
Equality Act Review

Ofqual consultation on exceptional arrangements for exam grading and assessment in 2020.

Evidence submission



Dr Suriyah Bi
April 2020

Executive Summary

A summary of our key arguments.

1. We submitted evidence to Ofqual's consultation on exceptional arrangements for exam grading assessment in 2020 for which the deadline was 29th April.
2. We made Ofqual aware of our study, which is the first and only research currently being conducted into the concerns of young people and their parents/guardians regarding the government's decision to predict grades, in light of the exam cancellations due to the coronavirus pandemic. We urged Ofqual to await these results, which are due to be published mid-May before finalising arrangements, as we have collected over 750 responses (at the time of writing). This data we argue, can be seen to represent over 50,000 pupils in the UK and as a result, it is paramount that the government and relevant bodies such as Ofqual take the voices at the heart of the research into consideration.
3. We urge the government and regulating bodies to put into place processes for pupils and their parents to declare any mitigating circumstances that may have impacted their previous assessments and exams. Significantly, we highlight that the standardisation process does not take into consideration such circumstances.
4. We highly recommend that any efforts to obtain equality and integrity statements from assessment centres are not mere tick box exercises, and that they request clear evidence of assessment centres demonstrating how they have adhered to equality and integrity practices. We urge Ofqual to consider making it a requirement for teachers at every assessment centre involved in grade predictions, to undergo 'how to eliminate unconscious bias' training before they predict grades.
5. We recommend that the arrangements put in place to secure the issue of results this summer should be extended to all students across the UK. This will ensure that there is a centralised process to which all exam boards, assessment centres, teachers, and students can refer to.

This will not only help minimise conflicting information, but also ensure that there is uniformity in the grade predictions process for students across the country.

6. We recommend that arrangements should be extended to students wherever they are taking their qualifications (i.e. schools and sixth forms). However, we note that it is critical that ‘receiving’ institutions, where the current cohort of GCSE and A-Level students will enter, are aware of this centralised process so that they can adjust, if necessary, their admissions processes to reflect these guidelines and the current context. We are aware that some universities for example have offered ‘unconditional’ places to their students, removing thereby the grades requirements previously stated, due to the coronavirus pandemic. This is a welcome approach that we would encourage more universities to consider.

7. We also recommend that the historic performance of assessment centres are not taken into consideration when predicting grades, as this approach is not inclusive of potential individual circumstances of students. It would also inflate student performances in affluent areas compared to less affluent areas with fewer resources. This would be particularly disadvantageous for capable and talented students from less advantaged and affluent areas. We know this to be exacerbated through access to technology or lack thereof, as a crucial differential widening inequality levels in educational outcomes.

8. Since there is a strong body of literature that indicates that those from BAME backgrounds, religious minorities, and lower socioeconomic backgrounds would systematically be ranked lower than other students, we recommend that rank orders provided by centres should be modified according to protected characteristic and/or socioeconomic background. In particular, we suggest an index to be constructed that calculates the percentage increase for students who are disadvantaged for the aforementioned characteristics. We recommend for this to be in the region of 1-10%.

9. We also highlight ‘favouritism’ and ‘bad behaviour’ as possible factors that could skew grade predictions, as indicated by the preliminary research results of the research into grade predictions concerns, that we are conducting (forthcoming, May 2020).

10. We strongly recommend that as well as unconscious/conscious bias training, that software is made available for teachers to practice predicting grades. This should be moderated by senior staff at the assessment centres, and feedback provided where necessary.
11. We argue that for any appeal to be appropriately addressed, the professionals at the relevant assessment centre involved in the grade predictions of the given student(s) should provide a statement as to the reasoning behind the predictions for the given student(s), and any steps taken to consider protected characteristics and/or socioeconomic background and/or mitigating circumstances declared by the student. These individuals should not be involved in any part of the appeal process thereafter, as the independence of the process must not be compromised.
12. It is recommended that a centralised and uniform appeals process is applied for all exam boards and assessment centres, in order to avoid conflicting information and increase ease of access for students and/or their parents/guardians. We recommend that in the event that students wish to appeal their grades, they contact their assessment centre in the first instance however, if the centre refuses to appeal the result then the student(s) be provided the opportunity to contact the exam board directly. Further, appeals should be treated on a case by case basis and these should not lead to the grade decrease of other students.
13. We recommend that Ofqual exercises caution in the language employed in defining the terms of the arrangements. For instance, the definition of 'optimal' must be decided by a collective of experts which include experts on BAME educational outcomes and inequalities, as this is subjective depending on positionality. Other terms such as 'proper' have been employed in questions without real consideration as to the positionality of Heads of Assessment Centres, which can imbue the parameters of 'proper' differently across communities, and the country more broadly.
14. We noted that while there is an emphasis on the current institutions of GCSE and ALevel students, and rightly so, it is critical that 'receiving' institutions, where the current cohort of 16-18 year olds will continue their educational journeys, are aware of this centralised process so that they can adjust, if necessary, their admissions processes to reflect these guidelines and the current context.

Introduction

The Equality Act Review Campaign was founded in 2018 by Dr Suriyah Bi, with a core focus to strengthen the Equality Act 2010. Employing social anthropological research methods, we are leading the first and only public review of the Equality Act 2010. We aim to present recommendations pertaining to how the act can be amended to provide adequate protection for vulnerable groups. The Act protects individuals from discrimination on the basis of age, disability, gender reassignment, marriage and civil partnership (workplace only), pregnancy and maternity, race, religion or belief, sex, and sexual orientation. At present, the Act does not incorporate factors such as homelessness, low socio-economic status and/or poverty, caste, or immigration status, all of which can give rise to unequal treatment in the workplace or in public places where goods and services are provided, especially when and where they intersect with already protected characteristics. Additionally, procedures for the implementation of the Act make it difficult for people with protected characteristics to use the Act to rectify cases of unlawful discrimination. Unfortunately, it is failing real people and real lives.

We have also been the first and only organisation to carry out research investigating the possible concerns of young people and parents regarding the government's decision to predict grades in light of exam cancellations amidst the coronavirus pandemic. After writing an open letter to Rt Hon Gavin Williamson about our concerns regarding grade predictions which was followed by a policy briefing on 7th April 2020, we established the Grade Predictions Campaign on 9th April 2020 in which we sought to collect primary data. This study has been conducted in partnership with Shadow Deputy Leader of the House of Commons, Afzal Khan MP. As of 28th April 2020, the study has received 750 survey response, of which 374 participants have stated their school, potentially representing over 50,000 students. This data will be reported in detail in a report which we are aiming to publish in May 2020. Given our research and campaigning on this issue, we have decided to contribute to the open call for evidence by Ofqual to ensure that any process that predicts grades mitigates for the possible inequality to which young people may be subjected, and which may alter educational, employment and social outcomes for generations to come.

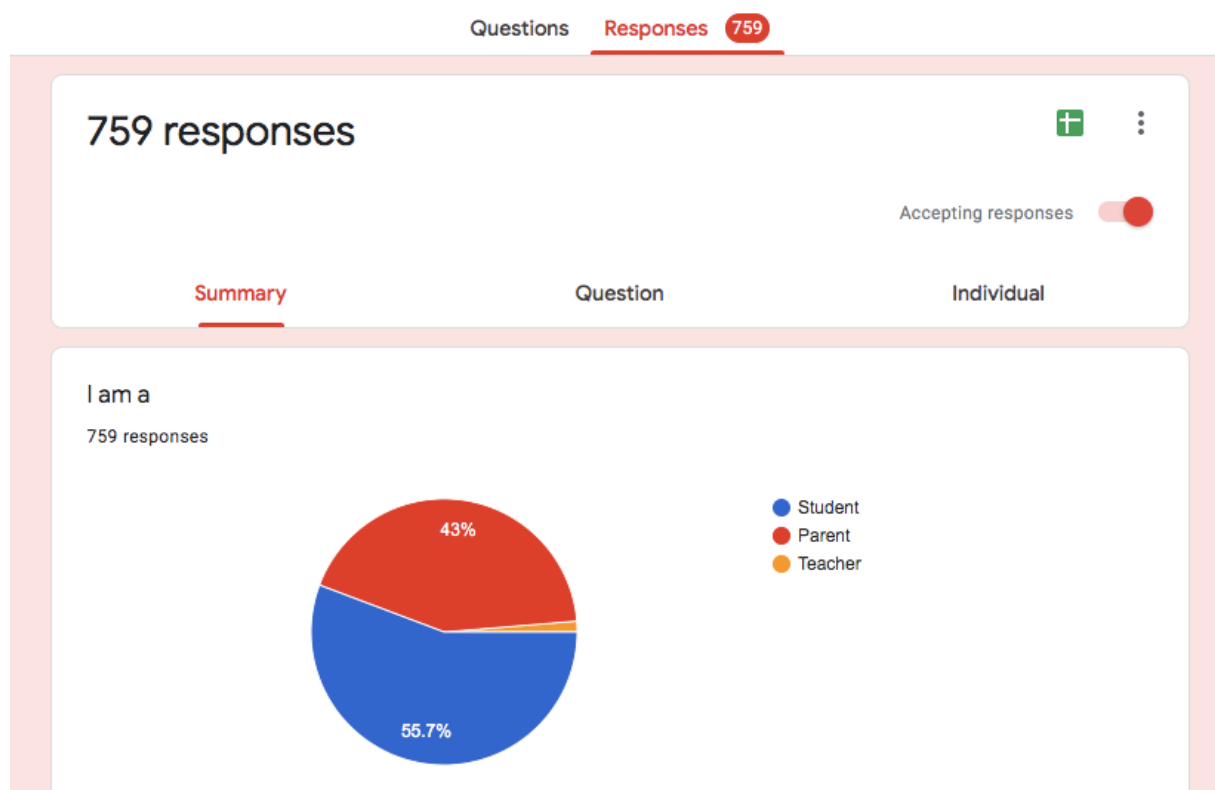


Fig.1: As of 28th April 2020, our study on grade predictions has received over 750 responses.

Part 1:

Centre Assessment Grades

The first set of questions as part of the consultation relates to centre assessment grades. Question one asked, “to what extent do you agree or disagree that we should incorporate the requirement for exam boards to collect information from centres on centre assessment grades and their student rank order in line with our published information document, into our exceptional regulatory requirement for this year?”, we answered “agree.” While it is important for exam boards to collect information on centre assessment grades and rank orders, this is not inclusive of information relating to personal circumstances that may have hindered the students’ ability to perform well in their past and historical assessments. For example,

mental health conditions, family circumstances, and bereavement at the time of mock exams, to name a few examples, is information that is not currently requested or considered as part of the grade prediction process. Furthermore, student learning styles are also not taken into consideration. The likely negative impact of these information absences on grade predictions is indicated by the preliminary findings of our nation-wide 750 participant strong survey.

The second question asked, *“to what extent do you agree or disagree that exam boards should only accept centre assessment grades and student rank orders from a centre when the Head of Centre or their nominated deputy has made a declaration as to their accuracy and integrity.”* To this question, we answered *“strongly agree”* with a critical caveat: such a declaration must not merely be a tick box exercise, but rather, the statement must demonstrate using examples how the assessment centre has ensured accuracy and integrity. This would contribute to constructing a measure of integrity and accuracy. If schools declare in their statement that teachers involved in the grade predictions process have completed this training, it would be a afford confidence in their predictions. Furthermore, this statement must include information about ‘how’ the schools went about recording and accounting for mitigating circumstances. In order for this to occur, Ofqual must make students and parents aware that they can submit mitigating circumstances forms if they are concerned about their past grades.

The third question asked, *“to what extent do you agree or disagree that Heads of Centre should not need to make a specific declaration in relation to Equalities Law.”* To this, we answered *“strongly disagree.”* We urge Ofqual to make it mandatory for Heads of Centre to make a declaration in relation to Equalities Law, including a declaration of the demographic composition of the centrer’s student cohort in relation to ethnicity, religion, and race. It must also be declared as to how the centre has mitigated for racial/ethnic bias. As stated above, we believe that training as to the elimination of unconscious/conscious biases must be a minimum requirement completed by teachers in order for centres to satisfy the statement in relation to Equalities Law.

The fourth question asked, *“to what extent do you agree or disagree that students in year 10 and below who had been entered to complete exams this summer should be issued results on the same basis as students in year 11 and above.”* To this question, we answered *“strongly disagree.”*

We believe that students in Year 11 and above should be prioritised at this moment. Efforts to ensure the grade prediction process is fair and equal for this current cohort is of the utmost importance. Students in year 10 and below remain in the education system and have the opportunity to prepare for exams next summer, future social distancing rules permitting. In the event that exams next summer are not possible due to coronavirus pandemic worsening, Ofqual and the Department for Education has between now and the end of the year to develop online examinations, which many universities are currently implementing.

The fifth question asked, *“to what extent do you agree or disagree that inappropriate disclosure of centre assessment judgments or rank order information should be investigated by exam boards as potential malpractice?”* We took ‘inappropriate disclosure’ to mean the lack of honest disclosure as to the steps taken to issue an equalities statement as to the demographic makeup of student cohorts, as well as to provide unconscious/conscious bias training to staff, the demographic makeup of student cohorts, and how grades were predicted with integrity and accuracy. In line with this understanding of inappropriate disclosure, we answered *“strongly agree.”* However, we would like to add that a ‘prevention is better than cure’ approach should be adopted by Ofqual and assessment centres, as any malpractice that requires investigation will ultimately be detrimental to the life opportunities and outcomes of young people whose grades are being predicted. We would like to stress that it is important that the grade predictions process is fine-tuned in the first instance to avoid investigation that may lead to the grades for students being delayed or compromised, which will no doubt translate to the delay and/or compromising their future education and employment trajectories.

Part 2:

Issuing Results

Part two of the consultation focused on the issuing of results and asked, *"to what extent do you agree or disagree that we should incorporate into the regulatory framework a requirement for all exam boards to issue results in the same way this summer, in accordance with the approach we will finalise after this consultation, and not by any other means?"* To this we answered *"disagree."* We believe that our forthcoming report detailing the findings into grade prediction concerns, which will not be available until mid-May at the earliest, is crucial to this consultation. The phrase *"any other means"* in this question is taken to be inclusive of our report, which we believe will be integral to the development of a fair and equal framework, which accounts for the needs and experiences of those students tangibly affected by the policy.

Part 3:

Impact on students

The next set of questions referred to the impact on students, which particularly resonates with our work, as we have been the first and only organisation to conduct research into the concerns young people have, if at all, as to the introduction of the grade predictions policy. The first question asked, *"to what extent do you agree or disagree that we should only allow exam boards to issue results for private candidates for whom a Head of Centre considers that centre assessment grades and a place in a rank order can be properly submitted?"* Here, private candidates are understood as those who have received home schooling. Further,

what a Head of Centre *'considers'* to be *'proper'* requires nuancing, as one's subjective outlook and positionality can obscure decision-making thereby, compromising *'proper evidence'*. We therefore *"strongly disagree"* with this question. Ofqual must centrally publish clear guidance as to what constitutes proper evidence for private candidates to submit. This would go a long way to eliminate conscious/unconscious bias and subjective interpretations of what constitutes proper evidence, which could be detrimental for private candidates and their future prospects.

The second question asks, *"to what extent do you agree or disagree that the arrangements we put in place to secure the issue of results this summer should extend to students in the rest of the UK?"* We *"strongly agree"* with this question. Ofqual should create a centralised process to which all exam boards, assessment centres, teachers, and students can refer. This will not only help minimise conflicting information, but also ensure that there is uniformity in the grade predictions process for all students across the country.

The third question asks, *"to what extent do you agree or disagree that the arrangements we put in place to secure the issue of results this summer should extend to all students, wherever they are taking their qualifications?"* As with the former question, we answered *"strongly agree"* for the same reasons, namely that a centralised process to ensure a primary and authorised source of information pre-grade prediction and during grade prediction is maintained, as well as uniformity in adherence to a single process. However, we would also like to highlight that it is critical that 'receiving' institutions, where the current cohort of GCSE and A-Level students will continue their educational journeys, are aware of this centralised process so that they can adjust, if necessary, their admissions processes to reflect these guidelines and the current context. We are aware that some universities for example have offered 'unconditional' places to their students, removing thereby the grades requirements previously stated due to the coronavirus pandemic. This is a welcome approach which we would encourage more universities to adopt.

We note that this section has not asked questions pertaining to student concerns of the grade predictions process. The preliminary findings of our study has highlighted the need for:

- Further and clear guidance and information to be made available to both parents and students;
- Mitigating circumstances forms to be issued to all students and parents. In the event that students have experienced exceptional circumstances at the time of their key assignments and mocks exams upon which they will be predicted their grades, that they should have the opportunity to declare these circumstances to be taken into consideration;

- To eliminate biases, it is necessary for teachers to receive mandatory “unconscious/conscious bias training” prior to making student grade predictions to mitigate unfair predictions.

Part 4:

Statistical standardisation of centre assessment grades

The next cluster of questions pertained to statistical standardisation of centre assessment grades. This section was supplemented with guidelines to the aims of the standardisation which reads as follows:

“The proposed aims of the standardisation process are as follows:

1. To provide students with the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020.
2. To apply a common standardisation approach, within and across subjects, for as many students as possible.
3. To use methods a method that is transparent and easy to explain, wherever possible, to encourage engagement and build confidence.
4. To protect, so far as possible, all students from being systemically advantaged or disadvantaged, notwithstanding their socio-economic background or where they have a protected characteristics.

5. To be deliverable by exam boards in a consistent and timely way that they can quality assure and can be overseen effectively by Ofqual.

We will seek to meet these aims while maintaining for example the standard of qualifications over time. Where the aims listed above are in tension (for example, accuracy of approach versus ease of explanation), we will seek to find an optimal balance.”

Reflection of the proposed aims of the standardisation process

The first reflection we would like for Ofqual to consider is the way in which any ‘standardisation’ process erases the prospect of considering individual circumstances that may have affected a student’s ability to perform adequately in any number of historic assessments, upon which grades will be predicted. A standardisation process therefore, cannot account for the socio-economic background or protected characteristics that may have created less than ideal environment within which previous assessments were made. Furthermore, a wealth of studies show that BAME and disadvantaged communities experience greater instability and, challenges to mental health, and are more likely to come from lower socioeconomic backgrounds, all of which contribute to less than ideal circumstances.

In this way then, aims one and two are in direct conflict with aim four. The guidelines are caveated with the statement, “*where the aims listed above are in tension...we will seek to find an optimal balance.*” It is our position, that ‘finding an optimal balance’ is subjective based on the person(s) and/or bodies determining the parameters of the term. This requires careful consideration in that the definition of ‘optimal’ must be decided by a collective of experts which include experts on BAME educational outcomes and inequalities. In addition, it is crucial to note that an ‘optimal balance’ if indeed it is possible to achieve, is a paradox, as the standardisation process still would not account for individual circumstances. We return to our previous recommendation of providing students and parents the opportunity to declare mitigating circumstances for teachers to take into account when predicting grades. Only after the mitigating circumstances option is put into place, could a standardisation process that purports to achieve such an ‘optimal balance’ conceivably be applied.

It is with the above mentioned statement that we answer the questions in this section. The first question asks, *“to what extent do you agree or disagree with the aims outlined above?”* To this, we answered *“disagree”* for the reasons provided. The second question asks, *“to what extent to do you agree or disagree that using an approach to statistical standardisation which emphasises historical evidence of centre performance given the prior statement of students is likely to be fairest for all students?”* To this, we answered *“strongly disagree”*, as the standardisation process does not account for individual circumstances. The third question asks, *“to what extent do you agree or disagree that the trajectory of centres’ results should NOT be included in the statistical standardisation process?”* We took the trajectory of centres’ results to mean the previous years’ GCSE and/or A-Level examination results. To this we answered *“strongly agree”* as this would provide advantage to those students from affluent and/or higher socioeconomic backgrounds, and is therefore likely to erase individual effort and assessment ability of students. We know that students that attend more affluent schools in wealthier communities have better results, and so this would be a disadvantage if taken into account when predicting grades for capable and talented students from less advantaged and/or affluent areas.

The next question asks, *“to what extent do you agree that the individual rank orders provided by centres should NOT be modified to account for bias regarding different students according to their particular protected characteristic or their socio-economic backgrounds?”* We *“strongly disagree”* with this as there is a strong body of literature that indicates that those from BAME backgrounds, religious minorities, and lower socioeconomic backgrounds would systematically be ranked lower than other students. We urge Ofqual to consider implementing the provision of mitigating circumstances declaration forms that students and parents can submit, alongside training to mitigate for unconscious/conscious biases undertaken by all teachers involved in the grade predictions process, at each centre.

The next question asks, *“to what extent to do you agree that we should incorporate the standardisation approach into our regulatory framework?”* Once again, we stress that a standardisation process should be adopted with severe caution, as this would not allow for individual exceptional circumstances to be accounted. We therefore selected the *“strongly disagree”* option to answer this question.

Part 5:

Appealing the results

The questions in this section focused on the process of appealing results. The first question asked, *“to what extent do you agree or disagree that we should not provide for a review or appeals process premised on scrutiny of the professional judgements on which centre’s assessment grades are determined?”* To this question we answered *“strongly disagree.”* It is not possible to separate the appeal of a grade from the professional judgements of those who determine a centre assessments grades. Therefore, for any appeal to be appropriately addressed, the professionals at the relevant assessments centre involved in the grade predictions of the given student(s) should provide a statement as to the reasoning behind the predictions for the given student(s) and any steps taken to consider protected characteristics and/or socioeconomic background and/or mitigating circumstances declared by the student.

The next question asks, *“to what extent do you agree or disagree that we should not provide for a student to challenge their position in a centre’s rank order?”* For the aforementioned reasons relating to mitigating circumstances that may affect the rank that the student in question is issued, students should be given the opportunity to challenge their positions. In the event that the rank has been ascertained after teachers have undertaken conscious/unconscious bias training, and mitigating circumstances have been declared and taken into consideration, we do not believe students should be provided the opportunity to challenge their rank. Given that the consultation has *not* defined the parameters of the guidelines in this way, we *“strongly disagree”* with this question in its current form.

The following question asks, *“to what extent do you agree or disagree that we should not provide for an appeal in respect of the process or procedure used by a centre?”* We

“strongly disagree” with this question, as it has not yet been decided whether this guideline will be mandatory for all assessment centres to adhere to across the nation. In the event that centres devise individual methods that do not fall within national guidelines, we believe students and parents should be given the right to appeal the process employed by a centre.

The next question asked, *“to what extent do you agree or disagree that we should provide for a centre to appeal to an exam board on the grounds that the exam board used the wrong data when calculating a grade, and/or incorrectly allocated communicated the grades calculated?”* We believe that the students must be at the centre of any decision made, and it is solely their future prospects that should be protected during this process. Employing the wrong data when calculating a grade and/or incorrectly allocating grades would be serious mistakes that should in the first instance be avoided, at all costs. We believe that anything that compromises a students’ future prospects regardless of whether it is a mistake on the part of an exam board or an assessment centre should be challenged and appealed. We have therefore answered *“strongly agree”* to this question.

The next question asked *“to what extent do you agree or disagree that for results issued this summer, exam boards should only consider appeals submitted by centres and not those submitted by individual students?”* We answered *“disagree”* with this question for the reason that some assessment centres may reserve the right to refuse to put appeals through to the exam boards, as they may see this as a contestation of their professional judgement(s). We advise that students and/or parents submit appeals to the assessment centre in the first instance, however, if the assessment centre refuses to put the appeal forward to the exam board, then students and/or parents should be provided the opportunity to appeal directly to the exam board but must show that they have, in the first instance, approached the assessment centre directly and have been refused.

The following question asked, *“to what extent do you agree or disagree that we should not require an exam board to ensure consent has been obtained from all students who might be affected by the outcome of an appeal before that appeal is considered?”* We answered *“strongly agree”* to this question for the reason that in a single cohort there may be more than 250 students, which

makes it difficult to ascertain consent from all students without exhausting the process and compromising the results of students who may be deserving of better grades, and therefore could go on to pursuing further/higher education in a timely manner.

The consultation then asked, *“to what extent do you agree or disagree that exam boards should not put down grades of other students as a result of an appeal submitted on behalf of another student?”* For this question we stated that we *“strongly agree.”* All appeals should be treated on a case by case basis and should not therefore lead to the grade decrease of other students.

This question was followed by, *“to what extent do you agree or disagree that exam boards should be permitted to ask persons who were involved in calculation of results to be involved in the evaluation of appeals in relation to those results?”* We *“strongly disagree”* that any member who was involved in the original grade predictions that face challenges should be involved in evaluating the appeal. This would be a clear conflict of interest and so this should not occur. The appeals process must be independent of assessment centres, and centrally regulated by Ofqual in order to ensure that students are afforded a process that is underpinned by integrity, fairness, and equality.

The next question asked *“to what extent do you agree or disagree that exam boards should be able to run a simplified appeals process?”* We do not think this is a matter of how ‘simplified’ an appeal process is and thus, do not believe this to be an effective question. It would be far more pragmatic to consider whether the appeals process is ‘accessible’ in its language and ease of completion, and that students and parents are aware that an appeals process exists. Ultimately, the students’ grades, upon which their future prospects rely, should be of central concern. As long as the process of appeals exists, and students have the opportunity to appeal, matters concerning simplicity should be eliminated from the debate. We therefore answered *“neither agree/disagree”* to this question.

The next question asked, *“to what extent do you agree or disagree that we should not provide for appeals in respect of the operation or outcome of the statistical standardisation model?”* We *“strongly disagree”* with this proposition, as we noted above that the standardisation process does not take into account exceptional circumstances that students may have experienced when taking prior assessments and exams upon which grade predictions are based. If the

standardisation model proceeds without the option for mitigating circumstances to be declared, an appeal in respect of the operation or outcome of the standardisation model must be made available. However, we are of the view that ‘prevention is better than cure’ and as a result, suggest that mitigating circumstances are introduced across the nation at every assessment centre to avoid this.

The next question asked, *“to what extent to do you agree or disagree with our proposal to make the Exam Procedures Review Service (EPRS) available to centres for results issued this summer?”* We “strongly agree” with this proposal. It is incredibly important that assessment centres are made aware of the EPRS so that they can triage cases if necessary when the grades are issued. This is due to the short window frame between the issuing of grades in August, and the beginning of sixth form and university courses in September. We recommend that both students and assessment centres are made aware of the EPRS guidelines so that in the event that a student wishes to challenge their grade, this can be done as swiftly and smoothly as possible. Furthermore, the sixth form or university institution should be made aware of the ongoing challenge so that they can protect the student’s place on the courses they have selected to study, and as a result, the student in question does not lose out on their future prospects.

Part 6:

An Autumn exam series

This section had a single question which asked, *“to what extent do you agree or disagree that entries to the autumn series should be limited to those who were entered for the summer series, or those who the exam board believes have made a compelling case about their intention to have entered for the summer series (as well as to students who would normally be permitted to take GCSEs in English language and mathematics in November)?”*

We answered “*strongly agree*” to this question. If students who were entered for the summer exam series would like to sit the exam in November to obtain an actual grade, this should be an option that is made available to them. We also agree that it is important for students who were due to sit their exams in November to be able to continue with this option to mitigate for a future lockdown in case there is a second or third wave of coronavirus. Any grades that can be ascertained from actual exams sat in November should be considered a priority for Ofqual and assessment centres. This will no doubt require clear and concise information to be relayed to students so that they can prepare for these exams in November.

Part 7:

To which qualifications the emergency regulatory measures will apply.

This section asked, “*to what extent do you agree or disagree that we should apply the same provisions as GCSE, AS and A level qualifications to all Extended Project Qualifications and to the Advanced Award qualification?*” We answered “*agree*” to this question. While we understand that the courses are of a different nature and comprised of different assessments, we are of the view that the regulatory measures can and should apply in a uniform manner across all qualifications. This is to allow information to be clear and concise so that it does not confuse students, parents, and teachers. Further, the clarity and ease of accessibility at this

moment is of key importance, as it would allow for all appeals processes to be handled in a uniform way.

Part 8: *Building arrangements into our regulatory framework.*

The first question in this section asked, *“to what extent do you agree or disagree that we should confirm that exam boards will not be permitted to offer opportunities for students to take exams in May and June 2020?”* We answered *“strongly agree”* to this question to prevent a second wave of coronavirus. Furthermore, if exams were arranged, given the lockdown and sheer level of instability over the past few months, it would be extremely difficult for students to sit exams with confidence, as they have not covered the relevant material due to schools being closed and revision likely to have been disrupted due to the developing situation around the pandemic.

The next question asked, *“to what extent do you agree or disagree with our proposal that exam boards will not be permitted to offer exams for the AEA qualification or to moderate Extended Project Qualifications this summer?”* We answered *“disagree”* to this question, as we believe that while exams should not be conducted, the moderation of written projects by teaching professionals can be conducted remotely. Where possible, these projects should continue to be assessed.

Part 9:

Equality impact assessment

The first question in this section asked, *“are there other potential equality impacts that we have not explored? What are they?”* We answered: The other potential equality impacts include the role of mental health, family issues and dynamics, and bereavement, amongst others, that could have impacted the assessment outcomes taken by student in the past. We also wish to highlight ‘favouritism’ and ‘bad behaviour’ as possible markers that could skew grade predictions, and that heavily feature in the preliminary findings of our research. These will be expanded upon in much greater details in our forthcoming report; however, in the interest of collaboration and with the students’ prospects in mind, we are sharing these preliminary results in this consultation. Furthermore, we wish to highlight that in a recent report we published titled *“Empowered Employment: Unlocking the workplace for Muslim women”*, the interrelation of more than five or six obstacles for over 50% of women underscores the sheer impact of disadvantage BAME and religious minority persons can face. This finding should certainly be taken into consideration when considering how best to mitigate for disadvantage.

The section of the consultation then proceeded to invite us to share our ideas: *“We would welcome your views on how any potential negative impacts on particular groups of students could be mitigated.”* Our answer was as follows: We believe that ‘eliminating conscious/unconscious bias trainings’ (or something to this affect) should be provided to all teachers at every assessment centre across the country who will be involved in the grade predictions process. We also urge Ofqual to ensure that mitigating circumstances procedures are in place at every assessment centre between May and July 2020 so that student and/or parents can declare mitigating circumstances they feel should be taken into consideration

when predicting grades. It is paramount that information relating to mitigating circumstances declarations is relayed to parents and students in a clear and concise manner so that they are aware of this provision. The wide circulation of mitigating circumstances forms can, we believe, go a long way in minimising any disadvantage, as they would ensure that teachers are aware of their student's personal circumstances.

Part 10:

Regulatory impact assessment

The first question in this section asked, “*are there any additional activities associated with the delivery of the revised approach that we have not identified? What are they?*” To this we answered: We have spoken at length of the importance of mitigating circumstance provision to be made available and conscious/unconscious bias training to be provided to all teachers involved in grade predictions. We also recommend that teachers undertake training as to how to predict grades on computer simulated student case studies, which can provide instant feedback as to the margins of error. AQA exam marking systems for example provide this for new markers to ensure that their marking falls within the acceptable quality. We also recommend that an index be created to ascertain disadvantage levels in the prediction process for those most likely to be at risk of under predictions. This could then be applied to grade predictions as a percentage grade increase (for example, by 1-5% depending on the calculation of the index).

The next question asked us to consider the potential costs expected through implementing the above approach. To this we answered: We are not entirely certain as to the cost of the computer simulated student case studies but do not expect this to be in the tens of

thousands. This would therefore be a positive investment which can be provided to assessment centres across the country for teachers to practice predicting grades. The next question asked about costs saved, to which we answered: The investment into computer simulation of student case studies for teaching professionals to practice grade predictions could save millions of pounds at a later stage, avoiding the need for the system to deal with an overwhelming number of appeals and challenges to grade predictions. If we can make the system as robust as possible in the early stages, we can save significant sums of money and time at later stages.

The next question welcomed our views on any suggestions for alternative approaches that could reduce burden. To this we answered: We have provided thorough responses to all the above questions and have outlined our suggestions in detail above.

*If you wish to cite this work please use the following format:
Bi, S. 2020. Ofqual Consultation on Exceptional Arrangements for Exam Grading and Assessment in 2020: Evidence Submission. Equality Act Review, pp. 1-22.*