

## Consultation on exceptional arrangements for awarding vocational, technical and other general qualifications in summer 2020

**Q1: To what extent do you agree or disagree with our proposed approach to qualifications which fall out of scope of the extraordinary regulatory framework?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q2: To what extent do you agree or disagree with our proposed approach to determining to which learners the extraordinary regulatory framework applies?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q3: 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?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q4: To what extent do you agree or disagree with the key principles we have set out?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q5: 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?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q6: To what extent do you agree or disagree with our proposed approaches for the different categories of qualifications?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q7: To what extent do you agree or disagree with the aims of our proposed approach to calculating results?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q8: 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?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q9: Do you have any comments on the approach to providing learners with calculated results?**

NAHT understands the need for flexibility in the approaches to awarding vocational and technical qualifications, however there is a need to promote as much consistency as possible from awarding bodies in their approaches. Similar qualifications within and between awarding organisations should utilise similar methods for awarding results. Significant inconsistency between approaches will complicate the processes for centres, particularly those which deliver a wide range of vocational and technical qualifications, and Ofqual must ensure that opportunities for confusion or error are minimised.

We are also concerned by the suggestion that the approach taken to calculating grades for students may differ for groups of students who are taking the same qualification, for example for students who have “banked” a large proportion of units, one approach may be taken, but for others who have not, a different method will be used. This inconsistency could lead to actual, or perceived, unfairness particularly regarding the advantaging or disadvantaging of different groups of learners including those with protected characteristics.

NAHT members have raised concerns about the use of historical evidence of centre performance given the prior attainment of students. Some centres results might not fit the pattern of their previous results for a variety of reasons and there must be a way to recognise this. The most important outcome for 2020 is that students get the results they deserve and they should not be penalised for a centre’s past performance; this would be unfair.

In its consultation, Ofqual mentions a possible requirement for centres to provide additional evidence to support any judgements they are making. NAHT does not support any requirement on schools and colleges to collate or provide any evidence to awarding organisations to support their judgements. This is completely unnecessary, would create significant workload and in many cases be impossible in the current circumstances.

NAHT members have raised significant concerns regarding any expectation that they share this data with students at any time, even after results are issued, and this is an issue for vocational, technical and general qualification..

NAHT urges Ofqual take action to ensure that centre assessment grades, rank order information, or the professional judgements which underpin them are exempted from being disclosed at any stage by centres.

If there can be no permanent exemption under data protection legislation, then NAHT suggests that students should submit any request to their awarding organisation to disclose this data. Awarding organisations will have all of the data used to award the student's grade and could develop an industry wide format for sharing it. This approach would also have the significant benefit of creating separation between individual teacher judgements and the final grade awarded to the student.

**Q10: To what extent do you agree or disagree with our proposed approach to the adaptation of assessments?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments:

NAHT has significant concerns about the accessibility of adapted assessments for students with SEND or those who are socio-economically disadvantaged. The principle that a calculated result should be awarded wherever possible must be paramount and if there is no option but to offer an adapted assessment, careful thought must be given to how it can be made fully accessible to the full cohort of students taking it. Students' progression to further education, training or employment may be negatively impacted if they are denied access to any necessary adapted assessments, causing further unfairness and disadvantage.

**Q11: To what extent do you agree or disagree that delaying or re-scheduling assessments should be the option of last resort?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q12: To what extent do you agree or disagree with our proposals around decision-making and record keeping?**

- Strongly agree**
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q13: To what extent do you agree or disagree with our proposed approach to oversight of awarding organisations?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q14: To what extent do you agree or disagree with our proposed position on the delivery of an assessment opportunity to learners in autumn 2020?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments:

NAHT has significant concerns about the capacity of centres to cope with the burden of additional exams and assessments in the Autumn Term: these will present staffing, resource and logistical issues. Many students will have moved to new providers so questions arise as to where the autumn assessments would be taken. Centres will also, rightly, be focussed on their existing cohorts, who will return having missed months of face to face teaching and who will need to be prepared for their formal assessments. The numbers of students who might be involved in an

autumn assessment opportunity and the range of qualifications which will be offered will have a significant impact on schools' capacity to cope.

**Q15: To what extent do you agree or disagree with our proposed approach to appeals?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments:

NAHT believes that awarding organisations' approaches to appeals should, as far as possible, be consistent to ensure fairness across the system as a whole.

NAHT urges Ofqual to strengthen its approach to appeals against centre judgements. In the exceptional circumstances this year, there should be a direction from Ofqual that awarding organisations should not, under any circumstances, accept appeals against individual centre judgements.

**Q16: To what extent do you agree or disagree with our proposed position in relation to certificates?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q17: To what extent do you agree or disagree with our proposed approach in relation to private learners?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments:

Although NAHT recognises the potential negative impact of this summer's arrangements on private candidates, we advise caution regarding any expectations that centres may be able to provide the information required for awarding grades to such candidates.

Schools and colleges should be supported to make a professional decision, without undue influence or perverse incentives, on whether they have sufficient information and evidence to make such a judgement. It is unlikely that centres will be able to verify any evidence provided by such candidates without creating significant additional workload.

**Q18: To what extent do you agree or disagree with our proposed approach in relation to learners who are not yet registered for an assessment?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q19: 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?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Q20: Do you have any comments about our proposed position in relation to awarding organisations facing financial difficulties?**

It is of paramount importance that Ofqual acts with relevant other bodies to protect learners who might be affected by any awarding organisations facing financial difficulties, ensuring that they can complete their qualifications.

**Q21: To what extent do you agree or disagree with our proposed position in relation to the issuing of results for Functional Skills qualification learners?**

- Strongly agree
- Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree

## **Extraordinary Regulatory Framework**

**Q22: Do you have any comments on the proposed regulatory framework?**

## **Equality Impact Assessment**

**Q23: Are there other potential equality impacts that we have not explored? If yes, what are they?**

Yes

No

Comments:

NAHT agrees with Ofqual on the potential equality impacts set out in the consultation document. In addition to these, NAHT sets out several additional potential equality impacts below. NAHT wishes to highlight one overriding issue with a significant equality impact. More students with protected characteristics take vocational and technical qualifications as opposed to general qualifications and are therefore more likely to be impacted by the arrangements made for awarding those qualifications in 2020.

DfE data from 2019 on non-GCSE qualifications in England 2019 shows that 15% of all pupils at the end of KS4 were pupils with SEN. However, these SEN pupils were over-represented in level 1 and level 2 Technical Awards, representing 53% and 16% of entries respectively. For qualifications not included in performance tables, SEN pupils were also overrepresented in entry level and level 1, representing 66% and 29% of entries respectively, and only slightly underrepresented at level 2 (14%).

A quarter (25%) of all pupils at the end of KS4 were disadvantaged pupils. As with SEN pupils, disadvantaged pupils were also over-represented in entries to level 1 and level 2 Technical Awards, 49% and 33% of entries respectively. For qualifications not included in performance tables, disadvantaged pupils were overrepresented in entry level and level 1 (47% and 28% of entries respectively) and only slightly underrepresented at level 2 (17%).

**Groups for whom a calculated result may not be available**

In addition to those listed in the consultation, NAHT believes that a calculated result may not be available young people who have been absent from school due to time spent within the criminal justice system and those currently within the criminal justice system who had planned to take assessments. Data from the Youth Custody Service shows that the overall population of children and young people (including 18-year olds) in custody in secure estates was 856 in February 2020.

Additionally, NAHT believes that it may not be possible to provide a calculated result for some children in care as they may frequently move between schools. Department for Education (DfE) data tells us that there were 78,150 looked after children on 31<sup>st</sup> March 2019 and that 76% of these children were in placements for less than a year, 56% for less than 6 months and 39% for less than three months.

A small but important group not identified are young people under 18 in Tier 4 in-patient CAMHS Units. Education staff are currently not allowed into hospital to support the learning of these students. These young people are often overlooked but must be included and awarded grades wherever possible for any qualifications they were due to take this summer.

NAHT also wishes to highlight that students with protected characteristics are over-represented amongst learners with higher rates of school absence over the year. The latest DfE data on "Pupil absence in schools" from 2018-2019 found that the absence rates for pupils on Free School Means (FSM) was almost double the rate of non-FSM pupils (7.5% compared to 4.2%). Travellers of Irish heritage pupils and Gypsy/Roma had the highest overall absence rates at 18.0% and 12.6% respectively. Pupils with a Special educational need (SEN) statement or education healthcare plan had an absence rate (8.7%) that was double the rate for pupils with no

identified SEN (4.3%). It may not be possible to award grades for some of these pupils with high absence rates. For those it will be possible to award a calculated grade, research presented by Ofqual's Equality impact assessment: literature review suggests that pupils with low attendance are underrated by teachers.

### **Adapted assessments**

NAHT believes that any student undertaking an adapted assessment will be disadvantaged when compared with the students awarded a calculated grade. A calculated grade will primarily be focused on work submitted prior to the Covid-19 pandemic and school closures. Whereas, the negative effects on students learning, mental health and wellbeing during the Covid-19 pandemic will affect those undertaking an adapted assessment, putting them at a disadvantage. Specifically, research has shown the Covid-19 has disproportionately affected black and minority ethnic (BME) groups, who make up 18 % of the UK population. A report from the Intensive Care National Audit and Research Centre found that a third of patients critically ill with coronavirus were non-white (33.6 per cent). Therefore, students from BME families are more likely to be coping with illness, fear for their relatives or grief for lost ones.

Students from low socio-economic backgrounds are also being disproportionately educationally disadvantaged by school closures. Data from the Department of Work and Pensions, on Households Below Average Income 2018/19 found that across England 4.1 million children are living in poverty. Remote learning during school 'closures' is likely to have been more challenging for these students. According to the 2011 census 4.6% of children lived in crowded homes and might not have adequate space to undertake remote learning.

Students that are socio-economically disadvantaged are also more likely to lack access to technology and internet connectivity. This may negatively affect their ability to learn during lockdown and thus their performance in an adapted assessment. Furthermore, Ofqual's proposals for adapted assessments may further disadvantage these students as several options require them to have access to technology, such as laptops, and internet connectivity. According to a recent report from the Children's Commissioner entitled "We're all in this together?", 8% of households in England do not have a good internet connection. Additionally, a survey of teachers conducted in March 2020 by Teach First and Teacher Tapp found that only 2% of teachers working in the most disadvantaged schools believed that all their pupils have adequate access to devices, such as laptops and tablets, for online learning.

### **Students with SEND**

NAHT has significant concerns about the accessibility of adapted assessments for students with SEND. The principle that a calculated result should be awarded wherever possible must be paramount and if there is no option but to offer an adapted assessment, careful thought must be given to how it can be made fully accessible to the full cohort of students taking it. Despite the best endeavours of awarding organisations it remains likely that such adapted assessments will not be suitable for some candidates with the only option a delay.

Ofqual have rightly highlighted the fact that students with SEND are more likely to be over-represented within the group of students for whom delayed assessments is the only option. In 2019, data from the DfE on special educational needs in England found that 15% of all pupils have special educational needs in January 2019, with 3.1% of all pupils having an Education, Health and Care plan. NAHT believes that students with SEND would be significantly negatively impacted by delayed assessments.

NAHT members who are leaders of special schools have raised significant concerns about the impact on their students if they are not awarded a grade. One of our members articulates the issues clearly:

“Generally speaking the pupils we enter for these qualifications fall into one of two categories. They are either our less academically able who may have been out of formal education for some time before being placed with ourselves so vocational qualifications are a good way to re-engage them in academic work without over-facing them and whilst building self-confidence and self-esteem. The second group tend to be younger pupils who are academically able but we use Functional Skills exams as an opportunity for them to build confidence and self-esteem, as well as exam technique. All of our pupils are on the autism spectrum and although all very individual what they have in common is massive anxiety and little confidence in themselves as learners. This has to be built gradually and these qualifications are a vital tool in that process. Without them our task becomes exponentially harder. The impact on any of our students not awarded something this summer after, in their view, working hard for all but the last 2 months, would be devastating and undo years of rebuilding work.”

A delayed assessment will delay or disrupt any planned progression onto higher level course or into new educational settings. For example, if a student achieves a Level 1 BTEC they are then able to progress on to a Level 2 course which they couldn't access without four GCSE passes. For some students with SEND, GCSE's are not accessible, but Level 1 BTEC is and it allows them a gateway to a higher level qualification which they are capable of achieving in.

Students may have to return to their current education setting to complete assessments. Transitions can be particularly challenging for students with SEND and many of the supportive activities around these transitions will have been halted due to Covid-19. Therefore, delaying assessment will exacerbate these challenges. It may also cause capacity issues for special schools and other educational settings, where they have are supporting more students than expected for the upcoming academic year.

There will be a number of students with SEND for whom a delayed assessment will prevent progression into employment or training. In addition, the lack of progression as a result of a delayed assessment may also affect a student's sense of personal achievement, self-esteem and confidence as these students would not be able to complete their intended goals for that academic year.

Lastly, it may not be feasible for some students with SEND to take assessments in Autumn 2020. Many of them may be in the high-risk category in relation to the Coronavirus. These students may be some of the last to physically return to school and may have spent significantly more time out of school than others.

Overall, delaying assessment for students with SEND is likely to widen an existing attainment gap. For example, the DfE's KS4 2017/18 destination data shows that pupils with SEN are less likely to have any sustained destination than those with no identified SEN of whom 90% went onto education, employment or apprenticeships compared to 95% of those with no identified SEN. As students educational progression will be affected by delaying assessment, it is possible that this gap will be widened under the current proposals. This may also be true of disadvantaged students whose assessments are delayed. The DfE's 2017/18 destination data for KS4 also shows that disadvantaged pupils (those eligible for pupil premium funding) were less likely to have a sustained destination (88%) than all other pupils (96%).

**Q24: Do you have any views on how any potential negative impacts on particular groups of students could be mitigated?**

NAHT recognises that Ofqual have correctly identified that some students will be disproportionately disadvantaged by the proposed system for awarding grades in Summer 2020. NAHT has highlighted some additional negative equality impacts above.

NAHT believes that anything other than a calculated grade will cause inequity and be unfair for certain students. We urge Ofqual to try to avoid the use of adapted and delayed assessment at all costs, considering both options as a last resort due to their disproportionately negative effect on protected characteristics groups. Everything possible must be done to try and provide a calculated grade for students.

NAHT acknowledges that there will be some students for whom this will not be possible and that there is no way to fully mitigate these negative impacts. Therefore, NAHT believes that Ofqual must be open and transparent about the fact that certain groups will be disproportionately negatively affected. Young people have a strong sense of justice and fairness. They must believe that they are being treated fairly by the system. Therefore, NAHT believes it is crucial for Ofqual to be completely honest about the limitations of the approaches to awarding being taken under these unprecedented circumstances.

Where delays to assessments cannot be avoided, NAHT believes that maximum flexibility must be given to negate some of the impacts on particular groups. For some students it may be appropriate to sit an assessment in an autumn but other students may need longer to be ready. This must be a particular consideration for students with SEND and socio-economically disadvantaged students, where more time might be required to mitigate for the negative impact of the coronavirus pandemic and school closures. In addition to flexibility when delaying assessments, NAHT urges Ofqual to ensure that the assessment fee is carried forward until the time when the student can take the assessment.

## Regulatory Impact Assessment

**Q25: 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?**

Yes

No

Comments:

**Q26: 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.**

**Q27: Are there any additional or alternative approaches we could take to minimise the regulatory impact of our proposals?**

- Yes
- No

Comments: