



By email

Kirsty Williams AM
Minister for Education

23 February 2021

Dear Minister

We write in response to your letter and enclosed direction of 19 February 2021.

Our Board considered your draft written statement as to the policy approach of the Welsh Government; as well as the recommendations of the Design and Delivery Advisory Group ("the DDAG"); the views of our own stakeholder group; the advice of our officers; and the wider context within which decisions about the assessment of qualifications due to be awarded in summer 2021 should be viewed. These matters were considered at its Board meetings on 18 and 19 January 2021, and then again on 28 January 2021.

At its meeting on 19 January the Board decided in principle to regulate GCSE, AS and A level qualifications approved by Qualifications Wales in line with the policy approach adopted by the Welsh Government as articulated in your draft written statement and the recommendations of the DDAG as set out in their correspondence to you. The Board agreed that this decision could be confirmed if your direction was substantially the same as the written statement. This allows us to confirm the decision without the need to convene the Board.

As part of your policy approach, we note your intention to introduce a process by which centres will be able to engage in professional dialogue with each other to discuss their process for determining grades, the application of that process and their outcomes before submitting grades to WJEC. This will sit outside of our work and regulations but will be referenced, as appropriate, in any guidance that we develop. You are clear that this will not supersede or replace any external quality assurance process that we develop with WJEC. We support your policy aim of increasing transparency across centres, and we recognise that this does not constitute a process for the moderation of outcomes against a defined national standard.

Qualifications Wales

Q2 Building, Pencarn Lane
Imperial Park,
Newport
NP10 8AR
☎ 01633 373 222



www.qualificationswales.org

Cymwysterau Cymru

Adeilad Q2, Lôn Pencarn
Parc Imperial,
Casnewydd
NP10 8AR
☎ 01633 373 222

At its meeting on 28 January the Board considered the areas of concern that should be raised with you in this response. We all recognise that there are no risk or issue-free approaches to the award of grades in summer 2021. However, circumstances dictate that we must proceed with an approach that builds on lessons learnt from summer 2020, allows for outcomes to be awarded to learners so that they can progress, and accepts the limitations of the policy approach.

We set out below the principal limitations and risks.

Validity

- Grades will be determined at the centre-level with no effective means of controlling outcomes at a national level. This may lead to generous grade outcomes that look atypical when considered against previous years. This was accepted as a feature of the final grade outcomes in summer 2020 and was not considered by commentators to be of concern in relation to public confidence. We must all accept that grade outcomes may again appear generous. Given the context of disrupted teaching and learning this may have a negative impact on public confidence but will need to be accepted as an unavoidable consequence of the approach adopted. There will also be longer term consequences in relation to performance standards in future years that will need to be considered carefully as we move forward.
- The lack of usual controls used to maintain standards when awarding grades may also present issues for Higher and Further Education institutions who will not be able to rely on historic information about grade outcomes when considering their offer strategies. There are risks associated with this. For example, this could result in fewer learners being offered places in Higher Education, the grade outcomes required in offers being increased or some learners having to defer progression for a year.
- Grades normally attest to a certain level of knowledge, understanding and/or skills, inferences from which are then relied upon for decisions relating to progression or employment. As grades will be determined on partial completion of the specified learning, stakeholders may not be able to rely upon grades in the normal way.
- Qualification outcomes are normally based upon the study of a common body of subject content. Given the disruption to teaching and learning, learners are not likely to have completed the full course of study and therefore will have gaps in knowledge that will need to be addressed for successful progression to the next stage in their education. We understand that Welsh Government has already identified this issue and is proposing to work with the Higher and Further Education sectors to support learner transition.

Reliability

- WJEC will introduce an assessment framework for each qualification, which will attempt to support consistency in judgements across Wales. Whilst every effort will be undertaken to support consistency in approach, the process cannot guarantee it in the way that examinations normally would.
- Between centre discussions, which will be introduced as part of arrangements being established by Welsh Government, are welcomed as a means of improving transparency across centres. Whilst it will improve transparency and provide a mechanism for peer support, this process is likely to be of limited value as a mechanism for increasing consistency and will not control overall outcomes.
- We welcome Welsh Government's priority for learners to return to schools and colleges as soon as possible. However, there is a risk that some learners may not return to face-to-face learning in sufficient time to complete assessments in their centre. This means that assessments would have to be completed by learners at home under less controlled conditions, which may affect the reliability of evidence used to determine grades.
- Assessments may have been completed where learners were not aware that they would contribute towards the determination of the grade for a high-stakes qualification. In these circumstances, learners may not have been motivated to do their best and the evidence may not consequently be representative of their true level of attainment. Centres will need to be mindful of this when considering the evidence that they use to support the grade that they have determined and include any such considerations in their rationale for awarding a particular grade.
- Many stakeholders have advocated a process of 'moderation' as a means of controlling outcomes and ensuring consistency across centres at a national level this summer. However, we do not believe that in the current circumstances there is a moderation process that can fulfil the intended purpose. Given that this decision is likely to come under scrutiny, we would like to set out the basis for our decision so that there is greater understanding of our reasoning:
 - The evidence presented by centres will be inconsistent and therefore difficult/impossible for WJEC to equate across centres. Even if there are similarities in the assessments used, there are likely to be differences in context across centres that will undermine any moderation process. We do not believe, therefore, that accurate and reliable judgements could be made by WJEC moderators.
 - Judgements about Centre Determined Grades will be based upon holistic academic judgment, drawing on assessment evidence to support this judgement. We do not believe that WJEC would have a sufficiently sound basis on which to challenge holistic academic

- judgement, and any method of recording judgements to enable such an external process would be too onerous for centres to implement.
- We believe that moderators are likely to be predisposed to agreement to avoid conflict about academic judgment, which is likely to undermine any process of challenge.
 - Moderators would be expected to be consistent in their application of 'standards' which is unlikely given the range of evidence and variation in approach across centres. There is limited time for moderators to conceptualise a common notion of grade standards, and a general difficulty in achieving this aim.
 - There would be significant workload issues associated with introducing more stages in any process that is intended to be simple and prioritise learning for progression. Our engagement with teaching unions has already raised workload in relation to moderation as a significant concern.
 - Given the position ultimately adopted in summer 2020, we believe there would be no publicly acceptable moderation mechanism by which WJEC could intervene on individual grades based on what would be a weak evidence base. The model is based upon and predisposes greater trust in teachers' judgements, which you have already committed to not being changed.
 - The Independent Review's final report states that centres expected moderation to be in place in summer 2020 and placed reliance on this to address over-generous results. The approach agreed for summer 2021 places trust in centres to determine the right grades for their learners. We are concerned that any process of moderation may have the unintended consequence of displacing responsibility for the accuracy of grades from centres and increasing the generosity of Centre Determined Grades in the expectation that this generosity will somehow be reduced.

Manageability

- The model adopted will present additional workload for teachers, lecturers, senior leaders, and centre staff. This is in addition to teaching and learning duties at a time that is already very difficult for all involved. Whilst we are mindful of workload issues and are seeking to be as proportionate as possible, there will be tensions that need to be accepted. For example, it is important that there is a record of the evidence and rationale that underpin the academic judgement used to produce a Centre Determined Grade as this will help to justify the grade for the learner, which is important for transparency, and protects the centre if the learner wants a review of the grade as part of

the appeals process. This record keeping will, however, unavoidably increase workload.

- There is a risk that the focus of activity in centres shifts from teaching and learning to completing assessment tasks to provide evidence to support the production of Centre Determined Grades. Creating portfolios of evidence may increase assessment load relative to examinations or specified assessments. Whilst there are no mandated requirements about the evidence required to support the determination of a grade, the emphasis in our guidance is on the quality of evidence rather than quantity.
- Private candidates may find it difficult to find a centre that is prepared to accept an entry in the usual way. Alternative arrangements may be needed such as structured assessments that would be more akin to exams.
- The model is based on centres taking responsibility for determining grades. It is important for fairness to learners that they also take responsibility for reviews of academic judgement as part of the appeals process. Even with a route of appeal to WJEC there is a risk that some cases could lead to drawn out disputes that are difficult to resolve.
- Even with more time to implement an alternative approach in 2021 than 2020, the workload for centres, WJEC and Qualifications Wales to implement the approach is very considerable and with all the best efforts possible will still take some time to operationalise.

Managing bias

- The flexibility of the model allows teachers and lecturers to create their own assessments. However, designing summative assessment materials used in high-stakes qualifications requires specific skills. There is some concern that assessments may not be designed sufficiently well to address equality issues. To mitigate this risk, we will draw centres' attention to our *'Fair Access by Design'* guidance, which is normally intended for awarding bodies, and WJEC will provide training on designing assessments. Additionally, WJEC will provide adapted past papers for centres to use either as standalone assessments or from which to select questions that have been impact assessed for equalities.
- Evidence from Centre Assessment Grades awarded in summer 2020 shows atypical attainment gaps were associated with certain protected characteristics. This could support an assertion that bias was present in these awards. Training to raise awareness of conscious and unconscious bias can be put in place, but each centre will have to accept responsibility for considering equalities issues and ensuring that its public sector equalities duty has been upheld.
- Examinations usually have very specific arrangements that allow for learners with specific needs to have fair access to assessments (for example 25% extra time). In the 2021 arrangements, evidence may be used in determining a

learner's grade where suitable access arrangements were not in place, as the assessment was considered low stakes when it was undertaken. Centres will need to ensure that consideration of appropriate access arrangements has been undertaken when determining grades.

- Learners with additional learning needs often have support in their learning and assessment from multiple specialists. Grades should be determined by centres with sufficient input from specialist teachers and guidance will need to ensure that they determine grades using the full range of appropriate input.

Comparability

- There are likely to be many features in the approach adopted for Wales that are similar to other jurisdictions and consider similar issues, such as the inability to control effectively for performance standards. There is a risk that there are widening differences in outcomes across nations that could impact long-term public confidence in outcomes.
- Arrangements in Wales are further advanced than arrangements in other jurisdictions. Whilst this is of benefit to learners and centres in Wales, who will have clarity sooner than their counterparts in other jurisdictions, there is a risk that differences emerge that some stakeholders see as disadvantageous. Overall, we believe that this is a risk worth accepting to make quick progress, provide clarity and address the wellbeing issues that can arise from uncertainty.

Other considerations

- It is clear from our stakeholder engagement that there is broad support for the model adopted, but this is not universal and there are elements of it that are likely to come under sustained pressure. It is essential that all parties are transparent about the limitations of the model so that concerns are not surfaced at the time of results.
- The primary focus now is very much on arrangements for this summer. However, over the coming months the impact of the pandemic will hopefully become less and there can be greater certainty about assessment arrangements for 2022 and beyond. We have established a separate workstream to look at the long-term implications of the emergency measures that have needed to be put in place. We will write to you in due course to set out our thinking.
- Governance arrangements for this summer are split across multiple organisations, which provides a complex decision making landscape. For example:

- the Design and Delivery Advisory Group, which was established by Welsh Government to provide policy advice, is now an influential part of our stakeholder engagement, something that we welcome.
- plans for discussions between centres will sit outside of our regulatory framework as we do not regulate centres, Local Authorities or Regional Consortia.
- the solution for private candidates is likely to require Local Authorities to take on some coordination role. This is something that Welsh Government officials are leading on.

It is important that governance arrangements are kept under regular review by all involved to ensure that while organisations work collaboratively, it is clear what role each plays in the arrangements and all organisations also maintain their individual responsibilities and statutory duties.

- Significant work will need to be undertaken by Welsh Government, Qualifications Wales and WJEC with colleagues in England and Northern Ireland to ensure that significant features such as the timing of results are, as far as possible, coordinated across jurisdictions and communicated effectively.
- Centres will have to undertake a local Data Processing Impact Assessment and potentially amend any fair processing notice to ensure that they are compliant with the requirements of the GDPR and not at risk of prosecution by the ICO. We aim to provide guidance to centres on this issue.
- The model for summer 2021 is unlikely to provide a sufficiently substantial role for WJEC to require the full entry fee. This will be the second year that they find themselves in this position and we are concerned that this will erode their reserves and may present some long-term risks. It may be necessary for Welsh Government to provide some grant funding to support their long-term sustainability as an essential component of the Welsh education system.

As stated earlier in this letter, there are no risk or issue-free approaches available for the award of grades this summer and other risks will emerge. However, alternative approaches involving external assessment have been explored and dismissed as the pandemic has developed. We see no publicly acceptable alternative but to proceed as proposed.

We will keep your officials fully aware of the level of risk associated with the approach and the issues that are encountered in its implementation.

Thank you for your continued support for our work and the constructive way in which we have been able to work collaboratively with your officials.

Yours sincerely,

A handwritten signature in black ink that reads "David Jones". The script is cursive and fluid.

David B Jones OBE DL
Chair

A handwritten signature in blue ink that reads "Philip Blaker". The script is cursive and fluid.

Philip Blaker
Chief Executive