strongly against this approach". (see paragraphs 3.10-3.12 of this statement for the reasoning behind this recommendation).

- 3.32 With regard to other qualifications, the paper noted that there was a wide range of different VTQs and other general qualifications such as BTECs for which students were expecting to sit exams in the summer of 2020. Although not set out in the paper, these were taken by a large number of students – for example, in 2018/19 79,374 students took applied general and 22,946 took technical level qualifications, all of which were Level 3 VTQs (equivalent to A levels). These were offered by a large number of independent AOs and had differing assessment approaches. Ofqual was working with the sector to explore options and DfE anticipated that each AO would clarify its own position as soon as possible.

- 3.33 Following consideration of this paper, late on 19 March 2020, No.10 confirmed that the Prime Minister had agreed to the proposed approach (Exhibit JO/028 - INQ000514485).

- 3.34 In a written statement to Parliament on 23 March 2020, SSE confirmed that the government had taken the decision to cancel all exams due to take place in schools and colleges in summer 2020. The statement said that the government's intention was that a grade would be awarded that summer based on teacher judgements (using a range of evidence including any non-exam assessment that students had already completed), combined with other relevant data, including prior attainment, to produce a calculated grade for each student that reflected their performance as fairly as possible. There would

be an option, for students who did not feel this grade reflected their performance, to sit an exam at the earliest reasonable opportunity once schools and colleges were open again. In setting out these options, the statement reflected that DfE and Ofqual officials and ministers were already aware that there were risks involved in potentially using a standardisation model to produce a calculated grade and that right from the beginning it was recognised that this could never be completely fair for everybody.

- 3.35 The statement also set out the broad outline of the arrangements that Ofqual would put in place and said that further detail would follow as soon as possible. In the statement, SSE recognised that there was a very wide range of different VTQs, as well as other academic qualifications beyond GCSEs, AS and A levels, for which students were expecting to sit exams in summer 2020. In many cases students would already have completed modules or non-examined assessment which could provide evidence to award a grade. DfE therefore encouraged the AOs to show the maximum possible flexibility and pragmatism to ensure students were not disadvantaged (Exhibit JO/029 - INQ000507095).
- 3.36 Although not mentioned in SSE's statement, DfE ministers and DfE and Ofqual officials were conscious of the need to avoid significant grade inflation if possible (Exhibits JO/030 -INQ000514488 and JO/031 -INQ000514489). Moderation was seen as an essential means to keep inflation to a minimum, to ensure that grades were consistent across schools and colleges and not significantly higher than in previous or future years. Large year on year increases could undermine the value of qualifications for that year's cohort if it was widely known that those grades had been inflated and were felt to be untrustworthy. This risked unfairness to students from previous and subsequent years who might find themselves compared negatively in situations where it was not be immediately obvious which candidate's grades were and were not affected by the grade inflation. This could also potentially impact the ability of HEIs to manage student numbers. To illustrate why moderation and standardisation were seen as so important, it may be worth noting that, when Ofqual did begin to analyse teacher assessed grades (called centre assessment grades ("CAGs") in 2020) once they were submitted by exam centres in July 2020, they were to find that:

“Returned centre assessed grades are higher than expected – and well beyond what might have been expected from the literature - and would result in significant upward changes in grade profiles without standardisation;

there is no evidence of consistency of approach – in fact, everything points to a very wide range of different assumptions and drivers. For example, centres with

year on year profiles with previously “normal” distributions of grades from A - E have submitted returns with A* and A grades only. FE colleges are on average returning the highest improvement grade profiles – higher than from other centres including free schools.” (Exhibit JO/032 - INQ000514575).*

- 3.37 To note, CAGs were named as such in 2020 to show that the grade was formed by a collection of professionals in an exam centre, rather than judgements of individual teachers.
- 3.38 On 24 March 2020 DfE officials updated ministers on work that was underway with Ofqual to deliver and award 2019/20 VTQ assessments in the absence of exams. This note set out the need to act quickly to provide clarity for the sector on how VTQs would be delivered and assessed, so that VTQ students would not be perceived to be disadvantaged, compared to GCSE, AS and A level students (Exhibit JO/033 - INQ000514570).
- 3.39 As shown in a draft Q&A document being worked up by DfE officials on 20 March 2020 and the note of a meeting between MoSSS and DfE and Ofqual officials, at this stage, concern in relation to GCSEs and A/AS levels was not primarily about the risk of using a standardisation model, but rather the risk of predicted grades/assessments by teachers being potentially unfair to some students, including disadvantaged students and those from some minority ethnic backgrounds (Exhibits JO/034 - INQ000514490, JO/035 - INQ000514486 and JO/036 - INQ000514487).
- 3.40 On 25 March 2020, the first ‘4 Nations’ education meeting of Directors General from the four devolved administrations was held, which discussed collaboration between the nations so far in the context of exams having been cancelled. The meeting also discussed whether there could be flexibility around the deadline for awarding moderated grades based on teacher assessments (all 4 nations had decided on a moderated approach for awarding grades in summer 2020) and resolved to continue discussions around the awarding of qualifications once the relevant AOs had worked through the detail of how this could work in practice. These high-level meetings, which took place at roughly monthly intervals until March 2022, were used to share information around how each administration was responding to the challenges brought about by the pandemic, including regular discussions around qualifications and each nation’s plans for awarding grades (Exhibit JO/037 - INQ000514491).

- 3.41 DfE also organised regular '4 Nations' Information Exchange meetings, which took place once every two weeks throughout the pandemic period, and aimed to create a regular and central point of contact at working level around each nation's response to COVID-19 (Exhibit JO/038 - INQ000514679).
- 3.42 Following the decision, announced by SSE on 18 March 2020, that GCSE, A and AS level exams would not take place in schools and colleges in summer 2020, and that students who did not feel their calculated grade reflected their ability would have the opportunity to sit an exam at the earliest reasonable opportunity, on 25 March 2020, DfE officials sent a note to SSE advising him that he would need to issue a direction letter to Ofqual. According to this note, the Ofqual Chief Regulator had advised that *"the actions needed to arrive at calculated grades and to hold exams in the autumn will require divergence from Ofqual's rules and cut across their statutory objectives"*. The note advised that the letter should direct Ofqual to work with AOs to develop and set out a process for providing calculated GCSE, A and AS level grades to students in 2020. It said that an exam series should be held as soon as reasonably possible after schools and colleges reopened for those students who did not believe their awarded grades fairly reflected their performance (Exhibit JO/039 - INQ000507081).
- 3.43 SSE accordingly sent a formal direction letter under s.129(6), of the Apprenticeships, Skills, Children and Learning Act 2009 to Ofqual on 31 March 2020 setting out the policy direction to which he expected them to have regard in putting in place alternative arrangements for awarding GCSE, A and AS level grades. (Exhibit JO/040 - INQ000507001) The direction letter set out that the government's key aim was to enable students to progress successfully to the next stage of their lives, and asked Ofqual to:
- 3.43.1 work with the AOs to develop and implement an alternative system of grades to replace exams in summer 2020, to enable students to progress to further study and employment;
 - 3.43.2 ensure that students were issued with calculated results based on their exam centres' judgements of their ability in the relevant subjects, supplemented by a range of other evidence;
 - 3.43.3 put in place arrangements for standardising results across schools and colleges;
 - 3.43.4 ensure, as far as is possible, that qualification standards were maintained, and that the distribution of grades should follow a similar profile to that in previous years;

- 3.43.5 develop an appeals process, focused on whether the process used the right data and was correctly applied, rather than seeking to overturn teachers' professional judgement on individual students' ability;
- 3.43.6 work with the AOs and others to plan to enable students who did not feel their calculated grade reflected their ability to sit exams as soon as reasonably possible after schools and colleges were open again.
- 3.44 On 8 April 2020, the Ofqual Chief Regulator met MoSSS and DfE advisers and senior officials and updated them on Ofqual's plans for consultation on the approach to awarding GCSE, A and AS level grades that summer and provided a summary of what the consultation document would cover. They also noted that Ofqual had already engaged with teacher representatives (Exhibit JO/041 - INQ000514597). DfE's view at the time was that it was appropriate for Ofqual to lead on stakeholder engagement, including with teacher representatives, as Ofqual was responsible for designing and implementing the process for awarding grades. This reflected the split of responsibilities in previous years, whereby it was considered important to Ofqual's credibility as an independent regulator that engagement on the awarding process was led by the regulator rather than DfE.
- 3.45 On 9 April 2020, SSE wrote a second direction letter (Exhibit JO/042 - INQ000507002) to the Ofqual Chief Regulator setting out his policy with regard to VTQs. Recognising that the VTQ landscape is complex, the letter outlined that:

"Students and other learners who are taking vocational and technical qualifications that are used for progression to and through employment, further or higher education should be issued a set of results this summer in order to allow them to progress to the next stage of their lives."

- 3.46 It went on to say that:

This means that all students and other learners taking such qualifications should, wherever possible, receive a result that fairly reflects the work that they have put in and their level of attainment, and where relevant, maintains the same broad levels of comparability with previous years, in line with the approach being taken for GCSEs, AS and A levels...All reasonable measures should be taken to ensure a safe, and valid result can be awarded to students and other learners, and that standards are maintained as consistently as possible."

Chapter 4: The decision on how grades should be awarded in 2020

- 4.1 Ofqual took forward the work on how to award A and AS level, GCSE and VTQ grades between April and July 2020. Ofqual updated DfE on this work through weekly meetings that took place between MoSSS (the DfE minister who led on this area), DfE officials and Ofqual (Exhibit JO/043 - INQ000514682). Regular updates on progress by Ofqual on how grades should be awarded for VTQs were also sent to DfE's Minister for Skills and Apprenticeships ("MfSA"), with frequent meetings taking place between DfE officials working on this area and MfSA. There were also very frequent additional meetings between Ofqual and DfE officials during this period both on GCSE and A/AS levels and on VTQs, as well as discussions on the phone and over email.
- 4.2 Throughout the period from March 2020 onwards, Ofqual shared draft versions or summaries of all relevant documents for publication with DfE officials in advance of publication, though often at short notice given the tight timescales to which they were working (Exhibits JO/193 - INQ000624592 and JO/226 - INQ000624591). Those which set out new policy (e.g. consultation documents and new guidance documents) were generally shared for comment and others sometimes for information, though in practice Ofqual considered comments whether DfE had been invited to comment or not. DfE officials shared those documents that expanded their understanding of the way in which the high-level policy directions from DfE were being reflected in practice with DfE ministers and special advisers for comment and fed back their views to Ofqual, who took these into account prior to publication. As set out in chapter 2 above, however, Ofqual is an independent body and DfE ministers did not formally clear its publications or have final say over their content.
- 4.3 DfE took reassurance from Ofqual that its model for A/AS level and GCSE awarding was being developed with independence and transparency overseen by a panel of experts from a range of backgrounds, each highly expert and credible (see paragraph 4.17 below). DfE officials also attended a weekly Policy and Implementation Board chaired by Ofqual, which included senior representatives of each of the exam boards.
- 4.4 Following SSE's direction letters to Ofqual regarding putting in place alternative arrangements for awarding A and AS level, GCSE and VTQ grades, Ofqual moved quickly to consult on how this should happen.

Ofqual consultation on how A, AS and GCSE grades (as well as Extended Project Qualifications and the Advanced Extension Award) should be awarded

- 4.5 Ofqual published an initial policy document on 3 April 2020, setting out high level principles for how GCSEs, AS and A levels would be awarded following the cancellation of exams (Exhibit JO/044 – INQ000507096). Ofqual officials then gave MoSSS a summary of the contents of their consultation at their weekly meeting with the minister on 8 April 2020 (Exhibit JO/041 - INQ000514597).
- 4.6 On 15 April 2020, Ofqual launched its consultation on the details of how A, AS and GCSEs, as well as Extended Project Qualifications and the Advanced Extension Award, would be graded and awarded in summer 2020. This included the principles on which a standardisation model would be based, the appeals system and an Equalities Impact Assessment (Exhibit JO/045 - INQ000514492). The consultation sought views on a range of matters, including Ofqual's proposals that:
- 4.6.1 Grades should be based on a school or college's judgement of the grade they would have expected a 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. Exam boards would then combine their 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.
- 4.6.2 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.
- 4.6.3 Students who felt that their grade did not reflect 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 in the autumn term, or the following summer.
- 4.6.4 Ofqual should only allow exam boards to issue results for private candidates if a Head of Centre considered that CAGs and a place in a rank order could properly be submitted. Private candidates were students who exam centres had not taught themselves, for example because they had been home educated, had followed distance-learning programmes, or had studied independently.
- 4.6.5 The consultation's Equality Impact Assessment (EIA), included on pages 49 to 53 of the consultation document, considered whether the proposed arrangements

might have a negative impact on particular groups of students and, if so, how that might be mitigated. The EIA noted that there was a risk that teachers contributing to the determination of CAGs might exhibit a degree of unconscious bias that disadvantaged students who shared particular protected characteristics. To understand the likely nature and extent of any such bias, Ofqual carried out a small-scale review of relevant research into the reliability of predicted GCSE, AS and A level grades and the reliability of teacher assessment more generally. Having carried out this research, Ofqual's conclusion as set out in the EIA was that overall, the evidence of the likelihood of bias in CAGs was mixed. Ofqual noted that in its consultation, it had, however, proposed ways to protect the integrity of CAGs from influence or pressure exerted by, or on behalf of, individual students. The proposed approach to statistical standardisation had also been identified with the removal of any bias in CAGs in mind. In finalising the technical detail of the statistical standardisation model, Ofqual would evaluate and carefully consider the relative impact on exam centres with different characteristics (such as socio-economic status (SES), special educational needs and/or disabilities (SEND), ethnicity and gender).

- 4.7 The consultation outcomes and Ofqual's decision document was published on 22 May 2020 (Exhibit JO/046 - INQ000514702). In this document, Ofqual confirmed how, having analysed responses to the consultation, its standardisation model would work. The model would take the best available evidence to provide students with the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020, while maintaining standards and achieving grade profiles similar to previous years. If, in the absence of exams, CAGs were accepted without any form of standardisation, it was highly likely that this would result in very significant grade inflation at both A/AS level and GCSE. As Ofqual noted in the press notice following its Summer Symposium on 21 July 2020 (see paragraph 4.31 of this statement), after exam centres had indeed submitted grades that were higher than expected: *"That is not surprising, given that the circumstances meant teachers were not given an opportunity to develop a common approach to grading in advance; and they naturally want to do their best for their students."* (Exhibit JO/047 - INQ000507104).
- 4.8 Ofqual's decision document also emphasised the need to ensure that a consistent standard was applied across all exam centres to avoid unfairness between exam centres that had submitted more optimistic CAGs for their students, against those that had held strictly to the grades they thought students would achieve. To achieve this, Ofqual decided

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 that will increase the likelihood of students getting the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020”.*

- 4.9 With regard to private candidates (see paragraph 4.6.4 of this statement), the decision document welcomed additional provision that Ofqual recognised had been made by exam boards to allow more of them to receive a grade in summer 2020 but recognised that *“unfortunately some private candidates will not be able to progress as they had expected because of the exceptional arrangements in place for this summer”.* Private candidates and the particular challenges they faced continued to be discussed in meetings between Ofqual and DfE officials and DfE ministers in the run-up to the publication of A level and GCSE grades in August 2020 (Exhibits JO/048 - INQ000514600 and JO/049 - INQ000514601). A key reason that an exams season was run in autumn 2020 was so that private candidates who had not been able to secure a grade could sit exams and do so (see paragraph 5.68 of this statement).
- 4.10 As part of its analysis of the consultation outcomes, Ofqual set out that 89% of respondents overall agreed or strongly agreed with the aims of statistical standardisation. For teacher representative groups or unions, 45% agreed or strongly agreed with the aims of statistical standardisation (Exhibits JO/050 - INQ000507100 and JO/051 - INQ000514701).

Ofqual consultation on how Vocational and Technical Qualification grades should be awarded

- 4.11 On 24 April 2020, Ofqual published its consultation that sought views on exceptional arrangements for awarding VTQs, and general qualifications other than GCSEs, AS and A levels, the Extended Project and the Advanced Extension Award.
- 4.12 The consultation recognised that with, at the time, 14,000 regulated VTQs, featuring many different approaches to study, teaching and assessment, and of varying levels of demand and size, the landscape of qualifications covered by the consultation was complex. Ofqual hoped that most learners who planned to take exams and assessments in summer 2020 would receive a result calculated by AOs. Some learners, and particularly those who were completing programmes of study linked directly to occupational or professional competence, could still be required to undertake an assessment, which would be adapted accordingly.

- 4.13 The consultation sought views on Ofqual's proposals, including that:
- 4.13.1 Ofqual would implement an extraordinary regulatory framework ("ERF") which would permit AOs to deliver results using approaches that would not be allowed in ordinary circumstances.
 - 4.13.2 The framework would identify the key principles that AOs should do all they could to meet while delivering results to learners and would set out the approach Ofqual expected them to take to either calculate results, adapt assessments or delay the delivery of those assessments. The framework would be designed to give AOs the flexibility they needed.
 - 4.13.3 This approach would mean in practice that AOs would not have to meet all of the regulations that Ofqual had in place regarding the design, delivery and award of their qualifications in a 'normal' year, with a priority being placed around issuing results to learners to enable them to progress.
 - 4.13.4 This consultation document was clear that those who were completing programmes of study that linked directly to occupational or professional competence would still need to take an assessment to ensure that their qualification was a valid reflection of their abilities. The proposals set out a range of permitted adaptations that could be made (Exhibits JO/052 – INQ000507114 and JO/053 - INQ000514493).
- 4.14 Ofqual's decisions document for awarding results in VTQs and other general qualifications was published on 22 May 2020, the same day as the decision document for GCSEs, AS and A levels, the Extended Project and the Advanced Extension Award.
- 4.15 For VTQs, unlike GCSEs, AS and A levels, in its decision document, Ofqual confirmed that there was to be no overarching statistical standardisation model and that the ERF would be introduced to allow AOs flexibility to determine the most suitable approach for how their qualifications should be graded. Most VTQs had exams and/or assessments at intervals during the duration of the course, so in most cases, unlike for GCSEs and AS and A levels, students would already have some assessments completed, which teachers would be able to use to help determine their final grade. For GCSEs and AS and A levels, in most cases, a grade was normally awarded based on summer exams at the end of the course. As a result, although a few VTQs that were similar to A levels and GCSEs did use Ofqual's standardisation model to produce some or all of the final grade for the course, the vast majority did not.

Development of standardisation model for GCSEs, AS and A levels

- 4.16 Having decided on the key principles of how its standardisation model would work following on from its consultation on how GCSEs, AS and A levels should be awarded, Ofqual developed the detail of the model through a series of meetings between Ofqual officials and other assessment experts, including cross-exam board technical meetings, the Ofqual external advisory group and various technical sub-groups. The membership and terms of reference for these meetings was a matter for Ofqual.
- 4.17 Ofqual's external advisory group comprised experts from across the education sector, including representatives from Oxford University, the Universities and Colleges Admissions Service ("UCAS"), Association of School and College Leaders, Cambridge Assessment, Ofsted, University College London, the Royal Statistical Society and Her Majesty's Treasury ("HMT"). A DfE official attended as an observer. The external advisory group met from April to August 2020 (at roughly monthly intervals) and the group looked at and commented on a number of papers covering the principles, the consultation and responses and the main features of the models.
- 4.18 As set out in paragraph 4.1 of this statement, Ofqual met the MoSSS on a mostly weekly basis between March and August 2020 and Ofqual raised various issues which arose from the work on the model at those meetings (Exhibits JO/054 - INQ000514603 and JO/043 - INQ000514682).
- 4.19 Ofqual tested a number of different versions of the statistical model before deciding on a version that they felt would deliver the grade that schools and college teachers thought each of their students would have achieved in each subject if exams had gone ahead, taking into account elements like coursework, class performance, mock exams and homework. This would draw on evidence sources, such as the previous performance of the year's students and the historic performance at individual schools and colleges, to determine whether the grades submitted by schools and colleges were more severe or generous than expected.
- 4.20 Between 12 June 2020 (Ofqual's deadline for return of CAGs from exam centres), and the Ofqual symposium on 21 July 2020 (see paragraph 4.31 of this statement below), the exam boards (and Ofqual) were engaged in sorting and cleaning the data and beginning to allocate grades.
- 4.21 During this period, DfE officials and ministers became concerned about how 'fair' Ofqual's standardisation model would be, including in relation to what would come to be known as

'outliers' – high-performing pupils who were expected to outperform the distribution of results at their historically low-performing school. These concerns came to the fore because of concerns raised by Sir Jon Coles, the Chief Executive of United Learning Trust and former DfE Director General, and Barnaby Lenon, Chair of the Independent Schools Council, as well as reports of a potential judicial review being brought on the issue of 'outliers'.

- 4.22 On 28 April 2020, Sir Jon Coles had written to Ofqual to say that Ofqual's proposals were focusing too much on their statistical model and should give more weight to CAGs. MoSSS had discussed this with DfE officials and Ofqual as part of his weekly meeting with Ofqual on 29 April 2020 and according to the informal note taken of the meeting by DfE officials, some of the points discussed as a result included:

"Ofqual will meet with him and talk through his concerns.

A lot of the issues that have been raised are ones Ofqual has grappled with, but there's a lot more nuance in Ofqual's model than JC suggests.

The advisory group on the model gave strong views that we don't allow leniency for this cohort. In reality there may be some nuance." (Exhibit JO/055 - INQ000514681).

- 4.23 Around 20 June 2020, media coverage of a potential judicial review being brought by the parent of a pupil at a historically underperforming school (Exhibit JO/056 - INQ000525669) raised the issue of 'outliers'. The way Ofqual's standardisation model was designed would mean that these outliers would inevitably be downgraded.
- 4.24 On 24 June 2020, Sir Jon Coles wrote to DfE about concerns he had with the standardisation model (Exhibits JO/057 - INQ000514499 and JO/058 - INQ000514500). Sir Jon had approached DfE having felt unable to persuade Ofqual of his concerns, following the contact referred to above. Sir Jon proposed an alternative model to the one being developed by Ofqual. This alternative approach would balance CAGs with a standardisation model based on historic data. As set out by Sir Jon:

"Ofqual would determine an 'acceptable' national distribution of centre-level changes, between the modelled result and the centre-level assessments.

Centre-level results would be mapped onto the 'acceptable' distribution, giving centre-level distribution of grades.

Candidate-level results would be read off from the centre's rank order according to the assigned centre-level distribution of grades."

- 4.25 Following receipt of his email of 24 June 2020, DfE officials set up a meeting (on 2 July 2020) with both Sir Jon and Ofqual to discuss Sir Jon's concerns. Ofqual looked at whether to introduce more flexibility into the model, in particular with regard to allowing grade inflation of 2 to 3ppts, but subsequently told DfE that it could not, as anything which had not been part of the public and widespread consultations would be difficult to defend upon legal challenge (Exhibit JO/059 - INQ000514607).
- 4.26 The Ofqual Chief and Deputy Chief Regulators briefed SSE, MoSSS and DfE senior officials and advisers on the latest picture with regards to 2020 grading at a meeting on 9 July 2020. At this key meeting, Ofqual told DfE that CAGs appeared, even more than anticipated, to be strongly inflated at both A and AS level and GCSE. It looked as though around 40% of grades would therefore be changed as a result of the standardisation process; the vast majority downward by one grade, but a very small percentage downwards by two grades (at its Symposium on 21 July 2020 (see paragraph 4.31 below), Ofqual showed that if CAGs were used without its standardisation process, at A level the percentage of A* grades awarded through CAGs would be up 6ppts compared to 2019, A grades up 12.3ppts, B grades up 13.4ppts and C grades up 11.2ppts) (Exhibit JO/60 - INQ000514692). SSE and MoSSS agreed that the picture as it was emerging was challenging from a presentational point of view, but that the standardisation Ofqual was conducting was both important and necessary to maintain confidence in grades and in the exam system as a whole (Exhibit JO/061 - INQ000514609).
- 4.27 Following a number of further conversations between Sir Jon Coles and Ofqual, Sir Jon wrote to SSE on 10 July 2020 setting out his concerns about the Ofqual standardisation model and putting forward his alternative model, which he said improved the fairness of the system (Exhibit JO/062 - INQ000514574). SSE then met Sir Jon on 15 July 2020. In advance of this meeting, DfE officials had set out for SSE what they saw as the drawbacks of the approach suggested by Sir Jon (Exhibit JO/032 - INQ000514575). These included that:
- 4.27.1 Sir Jon's model assumed that easing of accountability, as happened in 2020, with no school or college level educational performance data based on tests, assessments or exams being published in 2020, would mean that there was no longer an incentive on schools and colleges to inflate grades and that exam centres had been consistent in their grades.

- 4.27.2 Ofqual's analysis of CAG returns showed, however, that they were significantly higher than expected for 2020 and that there was no evidence of consistency of approach by exam centres.
- 4.27.3 Sir Jon's proposal for reining back grade inflation to reduce the highest profiles to less inflationary – but still raised – results, and leaving the centres with grade profiles closer to the norm as they were, was based on flawed assumptions and would result in unfairness. Students from the centres that had submitted the highest grade profiles would therefore receive preferential treatment compared to students from other centres with more realistic profiles. Ofqual felt that its statistical model was fairer overall than the model proposed by Sir Jon. (See paragraph 4.8 of this statement for Ofqual's decision on how its statistical model would seek to avoid unfairness for students).
- 4.28 Following on from his meeting with SSE (Exhibit JO/063 - INQ000514611), Sir Jon then met MoSSS on 16 July 2020 (Exhibit JO/064 - INQ000514612).
- 4.29 On the same day, MoSSS also met Barnaby Lenon, who expressed his concerns about 'outliers' (see paragraph 4.21 of this statement for a definition of 'outliers') and how the use of historic data by Ofqual could mean that, for example, a star pupil in a small design and technology department with historically poor results would inevitably achieve a lower result than they would otherwise have achieved (Exhibit JO/064 - INQ000514612).
- 4.30 Also on 16 July 2020, a meeting was held between MoSSS, DfE officials and Ofqual officials, including the Ofqual Chief Regulator (Exhibit JO/065 - INQ000514614). Following the meetings that he had had earlier that day with Sir Jon Coles and Barnaby Lenon, MoSSS said that he was concerned that some students would get a considerably lower grade due to historic data being more heavily weighted than CAGs. He was also worried about the students who would be downgraded from their CAGs by the model and how this affected their life chances. Ofqual said that around 99% of entries would either be the CAG or one grade above or below (Ofqual subsequently confirmed in their data topline shared with DfE on 12 August 2020 that this figure was in fact 96.5% for A level (see paragraph 5.21 of this statement)) and said that there would be very few instances where calculated grades were two grades or more lower than the CAGs. MoSSS asked if there was scope for more flexibility and to err on the side of generosity. Ofqual said that it was not possible to introduce more flexibility into the model both for legal and operational reasons – it would have to consult again on changes such as this, which would potentially delay the awarding process. MoSSS recognised this, but asked Ofqual to revisit the

appeals process, and to look at widening the criteria by which students or schools were able to appeal. The Ofqual Chief Regulator agreed to look further into this.

- 4.31 On 21 July 2020, Ofqual held its Summer Symposium, where the preliminary findings from the standardisation process were discussed with stakeholders (Exhibit JO/060 - INQ000514692). Following this, Ofqual published a press notice. This said *“we expect the majority of grades students receive will be the same as their centre assessment grades, and almost all grades students receive will be the same as the centre assessment grades or within one grade...A substantial number of students will receive at least one grade that has been adjusted as a result of the standardisation process. And while some will be adjusted upwards, on average, centres have submitted grades that are higher than would be expected.”*
- 4.32 On 30 July 2020, Tim Oates of Cambridge Assessment Group, which included OCR, one of the four AOs that offer GCSEs, AS and A levels in England, wrote to SSE’s Policy Adviser. In his email he said that his team had identified in the region of 400 to 4,000 outliers, depending on methodology selected, who would be disadvantaged by Ofqual’s model, and suggested working out how to identify all of these students and sending a list of everyone identified to HEIs to ask them to be *“more sensitive”* in their admissions considerations (Exhibit JO/066 - INQ000514501).
- 4.33 MoSSS emphasised that he was keen to explore this approach. DfE passed Mr Oates’ suggestion on to Ofqual which said it would consider whether it would be feasible and would not breach the integrity of the assessment data before it was released (Exhibit JO/067 - INQ000514502).
- 4.34 On 4 August 2020, following on from the meeting between MoSSS and Ofqual on 16 July 2020 (see paragraph 4.30 above) it was agreed between DfE and Ofqual to address the issue of outliers through appeals rather than notification to universities. In the same email chain, DfE officials noted that exam boards were discussing approaching exam centres with grades that were outliers, to alert them to the fact that they could appeal (Exhibit JO/068 - INQ000514619).
- 4.35 In an approach endorsed by MoSSS and DfE, as shown in the wording finalised on 6 August 2020 for a draft ‘op-ed’ article by MoSSS (Exhibits JO/227 - INQ000624593, JO/228 - INQ000624594 and JO/229 - INQ000624595), Ofqual agreed to elaborate further on its existing appeal rights (rather than create new grounds for appeals). Ofqual therefore set out, when it published technical guidance on 6 August 2020, that:

- 4.35.1 Students could ask their school or college to check whether it had made an administrative error when submitting their CAG or position in the rank order and if it agreed it did, to submit an appeal to the exam board: and
- 4.35.2 Schools and colleges could appeal if they could provide evidence that grades were lower than expected because previous cohorts were not sufficiently representative of that year's students (the "outlier" issue), or if they believed something had gone wrong with processing their results (Exhibit JO/069 - INQ000507105).

Chapter 5: The publication of results in England in August 2020

- 5.1 On 29 July 2020, in a call with DfE officials, Ofqual shared that, from its work to finalise A level grades, it was seeing much more significant than expected grade inflation in 'small subjects' (subjects taken by relatively small numbers of students across the country). The way that Ofqual's standardisation model worked meant that because subjects with relatively small overall entry numbers were often taken in small numbers in schools and colleges, a large proportion of grades in these subjects nationally were not standardised and were based on the CAGs. At this stage, therefore, the picture emerging was of higher grades overall, with the main concern being whether there would be enough places in HEIs and FE colleges for those who had taken the 'small subjects'. DfE officials shared the detail on this with SSE and DfE ministers in a submission on 31 July 2020. This included a table that showed the total number of entries for each subject, and the increase in cumulative percentage of students at grades A*, A and B, compared to 2019. For example, for music, this showed that the proportion of candidates being graded A or A* had increased by 17 percentage points compared to 2019 (Exhibit JO/070 - INQ000514581).
- 5.2 A concern for DfE was that the potential increase in numbers could lead to some HEIs exceeding their student number controls ("SNCs"), which had been introduced as a temporary measure by DfE for the academic year 2020/21 to stabilise the HE sector. SNCs aimed to ensure that higher tariff providers (providers with the highest average UCAS tariff points) did not take a disproportionate number of domestic students to replace income from international students, lost due to the pandemic, which could threaten the financial viability of some medium or lower tariff providers. However, after analysing the impact, DfE subsequently concluded that the grade inflation in question was unlikely to cause higher tariff providers to exceed their SNC and once the decision was taken to award students their CAGs rather than calculated grades (see paragraph 5.38 onwards below), DfE subsequently decided to withdraw SNCs completely.
- 5.3 On 4 August 2020, Scottish exam results and data were issued (because the academic year is different in Scotland, these results are always issued earlier than those for England, Wales and Northern Ireland). Concerns were immediately raised by students, parents, schools and education bodies that the Scottish Qualifications Authority ("SQA") statistical model – which was not the same as the Ofqual one – had downgraded nearly a quarter of the results recommended by schools and colleges, with those in areas of the greatest deprivation having their results modified by the model more than those living in areas of least deprivation (Exhibit JO/071 - INQ000514509). The following day, DfE

officials released press lines in response (Exhibit JO/072 - INQ000514504) that said for England:

“The vast majority of students will receive a calculated grade this summer that enables them to move on to the next stage of their education or training.

Ofqual has developed a robust process that will take into account a range of evidence, including grades submitted by schools and colleges, with the primary aim of ensuring grades are as fair as possible for all students.

Early data published by Ofqual shows calculated grades have had no impact on the attainment gap between disadvantaged pupils and their peers, and ethnic minorities and their peers.”

- 5.4 On 6 August 2020, following extensive consultation on the arrangements for appeals, Ofqual published its appeals guidance for A and AS levels and GCSEs (Exhibit JO/069 - INQ000507105). This included that schools and colleges could appeal if they could provide evidence that grades were lower than expected because previous cohorts were not sufficiently representative of the current year’s students (the “outlier” problem addressed in Chapter 4). Officials in DfE sought reassurance from Ofqual and exam boards that they had the right processes in place to reflect the high volume of contact that they could expect to receive about appeals (Exhibit JO/073 - INQ000514511).
- 5.5 Also on 6 August 2020, No.10 asked DfE for a paper on results for 2020, including how the appeals and autumn exams series for students who wanted to retake their exams would work, comparisons with Scotland and how DfE would handle communications.
- 5.6 On 7 August 2020, MoSSS wrote to all MPs about exam results in summer 2020. This letter set out the process by which grades would be allocated, why Ofqual had introduced its standardisation model and how the appeals process would work (based on Ofqual’s guidance published on 6 August 2020 (Exhibits JO/074 - INQ000514507 and JO/075 – INQ000514508).
- 5.7 Following on from the request on 6 August 2020, DfE officials prepared a briefing paper for No.10, which was sent to No.10 on the same day, which set out how significant grade inflation at key grades for GCSE, A and AS level would have been without moderation of CAGs. It also set out that any method that substituted for exams and assessments taken by individual students would inevitably involve Ofqual taking decisions to maximise fairness and deliverability overall which would have impacts in particular cases. It set out

some of the risks and issues which Ofqual expected to arise as a result of its use of the standardisation model (Exhibits JO/076 - INQ000514505 and JO/077 – INQ000514506):

- 5.7.1 'Outlier' students in historically low-performing centres for whom the standardisation model would have the effect of moderating down their CAGs. Ofqual's guidance allowed appeals for unusual cases where schools and colleges could demonstrate that the ability profile of the 2020 cohort was sufficiently out of line with the historical profile as to result in a difference in outcomes.
- 5.7.2 Schools and colleges which anticipated significant rises in grades in 2020 arguing that they were disadvantaged by the standardisation process. Centres could apply for their historical results data to be set aside or modified because they believed they would not have reliably reflected the likely outcomes for the 2020 cohort.
- 5.7.3 Differences in the grades received by students according to whether they came from a centre with larger or smaller entry numbers in a subject because of the greater weight given to CAGs for students in low entry number subjects in a centre. This would tend to advantage students in low entry subjects in a centre (given the optimism in many CAGs). These centres included special schools, pupil referral units, independent tutorial colleges and small subject departments including those in small sixth forms and independent schools.
- 5.7.4 Schools and colleges publicising differences between CAGs and calculated grades.
- 5.7.5 Equalities issues. Analysis by Ofqual indicated that the differences in outcomes for students with and without particular protected characteristics and of differing socio-economic status were similar to those seen in previous years. However, there could still be some individual cases of genuine bias and other claims which may not be well-founded but could attract attention.
- 5.8 A meeting took place between No.10 officials and Ofqual on 7 August 2020, which DfE special advisers also attended, in which Ofqual talked No.10 through the exams and grading process for summer 2020 (Exhibit JO/078 - INQ000514620).
- 5.9 In the week running up to the release of A level results on 13 August 2020, the results published in Scotland on 4 August 2020 were generating increasing levels of discontent. This was because of the number of results downgraded by the statistical model being used in Scotland, as well as around whether the model had moderated down the grades of students living in disadvantaged areas more than for others.

5.10 On 11 August 2020, two days before the publication of A level results in England, the Scottish Education Secretary announced that all National 5, Higher and Advanced Higher awards that were downgraded as a result of the standardisation model being used by the SQA would be withdrawn and re-issued based solely on teacher or lecturer judgement (Exhibit JO/079 - INQ000514694).

5.11 DfE discussed several options to further reduce the risk of similar levels of discontent emerging in England once results were published, which principally focused around appeals. Options were rapidly considered but the lead option favoured by SSE was to provide a 'triple lock' right of appeal (Exhibit JO/080 - INQ000514518), with students able to accept their result generated by Ofqual's standardisation model, sit autumn exams, or appeal to receive the result they had been awarded in a valid mock exam. Whilst there were issues with consistency in mock exams (different schools and colleges use them differently and there was no standardisation of marking), they had the benefit of being undertaken prior to the start of the pandemic. In the email about the 'triple lock' exhibited here, SSE's special adviser noted that:

*“Amongst the most damaging individual stories that went viral in Scotland were students who had got As and A*s on their mocks and been moderated down to a C. This would prevent that happening.”*

5.12 At a meeting between SSE, MoSSS and senior DfE officials on 11 August 2020, SSE *“noted he was due to speak with Roger Taylor [the Ofqual Chair] later and would raise post-results appeals process. He thought a clear and bold message here was essential for retaining control of the narrative”*. The DfE Director General for Schools was present and as set out in the note of the meeting *“cited concerns in relation to mock appeals proposal on Ofqual side on grounds of fairness. Also advised SoS that the teaching profession likely not to be supportive of mock appeals either.”* (Exhibit JO/081 - INQ000514547)

5.13 At the meeting between SSE and the Ofqual Chair that took place later that day, they discussed broadening the appeals process, to include consideration of mock exams. In this meeting, Ofqual's Chair raised his concern about what constituted a 'valid mock'. According to the note of the meeting, his concern was that *“it is not a thing that exists and concern that it will build up a lot of issues and debate”*. SSE recognised that it was not ideal, but that *“we have to deal with the reality of the situation”*. The Ofqual Chair noted that he could not provide assurance that this would be possible to deliver (Exhibit JO/082 - INQ000514684).

5.14 On 12 August 2020, following the meeting between the Ofqual Chair and SSE of the day before, SSE wrote to the Ofqual Chair informing him that DfE would be announcing that where a student had achieved a higher grade in a valid mock, they could ask that it be considered as part of an appeal (Exhibits JO/083 - INQ000514521 and JO/084 - INQ000514522). In his letter, SSE said:

“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.”

5.15 The ‘triple lock’ was announced by DfE on 12 August 2020 with A and AS level and GCSE students being able to receive the higher result out of their calculated grade, valid mock grade, or autumn exam grade (Exhibit JO/085 - INQ000507106), and a direction letter was sent to Ofqual on 13 August 2020 (Exhibit JO/086 - INQ000514585). In this letter, SSE also asked Ofqual’s advice on how this approach might be adapted to ensure that students taking VTQs had a similar safety net. As set out at paragraphs 5.30 to 5.32 of this statement below, Ofqual’s updated guidance on criteria for appeals for A and AS levels and GCSEs was then published on Saturday 15 August 2020 (although subsequently withdrawn by Ofqual on the same day).

5.16 In the meantime, on 10 August 2020, DfE officials shared a note with DfE ministers and special advisers on how other European countries had approached exams. This showed that in France in particular, whose baccalaureate results were based on continual assessment grades, which were released in July 2020, there was a record success rate of 91.5% in the first round; up from 77.7% in 2019 (Exhibits JO/087 - INQ000514515 and JO/088 - INQ000514516).

5.17 Also on 10 August 2020, DfE officials prepared and published a blog post setting out how A level results would be calculated and how the appeals process would work (Exhibit JO/089 - INQ000514693).

5.18 At the same time, DfE officials were working to ensure that Ofqual and exam boards had helplines and arrangements for increased numbers of calls to helplines in place, as well as procedures for managing appeals. Exam boards, which would conduct appeals, were also discussing how they would handle the volume of appeals (Exhibit JO/073 - INQ000514505).

5.19 The Education, Skills and Equalities Desk Officer at the Economic and Domestic Affairs Secretariat in CO also contacted DfE on this day – 10 August 2020 – to check on plans for

results day, following on from the situation that had emerged in Scotland. In particular, they were interested in the risk that those that missed their grades by a more substantial amount would be concentrated in disadvantaged areas. DfE officials responded that, *“it is possible that it will turn out to be the case that the difference between centre assessment grades and calculated grades is higher in disadvantaged areas – some of this will be down to whether schools and colleges there have been on average more optimistic in their grading than schools and colleges elsewhere. But we do not have this data and do not expect it to be published this week. Students who get a lower final grade than their CAG won’t necessarily miss their HE offers”* (Exhibit JO/090 - INQ000514517).

5.20 At this stage, DfE officials were working on the communication plans for the autumn exam series, with the headline messages being that there would be a support package for all schools, colleges and FE providers to run a full exam series in autumn 2020. DfE would support schools and colleges to book sites and invigilators and pay additional costs. Students were also able to sit A and AS level and GCSE exams in any subject in October and November 2020 (Exhibit JO/091 - INQ000514514). In a normal year, autumn exams would have only been available for GCSE English language and mathematics, and no support package would be available.

5.21 In the meantime, on 12 August 2020, Ofqual’s data topline were shared with DfE ministers and senior officials, embargoed until Thursday 13 August 2020 (Exhibits JO/092 - INQ000514519 and JO/093 - INQ000514520). These showed that:

“The overall message is stability at A level with slight increase in top grades and outcomes that follow a similar profile to previous years.

On average the proportion of grades at A-A is up 2.5ppt compared to 2019.*

If there had be [sic] no standardisation (i.e. students had been awarded CAGs), the proportion of grades at A-A would have been up 12.5ppt compared to 2019.*

96.5% of grades were either the same as the student’s centre assessment grade or only adjusted by one grade (up or down).

There have been no significant changes in the attainment gaps for students with protected characteristics or disadvantaged students”

5.22 On 12 August 2020, DfE also received the draft of the Ofqual Technical Report (in sections) and the equalities analysis and the centre type analysis (Exhibits JO/094 - INQ000514523 and JO/095 - INQ000514524). The Technical Report contained Ofqual’s analysis of results based on the grades awarded to students using Ofqual’s

standardisation model. This looked at students' results based on the model and provided comparisons of results to previous years and by, for example, different centre types. It was published by Ofqual on 13 August 2020. The centre type analysis, which was at aggregate level, rather than individual centre level, showed the differential effect of the grading approach on results for different centre types including independent schools, sixth form colleges and state-maintained schools. This was the first detailed data that DfE had received and even here, it contained aggregate-level centre-type analysis, rather than individual school or college analysis. In its analysis, Ofqual showed that:

“The overall results for A level have increased compared to 2019, but they are lower than the outcomes shown in Section 9.1 based on the CAGs. This is inevitable given that the CAGs were generally optimistic and the ministerial direction that, as far as possible, overall results should be similar to previous years (see Section 2).”

- 5.23 A and AS level results were published on 13 August 2020. The first main issue that emerged was the apparent disproportionate benefit for independent schools caused by the fact that the standardisation model could not fairly or accurately be applied to small cohorts of students, which typically are found more frequently in independent schools (see paragraph 5.7.3 of this document). The standardisation model was not used at all where fewer than five candidates were studying a subject within an exam centre, because the statistical basis for calculated grades was deemed to be too weak. In these cases therefore, the CAG was used without standardisation.
- 5.24 Following policy advice received from DfE officials on 13 August 2020 (Exhibit JO/096 - INQ000514587), SSE agreed that government should cover the cost of unsuccessful appeals where those costs, taken together with the cost of fees for autumn exams, exceeded the rebates on exam fees that centres had made during the summer (JO/097 - INQ000514586). On 14 August 2020 SSE decided that the government should in fact cover all costs of unsuccessful appeals (as well as successful appeals, which are always free), in order to ensure that there were no barriers to students accessing the guarantees under the 'triple lock' policy. This was agreed with HMT and announced on 15 August 2020 (Exhibits JO/098 - INQ000514525 and JO/099 - INQ000507108).
- 5.25 Meanwhile, on 14 August 2020, many more examples of apparently unfair results were appearing on social media. DfE was also receiving correspondence about individual instances. SSE and MoSSS met Ofqual's Chair and Chief Regulator and raised concerns over anomalies – some centres had reported to MoSSS that data looked “*completely off*”,

with particular concerns from sixth form colleges where some students had dropped 4-5 grades down from their CAG (Exhibit JO/100 - INQ000514625).

- 5.26 At a meeting during the evening of 14 August 2020, Ofqual's Chair told senior DfE officials that his Board was increasingly minded to award students their CAGs due to a combination of lack of public confidence and the fact that the Board no longer felt it appropriate to use the standardisation model without adjusting for outliers in advance. Ofqual's Chair told DfE officials at this meeting that his Board's view was that outlier correction needed to be automated, as the Board now agreed it was unfair for these results to be corrected via appeals. He also told them there was not time for that process to take place for GCSE results before GCSE results day (Exhibit JO/002 - INQ000514559).
- 5.27 Also on 14 August 2020, DfE officials had received Ofqual's draft guidance on appeals based on "valid mock" results and engaged in discussions with Ofqual around the wording in that guidance. Final wording was eventually agreed with SSE's special adviser early on the morning of 15 August 2020 (Exhibit JO/101 - INQ000514526) and the guidance was then cleared with No.10.
- 5.28 The final guidance was circulated to DfE officials on the morning of 15 August 2020. The DfE Communications Director commented that a reactive line would need to be drafted for DfE to use in response to the line in the guidance that said, "*In circumstances where the centre assessment grade was lower than the mock grade, the student will receive the centre assessment grade*" (Exhibit JO/102 - INQ000514527). The Communications Director's point was that this was inconsistent with the triple lock policy as understood in DfE and set out at paragraph 5.11 above.
- 5.29 At the meeting on 14 August 2020, MoSSS had noted that schools were not clear on the process by which they could appeal. As a result, he wrote to all schools and colleges on 15 August 2020, setting out the appeals process in detail (Exhibit JO/103 - INQ000514529). DfE also published a press notice about the appeals process, confirming that this would be free for schools and colleges following the implementation of the 'triple lock' process, which also included the ability for A and AS level and GCSE students to use their mock exams as the basis for appeals, as announced on 12 August 2020. This press notice also set out that SSE had ordered a 'Gold Command' taskforce to be set up by DfE that would be chaired by MoSSS and include Ofqual and the exam boards. The group would meet daily between 15 August 2020 and 7 September 2020 to ensure that appeals were being processed quickly (Exhibit JO/099 - INQ000507108).

- 5.30 Ofqual's updated guidance on criteria for appeals for A and AS levels and GCSEs was published on the afternoon of 15 August 2020. Concerns were immediately raised in the media that it undermined one element of the policy intention behind the 'triple lock' (because it stated, as referred to above, that an appeal based on a valid mock result could not result in the awarding of a grade higher than the student's CAG).
- 5.31 By early evening, one of SSE's special advisers noted in an email to other DfE special advisers and senior DfE policy and communications officials that SSE was speaking to Ofqual to ask them to reissue the guidance without the line about students receiving the CAG where it was lower than their mock grade (Exhibit JO/104 - INQ000514530). Following SSE's conversation with Ofqual, one of SSE's special advisers cleared the following press line (Exhibit JO/105 - INQ000514531) for DfE to use:

"A Department for Education spokesperson said:

"We are pleased Ofqual has set out how it will implement the triple lock policy. A student will now be able to appeal on the basis of their mock mark to receive that grade.

"In its role as regulator, however, Ofqual has determined that in the rare circumstances where the centre-assessed grade is lower than the mock, it would be more appropriate for the student to instead receive the centre-assessed grade."

- 5.32 Later that evening, Ofqual withdrew the guidance, saying it was being reviewed.
- 5.33 Ofqual published the full technical report for its standardisation model for the first time on 13 August 2020 – the same day as A level results were published. Over the weekend of 15 and 16 August 2020, DfE received representations from a number of organisations, school trusts and networks claiming that they had found problems with Ofqual's statistical model or that results for their schools did not look right.
- 5.34 On 16 August 2020, DfE officials provided advice to No.10 that the DfE preferred position was not to revert to CAGs, which would have the effect of favouring students in those centres who submitted over-optimistic grades and penalising those whose centres tried to apply the model faithfully, as well as putting significant pressure on HEIs, which had now made their offers based on the Ofqual standardisation model. It would be preferable to retain the calculated grades approach but emphasise the appeals process. In sending the final version of this advice on the evening of 16 August 2020, however, DfE also advised that Ofqual's Chair and Chief Regulator had told SSE that Ofqual's Board was minded to make a formal decision to award CAGs for A and AS levels and GCSEs rather than

calculated grades. Ofqual's Chair and Chief Regulator said it was 'very likely' that they would write to DfE the following morning recommending this change (Exhibit JO/106 - INQ000514590).

- 5.35 This was formally a decision for Ofqual to take and government accepted its view. At this point DfE officials sent updated advice to No.10, setting out that while reverting to CAGs was still not DfE's preferred option, it would be untenable to continue to support a model that Ofqual now considered to be unfair without adjustment. While there would be damaging consequences, especially for HE admissions, as detailed below, there would be little prospect of reversing the Ofqual decision, leading to acceptance that reverting to CAGs should be the government's position. From a legal perspective, Ofqual confirmed that they did not need any further SSE direction to enable them to make this decision (Exhibit JO/107 - INQ000514591).
- 5.36 Early on the morning of 17 August 2020, DfE officials began planning for the scenario whereby Ofqual decided to move to CAGs for A and AS levels and GCSEs, including planning for the impact this decision would have on the HE application system. HE students had already received and accepted offers based on the grades they had received as a result of the Ofqual standardisation model (Exhibit JO/108 - INQ000514532).
- 5.37 On 17 August Northern Ireland announced that it was moving to teacher assessed grades for GCSEs, and the higher of either their teacher assessed grade, or the grade awarded by their version of the standardisation model for A and AS levels. Wales announced that it was moving to CAGs for A and AS levels and GCSEs on the same day.
- 5.38 Early in the afternoon on 17 August 2020, Ofqual held its board meeting, and the Board decided to move to CAGs. DfE officials worked with No.10 to clear an announcement with the Prime Minister (Exhibit JO/109 - INQ000514533).
- 5.39 DfE officials issued the following statement from SSE. This was also sent to DfE stakeholders:

"Education Secretary Gavin Williamson said

'This has been an extraordinarily difficult year for young people who were unable to take their exams.

We worked with Ofqual to construct the fairest possible model, but it is clear that the process of allocating grades has resulted in more significant inconsistencies than can be resolved through an appeals process.

We now believe it is better to offer young people and parents certainty by moving to teacher assessed grades for both A and AS level and GCSE results.

I am sorry for the distress this has caused young people and their parents but hope this announcement will now provide the certainty and reassurance they deserve.”

5.40 Alongside this, DfE issued a press notice confirming the move to CAGs, which included SSE’s statement (Exhibit JO/110 - INQ000514695).

5.41 The Ofqual Chair also issued a statement, which said that:

“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.” (Exhibit JO/111 - INQ000525673)

5.42 While plans for announcing the move to CAGs were being prepared, DfE officials were in discussions with HMT officials to set out and agree the cost implications of potentially higher numbers of students who had applied for places at HEIs and not achieved the requisite grades under the Ofqual statistical model, now achieving the grades required, as a result of the move to CAGs (Exhibit JO/108 - INQ000514532). At this time, officials estimated that the move to CAGs would mean an increase in student numbers of around 21,000. Officials also noted that there was now no policy reason to keep SNCs, which had been introduced earlier in 2020 as a way to stabilise the HE application system (see paragraph 5.2 of this statement).

5.43 DfE officials then drafted and sent to No.10 a detailed note setting out the implications of the move to CAGs for HE and FE at around 4.00 pm on 17 August 2020 (Exhibits JO/112 - INQ000514534 and JO/113 - INQ000514535). This document set out that this was expected to result in overall grade inflation at A level of around 12ppts, which would have significant implications for HE admissions, capacity, and finances. The document highlighted the potential instability this could cause in the sector, with more students meeting their entry requirements, withdrawing acceptances of offers at second choice

HEIs when they now met the requirements to attend first choice HEIs and many providers likely to offer deferrals to minimise disruptions. The note discussed withdrawing SNCs. It also looked at the legal considerations resulting from this situation, including the risk of various legal challenges. The document also touched on the implications for FE and VTQs, particularly in relation to GCSE results.

5.44 On the same day, 17 August 2020, in a news story on its website, Ofqual said:

“For the small number of qualifications that have used a statistical standardisation approach similar to the Ofqual model for A levels and GCSEs, Ofqual has asked awarding organisations to review their approaches. This is likely to mean a small proportion of VTQ results will be reissued” (Exhibit JO/114 - INQ000514696).

5.45 On the evening of 17 August 2020 and into 18 August 2020, DfE officials were working on a series of products and documents on the next steps for students entering HE in 2020 (Exhibit JO/108 - INQ000514532). This included a letter to HEI vice-chancellors, a letter to students and plans for a Higher Education Taskforce that would be led by the DfE’s Minister for Universities (“MfU”). DfE ministers and officials were absolutely clear on the impact that the decision to move to CAGs was having on the HE sector, not only in terms of the immediate impact on places for 2020, but also in terms of how the grade inflation mentioned above would impact on HE places in 2021, on top of potentially large numbers of students deferring their places to the following year.

5.46 The HE sector had been planning its offers on the basis of the results generated by Ofqual’s statistical model. When these results were announced, HEIs started to make confirmed offers to students, accordingly, ensuring that courses as far as possible were neither over nor under subscribed. The subsequent switch to CAGs had a number of major implications:

5.46.1 It meant that HEIs had to revisit all of their calculations and plans, to take account of a completely different set of results.

5.46.2 HEIs had to do this with two big constraints - they had already made a lot of offers they could not now withdraw; and those offers had established grade boundaries for entry (so for example if students achieving BBB under Ofqual’s statistical model had been offered places, they now also needed to offer places to all students achieving BBB under CAGs).

5.46.3 This inevitably meant that the number of students eligible for offers for many courses significantly exceeded capacity, which had cost and logistical implications, and in some cases meant that some students needed to be offered deferred places, because there simply were not enough spaces (e.g. laboratory desks for students to use).

- 5.47 On 18 August 2020, DfE announced that it was removing SNCs. The MfU also chaired the first meeting of the new Higher Education Taskforce, with HE sector groups, including UCAS, the Office for Students (“OfS”), Universities UK, Guild HE, the Russell Group, Universities Alliance, and Million Plus, as well as officials from DfE, HMT and DHSC. The purpose of this taskforce was to understand the issues and challenges that HEIs were facing and give them as much support as possible (Exhibit JO/115 - INQ000514536).
- 5.48 On 18 August 2020, DfE sent a statement (Exhibit JO/116 - INQ000507016) to FE providers, clarifying the situation for most students who had received Level 3 results for VTQs, or were awaiting their Level 2 VTQ results. This set out that the same kind of statistical standardisation process that was used for A levels and GCSEs had only been used in a very small number of cases for VTQs. For the small number of qualifications that had used a statistical standardisation approach similar to the Ofqual model for A levels and GCSEs, Ofqual had asked AOs to review their approaches. This was likely to mean a small proportion of VTQ results would be reissued.
- 5.49 The statement covered BTECs, which were not subject to the same statistical moderation process as A levels. Their CAGs were generally at unit level and used alongside other sources of evidence including work already completed and graded. On the whole, these CAGs were accepted with little change. However, for a very small proportion of BTECs where grades were adjusted, Pearson, which was the relevant AO, would be reviewing these on a case-by-case basis.
- 5.50 On 18 August 2020, Ofqual also released its own statement (Exhibit JO/117 - INQ000507118) regarding VTQs. Following the previous day’s decision to revert to CAGs, this set out to clarify that because of the way VTQs were assessed (see paragraph 4.12 above), the Ofqual standardisation model was not used in most VTQs and the approach to awarding VTQ results had been different.
- 5.51 However, on 19 August 2020, an issue with delays to the issuing of some VTQ results, and BTECs in particular, began to emerge. Following the decision to move to CAGs for A and AS levels, a number of AOs decided to regrade Level 2 and Level 3 results. DfE

officials sent an update to the SSE's office on the VTQ/BTEC situation, including information from across the different AOs involved (Exhibit JO/118 - INQ000514538). No.10 were also informed and then updated daily. No.10 asked DfE's Minister for Apprenticeships and Skills ("MfAS") to hold daily meetings with the AOs with outstanding results, the Association of Colleges, UCAS and the Sixth Form Colleges Association to ensure that work progressed on getting all VTQ results issued as quickly as possible. No.10 daily updates on the situation and the meetings continued until all VTQ results were issued (Exhibit JO/119 - INQ000514556).

- 5.52 Also on 19 August 2020, UCAS initially shared with DfE and then published its press notice showing the total number of students who were originally rejected by their original firm choice HEI (applicants make a firm (first) and insurance (second) choice after receiving offers from HEIs), but now met the A level conditions of their offer as a result of their results being upgraded due to the move to CAGs. UCAS's initial analysis showed that approximately 15,000 students were affected (Exhibit JO/120 - INQ000514697).
- 5.53 During this period, there had been widespread criticism of Ofqual in the media and the education sector. On 19 August 2020, following discussions between Number 10, SSE and the Ofqual Chair, DfE said that *"As the Government has made clear, we have full confidence in Ofqual and its leadership in their role as independent regulator and we continue to work closely with Ofqual to deliver fair results for our young people at this unprecedented time"* (Exhibit JO/121 - INQ000514537). That statement was made recognising the criticality of the ongoing work that was still taking place between Ofqual and DfE and the fact that, at that point, there was no proposition on the table nor any announcement to make about the leadership of Ofqual. It was important at this stage not to undermine public confidence in Ofqual, and at the same time to allow ministers space to consider whether any change in leadership was necessary, given the concerns set out in paragraph 5.58 below.
- 5.54 At the daily meeting of the Higher Education Taskforce on 19 August 2020, attendees had agreed to honour all offers across all courses to students who met their conditions in the coming 2020/21 academic year wherever possible, or if maximum capacity had been reached, to offer an alternative course or a deferred place at the same university. It also said that the government had decided to lift the existing cap on medicine, dentistry, veterinary science and teaching courses for all students who achieved their offer grades for the 2020/21 academic year (Exhibits JO/122 - INQ000514540 and JO/123 - INQ000514698).

- 5.55 Into the evening of 19 August 2020, DfE officials were working with MfU and No.10 to prepare a statement on agreed action to support students to get into their preferred HEIs. This was published on the morning of 20 August 2020 and confirmed that the government had agreed with the HE sector that all students achieving the required grades would be offered places at their first-choice university either in 2020 or 2021 (Exhibit JO/123 - INQ000514698).
- 5.56 On 20 August 2020, Ofqual published GCSE results for students in England. As announced on 17 August 2020, students were awarded their CAG or the calculated grade produced by Ofqual's standardisation model, whichever was higher (Exhibit JO/124 - INQ000514704).
- 5.57 Also on 20 August 2020, MfU wrote to HE students, via UCAS, in advance of them receiving their CAG grades, setting out the process they should follow if they were still seeking a place at university, or if their course was full (Exhibits JO/125 - INQ000514541 and JO/126 - INQ000514542). MfU also wrote to all HEI vice-chancellors updating them on the situation and asking them to honour all offers accepted to date, as well as to honour all offers that they had made that were now met through the new arrangements for both firm and insurance offers, where this was possible (Exhibits JO/127 - INQ000514544 and JO/128 - INQ000514545). The letter also confirmed that, subject to parliamentary approval, the government would be completely removing SNCs. MfU also said:

"I want to reassure you that I recognise the implications of this decision for universities and will work with you to explore ways to build more capacity in our system and at an institutional level. I understand that this sudden change will now cause significant challenges for universities. I have spoken to a great number of universities in the past few days as the situation has developed, and I shall continue to work as closely as possible with the sector to support you."

- 5.58 There were concerns within government about whether, given the current circumstances, Ofqual had the stability and leadership capacity in place to fulfil its role. On 20 August 2020, an email was sent from the DfE Permanent Secretary's office to the DfE Director General for Early Years and Schools, setting out that Her Majesty's Chief Inspector ("HMCI"), head of Ofsted and a former Chair of Ofqual, had spoken to the DfE Permanent Secretary about a proposition she had for the creation of a sub-committee to the main Ofqual Board. This could take over managing the outcomes of the exam results situation that had arisen in summer 2020, as well as planning for exams in 2021 for a fixed period, whilst the main Board continued to manage the more routine business of Ofqual. The

email asked the Director General to take forward work on this from the DfE side, involving DfE lawyers, and work with the Ofsted senior official who was leading the work from the Ofsted side. On the same day, SSE was informed of the proposition and further discussions took place between DfE, Ofqual and Ofsted officials (Exhibit JO/129 - INQ000514543).

- 5.59 Later in the day on 20 August 2020, an email was sent by the DfE Director General for Early Years and Schools to senior DfE officials summarising progress in these discussions so far. This included mention of Dame Glenys Stacey (a former Chief Regulator) potentially being brought into Ofqual in a leadership capacity. It noted that conversations had taken place with the Cabinet Secretary and Deputy Cabinet Secretary about the existing Ofqual Chief Regulator standing down (Exhibit JO/130 - INQ000514546).
- 5.60 HMCI and her senior official took forward this work further developing their proposition (Exhibits JO/131- INQ000514548 and JO/132 - INQ000514549) and sharing this with DfE officials on 21 August 2020. On the same day, DfE officials sent a note to SSE and DfE ministers that summarised the proposition, and the steps that would need to be taken and factors considered to enable it to happen (Exhibit JO/133 - INQ000514550). This note said the proposition being developed:

- “a) enables Amanda Spielman to chair a joint committee set up by the Ofqual Board to which it would delegate responsibility for taking charge of Ofqual’s immediate response to the last two week’s exam results issues, looking forward to the Autumn exam series and plans for 2021. Amanda is, of course a former Chair of Ofqual and was briefly, in 2016, Chief Regulator;*
- b) allows Sally Collier to step away from her role as Chief Regulator and enables Glenys Stacey, the former Chief Regulator, to fulfil that role on an interim basis - Glenys would report for most practical purposes to the joint committee;*
- c) enables Ofsted to support the leadership of Ofqual from within its own leadership team, through appointing members of the Ofsted Board to the Ofqual Board and through “seconding” Chris Jones, the current Director of Strategy at Ofsted, to support Amanda in her role, chairing the joint committee.”*

- 5.61 On 21 August 2020, CO announced that Susan Acland-Hood had been appointed as Second Permanent Secretary at DfE to lead the government’s response on exams (Exhibit JO/134 - INQ000525663).

- 5.62 HMCI and her officials worked with DfE officials, including lawyers, to work through the necessary steps for the proposition set out in paragraph 5.58 above to take place. DfE lawyers also looked at the steps that would be required to bring about the proposed changes (Exhibit JO/135 - INQ000514552). On 23 August 2020, the Second Permanent Secretary at DfE informed senior DfE officials who had been working on this that Ofqual had agreed to the plans and that the Ofqual Chair and HMCI would work through the remaining details on the morning of 24 August 2020 (Exhibit JO/136 - INQ000514553).
- 5.63 On 25 August 2020, the Chief Regulator at Ofqual tendered her resignation to SSE (Exhibit JO/137 - INQ000514699). Dame Glenys Stacey became new Acting Ofqual Chief Regulator reporting to the new Recovery sub-committee of the Ofqual Board, chaired by HMCI, Amanda Spielman. On the same day, SSE wrote to the Ofqual Chair (Exhibit JO/138 – INQ000514555). In this letter, he said, *“I would like to welcome the arrangements that you, with support from colleagues at Ofsted and from Dame Glenys Stacey, have put in place to secure clear and stable leadership of Ofqual with immediate effect”*.
- 5.64 SSE also said that for Ofqual, *“the priorities over the coming months seem to me to be fourfold:*

To respond effectively to the problems around both General Qualification [and] Vocational and Technical Qualification results over the last month and provide assurance that appropriate lessons have been learned;

To look ahead to the autumn exam series and to 2021, to ensure that both General Qualification and Vocational and Technical Qualification exams and assessments and the results from them can be delivered effectively.

To put in place the organisational change needed to return Ofqual, as an organisation to effectiveness and public trust; and,

To successfully take up its new responsibilities for the external quality assurance of Apprenticeship end point assessment.”

- 5.65 At this time, the Prime Minister decided that Jonathan Slater, the DfE Permanent Secretary should stand down from his role. On 26 August 2020, a spokesperson for the government said, *“The prime minister has concluded that there is a need for fresh official leadership at the Department for Education. Jonathan Slater has therefore agreed that he will stand down on 1 September, in advance of the end of his tenure in Spring 2021.”* The Prime Minister has the power to do this as the Minister for the Civil Service under section 3

of the Constitutional Reform and Governance Act 2010. This was confirmed to the Constitution Committee Inquiry in a letter by the Cabinet Secretary in 2023 (Exhibit JO/139 - INQ000525658). Susan Acland-Hood, Second Permanent Secretary at DfE (see paragraph 5.61 of this statement above) was asked to take on the role temporarily while the position was advertised.

- 5.66 On 26 August 2020, Ofqual published guidance on appeals for students who had received their GCSE, AS and A level grades in England in summer 2020. This guidance summarised the information Ofqual had previously published and included contact details for additional help and support. This set out that appeals must be made by the school or college to the relevant exam board by 17 September 2020 (Exhibit JO/140 - INQ000525659).
- 5.67 The 'Gold Command' taskforce (see paragraph 5.29 of this statement), set up by DfE on 15 August 2020 and chaired by MoSSS, which was attended by AOs, Ofqual and representatives of unions and sector organisations such as the National Association of Head Teachers, the Association of School and College Leaders and the Association of Colleges, continued to meet regularly during this period and through to late September 2020. MoSSS used this taskforce to ensure that AOs were dealing with appeals swiftly (Exhibits JO/141 - INQ000514557 and JO/142 - INQ000514638).
- 5.68 An exceptional autumn exams series (in a normal year, an autumn exam series is only for GCSE maths and English language) had been planned from the outset to take place by DfE and Ofqual. This was also part of SSE's 'triple lock' announcement on 12 August 2020, with young people able to take exams in the autumn if they wanted to improve an A or AS level or GCSE grade that they had received in August 2020 (Exhibit JO/085 - INQ000507106) and to give those private candidates who were unable to get a grade in the summer the opportunity to take an exam. During September 2020, MoSSS and DfE officials continued to plan for this series with Ofqual, including how it would be graded. A and AS level exams took place in October 2020 and GCSEs took place in November 2020. Just under 16,000 certificates were awarded for A levels, just under 1,500 certificates for AS levels and just over 15,000 certificates for GCSEs in autumn 2020 (see paragraph 3.1 of this statement for the total number of certificates awarded).

Chapter 6: Planning for exams in 2021, including the cancellation of exams in January 2021 and then the delivery of teacher assessed grades (TAGs) in summer 2021

- 6.1 DfE and Ofqual began planning for 2021 exams mid-way through 2020. DfE officials sent a submission on 11 June 2020 to SSE and DfE ministers (Exhibit JO/143 - INQ000507090) regarding arrangements for exams, assessments and accountability data in 2021 due to the impact of lost learning for students. This noted that officials had concluded that “*some adjustment to exams and assessments next year [would] be necessary*”. In light of the policy role owned by DfE in setting content for each subject, the submission set out that Ofqual would welcome a letter from SSE setting out the policy considerations for exams and assessments. This was to inform the consultation Ofqual were planning on changes to exams and assessments in summer 2021. This submission included a question to SSE as to whether or not he would prefer to include a paragraph in the letter on contingency planning in case exams were not able to go ahead for all students the next summer as planned.
- 6.2 SSE agreed the policy direction set out in the submission (Exhibit JO/144 - INQ000514494). This response did not provide feedback on whether the letter should include a paragraph on contingency planning but subsequently a letter (Exhibit JO/145 – INQ000507008) was sent on 18 June 2020 from SSE to the Ofqual Chief Regulator. This requested that Ofqual explore with AOs the scope for altering the timing of exams for 2021, including moving some or all exams to later in the summer term. The letter further requested advice and proposals from Ofqual on the measures that they, and awarding organisations, could take in relation to VTQs, to mitigate the impact of disruption in vocational and technical education. It was also confirmed that exams and other assessments should go ahead in the next academic year (2020/21). The letter did not include a request for Ofqual to undertake contingency planning.
- 6.3 A consultation from Ofqual was published on 2 July 2020 (Exhibits JO/146 - INQ000525665 and JO/147 - INQ000514703), focussing on proposed changes to the assessment of GCSEs, AS and A levels in 2021. The consultation noted that it was government policy that exams and assessments should go ahead in the next academic year and listed government’s policy objectives, which were that:
- 6.3.1 students taking exams and assessments next year could progress successfully to the next stage of their education or to employment;

- 6.3.2 every effort should be made to maintain the standard and rigour of the qualifications, to the extent this was possible, given the unique circumstances;
 - 6.3.3 students taking A levels should be able to progress successfully to higher education;
 - 6.3.4 students taking GCSEs should be able to progress successfully to A levels or to other level 3 qualifications; and
 - 6.3.5 the content, specified by DfE, which forms the foundation of the subjects should not be changed.
- 6.4 The consultation sought views on proposals to change the assessment requirements for some subjects to free up teaching time and, in some instances, reduce what needed to be taught. It noted that this was in the context of the loss of education in 2020 caused by the pandemic and the extent to which students' education had continued while schools and colleges had been closed to the majority of pupils, which had varied significantly. The range of possible measures proposed aimed to provide students with more teaching time to help ensure all content was taught, or to enable teachers to revisit content already covered before schools and colleges began to close. This aimed to ensure students had as much support as possible to succeed, and to relieve pressure on teachers and students whilst making sure exams were as fair as possible. Examples of proposals in the consultation included:
- 6.4.1 removing the requirement to record the spoken language assessment in GCSE English language, in light of the time recording took to arrange, and allowing students to present to a teacher alone rather than a wider audience, in order to make the assessment experience more comfortable for some students;
 - 6.4.2 allowing GCSE students to observe (rather than undertake) practical science work as this would allow teachers more freedom to decide how to use the available teaching time; and
 - 6.4.3 assessing art and design students on their portfolio alone, dropping the additional task usually set by the exam board under supervised conditions, in order to reduce the pressures of time that the closure of schools and colleges to the majority of pupils had created.

- 6.5 On 3 August 2020, Ofqual published their consultation decisions (Exhibit JO/148 - INQ000514503). This set out that they had decided to implement the majority of the proposals set out in the consultation document.
- 6.6 On 3 August 2020, Ofqual also published a consultation on proposals for assessing and awarding VTQs (Exhibit JO/149 - INQ000525664). This aimed to balance the need to mitigate disruption to learning with the need to maintain standards and with the need to ensure consistent approaches across similar qualifications, as far as possible, whilst recognising the diversity of the VTQ landscape. The proposals also aimed to ensure that learners taking qualifications most similar to A levels or GCSEs were not advantaged or disadvantaged compared to their peers taking those qualifications and competing for the same progression places.
- 6.7 On 7 September 2020, Ofqual published a response to this consultation (Exhibit JO/150 - INQ000514643). This set out that Ofqual had decided to implement the proposals in full. This meant that, in light of the diversity of the VTQ landscape, Ofqual would not prescribe a single approach to the adaptation of assessments and qualifications to mitigate the impact of disruptions to teaching, learning and assessment arising from the COVID-19 pandemic. Ofqual said it would issue statutory guidance to inform awarding organisations' decisions and to support the development of consistent approaches. Ofqual committed to working with awarding organisations to develop consistent approaches for similar qualifications and to introduce a second version of the ERF, 'the Extended ERF', to reflect this approach to mitigation and adaptation. The original ERF used in 2020 is described at paragraph 4.13 of this statement.
- 6.8 Following the publication of the consultation and resulting decisions on the approach to GCSEs, AS and A levels described above, results of the 2020 exams were published. DfE officials therefore continued work on the approach for exams in 2021 taking into account the challenges experienced on results in 2020, as well the responses to the consultations described above.
- 6.9 On 9 September 2020, DfE officials sent a submission (Exhibit JO/151 – INQ000514634) to SSE setting out options for GCSEs and A levels in the 2021 exam season, seeking agreement to discuss the planned approach with stakeholders and to brief No10. The submission noted "*it is paramount that the summer 2021 exams take place to avoid a repeat of the problems this year*". It set out options to manage the fact that those sitting GCSE and A levels in summer 2021 had "*lost up to 14 weeks (70 days) of normal*

teaching time, putting them at a disadvantage relative to previous cohorts". The four recommendations set out in the submission to manage this were:

- 6.9.1 increased teaching time for this cohort to reduce the impact of time lost;
 - 6.9.2 for those exams in 2021, students would need to either learn less, or less of their curriculum should be assessed;
 - 6.9.3 in terms of the approach to grading, to move back gradually over time to smooth the 2020 grade inflation rather than immediately shift back to maintain the 2019 standards; and
 - 6.9.4 do everything possible to ensure exams go ahead in all circumstances and measures are in place for any candidates unable to attend an exam.
- 6.10 In terms of the last measure around ensuring exams would take place, the submission noted that work would be needed to ensure priority was given *"to both the continued learning of Years 11 and 13 and that procedures were created and understood to hold exams no matter what the local or national pandemic situation"*.
- 6.11 On 17 September 2020, a note (Exhibit JO/152 - INQ000514636) was sent to No.10 regarding the timing and content for 2021 exams including the proposal to delay the start of exams. No.10 provided a readout on the note and a subsequent meeting that took place on 18 September 2020. The readout (Exhibit JO/153 - INQ000514637) showed that whilst No.10 was broadly content with the proposals, they would like to see a note setting out the challenges and risks associated with the approach to grading. On 25 September 2020, DfE officials sent another submission (Exhibit JO/154 - INQ000525672) to SSE outlining the proposed changes to the exam timetable, suggesting that exams should start on 7 June 2021. This adjustment aimed to provide more teaching time and accommodate the impact of the pandemic. It would reduce the exam timetable from 27 working days to 20 working days (GCSE) and from 30 working days to 20 working days (for A level). The submission also discussed the need for teachers and schools to assist with marking during this exceptional year and highlighted the importance of ensuring exams took place under all lockdown scenarios. The document also detailed contingency planning, such as reducing the number of papers needing to be sat or additional assessments in the winter or spring and the use of remote invigilation, whilst emphasising the importance of fairness and parity for students taking VTQs alongside GCSEs and A levels. The content of the submission was agreed by DfE ministers and special advisers (Exhibit JO/155 - INQ000514639) before sending to No10 (Exhibit JO/156 - INQ000514640).

- 6.12 DfE officials sent a submission on 9 October 2020 (Exhibit JO/157 - INQ000507018) proposing an announcement from SSE to confirm the commitment to exams proceeding in 2021, and that the start of exams would be moved back approximately 3 weeks for the majority of subjects to provide more time for teaching. The submission noted that SSE had been consistently clear that *“exams are the fairest form of assessment, and that the department should be committed to a policy that exams can take place next summer, taking whatever steps they reasonably can to support this”*. It set out that DfE officials had worked closely with No.10, Ofqual, exam boards and the sector in agreeing the content of the announcement, with an aim to reinforce DfE’s commitment to exams taking place. It also confirmed that DfE officials would *“continue to work closely with Ofqual, stakeholders and the sector to consult on contingency plans in order make provisions to ensure exams can happen in as many eventualities as possible”*.
- 6.13 SSE agreed the proposals in the submission (Exhibit JO/158 - INQ000507076) and this was formally announced on 12 October 2020 (Exhibit JO/159 – INQ000507119). The announcement included a paragraph that said: *“Given rising case numbers and the battle to suppress the virus, it is also right that there is consideration of the range of scenarios which might impact students’ ability to sit exams and develop contingency plans”* (Exhibit JO/159 - INQ000507119).
- 6.14 DfE officials continued to work on planning for summer 2021 exams, and another submission (Exhibit JO/160 - INQ000507020) was sent on 29 October 2020 which asked SSE for views on DfE officials’ recommendations for how Ofqual should grade the 2021 exam series.
- 6.15 The submission noted that the approach taken to grading was a critical part of the overall approach to ensuring fairness in 2021 exams. It set out options to meet SSE’s request for 2021 grading to be as generous as in 2020 and to return to the pre-pandemic standard at some point in the future (Exhibit JO/161 - INQ000507019). SSE, MoSSS and special advisers responded (Exhibit JO/161 - INQ000507019) and were supportive of the approach set out in the submission.
- 6.16 Whilst it was still a priority and expected for exams to go ahead in 2021, options were explored further by DfE officials, in conjunction with Ofqual, for the eventuality that exams were not able to go ahead. Options that were explored (Exhibit JO/162 - INQ000514645) included, but were not limited to:

6.16.1 Teacher assessed grades (“TAGs”);

- 6.16.2 Moderated non-exam assessment, i.e. students complete tasks set by their exam centres based on a common set of criteria, which are marked internally but with external moderation;
 - 6.16.3 Unmoderated non-exam assessments, where students receive their grades based on teacher assessment marking of internally set tasks assessed using a common set of criteria;
 - 6.16.4 Ranking based on either non-exam assessments or teacher assessments where pupils are awarded a grade based on their ranking;
 - 6.16.5 Replacing exams with different assessment options e.g. aptitude tests alongside a statement from the school of impact of lost learning to provide a grade.
- 6.17 On 10 November 2020, a meeting was held with DfE senior officials and SSE to discuss contingency options. In an email chain (Exhibit JO/163 - INQ000514646) discussing the agenda for the meeting, a DfE official made clear their view that, as a fall-back option for the worst case scenario should all exams be cancelled, a system of teacher assessed grades was "*probably the only viable route*".
- 6.18 DfE officials sent a submission on 24 November 2020 (Exhibit JO/164 - INQ000507031) asking for SSE's agreement to a package of measures to ensure delivery of the 2021 exams. As previously mentioned, the measures were developed with Ofqual, JCQ, and the AOs for the purpose of ensuring as many students as possible could sit their exams and that the exams were fair. It noted that some decisions were to be taken by Ofqual, JCQ and the AOs and some may require consultation. The submission focussed on various elements of 2021 exams including:
- 6.18.1 Supporting the delivery of summer 2021 exams by prioritising COVID-19 testing for exam cohorts, setting expectations that teachers should be permitted to mark exams during the working day and agreeing to not seek a time reduction in the HE application process from UCAS and HEIs;
 - 6.18.2 Ensuring grades were fair and balanced with the previous years' results;
 - 6.18.3 Ensuring as many people as possible could sit exams through contingency planning;

- 6.18.4 Giving teachers and students advance notice of some of the topics that will be tested in exam papers and allowing students additional materials in the exam room; and
- 6.18.5 Ensuring those who missed an exam would still be able to achieve a grade through Ofqual's proposal to award a TAG.
- 6.19 On 30 November 2020, a package of announcement documents was sent to SSE with input from Ofqual which was cleared by ministers and special advisers (Exhibit JO/165 - INQ000514648). The package included letters to MPs, unions, students, Ofqual and HMCI, a Q&A and guidance to publish on GOV.UK with an announcement date of 3 December 2020.
- 6.20 On 3 December 2020, a press release (Exhibit JO/166 - INQ000507113) was issued from SSE regarding students who were due to sit exams and other assessments in 2021. It provided further information on how students would benefit from a package of exceptional measures to support students, improving fairness and to help prevent disruption. On top of the 3-week delay that had been announced in October 2020, it was announced that further measures would include:
- 6.20.1 *“more generous grading than usual, in line with national outcomes from 2020, so students this year are not disadvantaged;*
- 6.20.2 *Students receiving advance notice of some topic areas covered in GCSE, AS and A levels to focus revision;*
- 6.20.3 *Exam aids – like formula sheets – provided in some exams giving students more confidence and reducing the amount of information they need to memorise; and*
- 6.20.4 *Additional exams to give students a second chance to sit a paper if the main exams or assessments are missed due to illness or self-isolation.”*
- 6.21 The announcement also included information that students taking VTQs would see adaptations to ensure parity between general and vocational qualifications, with some vocational qualifications requiring more varied adaptations due to the different qualification types.
- 6.22 On 15 December 2020, SSE received a joint paper written by DfE and DHSC for Covid O, on the approach to managing the return of school and colleges at the start of the January 2021 term. Based on the latest public health and scientific advice, the paper set out

proposals to stagger secondary school and college return, with vulnerable children, CCW, and exam cohorts returning to face-to-face education from 4 January 2021, then other pupils returning from 11 January 2021, a week later than originally planned. This would enable all students and staff to be tested prior to returning to the classroom (Exhibits JO/167 - INQ000075499, JO/168 - INQ000075502 and JO/169 INQ000075503). A subsequent submission (Exhibit JO/170 - INQ000497715) from DfE officials to SSE on 18 December 2020 regarding the COVID-19 testing approach upon the January 2021 school return, noted: *“it is important that children sitting exams this year are prioritised for onsite learning and testing alongside vulnerable children and children of critical workers because they will have comparatively less time to make up any impact on their learning before their exams compared with other year groups”*.

- 6.23 From the end of December 2020 to the start of January 2021, the rate of spread of the Alpha COVID-19 variant accelerated very quickly.
- 6.24 Planning for ‘Plan B’ - contingency planning if exams did not go ahead - was prioritised and on 29 December 2020, a briefing pack (Exhibit JO/171 – INQ000507078) was sent to SSE outlining Plan B options, including key milestones and general advice. The options included:
- 6.24.1 Standardised assessments – administered in controlled classroom conditions over a period of time and marked by teachers and, by exception, administered remotely and marked by teachers. They would be subject to moderation and the exam boards would determine grades based on students’ marks, which would be determined by teachers.
 - 6.24.2 Teacher judgement – based on observed performances in the year which allows for greater flexibility for when an assessment could take place. Teachers could be provided with a framework to guide judgements and students did not need to be in school for this judgement to be made. In this approach, teachers, rather than exam boards, would determine grades.
 - 6.24.3 A mixture of the above – a robust and standardised assessment with an indication of a student’s potential. In this approach there would have been two grades awarded as they could not be meaningfully combined and moderated.
 - 6.24.4 Partial cancellation – maintain exams for certain cohorts or qualifications and use teacher assessment for certain qualifications.

- 6.25 DfE has not been able to find evidence of feedback on this briefing.
- 6.26 Also on 29 December 2020, a meeting on school attendance took place between SSE, Secretary of State for Health and Social Care (“SSHSC”), senior officials from DfE, DHSC, Public Health England, the Joint Biosecurity Centre (“JBC”), NHS Test and Trace, CO and the Deputy Chief Medical Officer. SSE and SSHSC agreed to delay the phased return of all secondary schools and FE colleges by one further week, from 11 January 2021 to 18 January 2021, to give additional time to prepare for testing their pupils and students on-site. Those in exam years would return from 11 January 2021, however, while vulnerable children and CCW would return from 4 January 2021, as originally planned (Exhibit JO/172 - INQ000075506).
- 6.27 On 30 December 2020, the Prime Minister gave a statement (Exhibit JO/173 - INQ000075739) at the COVID-19 press conference confirming that CCW and vulnerable children would return to face-to-face learning in secondary schools and colleges as planned from 4 January 2021, but that exam year pupils should learn remotely during the first week of term and return to the classroom from 11 January 2021, with all other pupils returning on 18 January 2021.
- 6.28 On 1 January 2021, at Education Gold, a meeting organised and run by CO’s COVID-19 Taskforce, it was agreed to extend school closures to all primary schools across London until 18 January 2021, and on the afternoon of 4 January 2021, there was a Cabinet meeting attended by SSE. During this meeting the COVID-19 Taskforce reported that the national situation was worsening, with rising cases expected to put more pressure on hospitals. The update paper for Cabinet stated that the Chief Medical Officers of England, Wales, Scotland and Northern Ireland had advised moving to Alert Level 5, indicating that there was a significant risk of healthcare services becoming overwhelmed (Exhibits JO/174 - INQ000075517 and JO/175 - INQ000088942). The paper explained that a national lockdown was needed as further limits on social contact, particularly in schools, should reduce the R number. The paper stated that, for education settings, the national lockdown would include:

“restricting attendance at schools, colleges, and higher education settings. In person attendance at schools (and other children’s activities) will be for vulnerable and critical worker children only until February half term. This will have implications for examinations. University provision will remain online until the mid February for all except future critical worker courses. Early years provision will not close”
(Exhibit JO/175 - INQ000088942).

- 6.29 At this Cabinet meeting, ministers decided to introduce a new national lockdown which would last until mid-February 2021.
- 6.30 On 4 January 2021, the Prime Minister announced the third national lockdown in a televised address (Exhibit JO/176 - INQ000086664). The Prime Minister confirmed that schools and colleges across England must move to remote provision from 5 January 2021. In light of this, the Prime Minister confirmed that it would not be possible or fair for all exams to go ahead for summer 2021. The Prime Minister said that the Education Secretary would work with Ofqual to put in place alternative arrangements.
- 6.31 On 5 January 2021, DfE ministers and senior officials held a meeting with the Ofqual Chief Regulator and Chair to discuss how DfE and Ofqual would work together following the decision to cancel exams. This discussion included plans for consultation and taking forward teacher assessment based options, as well as the need for full consideration of VTQs (Exhibit JO/177 - INQ000514656).
- 6.32 On 5 January 2021 DfE officials sent a submission (Exhibit JO/178 - INQ000507091) to SSE seeking a view on the approach to results in 2021, in light of the announcement the previous day, and the aspects on which he wanted Ofqual to consult.
- 6.33 Across 5 and 6 January 2021, DfE officials were preparing the contents of a letter that would go from SSE to the Ofqual Chief Regulator, setting out SSE's steer on what should happen with exams in 2021, as well as agreeing the draft of an oral statement that SSE would make on 6 January 2021. DfE engaged with Ofqual on the content of both documents as they were being compiled (Exhibits JO/179 - INQ000514651 and JO/180 - INQ000514652).
- 6.34 SSE provided the oral statement (Exhibit JO/181 - INQ000497841) to Parliament on 6 January 2021 confirming that it would not be possible to have exams in that academic year and that trust would be placed in teachers rather than algorithms. SSE provided reassurance that DfE had worked closely with Ofqual in relation to a range of contingency options. In his statement, SSE was clear that *"students and staff have worked hard to prepare for the January exams and assessments of vocational and technical qualifications and we want to allow schools and colleges to continue with these assessments where they judge it is right to do so"*.
- 6.35 DfE undertook stakeholder engagement on 6 January 2021 to ascertain how many exams and assessments were continuing to go ahead in January 2021. According to DfE engagement with over 220 colleges and college groups (Exhibit JO/182 - INQ000514655)

across 6 January 2021, approximately one third indicated that they had continued with all or some of their VTQ exams.

- 6.36 On 7 January 2021, SSE's office formally fed back on the submission of 5 January 2021 and said that having read the submission, SSE and MoSSS had a number of steers including:

“Agree to launch consultation next week – ideally after the ESC on Tuesday;

Agree the consultation should run for two weeks – with active stakeholder engagement, led by NG [MoSSS], during that time;

Would like further advice on if the consultation is Ofqual led, or joint, and whether we do one consultation on GQs and one on VTQs or all in one”

- 6.37 Following further discussion of this between SSE and MoSSS, SSE's Deputy Principal Private Secretary then fed back SSE's view that *“wherever we end up should not an [sic] include an algorithm or anything perceived as one, even marginally. If we are going to recommend including a test/assessment as part of a TAG, SoS and NG's instincts at the moment are that it should not be a standardised assessment, rather more informal, be marked by schools, and be permissive rather than mandated”* (Exhibit JO/183 - INQ000514654).

- 6.38 On 11 January 2021, following on from SSE's feedback to the submission of 5 January 2021, DfE officials sent a further submission to SSE. This invited a full and formal decision that exams should not go ahead and recommended the consultation be launched on what the alternatives should be. It also included a draft Equalities Impact Assessment that informed that decision, and the draft of the letter to go from SSE to the Ofqual Chief Regulator, as well as the draft that would be sent back to SSE in reply, that had been drafted by Ofqual (Exhibit JO/184 - INQ000507092).

- 6.39 On 12 January 2021, SSE's Deputy Principal Private Secretary fed back on the submission that:

“SoS agrees that GCSE, AS and A Level exams should not proceed as planned in summer 2021, for the reasons given in the submission including the ongoing disruption to education, and the uncertainty about when the public health situation will allow schools and colleges to re-open. SoS notes the Equalities Impact Assessment.

SoS has confirmed that he would like Ofqual, with us, to consult on the alternatives to exams and has noted the high level policy position as reflected in the letter to the PM last week, and in the letter to Ofqual, which is that the summer exam series should be replaced by teacher assessment. No10 have confirmed the PM has also signed off this approach” (Exhibit JO/185 - INQ000507093).”

- 6.40 SSE wrote to Ofqual's Chief Regulator on 13 January 2021 (Exhibit JO/186 - INQ000563306), outlining the process to agree alternative arrangements for exams in 2021. This letter asked that the Ofqual Chief Regulator continue to work jointly with DfE on alternative arrangements based on teachers' assessment and prepare to launch a consultation to students, parents and teachers quickly. Given that there remained decisions for SSE to take on matters of government policy, and for Ofqual to take on changes to the regulatory framework, SSE suggested it would make sense for DfE and Ofqual to conduct a joint consultation. Following the consultation, SSE would issue a direction to Ofqual, having considered the responses, to set out his expectations for the way in which qualifications should be delivered in 2021. On the same day, as previously agreed with Ofqual, Ofqual published a response from the Chief Regulator (Exhibit JO/187 - INQ000525662).
- 6.41 Following SSE's decision that Ofqual and DfE should consult jointly on the alternatives to exams, DfE and Ofqual officials worked at speed to draft consultation documents on arrangements for A and AS levels, GCSEs and VTQs. The consultation would be launched as a single document, but with two parts – one covering A and AS levels and GCSEs and one covering VTQs. Drafts were first shared by DfE officials with DfE ministers and senior officials on 12 January 2021 (Exhibit JO/188 - INQ000514657). Iterations continued to be amended and shared as DfE officials, ministers and No.10 fed in up until shortly before publication (Exhibit JO/189 - INQ000514660).
- 6.42 Alongside the work that took place to consult on the alternatives to exams (see paragraph 6.47 below for stakeholders engaged as part of the consultation), DfE undertook regular and extensive engagement with the main teacher unions and representative bodies throughout this period. For example, DfE's Director for Qualifications chaired a fortnightly stakeholder forum with DfE officials and teaching unions and stakeholder bodies including the National Association of Head Teachers, the Confederation of School Trusts, the Association of Colleges, the Sixth Form Colleges Association, the National Association of Schoolmasters Union of Women Teachers, the National Education Union and the Association of School and College Lecturers during 2021. These meetings discussed key decisions and announcements specifically about qualifications and also tested policy

options as they were developed and implemented. Engagement also took place through groups such as the Permanent Secretary Stakeholder Group, the FE Commissioner's Principals Reference Group and ministerial reference groups (Exhibits JO/190 - INQ000514673 and JO/191 – INQ000514674).

6.43 On 15 January 2021, the joint DfE/Ofqual consultation (Exhibit JO/192 - INQ000507038) was launched by DfE and Ofqual regarding proposed alternative arrangements for qualifications including GCSEs, AS and A levels, VTQs and other general qualifications for 2021.

6.44 The consultation ran between 15 January 2021 to 29 January 2021 and received just over 100,000 responses (Exhibit JO/199 - INQ000507071). Having considered the responses to the consultation and following the letter from SSE (see paragraph 6.33), Ofqual were able to decide how grades for GCSEs, AS and A levels should be determined for summer 2021:

6.44.1 It was decided that grades would be based on teacher assessments rather than exams. They would be graded on the assessment of students' performance rather than exams;

6.44.2 Quality assurance measures would be put in place to ensure the consistency and fairness of the teacher assessed grades (TAGs);

6.44.3 There would be a route for students to appeal their grade if they believed there had been an error; and

6.44.4 There would be guidance and training to help support teachers to make accurate assessments as part of this process.

6.45 On 3 February 2021, a submission from DfE officials to SSE (Exhibit JO/194 - INQ000507047) sought his views on a package of measures to ensure the awarding of GCSE and A and AS levels in 2021. The submission set out the principles underlying the package of measures:

“students will only be assessed on what they have been taught because this is fair and helps to mitigate the impacts of lost learning; everyone who was studying for an exam this year will be able to obtain a qualification; and students should have agency and feel that they have deserved their grade”.

- 6.46 The submission proposed that schools and colleges were provided with a coherent package of support materials, guidance and training to help them judge the standard of evidence for a student. It also proposed that an appeals process should be put in place for students to use if they had reason to think the system had not worked for them. It also proposed that results would be received by students slightly earlier than usual on 12 August 2021 for A level results and 19 August 2021 for GCSE results. This aimed to leave sufficient time for appeals to be completed, enabling admissions decisions to be made before the start of the 2021/22 academic year. It also recommended that JCQ obtain exam results data much earlier than normal to ensure government were prepared to handle any adverse outcomes.
- 6.47 The submission included an annex which set out views on each element of the package which was being proposed to SSE from students, teachers, leaders, union groups and other stakeholders (Exhibit JO/195 - INQ000507044). These were drawn from quantitative consultation responses and stakeholder feedback. It noted that 100,596 responses had been received to the consultation (Students – 52%, Parents/Carers – 27%, Teachers/SLT members – 19%, Other – 2%) and that DfE had also held over 90 stakeholder consultation meetings, 6 ministerial reference groups, 20 research meetings (parent and student focus groups and in-depth interviews) as well as meeting with the DfE's COVID-19 Schools Recovery Advisory Group.
- 6.48 Also sent on 3 February 2021 was a separate submission to SSE regarding the approach to VTQs (Exhibit JO/196 - INQ000507048). The submission outlined the recommendations and decisions regarding the awarding of VTQs in 2021, following the joint consultation with Ofqual. The recommendation was that:

“we propose that we take a similar approach to determine the awarding approach for different VTQs as we did in Summer 2020. We recommend three broad groupings of qualifications based on their features, purpose and type... This approach is substantively the same as the approach we consulted on, with qualifications which received calculated grades last year in scope of alternative awarding arrangements. However, it provides more clarity about the features of the qualifications in scope of receiving alternative arrangements, in order to address the consultation responses regarding the need for greater clarity on which qualifications and exams were in scope.”

- 6.49 It went on to say that:

“In light of the concerns arising from the consultation regarding the ability of providers to complete all internal assessment, we also recommend that we nuance our position on internal assessment: internal assessment should continue where possible, particularly for occupational competency qualifications, but we recognise that, for a significant number of students, it is likely that they will not be able to complete all of their internal assessment, due to the disruption they have faced and the inability to complete some of their internal assessment remotely.”

6.50 The submission stated that recommendations had been discussed with the relevant AOs such as IBO, Cambridge International and OCR. It was said that the view of stakeholders was that *“they can award their UK students with alternative arrangements but, given the differences with A levels, the precise arrangements for awarding may not be exactly the same, depending on the outcome of the GQ consultation.”*

6.51 On 11 February 2021, there was a follow up submission to the above (Exhibit JO/197 - INQ000507052). This sought a decision on the package of measures to ensure the awarding of GCSE and A and AS level qualifications in 2021, including issues on which there was an interdependency with VTQs. Building on the submission sent to SSE on 3 February 2021, this submission included further stakeholder feedback on determining grades and setting standards, along with the additional issues considered in this submission. It also noted how DfE was working collaboratively with Ofqual at the time, stating:

“we continue to work collaboratively at official level and want to acknowledge their continued support and cooperation. Ofqual will of course need to take its own decisions having regard to its statutory duties.”

6.52 This submission set out that DfE officials were considering the equalities impacts of the proposals. It noted that officials judged that the proposed approach to results in 2021 provided fairness for all students by ensuring that the great majority of students would be awarded a GCSE, A and AS level grade in each subject they had been entered for through teacher assessment. This meant that students could progress to the next stage of their lives without further disruption. In terms of the impact on groups who shared protected characteristics the submission noted:

“the policy as a whole has a positive impact on some groups with protected characteristics [race, disability and sexual orientation]. Parts of the policy could negatively impact groups with the protected characteristics of [race, disability, and

sexual orientation] due to teacher conscious and unconscious bias. Whilst Ofqual research has determined that these biases could have limited effects on grading, the use of clear support and guidance would reduce such negative impacts. With schools and colleges closed to most students, it is possible that students who share the protected characteristics of race (BAME) and disability may have been put at a further disadvantage by the absence of formal teaching and learning in school or college compared to their peers who may have been more able to learn more due to having greater access to resources and support in their home environment or, in some cases, having additional private tuition. This policy looks to mitigate some of the impacts of that differential.”

- 6.53 The submission recommended bringing the results days closer together, so the A/AS level results could be released to students on 10 August 2021 and GCSEs on 12 August 2021, with a view to seek alignment with Wales and Northern Ireland. It was suggested that corresponding VTQ results should be issued in the same week and no later than A level and GCSEs. It reiterated that DfE would continue to work with Ofqual, the exam boards, AOs and providers to understand and mitigate the delivery risks of issuing all four sets of results in one week. There was also another mention of JCQ issuing exam results data to DfE a week earlier than usual so that DfE would have more time to understand and manage any unexpected outcomes. The DfE would then work with HEIs to secure agreement that they would hold open places for ‘near miss’ students, if possible, until 10 September 2021 for those who wished to appeal their grades. SSE agreed to these measures on 18 February 2021.
- 6.54 On 12 February 2021, a submission was sent to SSE (Exhibit JO/198 - INQ000507086) by DfE officials setting out the phasing of a return to full face-to-face attendance at schools and colleges. This set out the different priority groups:
- 6.54.1 Priority group 1 included students on practical HE and FE courses who would be unable to graduate if they did not return to take part in practical teaching, access specialist facilities, or complete assessments.
 - 6.54.2 Priority group 2 included reception and key stage 1 pupils, whose learning prospects would be greatly impacted in the missed the chance to learn to read now. It was most difficult for these children to learn remotely.
 - 6.54.3 Priority group 3 included key stage 2 pupils who were also less able to learn remotely.

- 6.54.4 Priority group 4 included year 10 to year 13 students in schools and equivalent exam years in colleges as it was vital for those approaching the final stage of their exams years to engage actively with education.
 - 6.54.5 Priority group 5 included those remaining students on practical HE and FE courses who needed to access specialist resources and facilities to continue their studies.
 - 6.54.6 Priority group 6 included remaining secondary school groups.
 - 6.54.7 Priority group 7 included remaining students in HE and FE.
- 6.55 SSE agreed to this advice the next day.
- 6.56 Having been sighted on and considered the analysis of the consultation responses (Exhibit JO/199 - INQ000507071), on 23 February 2021, SSE issued a direction to Ofqual's Chief Regulator, which was published on 25 February 2021 (Exhibit JO/200 - INQ000507068). This outlined the government's policy for GCSEs, AS and A levels, which was for teachers to determine students' grades. It also set out how the diverse nature of other regulated qualifications, including VTQs, and other general qualifications that were not GCSEs, AS or A levels, meant that one approach to awarding could not be taken to all these qualifications, and that a different approach should be taken to three groups of VTQs and other general qualifications:
- 6.56.1 The first group was those VTQs most similar to GCSEs, AS and A levels that are used for progression to FE or HE. It was government policy that it was not viable for exams for these VTQs to go ahead, and results should instead be awarded using similar arrangements to GCSEs and AS or A levels.
 - 6.56.2 The second group was VTQs used to enter directly into employment. Exams or assessments should continue where they were critical to demonstrate occupational or professional competence and could be delivered in line with public health measures. Where the assessment could not take place safely it should be delayed.
 - 6.56.3 The third group was smaller qualifications taken for mixed purposes, such as Functional Skills Qualifications and English for Speakers of Other Languages ("ESOL"). Exams and assessments for these should continue

in line with public health measures, but with alternative arrangements available for those who could not access the assessments.

- 6.57 On 25 February 2021, Ofqual published its decisions documents on how GCSEs, AS and A levels and VTQs would be awarded in 2021 (Exhibit JO/201 - INQ000507112). Ofqual concluded that for GCSEs, AS and A levels, teachers would assess students' performance, based only on content which they had been taught, and their school or college would then determine their grade. Teachers could use evidence of a student's performance from throughout their course, based on a range of evidence relating to the subject content that teachers had delivered to inform their judgement, with the grades being determined as late in the academic year as was practicable. For VTQs there would not be a one-size-fits-all approach. For many qualifications, teacher judgement would play a central role – more so in some qualifications than others. Some exams and assessments, however, would still go ahead - either remotely, or in person where it was safe to do so.
- 6.58 On the same day, 25 February 2021, DfE also published a press notice, on the plans for TAGs for students (Exhibit JO/202 - INQ000507111). In this announcement, DfE committed to providing a clear and accessible route for private candidates to work with an exam centre to receive a grade in 2021, at the same time as other candidates.
- 6.59 Following the publication of Ofqual's decisions as a result of the consultation, JCQ and AOs worked together to draft guidance for schools and colleges on how grades for A and AS levels and GCSEs would be determined for summer 2021, based on those decisions. This guidance included topics such as the use of appropriate evidence, how the appeals process would work, guidance on grading and guidance on the use of additional assessment materials.
- 6.60 DfE officials engaged closely with JCQ as the guidance was being drafted and then shared the final draft with DfE ministers and No.10, to give them the opportunity to review and comment before publication (Exhibit JO/203 - INQ000514662). The guidance document was published by JCQ on 26 March 2021 (although updates continued to be made up until 27 July 2021) (Exhibit JO/204 - INQ000507075). This provided information and guidance to exam centres to make fair, consistent, and evidence-based decisions which were free from bias. This included detailed guidance on how exam centres should handle private candidates' dependant on the different circumstances. It provided information on how a centre could make use of pre-existing evidence from other established educational providers, such as distance learning providers which may not be

exam centres themselves, and for when there was no pre-existing evidence. The guidance also outlined that private candidates should have the same opportunity as other students to be assessed on the content they studied and that centres could conduct assessments remotely if needed.

- 6.61 The guidance also outlined that if a student wished to appeal their grade, exam centres could undertake an initial process check and a check for errors before submitting a formal appeal to the AO. The AO would then check the process and decide whether the grade awarded was as a result of a reasonable exercise of academic judgement. If not, the AO would recommend an alternative grade to the centre. Ofqual's Exam Procedures Review Service acted as a point of escalation if a centre was not content with the process conducted. The document stated that the priority appeals window was open from 10 August 2021 to 7 September 2021. DfE funded all appeals for both public and private students (Exhibit – JO/205 - INQ000525667).
- 6.62 Exam boards put in place arrangements to check each centre's internal quality assurance process and, in a sample of centres, would review the evidence for one or more subjects. Exam boards would process the grades submitted by centres only after completing, and being satisfied with, any internal and external QA. DfE officials were in regular contact with HEIs, identifying the risk of over-subscription based on forecasts and later, data about grade distribution. Working with UCAS, DfE officials did scenario planning to understand which institutions and courses were at most risk of significant over-subscription (Exhibit JO/206 - INQ000514672). Officials worked with individual HEIs to ensure that they had robust contingency plans in place to ensure that they could respond effectively when results were issued. As a result, on results day, HEIs were able to confirm a record number of students had a confirmed place.
- 6.63 Results day was on 10 August 2021 for AS and A levels and 12 August 2021 for GCSEs. As previously mentioned, the appeals process that had been set out by JCQ in their guidance first published on 26 March 2021, ran from 10 August 2021 to 8 September 2021 as the priority appeals window.
- 6.64 A ministerial stakeholder meeting (Exhibit JO/207 - INQ000514676) which included colleagues from the National Association of Head Teachers, NASUWT, the Association of Colleges, the Sixth Form Colleges Association and unions provided positive feedback regarding the support for schools and the effectiveness of the quality assurance process.
- 6.65 The results showed that for 2021, more than 695,000 AS and A levels were awarded, alongside 340,000 VTQs. 44% of entries were graded at an A or above and a record rate

of students from disadvantaged backgrounds started university courses. (Exhibit JO/208 - INQ000514675).

- 6.66 In 2021, 9,180 appeals were received, a significant increase from the 2,220 appeals in 2020 (Exhibit JO/209 - INQ000525670). However, only 40% of these appeals were upheld in 2021, compared to 85% in 2020. DfE anticipated a higher number of appeals in 2021 due to increased awareness of and support for the appeals process, as well as ongoing concerns about the fairness of grades being awarded given the lost teaching time. It was crucial for DfE to provide students with a route to appeal if they felt the system was unfair. Nevertheless, the lower percentage of upheld appeals in 2021 suggests that the grading process was more robust that year.

Chapter 7: Impact of the decision to cancel exams on children and young people and lessons learned by DfE

- 7.1 A number of principles relating to the wellbeing of children and young people underpinned decisions made by DfE ministers and officials around the awarding of qualifications throughout the pandemic period. These included:
- 7.1.1 Giving children and young people certainty as early as possible about the approach that government would take regarding exams and qualifications in 2020 and then again for 2021;
 - 7.1.2 Supporting their progression in the short term, to college, university or a job;
 - 7.1.3 Supporting their progression in the long term, by working to ensure that qualifications held their value and were fair and respected; and
 - 7.1.4 Recognising in the awarding of qualifications in 2021 that children and young people should not be penalised for the disruption that they had experienced in their learning during successive national lockdowns.
- 7.2 DfE ministers and officials and Ofqual incorporated considerations around the impact on children and young people into their planning for the most appropriate way to award grades to students in both 2020 and 2021.
- 7.3 For example, in their submission of 16 March 2020 (Exhibit JO/008 - INQ000514566), that provided advice to DfE ministers on contingency plans (see paragraph 3.8 of this statement), DfE officials set out DHSC's preference that exams should be pushed back from their normal period of May/June 2020 to September 2020. DfE officials argued against this happening, partly because they felt that young people from middle and higher socio-economic groups would be likely to spend more time in the summer revising in a supportive and calm environment (perhaps with additional tuition), whilst their disadvantaged peers and those who were less academically inclined were more likely to disengage and perhaps even not turn up to exams once they were no longer required to be in school or colleges. Pre-COVID-19, DfE already knew that FE colleges struggled with students attending their English and maths GCSE resit exams, so were concerned this would be exacerbated in this scenario.
- 7.4 This submission considered the equalities implications if exams were still to go ahead in the summer of 2020 and the risks that this might pose – for example for students with special educational needs and disabilities (“SEND”) needing to sit exams at different schools or colleges if theirs was closed.

- 7.5 SSE's direction letter to Ofqual of 31 March 2020 (see paragraph 3.43 of this statement) detailed why SSE had decided to cancel rather than postpone exams. The letter also noted that the decision to issue results in summer 2020, even though no exams would take place, was designed to ensure students could progress to further study or employment and to minimise any concerns by students due to take A and AS levels and GCSEs that they would be disadvantaged. A separate direction letter also sent to Ofqual on 9 April 2020 explained that exams would also be cancelled for VTQs. The letter noted that results would be issued for VTQs in summer 2020 so as not to disadvantage these students with respect to their peers in the same cohort who undertook GCSEs, AS and A levels.
- 7.6 Once the decision had been made to close schools and colleges to the majority of pupils and cancel exams, Ofqual and DfE were clear at all stages of the process that outcomes should be as fair as possible to all students. At an early stage of planning, in March 2020, DfE and Ofqual officials already understood that there would be some who would feel that they would have achieved a better grade had they been able to sit their exams. DfE ministers were aware of this concern and officials therefore worked to establish *"a formal appeals process to check there were no errors in the working out of students' grades, and an opportunity for the sub-set of those who feel they want an opportunity to sit the exams and try to improve their grade"* (Exhibit JO/027 - INQ000514680).
- 7.7 DfE officials discussed equality impacts with Ofqual at the time that Ofqual launched its consultation on how grades should be awarded in summer 2020. At the time, Ofqual gave assurances based on previous research that they did not think that their approach would have an adverse impact on students with protected characteristics. Data showing minimal adverse impacts was published at the Ofqual Symposium with stakeholders on 21 July 2020 (see below). In their press notice published following the Symposium (Exhibit JO/047 - INQ000507104), Ofqual said:
- "Our preliminary analysis is very encouraging and suggests there will generally be no widening of the gaps in attainment between different groups of students. In other words, the concern that identifiable groups of students would lose out from this year's arrangements has not been borne out."*
- 7.8 Ofqual undertook equalities analyses in late 2020 which examined whether the process of awarding introduced bias in outcome for students. The Ofqual report in 2020 identified that there was no evidence that either calculated grades or the final grades awarded were systematically biased against candidates with protected characteristics or from

disadvantaged backgrounds. Ofqual also undertook and published several evaluation reports on awarding in 2020 which focused on the technical decisions taken regarding awarding (Exhibit JO/210 - INQ000525668).

- 7.9 In planning for TAGs in 2021, DfE officials set principles to guide the approach for results which aimed to ensure fairness for all students. As set out at paragraph 6.57 of this statement, these were:
- 7.9.1 ensuring that students would only be assessed on what they had been taught because this was fair and helped to mitigate the impacts of lost learning;
 - 7.9.2 everyone who was studying for an exam that year would be able to obtain a qualification; and
 - 7.9.3 students should have agency and feel that they had deserved their grade.
- 7.10 It was recognised that establishing consistent and fair marking across teachers and schools would be important and given the challenges around this there would be a role for evidence and moderation of marks in developing TAGs. Prior to the pandemic it was already a well-established practice within non-examined assessments for teacher grades to be underpinned by evidence and subject to moderation by AOs, to mitigate against teacher bias in assessment.
- 7.11 DfE ministers were aware of the impact that the pandemic, and the lockdowns in particular, would have on the mental health of children and young people. DfE therefore provided a range of tailored support and resources to schools and colleges to respond to the impact of COVID-19 on pupil mental health and wellbeing. These included: an £8 million Wellbeing for Education Return (Exhibit JO/211 - INQ000514686) programme; the formation of the Mental Health in Education Action Group ("MHiEAG") (Exhibit JO/212 - INQ000514688); and £17 million to build on mental health support already available in education settings, which included £7 million of funding (Exhibit JO/213 - INQ000514687) for local authorities to deliver a Wellbeing for Education Recovery programme. DfE also published a variety of mental health and wellbeing advice and guidance for school and college staff, parents and young people. The cancellation of exams was only a part of what children and young people went through during the pandemic period. It will have been a major part of it for some, less significant for others. Ofqual did make mental health and wellbeing advice available specifically for students worried about results.

- 7.12 DfE gathered and analysed a range of data on COVID-19 impacts that was made available throughout 2020 and 2021. This data was then summarised in *State of the Nation 2020* (Exhibit JO/214 - INQ000073855) and *State of the Nation 2021* (Exhibit JO/215 - INQ000514678) reports. As set out in the Executive Summary of the 2020 report, these were intended to “*help government, children and young people’s services, schools and parents to understand their experiences of the pandemic, the measures put in place to reduce the impact of the pandemic, and the broader effects on society*”.
- 7.13 Ofqual published student equalities analysis documents in November 2020 (Exhibits JO/210 - INQ000525668 and JO/216 - INQ000514647) and then August 2021 (Exhibit JO/217 - INQ000514677), which looked in detail at the impact of the summer 2020 and 2021 arrangements on equalities for students. The aim of the 2020 document was to examine 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 socio-economic status. The report found that there was no evidence that either the calculated grades or the final grades awarded in that year were systematically biased against candidates with protected characteristics or from disadvantaged backgrounds.
- 7.14 The 2021 document presented an analysis of the relationships between GCSE and A level results of the summer 2018 to 2021 on the one hand, and protected characteristics and other student background variables, on the other. This document found that for A level, there were increases in outcomes for many groups and general stability in the differences in outcomes for students with different protected characteristics in 2021, compared to 2020 and 2019. Analysis at A level comparing the gap between prior attainment and actual results showed that the gap between males and females and the gap between SEND candidates and non-SEND candidates, shifted from positive to negative, indicating that in 2019, male candidates and SEND candidates had higher outcomes than prior-attainment-matched female candidates and non-SEND candidates respectively, but in 2021, the direction of the difference reversed. The comparable analysis at grade 4 at GCSE found the gap indicating lower outcomes of FSM candidates relative to the prior-attainment of matched non-FSM candidates widened by 1.31 percentage points. Similarly, gaps indicating lower outcomes of Gypsy and Roma candidates and Travellers of Irish Heritage candidates, relative to prior-attainment-matched White British candidates, were found to have widened by 6.25 and 9.29 percentage points respectively.

- 7.15 DfE did not undertake a separate evaluation of the decision to cancel exams specifically, given the use of CAGs in 2020 and TAGs in 2021 enabled students to progress to further study or employment, and Ofqual analysis referred to above showed broad stability in the differences in outcomes for students with different protected characteristics. DfE has, however, undertaken significant work to understand the broader impacts of the pandemic, loss of learning on students and the impacts on subject attainment. DfE has also monitored how this has followed through in their outcomes in the next stage of their learning and assessment and this will be set out in full in a separate statement.
- 7.16 National Reference Tests (“NRTs”) take place each year and are used to track attainment between cohorts for a sample of year 11 pupils in English and maths at GCSE grades 4, 5 and 7. The 2021 and 2022 NRTs have provided useful insight into the impact of the pandemic on attainment of students who were awarded GCSEs in those years (Exhibits JO/218 - INQ000525671 and JO/219 - INQ000514539). In 2020 the NRT was taken between 24 February and 6 March so was before the pandemic led to school closures.
- 7.17 NRT results from spring 2021 showed a statistically significant drop in performance in mathematics at grades 4, 5 and 7, with English showing no significant differences in performance compared to 2020 at any of these grades. The following year’s tests showed no statistically significant difference in English when results were compared to 2020 at any of these grades, while mathematics remained significantly below 2020 at each of these grades.
- 7.18 In 2023 performance in English showed a statistically significant drop in performance between 2017 (when the NRT was introduced) and 2023 at grade 4, with no statistically significant differences at grade 5 and 7. The most recent results in 2024 showed a statistically significant drop between 2017 and 2024 at grade 4 and 5, and no statistically significant difference at grade 7. In maths in 2023 there was no statistically significant difference in performance between 2017 and 2023 at any of the 3 grades. In 2024, there was a statistically significant increase between 2017 and 2024 at grade 7, and no statistically significant differences at grades 4 or 5.
- 7.19 This data and insight continues to feed into DfE’s longer-term approach to supporting children and young people during recovery from the pandemic which is also informed by work being done to track and analyse trends in areas such as attendance, early years attainment, children’s mental health and children’s social care. This has been set out in the third Corporate statement provided to the Inquiry by Susan Acland-Hood (Exhibit JO/230 – INQ000587992).

Lessons learned

- 7.20 The COVID-19 pandemic period presented unique challenges to everyone involved in education provision, from pupils to parents to staff and to those working in the centre of government. This was an unprecedented situation, requiring difficult decisions to be taken, often at great speed. DfE is acutely aware of the significant and lasting impact that decisions taken in those conditions had and continue to have on children and young people.
- 7.21 DfE learned a number of lessons during this time. It was possible to apply a number of these during the pandemic, particularly in the approach to awarding qualifications in 2021. DfE has also taken steps since the pandemic to ensure that there is a more resilient exam system in place so that DfE and Ofqual will never again be so constrained in how qualifications can be fairly awarded, even if there is another situation in which it is not safe or fair for exams to go ahead.
- 7.22 There are two lessons learned that stand out above all others from the experience of trying to ensure students could be awarded qualifications in 2020.
- 7.22.1 The first is that qualifications always need to show what students themselves, as individuals, know and can do. Students need agency over their outcomes by having grades awarded in response to their own efforts if they are to have confidence in them.
- 7.22.2 For this reason, the second critical lesson is that contingency arrangements need to be in place not just for individual students or centres who cannot take exams, but at national level. These contingency arrangements need to provide a way of grading the work that students have done even if they have not been able to cover the full content of their course or take exams as fairly as possible across the whole cohort.
- 7.23 In 2020 it was challenging to provide students with grades based on their own work in a way that recognised their own efforts and was fair across different groups of students and schools. Teachers found the exercise of attempting to do so very challenging and teachers, school leaders, Ofqual and DfE all recognised the likely unfairness of trying to grade students in the absence of any consistent assessments to provide evidence of their performance. DfE and Ofqual, and education sector leaders, when consulted, were also cognisant of the risk that unchecked grade inflation would undermine the value of the qualifications awarded to students in that year, and would be unfair to students who took

qualifications in previous or future years. These risks existed because, in 2020, there was no national contingency framework to require material to grade qualifications to be available in schools in case exams could not go ahead.

- 7.24 Given those circumstances, DfE and Ofqual agreed to a standardisation process that used statistical modelling to standardise teachers' judgements of students' performance, in a way that in some circumstances (e.g. in the case of 'outliers' (see chapter 4 of this statement) meant that that judgement was effectively disregarded. In doing so, DfE learned that whilst statistical modelling has a place in standardisation, it can never replace an informed judgement about individual students' work. Not only is it too abstract and divorced from the hard work of students, but it was not possible to design a model that could be fair at an individual rather than an aggregate level. The result of attempting to create such a model was outliers that underlined the lack of expert judgement, checks and balances that such a model entails.
- 7.25 In 2021, more time for planning and earlier notice that exams were cancelled allowed for evidence of student performance to be built to support grading based on teacher assessment. SSE wrote to Ofqual asking them to consult on "*alternative arrangements for GCSE, AS and A levels which should involve the awarding of grades based on teacher assessment*" (Exhibit JO/186 - INQ000563306).
- 7.26 The experience of 2020 and 2021 has provided extensive learning about how the qualification system, which deliberately involves high levels of examined assessment, can be more resilient in the future. DfE and Ofqual have worked jointly to improve resilience in the qualifications system in the event that the government would ever need to cancel exams again. In 2023 a joint DfE and Ofqual consultation (Exhibit JO/220 - INQ000525660) was undertaken on the future resilience of the qualification system. Subsequently, Ofqual published guidance for schools and colleges on gathering and retaining evidence of students' performance and resilience arrangements which would allow grades to be assessed from evidence of students' own work should it ever need to be in the future (Exhibit JO/221 - INQ000525661). This requirement now forms a part of JCQ's centre inspection visits and training for exams officers.
- 7.27 Ofqual have also worked with JCQ and exam boards to limit the number of incidents of individual students missing all of their exams in a subject. The structure of the exam timetable has changed, with exams in the same subject spaced ten days apart to reduce the likelihood of students with COVID-19 or any other illness missing both exams - thus allowing for their grade to be awarded on the exam they had sat. Contingency days have

been factored into the timetable, allowing for exams to be rescheduled nationally if needed.

- 7.28 There were further lessons learned about the way in which Ofqual and DfE work together and with others in the education system.
- 7.29 The relationship between DfE and Ofqual was put under significant pressure during the early months of the pandemic in 2020. Whilst communication was two way and very frequent, the pace of the pandemic, the complexity of decisions, and the need to balance Ofqual's independence with enabling the Prime Minister and SSE to have flexibility in the policy decisions they made in the way they responded to the pandemic created intense challenges at a time when close collaboration was critical. Whilst DfE was much more heavily engaged in discussions about grading in 2020 than it would be in a normal year, roles and responsibilities between DfE and Ofqual were essentially unchanged – for example Ofqual led on stakeholder engagement and DfE was not directly involved in decisions on how the standardisation process should work, reflecting Ofqual's autonomy as an independent regulator. With hindsight, DfE's level of engagement was not proportionate to the level of change taking place within the system at pace in 2020. In particular, DfE could have asked to be more involved, earlier, in engaging with experts and stakeholders and scrutinising the detail of the standardisation model and the associated risks. More direct involvement could have given DfE Ministers a better understanding of the limitations of the proposals being developed and the views of experts and stakeholders and could have led to more shared understanding from which to build consensus.
- 7.30 In 2021, DfE learned lessons from 2020 and was more closely involved in determining the arrangements for awarding qualifications once exams were cancelled. For example, DfE and Ofqual consulted jointly on the arrangements, reflecting that there were both policy and regulatory decisions to be taken. DfE also undertook much more direct stakeholder engagement.
- 7.31 DfE also learned lessons about the need to build a relationship with Ofqual that is more resilient under pressure; that maximises the impact of DfE and Ofqual's respective roles, expertise and capacity; and that can enable both greater collaboration and more constructive challenge between the two organisations.
- 7.32 Since the pandemic, regular meetings between DfE ministers, senior DfE officials, and Ofqual's Chief Regulator ensure alignment on policy and current issues, including proactive risk and mitigation planning. These regular meetings build on the increased

frequency of communication, which began during the pandemic and has continued with monthly meetings between senior DfE officials and the Chief Regulator.

- 7.33 At working level, DfE and Ofqual policy teams meet more frequently to discuss exam and results delivery, risk management and contingency planning, with increased frequency during busy periods like exam season and results preparation. Lessons learned and reflections from the pandemic have been embedded into a revised framework document which sets out agreed ways of working between Ofqual and DfE and is currently with HM Treasury for final approval.
- 7.34 There are also lessons that have been learned about information sharing between DfE and Ofqual that are specific to the period of awarding results. In 2020, the pre-pandemic system of sharing results data two days before results day had to be maintained because the timeline of the revised process was so challenging. This limited the period in which DfE and Ofqual could, jointly, understand the data and plan accordingly. This was changed in 2021. A submission of 3 February 2021 (Exhibit JO/194 – INQ000507047) recommended that the summer results be de-risked by asking JCQ to obtain exam results much earlier than normal to ensure DfE was best prepared to handle any adverse outcomes. This approach was subsequently worked into the process for 2021, helping to ensure robust planning in the period before schools and then students receive their results. DfE continues to receive an initial cut of exam results data from Ofqual six days before results are published to students.
- 7.35 The impact of decisions made by Ofqual and DfE during the pandemic also shone a light on the reliance of the HE system on the expected conversion of predicted grades into actual grades. HEIs make more offers than they have places available based on longstanding experience of the number of students who achieve the grades they have been predicted. In 2020 the decision to revert to CAGs created huge challenges for HEIs who had already made offers to students. Because more students achieved their predicted grades with CAGs than they had with exams in previous years, HEIs found themselves with more students meeting the terms of their offer than usual. HEIs worked hard to absorb those additional students, but this created challenges for the 2020 cohort (e.g. in terms of accommodation) and longer term (having a larger than usual cohort for three years). In 2021, the time available and learning from 2020 allowed more joined up planning between DfE, Ofqual and UCAS. Via data sharing agreements DfE was able to match at an individual student level actual grades with HEI offers. Through this DfE identified which HEIs would be oversubscribed and shared that information with the HEIs concerned. With the advance notice HEIs were able to make plans to accommodate more

students (e.g. sourcing additional accommodation, employing more staff and in some cases offering deferral incentives). Since the pandemic there has been much more of a focus on exams and HE applications as one system, including resilience planning by DfE, Ofqual, UCAS and the HE sector.

- 7.36 The challenges of awarding over the period of the pandemic without a national contingency framework being in place and particularly the challenge of awarding grades in 2020, caused anxiety and distress for thousands of students. DfE recognises that had contingency plans for a nationwide disruption to education been in place, the experience for those students and for their teachers and parents would have far better than it was able to be in practice. The awarding of moderated grades in 2020 caused particular distress to those students who initially received grades that were very different to what they were expecting. The subsequent decision to award CAGs in 2020, and then TAGs in 2021, allowed students to progress and results of Level 3 qualifications in the years since show those students have gone on to achieve well in their future education. Further, progress beyond Level 3, including to higher education, continues to be positive. Despite that, the department apologises unreservedly for the distress caused in that period.

Annex A: High level timeline of the period in question

Date	Event
18/03/20	SSE confirms attendance in education settings will be restricted to CCW and vulnerable children from 20 March 2020 and all exams will be cancelled in 2020.
20/03/20	SSE statement to Parliament confirming more detailed plans for awarding grades in 2020. Also confirms Ofqual are exploring options for VTQs.
31/03/20	SSE sends direction letter to Ofqual to set out process for awarding exam grades.
03/04/20	Ofqual published initial policy document on how GCSEs and AS/A levels would be awarded.
15/04/20	Ofqual launched consultation on exceptional arrangements for awarding GCSEs, AS/A levels, Extended Project Qualifications and Advanced Extension Awards in maths.
24/04/20	Ofqual launched consultation on exceptional arrangements for awarding VTQs and general qualifications.
05/05/20	Ofqual published initial consultation decisions on who should receive a calculated grade for GCSEs, AS and A levels.
22/05/20	Ofqual's final decisions published for awarding results in GCSEs, AS and A levels and other general qualifications and VTQs.
22/05/20	Ofqual launch consultation on holding additional exam series in autumn 2020.
10/06/20	The Education Select Committee (ESC) held an oral evidence session with Ofqual.
22/06/20	Ofqual's decisions published following consultation on holding an additional exam series in the autumn.
30/06/20	First letter from Ofqual sent to the ESC formally responding to points made during the oral evidence session on 10 June.
11/07/20	The ESC published a report on the cancellation of exams and calculated grades with conclusions and recommendations.
27/07/20	Ofqual published guidance on reviews/appeals, marking/moderations, regulations, grading, special consideration for students.
04/08/20	Scottish exam results announced and showed discrepancy in outcomes between disadvantaged and more advantaged students.
06/08/20	Ofqual technical guidance on appeals published.
06/08/20	Second letter from Ofqual sent to the ESC updating on progress towards releasing exam results this year in advance of a full response to the recommendations set out in the report published on 11 July 2020.

12/08/20	Announcement of 'triple lock' process and that evidence from valid mock exams can be considered as part of an appeal.
13/08/20	A level results announced.
13/08/20	Direction letter sent from SSE asking Ofqual to develop an appeals process where valid mock grades could be used.
15/08/20	DfE announced that all appeals will be free for schools and colleges following the implementation of the 'triple lock' process.
15/08/20	Ofqual guidance was published on appeals on the basis of a valid mock. Concerns were raised.
17/08/20	Announcement that CAGs would be used as final awarded grades for A and AS levels and GCSEs.
20/08/20	GCSE results announced, based on CAGs
12/10/20	Press notice announces students to be given more time to study 2021 for exams, including VTQs.
03/12/20	DfE announce extra measures will be put in place to support students ahead of 2021 exams and adaptations will be made to VTQs.
17/12/20	SSE confirmed that ' <i>students in exam year groups</i> ' are amongst those to attend their setting in person from the start of term, as part of a staggered return for school pupils.
04/01/21	PM announced third national lockdown and stated that ' <i>it is not possible or fair for all exams to go ahead this summer as normal</i> '.
06/01/21	SSE confirms GCSEs and AS and A level exams would not go ahead in 2021.
13/01/21	SSE sends letter to Ofqual outlining the process to agree alternative arrangements for exams in 2021.
15/01/21	Ofqual consultation on how GCSE, AS and A level grades should be awarded in summer 2021
15/01/21	DfE/Ofqual joint consultation on alternative arrangements for the award of VTQs and other general qualifications.
23/02/21	SSE sends letter directing Ofqual in relation to the government's policy regarding exams and other assessments in 2021.
25/02/21	Decisions on how grades will be awarded in 2021, including alternative arrangements for the award of VTQs and other general qualifications, was published.
27/07/21	JCQ published guidance on the determination of grades for A/AS levels and GCSEs for Summer 2021.
10/08/21 & 12/08/21	Results day for GCSEs and A levels.

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.

Signature:

Personal Data

Jenny Oldroyd

Dated: 28 July 2025