

# Consultation on exceptional arrangements for exam grading and assessment in 2020

## Your data and rights

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Do you wish any part of your response to remain confidential?
No

## Consultation questions

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 requirements for this year?
Agree
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?
Strongly agree

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?

Strongly disagree

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?

Neither agree nor disagree

To what extent do you agree or disagree that inappropriate disclosure of centre assessment judgements or rank order information should be investigated by exam boards as potential malpractice?

Strongly agree

Do you have any comments about our proposals for centre assessment grades?

ROTA's work and research has found that schools and colleges have very little understanding of Equalities legislation and their obligations under the PSED. In order to ensure that their duty under the PSED is taken seriously and is discharged it is vital to have Heads of Centre make a specific declaration in relation to Equalities Law.

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?

Agree

Do you have any comments about our proposal for the issuing of results?

We have grave concerns regarding the fact that it is proposed that centres do not need to conduct an Equality Impact Assessment (EIA). Our work with schools have shown that there is a lack of understanding and compliance with the Public Sector Equality Duty of the Equality Act 2010 and it cannot be assumed that relevant equalities considerations will have been taken into account in the data underpinning the Centre assessment grades and rank order information, or that the centre's normal policies, procedures, or practice will have given due regard to the PSED. Especially due to the unusual circumstances in which necessary information is being collated by centres and given the significance which teachers' professional judgements will have, we strongly believe that it is essential that an EIA is carried out to mitigate the impact of bias and to ensure existing inequalities are not compounded.

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 properly be submitted?

Strongly disagree

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?

Agree

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 the qualifications?

Neither agree nor disagree

Do you have any comments about the impact of our proposals on any particular groups of students?

The consultation document states that there is not sufficient and conclusive research on the under prediction or over prediction of grades as a result of unconscious bias. The lack of research is not justification for not considering the equality impact of the proposed measures. Any research that claims that predictions for Black students show a greater tendency towards over prediction, without breaking down the data further into the different race and ethnicities, should be treated with caution. The research relied on does not appear to look at each individual race or ethnicity and looks at the data for Black pupils as a whole, rather than looking at the different race and ethnic categories. There is strong evidence that pupils from certain race and ethnicities, for example Black Caribbean, and Somali backgrounds, are consistently under-predicted grades for 'A' Levels. The experience of black Caribbean and Somali pupils within the education system is very different to the experience of Nigerian pupils, and the experience of Chinese and Indian pupils is very different to that of Pakistani or Bangladeshi pupils. For this reason any EIA should use the 'ethnicity codes' provided by the DfE. The consultation document states that one sixth of predicted grades are under-predictions. It is important to analyse this one sixth broken down by DfE's 'ethnicity codes' in order to identify disproportionate impact on any of the race and ethnicities.

To what extent do you agree or disagree with the aims outlined above?

Strongly agree

To what extent do you agree or disagree that using an approach to statistical standardisation which emphasises historical evidence of centre performance given the prior attainment of students is likely to be fairest for all students?

Agree

To what extent do you agree or disagree that the trajectory of centres' results should NOT be included in the statistical standardisation process?

Strongly disagree

To what extent do you agree or disagree that the individual rank orders provided by centres should NOT be modified to account for bias regarding different students according to their particular protected characteristics or their socio-economic backgrounds?

Strongly disagree

To what extent do you agree or disagree that we should incorporate the standardisation approach into our regulatory framework?

Strongly agree

Do you have any comments about our proposals for the statistical standardisation of centre assessment grades?

One of the stated aims of standardisation is 'to protect so far as possible, all students from being systematically advantaged or disadvantaged, notwithstanding their socio-economic background or whether they have a protected characteristic'. This cannot be achieved unless the individual rank orders provided by centres can be modified if necessary to account for bias regarding different students according to their particular protected characteristic and / or socio-economic background. It is very concerning that it is being suggested that the statistical standardisation approach adopted will not correct bias in centre assessment grades as to do so would no longer reflect the centre's judgements about the relative grade worthiness of individual students. This takes the approach that centre's judgements cannot be challenged even if there is clear bias or disproportionate impact on those who share protected characteristics or socio-economic disadvantage.

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 a centre's assessment grades are determined?

Strongly disagree

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?

Strongly disagree

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?

Strongly disagree

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 or communicated the grades calculated?

Strongly agree

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?

Strongly disagree

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?

Strongly agree

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?

Strongly agree

To what extent do you agree or disagree that exam boards should be permitted to ask persons who were involved in the calculation of results to be involved in the evaluation of appeals in relation to those results?

Strongly disagree

To what extent do you agree or disagree that exam boards should be able to run a simplified appeals process?

Strongly agree

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?

Strongly disagree

To what extent do you agree or disagree with our proposal to make the Exam Procedures Review Service (EPRS) available to centres for results issued this summer?

Strongly agree

Do you have any comments about our proposals for appealing results?

The EPRS should also be able to consider applications, where there is evidence of bias or disproportionate impact, in relation to the professional judgements underpinning centre assessment grades, the process followed by centres, or the statistical model used by the exam boards to standardise the centre's data. This provides a measure of accountability to the exceptional arrangements for grading and assessments.

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)?

Strongly disagree

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 Extension Award qualification?

Agree

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?

Agree

To what extent do you agree or disagree with our proposals that exam boards will not be permitted to offer exams for the AEA qualification or to moderate Extended Project Qualifications this summer?

Agree

Do you have any comments about our proposals for building our arrangements into our regulatory framework?

We agree that the proposed arrangements should be built into the regulatory framework.

Are there other potential equality impacts that we have not explored? What are they?

Research has shown that schools do not always hold accurate data. For example Gypsy, Roma, and Traveller (GRT) pupils do not disclose their race and ethnicity due to fear of discrimination and bullying within the school system. As such schools will not hold accurate data on GRT pupils, which should be taken into consideration when assessing the equality impact.

GRT pupils and other BAME pupils i.e. Black Caribbean are also disproportionately more likely to face informal exclusions. As these are often the pupils who face low teacher expectations, unconscious bias, and discrimination, centres are unlikely to have the necessary information to calculate their grades accurately and objectively. As informal exclusions happen under the radar there is no record of these pupils, which should be considered when assessing the potential equality impact of the proposed measures.

ROTA's research has found that Elective Home Education (EHE) is being used as a form of informal exclusion whereby parents are strong armed into home educating in order to avoid a formal exclusion on their child's records. Our research shows a strong correlation between Elective Home Education and Free School Meals (FSM). In the academic years 15/16, 16/17, and 17/18, the percentage of students on EHE previously on FSM were 32%, 39%, & 35% respectively. This indicates that one third may not have sufficient resources to adequately benefit from EHE.

For academic years 16/17 and 17/18, 4 out of 5 (80%) and 5 out of 6 (83%) of Mixed White, and Black Caribbean were on FSM prior to EHE.

The Traveller Movement conducted research into GRT home educated in 2017. They tracked a cohort of pupils from local authorities with high exclusions over a 5 year period. The research found that:

- in some local authorities up to 80% of GRT were in home education.
- none of the local authorities were tracking attainment or qualifications once the children were taken off roll.
- Some local authorities failed to perform one inspection per year.
- very few LAs ever issued attendance orders, or brought prosecutions for breaches of attendance orders
- few LAs tracked pupils following a school exclusion

We would welcome your views on how any potential negative impacts on particular groups of students could be mitigated:

The policy and practice set out in the current version of the Guidance has a legitimate aim, namely to deal with the current Covid-19 situation, however, it must be a proportionate means of achieving that aim. It is not proportionate insofar as it does not fully address the concerns around bias and disproportionate impact on those who share protected characteristics.

1. The Department for Education and Ofqual must provide schools with guidance on how to ensure accurate calculation of grades and ranking of students in a way that minimises disproportionate impact on those who share protected characteristics;

2. There should be a robust process of scrutiny for bias and disproportionate impact where the ranking and the grades calculated by centres for each subject this year is significantly different to at least the previous 3 years for those who share a protected characteristic and / or on FSM in comparison to those who do not share that protected characteristic and not on FSM. Where there is a significant difference there must be a process set for scrutinising and addressing it:

- Schools themselves should undertake statistical checks to test for bias or disproportionate impact before submitting results (which would include an EIA carried out prior to calculating the grades (see point 2 below);
- Schools should provide Ofqual their EIAs and anonymised pupil data on the rank order and the calculated grade for each subject, disaggregated by ethnic group, socio-economic disadvantage (FSM), and other protected characteristics;
- Ofqual should be able to identify systemic issues with the rank orders given to pupils who share protected characteristics (most likely in particular subjects but occasionally more widely) and send results back to the school for review;
- statistical standardisation (specifically the third approach mentioned in the consultation document) should be applied to address any negative impact on those who share protected characteristics or are socio-economically disadvantaged.

3. An Equality Impact Assessment should be carried out by each Centre before calculating the grades and ranking as this would enable the Centre to identify any bias and or disproportionate impact that the exceptional arrangements are likely to have and to take steps to mitigate it. This would reduce the need for statistical standardisation in order to address any disproportionate impact after the grades are calculated by the Centre.

This EIA should include an analysis of the difference between the awarded grade and the predicted grade in the previous 3 years for 'A' Levels, and where the difference is greater for those who share a protected characteristic in comparison to those who do not share that characteristic, the centre must have a mechanism for mitigating any disproportionate impact before awarding this year's grades for GCSEs and 'A' Levels. The EIA should also ideally consider other data the school holds in relation to the protected characteristics i.e. any complaints on discrimination and bullying, and attainment levels, broken down by protected characteristics as these data provide indications where there may be structural disadvantage or bias. This would help mitigate any disproportionate impact that may arise in calculating the grades or the ranks for those who are disadvantaged and share protected characteristics.

4. There should be free exam registration for pupils who were unable to receive a calculated grade.

There must be a robust system to identify and address any disproportionate impact on those who share protected characteristics in comparison to those who do not share those protected characteristics. Not to do so would lead to a lack of confidence in the grades that are provided and the Guidance will also likely be contrary to the Equality Act 2010.

## Your details

Which nation or country are you based in?

England

How did you find out about this consultation?

**Other (please specify):**  
Through a colleague

Is this the official response from your organisation or your own, personal response?

This is the official response from my organisation

### Your details (official response)

Which of these options best describes your organisation?

Other representative or interest group

### Your details (representative group)

Type of representative or interest group

Equality organisation or group