



Rt Hon Gavin Williamson CBE MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Rt Hon Robert Halfon MP
Chair, Education Select Committee
House of Commons
London
SW1A 0AA

15 December 2020

Dear Robert,

Thank you for your letter of 10 November on the cancellation of exams in summer 2020 and plans for the 2021 exam series.

As you will know, we published on 3 December plans for the 2021 exam series. This material provides the Committee with the answers to the detailed questions on the provision of exams and arrangements for further adjustments and contingencies that you raised in your letter. I welcome the Committee's strong and consistent support for holding exams next summer.

Our over-riding concern remains being fair to students who have, because of issues beyond their control, missed out on education to one degree or another over the past months, and ensuring that all students can progress to their next steps through gaining the necessary qualifications. In relation to your question about the support available to exam centres in 2021, we recognise that this will be needed. We will be assessing how the support for the recent autumn exam series has been used, working with the Department for Health and Social Care to review the guidance for running exams in 2021. This will include seeking to ensure that teachers, invigilators and students get access to vaccines, mass testing and test-to-release.

You asked specifically about our plans to assess learning loss. Understanding the impact of the COVID-19 disruption on the attainment and progress of all students is a key research priority for the Government, and we have commissioned an independent research and assessment agency to provide a baseline assessment of catch up needs for pupils in schools in England and monitor progress over the course of the year. The research will be based on existing assessments and help us target support across the system. The research will add no additional burdens to schools at a time when they are working hard to support pupils to catch up. The Department will publish interim findings prior to the final research report being published in October 2021.

Turning to the subject of how qualifications were awarded this summer, your letter does raise some important issues and I am grateful for the thought which you and the committee have devoted to this. A number of points in your letter relate to testimony from Ofqual to the Committee during their appearances, the extent to which Ofqual was transparent with the Committee at hearings earlier in the year and Ofqual's decisions on communications strategies and engagement with statistical organisations. I am not in a position to respond to these points on Ofqual's behalf and the Committee may wish to raise them direct with Ofqual.

On the key point which you raise about the independence of Ofqual, I do not accept that Ofqual's independence has been compromised by the events of the last few months. I am clear that Ofqual retains its statutory independence and its responsibility for setting standards but the legislation also rightly provides for the Secretary of State to direct Ofqual to have regard to government policy. There is no contradiction between respecting Ofqual's statutory independence and acknowledging that the pandemic has created a situation in which fairness to these students over-rides the expectations about working arrangements which obtain in normal years.

As the public would expect, my Department and Ofqual therefore worked very closely together during the March to August period, whilst being clear that decisions about matters within Ofqual's remit were formally for the Ofqual board to take. We continue to work productively together to do all that we can to ensure that students have the opportunity to take exams next summer and that the grades they receive are fair. The plans announced on 3 December are the stronger for having been discussed in detail and agreed by both Ministers and the Department and Ofqual whilst recognising which organisation is formally taking the decision on each aspect of those plans. This clarity is borne out in the exchange of letters between Dame Glenys Stacey and myself on 2 December as part of our new governance arrangements. The decisions taken by each of us are specified in our letters, demonstrating our emphasis on accountability in the context of 2021 exams and assessments.

I am, of course, open to advice and willing to consider proposals that are in the interest of students and of the system as a whole but I would argue in any case that now is not the time to consider radical changes to Ofqual. Ofqual has, as you know, had the assistance of Dame Glenys Stacey and Amanda Spielman and some of her team from Ofsted over the past few months. I am pleased to say that this has been successful in stabilising the organisation after the difficult events of the summer and invaluable in leading Ofqual's work on 2021 exams. As you know, Roger Taylor has now decided to step down at the end of the year and I have appointed Ian Bauckham as interim Chair, pending the recruitment of a substantive successor. I expect to be able to write to the Committee soon about Dame Glenys's successor as Chief Regulator.

I would like to take the opportunity to answer a number of specific points raised in your letter.

One relates to the legal relationship between Ofqual and the Government and requests a legal position on what "having regard to" a direction means in

practice. There is nothing I can suggest which goes beyond the common sense meaning which I believe is well understood overall and is commonly used in legislation. It is, in any event, for Ofqual's legal advisers to advise its board on how to interpret its statutory responsibilities in this and other regards.

The next relates to your point about concerns about the potential for bias in the centre assessment grades, calculated grades and the final grades for 2020. I have emphasised before that we did indeed seek reassurances from Ofqual about the risks of increased unfairness to disadvantaged students and other student groups as a result of the 2020 awarding process. You will be aware that Ofqual published its student level equalities analysis on 26 November (see <https://www.gov.uk/government/news/summer-2020-outcomes-did-not-systemically-disadvantage-students>), updating the material first published in July. The conclusion was that there was no evidence of systematic bias against students with particular protected characteristics and disadvantaged students.

On your point about it being "mystifying" that BTECs were only considered at the last minute - I do not agree. Ofqual asked awarding organisations on 17 August to review their approach for VTQs where a similar statistical standardisation to A levels and GCSEs was used. Pearson considered that their moderation was not the same as A level/GCSE because it was not purely statistical and Ofqual and the Department were informed of their decision. However, they subsequently took the decision on 19 August to review and regrade all level 2 and level 3 BTECs to ensure fairness for their students. With around 450,000 results, Pearson had more to issue than other awarding organisations – the vast majority were issued by 28 August, with every remaining result that they were expecting to award issued by early September.

On your query about the request to see notes of ministerial meetings and other advice, I have responded separately to your letter of 20 November.

Thank you again for your interest in these important matters and I will be happy to discuss these with you further at our future meetings.

I am copying this letter to Dame Glenys Stacey, acting Chief Regulator at Ofqual.



Rt Hon Gavin Williamson CBE MP
Secretary of State for Education