



Education Committee

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From Robert Halfon MP, Chair

Rt Hon. Gavin Williams CBE MP
Secretary of State for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

10 November 2020

Cancellation of 2020 exams and 2021 exams series

Dear Gavin,

A principal focus for the Committee since March has been on Covid-19 and the impact school closures and the cancellation of exams have had on people's lives and children's education.

After the announcement that exams would be cancelled, we undertook to scrutinise the fairness, accessibility and transparency of the arrangements that were being put in place to award calculated grades. We were concerned about the fairness of the proposed system for awarding grades and set out our concerns in our July report on the cancellation of exams and 'calculated' grades.

Following the release of A level results, many of the issues and concerns we had identified materialised, and the system of calculated grades had to be replaced at short notice. The subsequent fall out and unfairness dominated the lives of hundreds of thousands of families in the days that followed and continues to do so for many. For instance, many students feel disadvantaged by schools moderating their results before submitting them to the exam board, whilst others had not. There was also a longer delay for thousands of students who were kept in limbo awaiting their BTEC results. It was mystifying that BTECs appeared to have been considered only at the very last minute.

While we accept that in March it seemed inconceivable that exams could have gone ahead, hard lessons must be learned from this episode over the summer.

In September, we held hearings with Ofqual and the DfE to examine what happened and why things had gone wrong. Those sessions raised serious doubts about the independence, accountability and transparency of Ofqual. We have set out our findings below, based on the information made available to us so far.

For our Committee to understand fully what happened here, and to effectively discharge our scrutiny role, we are dependent on accessing the relevant official papers and minutes of meetings relating to this episode. It is common practice for select committees to send for papers and records to assist them with their work. In early September Ministers made assurances to the House and us that all the relevant information and papers would be provided to this Committee, so that we could look into this matter. As yet, the delivery of this information has not materialised, and so we would ask that we receive the papers requested by our clerks by Monday 23 November at the latest.

Independence of Ofqual

Ofqual was established under the Apprenticeship, Skills, Children and Learning Act 2009 to preserve the integrity of exam qualifications but it has no specific statutory remit to ensure fairness. The Institute for Government has pointed out that Ofqual was established as a direct response to the perception that their predecessor, the Qualifications and Curriculum Authority, had been too prone to interference by the Department for Education and that this had undermined public confidence in the qualifications system.

However, while Ofqual was established as being independent, they must have regard to such aspects of government policy as the Secretary of State directs. In this case, the ministerial direction to Ofqual in March was for them to ensure, as far as was possible, that qualification standards in 2020 would be maintained and the distribution of grades follow a similar profile to that in previous years.

Ofqual emphasised to us that their preference in March would have been to hold exams in a socially distanced manner, which had been set out in an options paper to DfE. They had set out the arguments around a number of scenarios, but principally focussed on three main options: provisions of additional papers, delaying exams, and using calculated grades. On consideration, the Government decided to cancel exams and move to a system of calculated grades.

What remains unclear is how collaborative the DfE and Ofqual were in managing this process, and to what degree Ministers were kept informed of the implications of the design of Ofqual's chosen model to deliver calculated grades through a standardisation process.

Ofqual told us that they could have rejected the ministerial direction but decided that it was, in their opinion, in the best interests of students to proceed as directed. Roger Taylor explained that he did not think it would have been appropriate to have ignored a ministerial direction on the basis that they did not believe that standardised grades would ever be deliverable in a way that the public would trust. That, in his opinion, would have been going beyond what the reasonable behaviour of an independent regulator should be.

However, from the evidence we heard in September, and now demonstrated in their published Board minutes, Ofqual did have serious doubts about being able to deliver a system which would be fair to individual students. Nevertheless, they appeared to take comfort in their standardisation model being able to manufacture a high degree of consistency across the board. Ofqual were clearly aware that there would be problems for high achieving students in historically low attaining schools but believed the number would be statistically small and could be addressed through an appeals process. Similarly, they knew that their approach benefitted smaller schools but disadvantaged large schools and colleges, which meant that many pupils in private schools would be awarded their centre-assessed grades. **It was revealing to us that they recognised this problem but simply accepted that they could not find a solution to it and chose to carry on. Ofqual conclude that what they had been asked to do was in fact an impossible task. Yet when the Chief Regulator came before us in June, she did not use the opportunity to raise any alarm bells with us, choosing not to do so publicly at all.**

We believe it was incumbent on Ofqual to be direct and transparent with us as a parliamentary committee. It would have also been helpful to have had a comprehensive and constructive response to our report as soon as possible, and before results were announced, given the exceptional nature of events and the timetable for results.

We regret that Ofqual decided not to raise wider concerns about the fairness of the model they were being asked to implement. They had every opportunity to do so when they came before us in June. Instead, they simply followed the ministerial direction and hoped for the best.

We are aware that despite warnings about the standardisation model creating unacceptable outcomes, the DfE and Ofqual continued to proceed with it. Sir Jon Coles, as a former DfE director general, wrote and spoke to Ministers in July to pass on his concern that Ofqual's approach risked getting hundreds of thousands of results wrong. He had also raised concerns with Ofqual that it would not be possible to produce a model from April onwards, including, we understand, in meetings in May, June and July. We understand the final model had a predictive accuracy of around 60% averaged across all subjects, both at GCSE and A level. What is not clear is whether Ofqual informed Ministers that this was the likely maximum predictive accuracy of their model.

We are also concerned over what appeared to be a last-minute and rushed Government decision, only a couple days before A level results were to be announced, to introduce a "triple-lock" policy, which entailed allowing the higher of mock exams results or calculated grades to stand. Ofqual's minutes show that its Board was not afforded an opportunity to consider or agree this sudden change in policy prior to it being announced by the Government, the consequences of

which do not appear to have been thought through. The policy, as presented to the regulator, would most likely have been impossible for the exam boards to deliver given the university admission deadline, and would have been inconsistent with Ofqual's statutory objectives and standards for qualifications. Despite this, given the ministerial direction was for this to happen, the Ofqual Board seemed to have felt compelled to find a way to allow a mock-exam based appeal route.

This was then followed with confusion over the weekend of 15-16 August. Ofqual had cleared guidance with DfE to allow a new appeal route and published this on their website on the Saturday. The Minister for Schools Standards wrote to all school heads and college principals at this point to set out the key changes. The letter noted a further ground for appeal would be:

... where a student has a valid mock result which is higher than the grade they have been awarded and wishes to have their mock result stand instead. Ofqual have issued criteria on what constitutes a valid mock result and where schools or colleges provide the necessarily [sic] declaration we expect such appeals to be dealt with very quickly.

However, only hours after Ofqual's advice had been posted online, it was then removed at around 11pm on the Saturday evening as it was not in line with Ministers' wishes for allowing higher mock grades to stand on appeal. Events moved at pace, with the Ofqual Board meeting several times over that weekend, ending up at a preferred position, of which Ministers were informed, to switch to using centre assessed grades for GCSE and A level results. A decision announced by Roger Taylor the following day on 17 August.

This whole episode calls into question Ofqual's independence, its way of operating and its Board's duty and ability for maintaining standards. As a regulator, their Board should have had a clear understanding and plan of what actions to take should they have considered a ministerial direction would not be likely to secure confidence and be in the public interest. We asked about the legal relationship between the DfE and Ofqual. As an independent, arm's length body, Ofqual is accountable to Parliament as a whole and through the Education Select Committee. We were told that technically they were more answerable to us, than to Ministers. We also noted that Ministers could issue them a direction, but it was not a direction that Ofqual had to follow, rather they were directions they had 'to have regard to'. **So that we can understand more precisely the relationship between Government and Ofqual, we ask that the Committee be provided with any legal position Departmental officials possess to clarify what 'to have regard to' means in practice.**

Accountability and scrutiny

In our July report 'Getting the grades they've earned', we recommended that Ofqual publish their standardisation model immediately, so this could be publicly and independently scrutinised, and for them to set out how their model would ensure fairness for schools in particular circumstances. Ofqual rejected our recommendation, telling us that they had chosen not to publish the full model ahead of A level results day, because they felt it was important that everyone found out their grades together on results day.

The Royal Statistics Society found the information that Ofqual did choose to release on their model could not be considered to meet minimum requirements for real transparency. **The RSS believed that the regulator could and should have set out alternative models with a clear indication of their advantages and disadvantages—and more importantly, the judgments that underpinned their choices, to enable discussion. We agree. Having had a more open discussion about this well before results were announced may have resulted in more trust in the statistical choices being made and a greater involvement by knowledgeable external experts.**

In a statement on 12 August the Office for Statistics Regulation said they had engaged with the qualifications regulators across the UK to emphasise the importance of transparency. In their statement they supported Ofqual and the other regulators in their decisions not to publish the models in advance of the results being released. They considered this would ensure that it did not lead to centre assessed grades being influenced, or multiple organisations attempting to recreate the models and producing confusing or conflicting estimate results in advance of official results being published.

Nonetheless, it remained the case that the Royal Society for Statistics wanted a greater element of external expert statistical analysis engagement with Ofqual and a robust process for reviewing the statistical methods. The RSS had written to Ofqual on 9 April stressing their willingness to be constructively helpful in the process. However, RSS and Ofqual could not agree terms on which this assistance could be utilised owing to confidentiality concerns by the regulator.

We note that the Office for Statistics Regulation is carrying out a review into the process for developing the statistical models used by exam regulators and they expect to report shortly. They will review the extent to which qualification regulators across the UK developed their models in line with the principles set out in the Code of Practice for Statistics. However, they will not review the implications of the model on individual results or take any view on the most appropriate way to award exam grades in the absence of exams.

We believe that if Ofqual had allowed more strenuous testing of their standardisation process and their algorithm, a more satisfactory resolution could have been found or, at the very least, problems would have been more widely aired and understood earlier on.

Finally, given the nature of the risks associated with Ofqual's approach, it is surprising that neither their Board nor the DfE had developed an effective communication plan to manage expectations and gain public confidence around delivering calculated grades. We would have expected the Chief Regulator and Ofqual's Chair to be ready to defend their system rather than pulling the shutters down after A level results were announced and referring all press enquiries to the Department for Education. Ofqual argued that they were advised not to give media interviews during the results period.

We do not agree with their approach. By talking publicly and answering media enquiries, Ofqual could have provided much needed clarity during a confusing and stressful period for pupils and teachers. It was wholly unacceptable that the Chair or the Chief Regulator could think it appropriate to go to ground at a time when the public were expecting answers from the exams regulator and on what was unfolding. This was poor judgment by the Ofqual leadership team and of their Board.

Overall, this episode does raise significant questions over Ofqual's independence and its position in relation to the Department for Education. While we recognise Ofqual has an important function regulating the various exam boards and qualifications organisations, which it has been successful in doing, should it not be able to exercise sufficient authority and independence there are questions over the whole purpose and point of it being outside the DfE. If it was concerned that the ministerial directions could be demonstrably unfair to many students then it had a duty to bring this publicly to the fore, having consulted Ministers.

While we have no doubt that both Ofqual and the Department for Education had every best hope of getting this right, the process was mismanaged and what strikes us most was Ofqual's failure to carry out a meaningful mock run of this year's centre assessed grades, once they were in, to draw light on any problems. At the same time Ministers should have been seeking assurances of Ofqual around the testing of its system of standardisation, especially as our own report had raised a number of concerns relating to the potential risks of bias when using calculated grades. It is far from certain whether easy remedies could have been found, but it is likely that the significant fallout that occurred on result days could have been lessened or avoided. Although it is Government who must be accountable for taking policy decisions, it must do so in full knowledge of what risks and problems could be involved.

Exams 2021

We are all strongly of the opinion that exams must go ahead in 2021 and that robust contingency planning must be in place as soon as possible to ensure this can happen. As we stated in our report on exams in June, we were always in favour of a short delay to the sitting of exams to allow extra time for students to catch up on lost learning. We are pleased that you have announced this will happen.

We are of the opinion that if there were really compelling reasons that made running a full schedule of exams near impossible then there must be exams in at least English, maths and the science subjects, so that students are tested in these core curriculum subjects. There also needs to be thought put into how all schools will be able to carry out exams in a socially distanced manner and whether for some that means obtaining additional space and additional invigilators so this can happen. In making provisions for all this, school and college leaders quite rightly look to the DfE for guidance and indeed the financial support to cover these extra, exceptional costs. We would expect this guidance to be in place promptly and to be thorough in setting out what should happen and what are the expectations on all schools and colleges in delivering exams this summer.

Whilst we accept the Government's decision to keep more or less the full curriculum for all subjects, there will need to be careful consideration as to what should happen if particular schools or areas of the country face local circumstances and lockdowns which impact on student learning. We note that Ofqual will be providing the DfE with further advice on what considerations need to be made and whether further adjustments or contingencies are needed. We are strongly of the view that any decisions must be informed by an assessment of the learning loss that has occurred since March across schools and how this has varied across the country. We look forward to seeing a summary of these assessments, carried out on behalf of the DfE, which the acting Permanent Secretary referred to when she was before us in September.

The DfE has already announced that one maths and one English GCSE exam will take place before the May half-term, giving any pupils who need to self-isolate during the exam period starting on 7 June the best possible chance of still sitting one paper in each of these core subjects. There will clearly need to be contingences in place, for all other exams too. We wait to see what arrangements are to be proposed to cover the possible eventualities.

In addition there will need to be urgent consideration of what approach should be taken in light of the grade inflation that has occurred this August and how we can maintain standards in exams, whilst working out a solution for how to balance the 2020 cohort with exam grades in 2021 and beyond.

Conclusion

We believe there are arguments to be made for and against Ofqual remaining independent, and for its duties being brought inside DfE directly under ministerial control. Although we recognise the reasons why it is not desirable for Government to be directly positioned overseeing and maintaining standards in qualifications, it must be absolutely clear to all where accountability lies. What is not acceptable is a half-way house position where lines of accountability for standards are blurred.

As a final point, so that we may complete our investigation, and to allow us to look forward to engaging with the DfE and Ofqual along the way to the summer 2021 exams, we very much hope and expect that our request for all the papers relating to the decision to cancel exams for summer 2020 will now be provided to us by the DfE without delay.

Yours,

A handwritten signature in grey ink, appearing to read 'Robert Halfon'.

Robert Halfon MP
Chair of the Education Committee