

PUBLIC CONSULTATION RESPONSES

Sharing our findings

In December 2020, we published 'Predicting Futures 2.0', a follow up to our earlier report assessing the impact of exam cancellations and grade predictions on students from BAME and low socio-economic backgrounds. We have submitted our research findings as evidence to the government's public consultation on how GCSE, AS and A level grades should be awarded in summer 2021.

@EqualityActRev

<https://www.equalityactreview.co.uk/>

info@equalityactreview.co.uk

**THE EQUALITY
ACT REVIEW**

Questions

1. To what extent do you agree or disagree that the grades awarded to students in 2021 should reflect the standard at which they are performing?

We agree with this statement.

2. To what extent do you agree or disagree that the alternative approach to awarding grades in summer 2021 should seek to encourage students to continue to engage with their education for the remainder of the academic year?

We agree with this statement. However, we think that the government should bear in mind the disadvantage could be caused by a lack of technology or access to wifi. Privileged students can afford tuition too.

3. When would you prefer that teachers make their final assessment of their students' performance?

We propose that teachers make their final assessments in July 2021, to prevent delays to results being published.

4. To what extent do you agree or disagree that teachers should be able to use evidence of the standard of a student's performance from throughout their course?

We slightly disagree with this statement. Over the course of this academic year, pupils may have been negatively impacted by mitigating circumstances, including, for example, mental health issues or bereavements, which might have affected their ability to complete class-work.

5. Should there be any limit on the period from which previous work could be drawn?

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No. Previous work should include work drawn from this academic year in addition to year 9 grades and previous secondary school performance, as well as Year 6 SATs results.

6. If you answered 'yes', what should that limit be?

7. Do you have any comments on when students should be assessed?

Students should take an aptitude tests online before May 2021, the grade for which should supplement a predicted grade, if being used. Conventional exams could be converted into essays or coursework and sent out to students by email or post. These should be completed in May/June 2021.

8. To what extent do you agree or disagree that the exam boards should provide a set of papers to support teachers in assessing their students' work?

We agree with this statement.

9. Do you think the use of the papers provided by the exam boards should be compulsory or optional, for GCSEs, AS and A levels?

Papers should be compulsory for all students at GCSE, AS and A Level.

10. To what extent do you agree or disagree that any papers provided by the exam boards should include questions that are of a type that is familiar to students?

We strongly agree with this statement.

11. To what extent do you agree or disagree that if teachers use exam board papers they should have choice about the topics covered in the questions their students answer, for example through choice of which papers they use with their students from the set of papers provided?

We agree with this statement.

12. To what extent do you agree or disagree that teachers should be required to assess (either by use of the exam board papers or via other evidence) a certain minimum proportion of the overall subject content, for each subject?

We agree with this statement, and suggest that teachers should assess a minimum of 10% of overall subject content.

13. To what extent do you agree or disagree that teachers should mark any papers their students are asked to complete?

We disagree with this statement.

14. Do you have any comments on the use of exam board papers?

Exam board papers should be marked externally and anonymously. Teachers should not mark their students' exams due to inherent biases they may have which could unfairly penalise some students on account of discrimination or favouritism. We propose that teachers should conduct their assessment based on alternative evidence, for example, class participation .

15. To what extent do you agree or disagree that teachers should take account of a student's performance in any non-exam assessment where that has been completed in full for a subject?

We agree with this statement, but propose that any non-exam assessment is capped at a percentage of the overall grade awarded in order to guard against discrimination or bias.

16. To what extent do you agree or disagree that teachers should take account of a student's performance in any non-exam assessment where that has been completed in part for a subject?

We agree with this statement. Student performance in incomplete non-exam assessments should still be accounted for, as there could be mitigating circumstances that prevented completion, in some cases even high teacher attrition rates.

17. To what extent do you agree or disagree that teachers should mark their students' non-exam assessments?

We disagree with this statement.

18. To what extent do you agree or disagree that the marking of non-exam assessments should not be moderated by the exam boards this year?

We disagree with this statement. All moderation of non-exam assessment should be carried out by the exam boards.

19. Do you have any comments on the use of non-exam assessment and separately reported results and grades?

We propose that non-exam assessments should be capped at 20% of the overall grade. Furthermore, we assert that non-exam assessment should not be marked by teachers in order to guard against bias and discrimination on the part of the teacher.

20. To what extent do you agree or disagree that a breadth of evidence should inform teachers' judgements?

We agree with this statement. Teachers' judgements should be informed by past performance in school or college, including at Year 6 SATs, an online aptitude test (proposed in our response to Q 7), and mitigating circumstances.

21. To what extent do you agree or disagree that the provision of training and guidance from exam boards should support teachers to reach their assessment of a student's deserved grade?

We agree with this statement and suggest that teachers are provided with bias training.

22. To what extent do you agree or disagree that teachers should be able to take into account other performance evidence for a student before submitting a grade?

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The extent to which we agree with this statement depends on precisely what other performance evidence is taken into account. We disagree with the use of attendance and attitude to work as indicators of performance, since a myriad of complex socio-cultural and demographic factors may impact these.

23. To what extent do you agree or disagree that performance evidence from closer to the time of the final assessment, should carry more weight in determining a student's final grade?

We disagree with this statement. Students may not be able to perform to the best of their abilities because of the impact of Covid-19 and the onset of mental health strains caused by the pandemic.

24. Do you have any comments on the use of other performance evidence?

Students may not be able to perform to the best of their abilities because of the impact of Covid-19 and the onset of mental health strains caused by the pandemic and lockdown. Thus, performance throughout school would provide a better indication of ability, including performance in Year 6. Further, if performance such as attendance and attitude to work is to be taken into consideration, we strongly object to this, as a myriad of complex socio-cultural and demographic factors may impact these.

25. To what extent do you agree or disagree that all students should be assessed within a given time period for each subject – whether or not their school or college must or is using exam board papers?

We agree with this statement. It is vital for finalising grades on time and ensuring fairness across the country. However, it is important to permit students with mitigating circumstances and bereavements allowances and/or extensions as is appropriate.

26. To what extent do you agree or disagree that exam boards should publish all of their papers shortly before the assessments in order to manage the risk of some students being advantaged through papers being leaked?

We agree with this statement.

27. Do you have any comments about the assessment period for the use of exam board papers or teacher devised assessments?

A time period for assessments is vital for finalising grades on time and ensuring fairness across the country. However, it is important to permit students with mitigating circumstances or bereavements allowances and/or extensions as appropriate. Regarding the issue of leaked papers, we suggest that this might be related to privilege since those students likely to engage in this behaviour would have connections with teachers or examiners. Students from lower income backgrounds with fewer networks and connections are likely to be severely disadvantaged. Therefore, releasing the papers two days prior to examination would mitigate this risk. Ultimately, we need to address why leaks are happening and prevent them to ensure equality and fairness in examinations.

28. To what extent do you agree or disagree that the assessments should, if possible, be taken within the student's school or college?

We disagree with this statement. At present, the risk of the catching coronavirus is too high, especially given the emergence of new strains of the virus.

29. To what extent do you agree or disagree that if the pandemic makes it necessary a student should be able to take their assessments at an alternative venue, including at home?

We disagree with this statement.

30. Do you have any comments on the conditions under which students should be assessed?

The risk of catching coronavirus is too high for students to sit examinations at school. Sitting in alternative, larger venues, where social distancing could be practiced properly, is an option. However, taking exams at home should not be considered. There is a great deal of poverty and overcrowding in many BAME and lower income households which would prevent students from sitting the exams in appropriate conditions.

31. To what extent do you agree or disagree that the exam boards should provide support and information to schools and colleges to help them meet the assessment requirements?

We agree with this statement.

32. To what extent do you agree or disagree that the exam boards should set requirements for school and college internal quality assurance arrangements and should provide guidance on these requirements to support centres?

We agree with this statement.

33. To what extent do you agree or disagree that the head of a school or college should make a declaration to the exam board confirming its requirements had been followed and teachers had regard to the guidance and support materials provided?

We agree with this statement.

34. Do you have any comments about internal quality assurance?

All headteachers should provide equality training to teachers and make an equality statement declaration. Furthermore, exam boards should provide information and support regarding equality to schools and teachers.

35. To what extent do you agree or disagree that the exam boards should quality assure how schools and colleges are determining grades?

We agree with this statement.

36. To what extent do you agree or disagree that the exam boards should quality assure the overall approach for all schools and colleges?

We agree with this statement.

37. To what extent do you agree or disagree that the exam boards should sample, at subject level, the evidence on which the submitted grades were based?

We agree with this statement.

38. To what extent do you agree or disagree that the exam boards should target their more in-depth quality assurance activities?

We agree with this statement.

39. To what extent do you agree or disagree that exam boards could only change a student's grade after a review of the evidence and discussion with the school or college?

We disagree with this statement.

40. Do you have any comments about external quality assurance?

Through our research, we have been made aware of cases in which students have had their results downgraded, from 7s in mock exams to 2s and 3s at GCSE, based on behaviour. Quality Assurance is of paramount importance. We strongly suggest that students should be permitted to appeal directly to the exam board and not through schools.

41. To what extent do you agree or disagree that students should not be told the grade their teacher has submitted before results day?

We disagree with this statement.

42. To what extent do you agree or disagree that students should be able to appeal their grade on the grounds that their teacher made an error when assessing the student's performance?

We agree with this statement.

43. To what extent do you agree or disagree that the school or college should consider the appeal?

We disagree with this statement.

44. To what extent do you agree or disagree that the appeal should normally be considered by a competent person within the student's school or college who was not involved with the original assessment?

We disagree with this statement.

45. To what extent do you agree or disagree that a school or college should be able to appoint a competent person from outside of the school or college to consider the appeal?

We disagree with this statement.

46. To what extent do you agree or disagree that a grade should only be changed if it is found not to represent a legitimate exercise of academic judgement?

We disagree with this statement.

47. To what extent do you agree or disagree that a student should be able to appeal to the exam board on the grounds that the school or college did not follow the exam board's requirements when it assessed the student's performance?

We agree with this statement.

48. To what extent do you agree or disagree that a student should be able to appeal to the exam board on the grounds that the school or college did not properly consider the student's appeal?

We agree with this statement.

49. To what extent do you agree or disagree that we should seek to bring forward results day(s), in order for appeals to begin earlier?

We agree with this statement.

50. To what extent do you agree or disagree that if results day(s) are brought forward, we should seek to decouple when a student is informed of their results, and universities are informed of their formal result for the purpose of admissions decisions?

We agree with this statement.

51. To what extent do you agree or disagree that the exam boards should provide information for schools and colleges on how they should handle appeals?

We agree with this statement.

52. Do you have any comments on the proposed appeal arrangements?

Firstly, we strongly suggest that appeals process are handled centrally by the exam boards, not schools. Our recent study demonstrated that over 33% of students expressed that their school was a barrier to their appeal. Schools rejected requests despite students have legitimate grounds for appeal. Furthermore, universities should only be informed of results following students an appeals window. This will ensure that students do not prevented from progressing onto further/higher education as a result of grades or slow appeal results.

53. To what extent do you agree or disagree that private candidates should be able to complete the papers set by exam boards, with them marked by the exam boards?

We agree with this statement.

54. To what extent do you agree or disagree that private candidates should be able to work with a school or college to produce the same type of evidence as the school or college's other students?

We agree with this statement.

55. To what extent do you agree or disagree that exam boards should run normal exams for private candidates in summer 2021?

We disagree with this statement,

56. To what extent do you agree or disagree that exam boards should run normal exams for private candidates in autumn 2021?

We disagree with this statement.

57. Do you have any comments on the options for how grades should be made available to private candidates?

Private candidates should be assessed at the same time as other candidates, in the summer and their exam results should be made available at the same time so that they have equal access to further and higher education. Private candidates can take assessments online/or in an alternative venue where social distancing measures can be properly observed, and these should be marked by exam boards.

58. If the preferred option for private candidates is an exam series, should any other students be permitted to enter to also sit an exam?

No.

59. Should the exam boards be prohibited from offering GCSE, AS and A level exams in any country in 2021?

No. Currently, different countries are experiencing different rates of Covid-19, requiring country specific responses.

60. If you answered no, which students should be allowed to enter for them? In countries with lower rates of Covid and higher vaccination success per 100 people in the population.

61. Do you believe the proposed arrangements (any or all) would have a positive impact on particular groups of students because of their protected characteristics?

No

62. If you have answered 'yes' please explain your reason for each proposed arrangement you have in mind.

63. Do you believe the proposed arrangements (any or all) would have a negative impact on particular groups of students because of their protected characteristics?

Yes. The proposed arrangements have the potential to be detrimental to BAME and lower income students. Assessments marked by teachers risk discriminating against BAME and lower income students. It is alarming that this consultation has admitted that papers are leaked. This needs to be prevented at all costs to mitigate for disadvantage amongst BAME and lower income students.

64. If you have answered 'yes' please explain your reason and suggest how the negative impact could be removed or reduced for each proposed arrangement you have in mind.

To remove the potential for bias, assessments should be anonymised and marked externally. Furthermore, the appeals process should be centralised and the grounds upon which appeals can be made widened to include malpractice/ prejudice/ discrimination by the school.

65. Are there additional burdens associated with the delivery of the proposed arrangements on which we are consulting that we have not identified above? If yes, what are they?

Mitigating circumstances have not been considered. Also, learning styles should be taken into consideration. Whether students perform well in exams or coursework depends on individual preference and learning style. Some students visual learners and others not so much. This impact grades.

66. What additional costs do you expect you would incur through implementing the proposed arrangements on which we are consulting?

- Bias training
- External markers
- Centralised appeals process

67. What costs would you save?

Costs would be saved from schools appointing staff to deal with appeals. This process will be compromised because it is not in schools interest to allow appeals to go through, as we have uncovered in our recent research.

More Information

For more information on the public consultation, and to read the government proposals for examinations, visit

<https://www.gov.uk/government/consultations/consultation-on-how-gcse-as-and-a-level-grades-should-be-awarded-in-summer-2021>.

To read 'Predicting Futures 2.0' in full, visit

<https://www.equalityactreview.co.uk/predicting-futures-report-2>.

To learn more about the Equality Act Review and the work that we do, visit our website at <https://www.equalityactreview.co.uk/>.

Get in touch

@EqualityActRev

<https://www.equalityactreview.co.uk/>

info@equalityactreview.co.uk

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