

## **DfE and Ofqual consultation on ensuring the resilience of the qualifications system**

### **Response of the Association of School and College leaders**

#### **A. Introduction**

1. The Association of School and College Leaders (ASCL) is a trade union and professional association representing over 24,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business leaders and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million children and young people across primary, secondary, post-16 and specialist education. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to contribute to this consultation. Our response is based on the views of our members, obtained through discussions at ASCL Council, with relevant advisory groups, and prompted and unprompted emails and messages.
3. When considering the impact of any proposals on different groups, it is ASCL's policy to consider not only the nine protected characteristics included in the Equality Act 2010, but also other groups which might be disproportionately affected, particularly those who are socio-economically disadvantaged. We have answered any equality impact questions on this basis.

#### **B. Key points**

4. The focus of this consultation, on ensuring the resilience of assessment regulation to major disruption, such as during the Covid pandemic, is important both for schools and colleges and for the young people they serve. There is mounting evidence to show that many children and young people were badly impacted, both during and the pandemic and in ongoing ways, as a result of an education system which was not resilient to the disruption. We know that some children and young people are still suffering in terms of their education achievements, and that others have mental health needs or behavioural difficulties which are not sufficiently supported by our poorly resourced health and social care systems. We also know that children and young people from disadvantaged groups are more likely to have suffered during the pandemic, and to be affected in ongoing ways. It is essential that this consultation results in realistic and achievable solutions which ensure a resilient assessment system, do not fall on schools and colleges to resource, and do not create any additional bureaucracy.
5. It is our view that the proposals in the consultation are, on balance, reasonable and proportionate, and largely achieve these aims. Although they would require some additional workload from centres, they align with most centres' established assessment

policies, and would provide a suitable evidence base if exams need to be cancelled in the future.

6. It is worth noting, however, that there is a spectrum of views on this issue across ASCL membership, with significant numbers of members expressing concerns about the burden that these proposals place on schools and colleges, even if they broadly agree with the approach.
7. A major challenge for centres will be the retaining of the evidence. This is true of every type and size of centre, but is especially challenging for large centres. Scanning hand-written scripts to store electronically takes significant time. This has a cost implication for centres.
8. We are unclear as to how these proposals would be enforced, and whether this would achieve an appropriate balance of time and benefit. Enforcement is needed to ensure that all centres are collating and retaining comparable evidence, in case it is needed, but this must be proportionate.
9. We would also like to see a separation between the proposal that centres should collect and retain evidence, and the proposal that this should be used to create teacher-assessed grades (TAGs). We agree with the need to collect and retain evidence, but disagree that this should automatically lead to grades being determined by TAGs if exams are unable to go ahead. TAGs create considerable extra work for teachers and exam centres, and should not automatically be chosen as the alternative approach to exams. We would like to see the awarding organisations (AOs) play a much greater role in this process.

### **C. Answers to specific questions**

#### **Part 1: Ofqual and the DfE's proposed guidance for future resilience arrangements**

**Question 1.1: Do you agree that, for the future (on a long-term basis), guidance should be provided to support schools and colleges in gathering evidence of student performance should exams not be able to go ahead as planned?**

10. Agree. Having experienced the impact of Covid on education and the exams systems, schools and colleges need to know there is a plan in place to gather evidence of student performance should exams not be able to go ahead again in future. They should be able to trust that there is a plan in place to ensure a fair, trustworthy and manageable alternative assessment system.
11. The nature of this guidance must be transparent and clear for schools and colleges. It should include whether it is mandatory or optional, and what sanctions (e.g. maladministration) would be implemented for not following the guidance.
12. However, the use of the word 'guidance' is unhelpful here. If the DfE and Ofqual want all centres to carry out these proposals, then 'requirement' is a more transparent and helpful term.

**Question 1.2: Do you agree that awarding organisations offering VTQs should consider if it is necessary and appropriate to have resilience arrangements in place, and if so, provide necessary guidance to centres?**

13. Agree. It is appropriate for awarding organisations offering VTQs to consider alternative resilience arrangements should exams not be able to take place. However, it is important that any alternative arrangements are reviewed regularly and that any changes are communicated to centres and students well in advance of their implementation.

**Question 1.3: Do you agree that this proposed guidance for 2024 and beyond would help schools and colleges to collect and retain evidence in a proportionate way in line with their existing arrangements to help determine TAGs if exams do not go ahead in the future?**

14. Disagree. As set out in Section B above, we would like to see a separation between the proposal that centres should collect and retain evidence, and the proposal that this should be used to create teacher-assessed grades (TAGs). We agree with the need to collect and retain evidence, but disagree that this should automatically lead to grades being determined by TAGs if exams are unable to go ahead. TAGs create considerable extra work for teachers and exam centres, and should not automatically be chosen as the alternative approach to exams.

15. In 2023, a small number of candidates who had studied the whole course but were unable to sit any exams were awarded grades by the relevant awarding organisations using centre evidence, rather than through TAGs. This suggests that AOs may be able to do the same at scale if necessary.

16. In the eventuality that exams are cancelled in the future, ASCL believes that the AOs must play a far greater part in the grading of candidates than was the case in 2020 and 2021. At the very least, the retained evidence should be properly moderated by the boards to ensure fairness in the system.

**Question 1.4: To what extent do you agree or disagree that the guidance set out minimises any additional burden on students beyond the existing assessment arrangements, such as mock exams, in place in centres?**

17. Neither agree nor disagree.

18. The proposals inevitably place an additional burden on students. ASCL members are clear that anxiety and stress around exams has increased since the pandemic.

19. Most schools and colleges will already run mock exam series. However, the requirement to tell students that their mock result could be used to grade them, in the eventuality that exams are cancelled, places an additional burden on them.

20. The DfE, Ofqual and the awarding organisations must be careful in their messaging around this, and all communication should signpost students towards mental health support available.

**Question 1.5: To what extent do you agree or disagree that the guidance in Annex A would minimise any additional teacher workload beyond existing assessment arrangements, such as mock exams, in place in centres?**

21. Disagree. The guidance in Annex A appears to propose an increase in assessment, marking and storage of students' work. This would increase work for both teachers and administrative staff in schools and colleges and increase the amount of assessment

undertaken by pupils and students. If implemented partway through a year, Annex A guidance would not necessarily minimise additional workload.

22. However, as above, we agree that this is necessary given the need to build greater resilience into the system.

**Question 1.6: Are there any parts of the guidance which you think could be improved? Please be specific about which part of the guidance you are referring to and how it might be improved.**

23. Yes. Annex A, if implemented, should be reviewed regularly. Some of the guidance is helpful, but other parts, such as the collection and storage of students' work, seems onerous. If this was not the intention, then the wording of the guidance should be amended.

**Question 1.7: To what extent do you agree or disagree that this would be the best approach for private candidates?**

24. Agree. Private candidates usually contact exam centres for support either in taking exams or in the production and marking of coursework. Annex A suggests that private candidates would use adapted processes in the same way as other pupils and students in schools and colleges. This seems reasonable.

**Question 1.8: Please add any comments you have on the proposed approach, and/or any views you have on alternative approaches.**

25. No further comments.

## **Part 2: Ofqual proposals on conditions and statutory guidance**

**Question 2.1: Do you have any comments on the drafting of Condition C2.6?**

26. Condition C2.6 seems a reasonable approach to take. It makes sense for AOs to encourage schools and colleges to collect evidence from pupils and students throughout the academic year to enhance resilience arrangements, as long as the demands are not too onerous for teachers and students. However, this condition, if implemented, needs to be introduced before the start of an academic year. It should not be introduced mid-year without modification to take account of workload for both teachers and students.

27. Given the timeframe of this consultation, we would therefore not recommend that these proposals are made for the summer 2024 series, but instead implemented for autumn 2024, summer 2025 and beyond. The summer 2024 series should use the same approach as was taken in summer 2023.

28. We are unclear as to how this condition would be enforced. DfE and Ofqual should set out how this will be regulated, whether by Ofqual or by JCR themselves. Without proper enforcement, the condition feels somewhat toothless.

**Question 2.2: Do you have any comments on the drafting of the addition to statutory Guidance for Condition C2?**

29. The additional comments about resilience arrangements in Condition C2 are helpful. However, it is not clear what the arrangements will be for licence to practise qualifications.

**Question 2.3: Do you have any comments on our proposal to amend Condition GCSE 4.8?**

30. It makes sense to have a condition whereby AOs should alert centres to the importance of evidence gathering. This seems a sensible approach.
31. As above, the regulatory enforcement of this needs to be clearly explained, so that centres and heads of centres do not inadvertently commit maladministration.

**Question 2.4: Do you have any comments on our proposal to amend Condition GCE 4.3?**

32. See paragraphs 30 and 31 above. It is helpful that AOs are required to inform centres when adaptations need to take place and what the changes are. However, we suggest that there is a clear timescale for such communication so that fair warning is given to centres of the changes taking place. This should be before the start of an academic year, and must include what this will mean for marking, grading and results announcements.
33. Where this is not possible due to a national emergency, a short consultation should take place. TAGs must not be the assumed form of assessment, if exams cannot take place.

**Question 2.5: Do you have any comments on the changes to the title of Condition Project 1 and the drafting of Condition Project 1.2?**

34. The title is rather long winded and may suggest that all qualifications are included in the guidance. It should be clear what is included and what is not included.

**Question 2.6: Do you have any comments on the drafting of Condition AEA 4.3?**

35. See the comments in paragraphs 32 and 33 above, which also applies to qualifications included under condition AEA 4.3. Any communications arising from this condition must take account of the need to inform centres of any changes without delay.

**Question 3.1: Do you believe the proposed arrangements (any or all) would have a positive impact on particular groups of students because of their protected characteristics?**

36. There are likely to be negative impacts on students with some special educational needs and disabilities (SEND) as they are more likely to have learning support needs which will be impacted by changes to teaching and assessment. It is imperative that these students are not disadvantaged because of these changes. Students from disadvantaged socio-economic backgrounds, where their disadvantage has impacted on achievement, are also more likely to be impacted by any changes to their programme and assessment, and special arrangements should include this group.
37. DfE and Ofqual will be aware that the disadvantage gap grew in 2021, although it is impossible to determine how much of this was a result of the assessment model used in those years, or due to lost learning during periods when schools were closed to most pupils.
38. We would expect a full equalities impact on the proposed changes to regulation in Ofqual's response to this consultation. This, in our view, should include the impact on

students from disadvantaged socio-economic backgrounds (not currently a protected characteristic).

**Question 3.2: Do you believe the proposed arrangements (any or all) would have a negative impact on particular groups of students because of their protected characteristics?**

39. The needs of students living with SEND, socio-economic disadvantage and those from minority ethnic groups must be prioritised in any changes. It is not clear what risk assessments have taken place for these groups of students.

**Question 3.3: Do you have any comments on the impact of the arrangements on particular groups of students because of their protected characteristics?**

40. We continue to be concerned about the way in which level 2 and below qualifications reforms will impact on students, particularly those with protected characteristics and we have set out those concerns in our response. The government's policy of removing some qualifications from funding and restricting choice may make the qualifications system less resilient. When choice is limited, high quality and resilience of the qualifications system does not necessarily follow.

**Question 4.1: Do you believe resilience arrangements in place for 2023 increased the burden on schools, colleges and staff over and above business as usual?**

41. Yes. Ofqual should be mindful of any additional costs for both centres and students (and their families) arising from the proposed changes. For example, if a student is a fee-paying adult, their fees may be higher because of increased costs to awarding organisations arising from implementing these changes.

42. The expectation to retain evidence over the last few years placed a significant burden on schools and colleges. While most schools and colleges already ran mock exam series, they were not used to retaining the evidence from these. This became either a physical challenge (storing thousands of scripts) or a workload challenge (scanning in scripts page by page).

**Question 4.2: Do you believe the proposed resilience arrangements for 2024 and beyond will increase burden on schools, colleges, and staff over and above business as usual?**

43. Yes. See the comment in paragraphs 41 and 42 above. We cannot see any potential savings arising from these arrangements, and we believe there will be additional costs and administrative burdens. There may also be additional costs in 2024, if awarding organisation fees increase because of extra work associated with these requirements. It is important that any extra costs are not passed on to centres or fee-paying students.

**Question 4.3: Do you believe resilience arrangements in place for 2023 had an overall positive, neutral or negative impact on students?**

44. Yes. We have been informed by our members that some students who are anxious about exams, including those whose anxiety levels increased because of Covid, have been negatively impacted by changes such as these.

**Question 4.4: Do you believe the proposed resilience arrangements for 2024 and beyond will have a positive, neutral or negative impact on students?**

45. They would have a range of impacts – positive, neutral and negative. The proposed arrangements for 2024 do at least give some time for students to be prepared for possible changes in assessment.

**Question 4.5: Are there additional burdens associated with the delivery of the proposed arrangements on which we are consulting that we have not identified above?**

46. Yes. There are significant cost and administrative burdens associated with these arrangements, such as those related to storage. The scale of these burdens on a sector already in crisis, with limited funding and staff recruitment and retention problems, cannot be overestimated.

**Question 4.6: What additional costs do you expect you would incur through implementing the proposed arrangements on which we are consulting? What costs would you save?**

**Please distinguish in your response between those costs or savings that relate to preparing to put the proposed arrangements in place, from those that would only be realised if the arrangements were required.**

47. We cannot see any potential savings as a result of these arrangements. There will be additional costs if awarding organisation fees increase because of extra work associated with these resilience proposals. It is important that any extra costs are not passed on to centres or fee-paying students.

48. As above, Ofqual should be mindful of any additional costs for both centres and students (and their families) arising from the proposed changes.

**Question 4.7: Do you have any views on how we could reduce burden and costs while achieving the same aims?**

49. Yes. The government should plan for additional funding for schools and colleges to cover unexpected costs associated with the resilience regulations.

**Question 4.8: Are there any examples of best practice for evidence retention which reduce financial and administrative costs which you are able to share with us?**

50. The use of digital storage may help, but this may also have an additional cost. It may also be subject to cybersecurity breaches, so protection of digitally held data and information is vital.

51. Depending on the centre type or size, certain storage approaches may be more or less suitable. Ofqual or JCQ should offer multiple examples of how different centres approach this. The guidance must not suggest a uniform approach.

## **D. Conclusion**

52. We agree that many of the arrangements outlined in this consultation will help the qualifications system to be more resilient in the event of disruption on a large scale, as was the case with the Covid pandemic.

53. However, we are concerned about the cost of some of these arrangements. It is essential that additional costs do not fall on schools and colleges, or in the case of adult learners, on the individual student.
54. We are also concerned about workload for teachers and leaders resulting from these arrangements, and about the robustness of online exam systems currently in use, which we have outlined above. We ask for consideration to be given to these concerns.
55. We would also, as outlined above, like to see a separation between the proposal that centres should collect and retain evidence, and the proposal that this should be used to create TAGs. We would like to see the awarding organisations play a much greater role in this process.
56. We hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that it can.

*Dr Anne Murdoch, OBE  
Senior Advisor, College Leadership  
Association of School and College Leaders  
August 2023*

*Tom Middlehurst  
Curriculum, Assessment and Inspection Specialist*