



Rt Hon Gavin Williamson CBE MP
Secretary of State for Education
Sanctuary Buildings
20 Great Smith Street
LONDON
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13 January 2021

Dear Secretary of State

I am writing in response to your letter confirming the government's position regarding the assessment and award of qualifications this summer. We recognise that government has made the difficult determination that exams should not take place as normal this year in the context of an increasingly serious public health crisis.

As you will be aware from my predecessor's letter of 2 December, we are of the view that exams and other formal assessments provide "the best and fairest way to assess student attainment". We also know that students themselves value the opportunity to show what they can do in them. Like you, we regret the fact that exams will not take place this year. As you have requested, we will work with you and others across the sector to put in place the fairest possible alternative arrangements.

Assessment in summer 2021

Your statement to the House of Commons and your letter to us confirm government policy that in some qualifications, including for GCSE, AS and A levels, results should this year be determined by teachers assessing the performance of their students.

Inevitably, this approach has implications. Without exams we will not achieve the same degree of reliability and validity as in normal years. In particular, this is because Ofqual and awarding organisations normally use a range of tools to secure consistent standards between students, and

over time, which will not be possible this year because of the situation in which we are working. Appeals against results are normally determined by a review of the marking of an exam paper by an exam board, therefore we will need to develop different arrangements for this year to enable students to challenge results if they wish to do so. In addition, no assessment arrangements can take account of all the different ways that students have suffered from the pandemic.

However, we are fully committed to doing all that we can, including making sure teachers are equipped and making use of awarding organisations' quality assurance processes, so that students' results are as fair as possible. Those arrangements must also provide an opportunity for private candidates to secure grades too.

In vocational and technical qualifications (VTQs), as you indicate in your letter, the nature and extent of any changes required will vary, given the diversity of the qualifications landscape.

Consultation process

As you say, we have been considering together the potential alternatives to exams and other formal assessments for some time and have learned a number of lessons from last summer. Our thinking is well advanced. It is, though, important that all affected by these arrangements have the opportunity to comment on them.

We recognise your commitment to a consultation on issues of policy, which fall to you. There are also matters for us, having regard to your policy, on which we will seek views. As such we agree that, in the current unusual circumstances, it is appropriate to consult jointly with your department on the approach to be taken, in particular, to secure clarity for students and teachers as quickly as possible. We both wish to ensure that accountability for decisions following the consultation is clear and transparent. We understand your final determinations will be reflected in a formal direction to us under the relevant legislation. We will publicly and formally record the decisions we take in light of your direction.

We agree that the consultation should engage with the widest possible range of people and organisations, and seek the views of the students who would have sat exams this year and their parents and carers. We also agree that the consultation period should be for two weeks, given the need to make sure these arrangements are in place quickly. Given this, we will also seek to work with you to proactively engage with a wide range of people and organisations as well as consider formal responses to our consultation.

Your letter helpfully sets out the main issues that you wish to see considered in the consultation for GCSE, AS and A levels and for VTQs and other general qualifications.

Arrangements for GCSE, AS and A levels

In line with the parameters set by your policy, we agree that the consultation should consider the nature of the assessments that we will ask teachers to carry out for GCSE, AS and A levels this year. In particular, we will want the consultation to consider the role of externally set short papers. We know that the more the evidence comes from students' performance in externally set papers, the fairer and more consistent teachers' assessments are likely to be, because all students are given the chance to show what they can do in the same way. Appeal arrangements are also likely to be more straightforward. Of course, such an approach will mean teachers have less flexibility in terms of the evidence they could use. The consultation will carefully consider the issues related to this and, given the advantages of students taking consistent papers, whether teachers should be required to use them.

Like you, we also wish to support and incentivise students to engage with their education for the remainder of the academic year, including to continue with any non-exam assessment where possible. We propose that the final determination of a student's grade should take place as late in the academic year as possible. We believe this will give students a greater sense of agency, which is critical to securing widespread acceptance of the outcomes. We must make sure the arrangements do not place unreasonable demands on teachers and that we support them to make evidence-based judgements. In doing this, we will need to draw on the specialist expertise of exam boards.

The consultation will also consider the quality assurance and checking mechanisms that we will put in place, recognising the implications of placing greater weight than usual on teachers' assessments of their students' performance. We agree that there should be a clear quality assurance process; we will expect exam boards to make sure schools and colleges have effective arrangements in place to determine a fair grade for their students while recognising that it will not be possible for exam boards to review the evidence for every student before grades are issued.

It is important that the consultation makes clear to all, especially those who rely on the results to make selection decisions, that overall outcomes this year will likely look different from 2020 and previous years. This issue will

be important for your work with the post-16 and higher education sectors to secure orderly progression and to protect the interests of disadvantaged students.

We agree that we must also consider how any arrangements can allow private candidates to receive a grade. We will consider carefully the different experiences of private candidates and the opportunities available to them to make sure the approach is fair to all and that they are not disenfranchised.

As you note, the consultation should also consider the arrangements for appeals. The arrangements should align with the detail of the assessment approach finally put in place. They should allow students making appeals to raise concerns about the marking or other judgements that have been made about their performance or concerns that the specified expectations for determining their grade have not been followed such that they feel natural justice has been served. The consultation should consider the best way to achieve these aims.

We will both also wish to set out a comprehensive equalities analysis on our respective decisions, to identify the potential impact of the arrangements on particular students and mitigate this where possible. Following consultation, we will use the analysis to inform our respective decisions.

Consultation on arrangements for vocational and technical qualifications

In relation to VTQs, we of course share your wish to ensure that learners taking qualifications other than GCSEs, AS and A levels are not disadvantaged compared to their peers. As with the Extraordinary Regulatory Framework (ERF) under which awards were made in spring/summer 2020, and the Extended ERF that has been in force since the Autumn, both policy intent and regulatory framework need to take account of the diversity of the VTQ landscape.

I know you appreciate that VTQs are in most cases different from GCSEs, AS and A levels on a wide range of dimensions including their purpose; the extent to which they are knowledge based or designed to denote competency; the settings in which they are taken; the age, stage and circumstances of learners; the assessment structure and method; the size of qualifications and length of course of study.

Qualifications that are used to signal occupational competence, or are linked to occupational regulation, such as licence to practise qualifications, require a very different approach to those that are used alongside or instead of GCSEs, AS and A levels, taken in the same settings and for similar progression purposes – and there is a broad spectrum between the two. Many VTQs already incorporate a high proportion of teacher assessment, and for some qualifications this will have been “banked” during the course of study.

In many cases assessment has been successfully adapted already this academic year and could safely and reasonably take place, including remotely, and when centres are able to reopen later in the academic year.

I know that students, providers and awarding organisations will be glad to have clarity about your expectation that written exams for qualifications should not go ahead during February and March, but that some other assessments should be permitted to continue, where they can. The point that learners who are unable to take those assessments should not be disadvantaged is crucial, and the alternative arrangements on which we will jointly be consulting shortly will be the route to deliver this aim. We will work with awarding organisations and others to support and monitor that the measures awarding organisations put in place produce fair results that are sufficiently valid and reliable.

It is important to note that the alternative arrangements for April 2021 onwards for those qualifications that had calculated results in 2020 will not, in many cases, be the same as those for last year, given the differing circumstances that now apply. Given the context, those arrangements must be manageable for teachers and students, promote ongoing educational engagement, ensure that students feel that they have agency over the result they receive and use an evidential basis in generating results. As well as helping students progress to the next phase of their education or employment, it is important that VTQs continue to equip students with the appropriate knowledge, skills and understanding, and that the arrangements promote this as far as possible.

While arrangements for VTQs should be coherent with those for GCSEs, AS and A levels, there will also be appropriate differences, depending on the overall contribution that externally examined components normally make to the overall VTQ result in question.

Consistent with the approach agreed when we introduced the Extended ERF (and indeed the ERF before that), our starting point is that we cannot prescribe a single approach and that we will develop regulatory arrangements which enable awarding organisations to take decisions regarding the most appropriate approach to awarding based on their

qualification design and delivery. We propose to develop guiding principles to underpin awarding organisations' decisions, and we will put in place arrangements to support the development of consistent approaches across different awarding organisations, and qualifications, as far as possible. The consultation will cover the principles of the regulatory framework that we intend to put in place to meet the policy steers you have provided.

Next steps following consultation

Putting in place these new arrangements will be a significant challenge for the organisations we regulate, but most of all to all who work in schools and colleges, and students. We recognise that, for many qualifications, we are asking teachers to take on an unexpected and important task in assessing their students' performance to determine their qualification grade, on top of the considerable pressures they have been under throughout the year. We must make sure that this task is as manageable as possible, and that we draw on resources and expertise within the system as a whole to achieve that.

We are acutely aware that all who have a stake in the results this year, particularly students and their parents and carers and teachers, as well as higher and further education institutions and employers, need certainty about the arrangements to be put in place. We are therefore committed to working with you to consult on our plans this week and, following the consultation, to making sure that the fairest possible arrangements are rapidly put in place in these exceptionally difficult circumstances.

As we look ahead, it is important for all stakeholders that we return to normal practice for assessment as soon as we can.

At the centre of all our work are the young people and adults who rely on these qualifications. We will do all we can speedily to secure the best possible arrangements for them, and to ensure that they have confidence in them.

I am copying this letter to the Chair of the Education Select Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Simon Lebus', written in a cursive style.

Simon Lebus
Chief Regulator