
Ymateb i Ymgynghoriad / Consultation Response

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Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

Estyn welcomes the proposed approach as a practical, balanced approach to ensuring that the minimum number of learners are disadvantaged in these difficult times. Ofqual's mindful consideration of the wide range of qualifications, delivery models and learner circumstance results in guidance that is comprehensive. Although not every possible set of circumstances can feasibly be addressed directly by Ofqual, we are confident that the framework sets out suitable key priorities and clearly defines the range of possible strategies that awarding organisations can take.

We agree that where learners across the devolved nations are working towards the same qualifications, with the same awarding organisation, that it is beneficial and fair to adopt a consistent framework.

We agree with the principle that the details of how outcomes should be decided should lie with the awarding organisations. They are best placed to tailor the grading strategies to the range of very different qualifications on offer and to work with providers. We are reassured that there is strong emphasis that grades should be awarded in as fair a way as possible and in a reliable manner that relies upon trusted sources of evidence. The framework includes clear expectations in terms of quality assurance, record keeping and the need to guard against malpractice.

The impact assessment describes the advantages and disadvantages of the framework's proposed methodologies on stakeholders. It includes a transparent acknowledgement that the implementation of the proposals will not mitigate against the negative impact of the Covid-19 response on the education, training and/or career progression of all learners equally. However, it sets out the justified rationale behind why, for example, it would not be safe to calculate and issue qualifications outcomes that certify practical competence, where it has not been possible to assess the safety of learners' working practices in these extraordinary times.

Question 1: To what extent do you agree or disagree with our proposed approach to qualifications which fall out of scope of the extraordinary regulatory framework?

We agree in principal with the proposal. The draft VTQ Covid-19 Framework itself usefully states that awarding organisations should have regard to the requirements of VTQCov conditions set out in the framework, even when qualifications fall outside of the scope of the direction. It would be useful if this important detail was highlighted in any supporting and summary documentation. We trust that the number of such qualifications, and number of learners involved, would be very small.

Question 2: To what extent do you agree or disagree with our proposed approach to determining to which learners the extraordinary regulatory framework applies?

We strongly agree that as many qualifications as possible (that are not covered by the GCSE, AS and A level direction, or separate guidance issued by the devolved nations), should be subject to the assessment guidance set out by the proposed framework.

We agree that where learners across the devolved nations are working towards the same qualifications, with the same awarding organisation, that it is beneficial and fair to adopt a consistent framework. A note to clarify the position on the extent to which Functional Skills equivalent qualifications in other nations, for example Essential Skills Wales qualifications, fall under the guidance could be useful for providers and awarding organisations.

It may be helpful here to include direct reference to learners who are undertaking mixed programmes of courses, for example those working towards vocational qualifications alongside A levels, which mean they will be affected by both sets of direction.

Question 3: To what extent do you agree or disagree with the balance we are proposing to strike across the 3 elements of: delegation to awarding organisations, flexibility, and consistency?

We agree that awarding bodies are best placed to determine the optimal solutions for their qualifications. It would perhaps be helpful to state here whether awarding organisations will be required to report their intended awards to Ofqual sufficiently in advance of award date to allow for scrutiny.

The 'calculate, adapt or delay' options provide a pragmatic and suitably flexible set of options on which awarding organisations can base their approaches. It may be useful to emphasise here, as below, that awarding organisations may utilise different approaches for different elements of a qualification. For example, an adapted assessment of the theoretical knowledge of health and safety, a

calculated result for technical knowledge, and a delayed assessment of key practical skills for safe working practices.

Question 4: To what extent do you agree or disagree with the key principles we have set out?

We broadly agree with the proposed principles as presented. They form a sound basis for the way that awarding organisations and providers will need to react. They address, in prioritised manner, the objectives which awarding organisations should work to achieve.

The issue of reliability of outcomes features as a separate principle (second priority) as well as a caveat to the first principle. An alternative approach would be to replace both of the first principles with:
'Ensure that fair results, based on reliable evidence, are issued to as many learners as possible in spring/summer 2020'.

It may also be pragmatic to refer to a 'limited burden' rather than the minimum burden. In addition, the reference to 'minimises burden' would be clearer if accompanied by a subject. It would be helpful to clarify whether this a reference to the burden on learners and/or provider staff and/or the awarding organisations themselves.

Question 5: To what extent do you agree or disagree with our proposal to allow awarding organisations to deliver their qualifications as normal where they are able to?

We agree that awarding organisations should be free to apply normal working practices where appropriate. For example, courses that have a high proportion of distance learning with online open book assessments may well need to assess as normal in order to achieve fair and reliable results.

Question 6: To what extent do you agree or disagree with our proposed approaches for the different categories of qualifications?

The three categories and the associated guidance are useful to help guide decision making and promote consistency across awarding organisations. The recognition given that some qualifications will be mixed and that some will require different assessment approaches to different elements of the same qualification is important.

In the exceptional circumstances that we face at the moment, we feel that the following presumed rationale for the different approaches is acceptable, but it is not communicated directly. Where calculated qualifications are used for progression to further study, the gaps in learning will either be filled at a later stage of learning, for example, during HE studies, or will not be called upon as the

learner has progressed to a different field of study. However, learners progressing into the workplace may need to have developed specific occupational competencies to safely undertake their roles. Having the two different approaches of 'calculate' for the former and 'delay' (or adapt) for the latter of these two scenarios is an undesirable but justifiable and pragmatic approach in the context of the disruption to learning currently taking place.

We appreciate that taking account of the progression intentions of individual learners will not be feasible, or indeed fair. Although perhaps not within scope of this framework, the awarding of qualifications for learners progressing to apprenticeship routes will require further consideration and guidance.

Question 7: To what extent do you agree or disagree with the aims of our proposed approach to calculating results?

We agree that the proposed aims of the results calculation option are appropriate. The reference to the 'maximum possible number of learners' should perhaps be softened as the qualifications affected will have been decided according to the previously defined qualification categories. It is not clear whether the reference to 'grades' also encompasses the outcomes of courses that have no grade structure ie. are pass/fail? It seems to assume that only qualifications with graded outcomes should be considered eligible for the 'calculate' option as they are the qualifications that generally allow for progression to further study. More generally, clear guidance for these types of pass/fail courses within the framework would be useful.

It would be useful to clarify whether awarding organisations and providers will be expected to aim for consistency of achievement/success rates with previous years. A potential outcome of these measures is that while grade profiles, for qualifications with graduated outcomes, may be in line with previous years, the proportion of learners that successfully achieve their qualifications will be significantly higher than the average over recent years.

Question 8: To what extent do you agree or disagree with our proposal that the minimum evidential threshold is that any approach to providing calculated results needs to be based upon at least one source of trusted evidence along with a sufficiently robust basis for quality assurance?

We agree with this approach. The included requirements for quality assurance measures and an effective sense check for continuity of grade profiles against previous years are important. We would urge caution in the use of prior attainment information (from other qualifications) to contribute towards grading decisions.

The draft extraordinary regulatory framework itself includes helpful additional guidance relating to circumstances where different delivery and assessment models are used for different learners undertaking the same qualification. The included direction to awarding organisations to use flexible approaches to

determining learner outcomes in such cases whilst guarding against systematic advantage or disadvantage for any learners is helpful.

Question 9: Do you have any comments on the approach to providing learners with calculated results?

The proposed approach to calculation of results is appropriate. It is consistent with guidance for calculating best-fit grades for learners on AS, A level and GCSE programmes, whilst providing the necessary flexibility to address the complex delivery and awards structures for the range of qualifications under consideration. The guidance is detailed and addresses a broad range of scenarios that teachers, providers and awarding organisations will face, and suitable actions that can be taken.

Awarding organisations and providers may benefit from specific guidance on what proportion of learning should have been successfully undertaken for outcome calculation to be considered a valid option. For example, where shorter courses commenced in January and were due to complete before the summer, whether these learners have undertaken a sufficient proportion of their learning for a calculated outcome to be justified and the qualification awarded without additional assessment.

Question 10: To what extent do you agree or disagree with our proposed approach to the adaptation of assessments?

We agree with the proposed approach for adapted assessment. There is useful reference to the important issue of assessments and qualifications that serve as a license to practice. The guidance also gives clear, pragmatic instructions to awarding organisations on working to minimise any disadvantage to groups of learners as a result of adapted assessment arrangements. It also recognises that in some instances a degree of disadvantage may be unavoidable. The framework should also include further guidance on how to mitigate the impact on those learners who are at risk of being disadvantaged by adapted assessment methodologies.

Question 11: To what extent do you agree or disagree that delaying or re-scheduling assessments should be the option of last resort?

We agree, with the caveat that where qualification results cannot be calculated or assessments adapted in a manner that ensures safety and reliability, that awarding organisations should not shy away from delayed assessment.

Question 12: To what extent do you agree or disagree with our proposals around decision-making and record keeping?

We strongly agree and feel that these proposals appear to be proportionate and reasonable expectations. Placing an obligation on awarding bodies to keep records of the rationale behind decision making, including the methodologies behind calculated results, is an effective way to help safeguard the reliability and fairness of results issued. The proposal to specify a standardised format for these records is practical.

Question 13: To what extent do you agree or disagree with our proposed approach to oversight of awarding organisations?

We agree that the proposed approach sets a positive tone for the working relationship with awarding organisations under these exceptional circumstances. The principles behind the oversight arrangements strike an appropriate balance between trust and accountability.

The reference to closely monitoring the approaches taken to securing results for Functional Skills qualifications may benefit from a reference to oversight responsibility for the equivalent qualifications in the devolved nations, for example, Essential Skills Wales qualifications.

Question 14: To what extent do you agree or disagree with our proposed position on the delivery of an assessment opportunity to learners in autumn 2020?

We agree with the proposal for autumn assessments. It is reassuring that the framework specifies that Ofqual can, if needed, require that additional assessment opportunities be made available in the autumn term. This provides an important safety net for providers and learners.

It would be helpful to provide additional guidance regarding the degree of choice to be made available to providers and learners. This may include guidance on the following scenarios:

- whether awarding organisations will be obliged to offer the option of delayed assessment to providers or learners;
- where a learner is eligible for a calculated result, but elects to undertake a delayed assessment, whether the outcome of the assessment necessarily supersedes the alternative calculated outcome;
- whether the best outcome of either the calculated outcome or the delayed assessment will be used to determine the final grade.

Question 15: To what extent do you agree or disagree with our proposed approach to appeals?

We agree that maintaining the existing principles behind appeals arrangements in line with General Condition of Recognition I1, but with additional guidance for these exceptional circumstances, is an appropriate approach. As proposed, it will

be beneficial to align appeals guidance as closely as practically possible to those for GCSEs, AS and A level qualifications.

Question 16: To what extent do you agree or disagree with our proposed position in relation to certificates?

We agree on the whole that little change is required in relation to certification. However, it may help learners to have some guidance from the awarding organisations on the timeliness of issuing certificates following autumn term assessments. Some learners may need proof of attainment of their qualifications immediately to progress to education or employment in the autumn term.

Question 17: To what extent do you agree or disagree with our proposed approach in relation to private learners?

We strongly agree that this is a considered and pragmatic proposal.

Question 18: To what extent do you agree or disagree with our proposed approach in relation to learners who are not yet registered for an assessment?

We agree with this approach. It is useful that the guidance acknowledges the risk of some learners stating their assessment intentions in order to try to take advantage of the special arrangements in place this year, and that awarding organisations and centres should be vigilant in this regard. The requirement for them to monitor for unusual patterns of registration to guard against abuse is important.

Question 19: To what extent do you agree or disagree with our intention to not require any particular approach for adapting assessments and/or issuing results to international learners?

We agree that this is appropriate.

Question 20: Do you have any comments about our proposed position in relation to awarding organisations facing financial difficulties?

No, the proposals are realistic.

Question 21: To what extent do you agree or disagree with our proposed position in relation to the issuing of results for Functional Skills qualification learners?

The position reflects a thorough consideration of the wide range of delivery models and assessment for these qualifications. The arrangements for these qualifications are potentially at greater risk of abuse than average. We are pleased to see that the same onus on awarding organisations to consider the reliability of evidence exists for these qualifications as for vocational qualifications.

It may be useful to state the position with regards as to how these guidelines relate to the equivalent qualifications within the devolved nations, such as the Essential Skills Wales qualifications.

Question 22: Do you have any comments on the proposed regulatory framework?

The framework as presented in Part B provides a clear suitably concise overview of the guidance with links to further detail for awarding organisations and other stakeholders. The approach to implementing the VTQ Covid-19 framework is appropriate. It is clear that it will sit above the existing general conditions of recognition and that they will be in force until further notice, and that it may be partially or fully withdrawn at any time. These appear to be sensible decisions that allow Ofqual the flexibility to respond appropriately to the pandemic response as it evolves.

See response to question 4 on the five key principles.

Question 23: Are there other potential equality impacts that we have not explored? If yes, what are they?

The equality impact assessment is a transparent and carefully considered evaluation of the impact on different groups of learners including those with protected characteristics. It acknowledges the very difficult challenge of trying to ensure that the implementation of the exceptional arrangements benefit all groups of learners equally. It recognises that whilst mitigating against the Covid-19 related disruption to education and training for many learners, that there will be unavoidable cases where the arrangements are not able to provide other learners with the same benefits.

Figures provided show that learners from certain groups, for example lower socio-economic backgrounds, and learners with SEN, are more likely to fall under this framework rather than the separate framework for GCSEs, AS and A levels. However, it does not make it sufficiently clear that, as a result, these learners are more likely to have to undertake adapted or delayed assessments than learners from more affluent backgrounds, or those without SEN. This is because a higher proportion of these learners are undertaking GCSE, AS or A levels where results are more likely to be calculated. This may be inevitable due to the enrolment trends amongst different groups of learners and the way that a calculated result

cannot be justified for some qualifications. However, it may be helpful to provide a clear statement of this impact on learners from lower-socio economic backgrounds, in a similar way as is made regarding learners with protected characteristics.

Question 24: Do you have any views on how any potential negative impacts on particular groups of students could be mitigated?

It is reassuring that Ofqual is liaising with higher and further education providers to consider the steps that providers could take when making admissions decisions this summer for any learners who have not received a result.

The guidance should perhaps place a stronger emphasis on the stated encouragement of awarding organisations to conduct their own equality impact assessments.

Question 25: Are there any regulatory impacts, costs or benefits associated with the implementation of this framework that are not identified in this consultation? If yes, what are they?

None that we have identified; the consultation document is thorough in this regard.

Question 26: What additional costs do you expect you will incur through implementing this framework? Will you save any costs? When might these costs and savings occur? Please provide estimated figures where possible.

N/A

Question 27: Are there any additional or alternative approaches we could take to minimise the regulatory impact of our proposals?

None that we have identified.