

## Ofqual exam guidance

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09 April 2020

**Please note: the information contained in our legal updates are correct as of the original date of publication**

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Students will be assessed by their school (who will take on the role assessment centre) and use a range of evidence and data, specifically that being their performance in mock and non-exam assessments. Once students are assessed individually teachers will also be asked to rank each student within its grade cohort to enable standardisation afterwards. The data is required to be submitted within a two week window, starting no earlier than 29 May. The hope is that all results will be provided ahead of the usual publication dates in order to give students time to consider their options.

The obligation placed on teachers is to make fair, reasonable and carefully considered judgements of the likely grade a student would have achieved if they had sat their exams this summer and completed any non-exam assessments. There is specific emphasis on the need for these assessments to be objective and fair. The best way to ensure this is the case is to evidence the assessments and to keep a clear record of any decisions made. For many students this will be relatively straightforward but there will be some, whose grades and submitted work over the period to-date has been erratic. For these students, discussions between subject teachers and heads of department will be key with the final decision recorded carefully.

The designated head of each centre is then required to give a declaration that the data being submitted meets the judgement criteria. To be able to do this they need to be confident they have, as far as possible, achieved alignment across the senior leadership team to enable consistency. Again any record of decisions to enable the declaration to be made should be kept carefully.

Where students are disabled and they would have had reasonable adjustments made, it is important that assessment takes place as if those reasonable adjustments had been made. Special consideration requests should not be applied but instead grade judgements should reflect how the student would have performed under normal circumstances. If a student was ill or had personal circumstances that affected the mock exams, this should be considered.

Given that schools are making the grade judgements it is easy to see how some staff could come under pressure from anxious parents. It is therefore very important that confidentiality is maintained and that the school has a clear protocol as to who engages in any discussions with parents. Given that there will be an appeals process it is essential that the school does not end up dealing with complaints about grade information that has been passed to parents that which is not then fulfilled, as may well be the case following the national standardisation process. Parents or students may seek to request grade information via a Subject Access Request (SAR) claiming access to all their personal data to which they are entitled. In this instance schools should not give out information relating to grades. Instead they should refuse the request (in so far as it relates to exams) under the exemption set out at paragraph 25(2) of the Data Protection Act. Schools should be aware of how they record any decisions or discussions that may be the focus of any future SAR.

Ofqual has indicated that students may if they wish, take exams in the autumn or next summer. This might apply to students who have missed a university place by not getting the grades they need. In this scenario both grades will stand and the lower one cannot be removed.

It is likely that most students will not be disadvantaged by the process Ofqual has set out. Undoubtedly however, there will be some students who will gain by it and some that will lose out. Those that lose out may well decide to seek redress through the appeals process

that is to be set up. It is anticipated that appeals will be mostly around the process that schools have followed in making the original assessment so it is important that the Ofqual guidance is followed as set out.

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