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Your Ref:

Our ref: 211013/Zahawi N/Saxton J/PR/FC

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Dear Nadhim and Jo,

Arrangements for the awarding of qualifications in 2021/22

Further to the Department for Education/Ofqual consultation on contingency arrangements for the award of general qualifications in 2021/22, published on 30 September, I thought it would be helpful to write to you directly to reiterate and further expand upon the Union's views on the key issues raised in the relevant documents. I would also like to highlight other important matters not addressed by the questions posed in the consultation documents and to draw attention to issues relating to your decisions on modifying examinations and other assessments.

Timing of the consultation

As I am sure you are aware, teachers and school leaders have sought clarity at the earliest possible stage about contingency arrangements in the event that examinations and other assessments cannot proceed as planned.

As I made clear in my letter of 30 July 2021 to your predecessors on this issue, while it was recognised that the development of contingency plans might be assisted by an evaluation of the outcomes of the arrangements put in place for 2020/21, the absence of any meaningful indication to centres at that stage on the nature of these plans was concerning. I noted in my letter that many schools and colleges have had a profoundly unhelpful propensity to anticipate future decisions on assessment arrangements before they are made and to impose burdens on teachers and school leaders as a result.

Feedback from NASUWT members suggests that this tendency to impose such requirements on teachers and school leaders has been evident in relation to arrangements for this year. I am concerned that the absence of any indication of

what might be required until this point has resulted in schools and colleges undertaking assessment activities that would appear to be entirely redundant in light of the proposals set out in the consultation document. These activities have been motivated solely by premature predictions of contingency arrangements rather than by the learning needs of students.

I am further concerned that both the DfE and Ofqual have consistently underestimated the significant extent to which many schools and colleges will tend to impose excessive and unnecessary awarding-related assessment burdens on teachers, school leaders and learners, evidenced by the failure to recognise the risks of such burdens occurring due to the delay in publishing and finalising contingency arrangements. Not only has this tendency created considerable issues for staff and learners during the pandemic, it is also a risk that has been recognised sufficiently in the contingency plans set out in the consultation document. These issues are considered in further detail below.

Guidance for centres on contingency preparations

It is recognised that in the event that modified examinations and other assessments cannot take place as planned next summer, awarding would need to be based on an approach in which other work produced by candidates is used to determine grades. However, in light of the extraordinary pressures on teachers and school leaders that resulted from the Teacher Assessed Grades (TAGs) arrangement used in 2020/21, it would be entirely unsustainable for an unmodified version of this approach to be used this year.

The consultation document correctly notes that excessive assessment and unhelpful variations in approach between centres was a negative feature of the 2020/21 TAGs process. Notwithstanding the steps that could have been taken to mitigate these problems proposed by the NASUWT at the time but rejected by the DfE and Ofqual, it is imperative that all possible action is taken to ensure that in schools' and colleges' work in preparing for the potential cancellation of scheduled assessments, these problems do not reoccur.

I note the draft principles for contingency guidance set out in sub-paragraphs a) - m) on pages 10-12 of the consultation document. To a significant extent, if adopted by centres, an approach developed on these lines could help to address some of the assessment-related workload burdens schools experienced in 2020/21. However, in order to be effective in this respect, the following measures would need to be taken:

- i. Centres must be directed, rather than advised, to ensure that adequate time is made available to staff not only to plan for assessment tasks but for all other activities associated with the assessment process, including marking, accessing training, and internal and external moderation exercises. Feedback from NASUWT members confirms that one of the principal drivers of the excessive workload experienced in 2020/21 related to centres failing to prioritise awarding processes sufficiently to allow them to be undertaken manageably. As a minimum expectation, it should be made clear to centres that time should be provided for these activities during normal school hours and that contractual entitlements for staff, particularly planning, preparation and assessment (PPA) time and leadership and management time, where applicable, are fully in place.

- ii. In respect of sub-paragraph b) on page 10, the NASUWT agrees that if the provisions set out in i. above are in place, a sensible pattern could involve an assessment of students once in each of the second half of the autumn term, the spring term and the first half of the summer term. This would represent a significant reduction in assessment activity in comparison with that evident in the majority of centres in 2020/21. It is not apparent to the NASUWT why, other than in exceptional circumstances, more assessment than that provided for in sub-paragraph b) would be required. For these reasons, the DfE and Ofqual should mandate, rather than suggest, that no additional assessments should be undertaken unless clear reasons for doing so can be demonstrated to the relevant awarding body.
- iii. Further to ii. above, it should be recognised that Covid-related disruption may occur at a time and to an extent that makes assessment on the basis set out in the consultation document difficult to complete. Consideration will need to be given to how these arrangements would require further adaptation to ensure that awarding could still take place in such circumstances.
- iv. Teachers and school leaders have expressed concern that centres could experience pressures to allow candidates to repeat assessments in order to secure higher marks. The requirements on centres should require that no such repeated attempts will be permitted, reflecting provisions used previously for controlled assessments and in many current forms of non-examination assessment (NEA).
- v. Sub-paragraph f) on page 11 of the consultation document is right to note that total assessment time should reflect the total examination time for the specification. Such a limit on assessment time would help to ensure that approaches adopted by centres are proportionate, manageable and do not distract from teaching and learning. For this reason, the DfE and Ofqual should direct centres to ensure that total assessment time does not exceed total examination time.
- vi. Sub-paragraph m) suggests that original student work must be retained by the teacher. This provision is unhelpfully worded as it is the responsibility of the centre to retain such evidence. As with other forms of assessment material generated in centres, it should be retained in line with centres' policies on secure storage of evidence, given that a teacher involved in the grading for a particular candidate may not be available as a result of illness or is no longer employed at the centre.

More broadly, the NASUWT remains concerned by the continued intention to refer to the contingency arrangements as 'Teacher Assessed Grades'. As the Union has noted previously, these grades are the product of work undertaken by centres corporately, not of individual teachers. The continued use of this term is profoundly misleading. I note that this term has been avoided in Wales, where reference is made to 'centres' rather than 'teachers'. This approach should be adopted in England.

- vii. Although training on grade setting and moderation was provided previously, it will be important to ensure that materials are revisited and revised if

necessary. Feedback from NASUWT members suggests that further support on this aspect of the awarding process would be helpful, particularly for teachers who may have relatively limited experience of awarding body processes.

Other contingency matters

The NASUWT agrees that it will be important for a national approach to be taken to decisions to cancel examinations and adopt contingency arrangements. The Union accepts that while the impacts of any disruption may be experienced differently in different parts of the country, it would not be possible to take account of this in a way that avoids use of the standardisation approach adopted for awarding in 2019/20. For the reasons set out in the consultation document, it is clear such an approach would be problematic.

It is helpful that the DfE and Ofqual propose that centres should not be required to produce centre policies regarding the contingency process unless a formal decision has been taken to cancel examinations. Centres should be subject to a direction to this end. In the event that examinations are cancelled, while centres should be able to draw upon the policies they developed for 2020/21, they will need clear guidance on the nature and extent of any amendments they may be required to make.

The NASUWT accepts that the precise nature of quality assurance arrangements will depend on the reasons for, and timing of, any decision to cancel examinations. However, in considering options in this respect, the DfE, Ofqual and the awarding bodies should note that a principal concern reported by teachers and school leaders about the arrangements in 2020/21 was the lack of time made available to staff to engage in quality assurance processes. This experience serves to emphasise the importance, set out above, of centres being subject to a direction to prioritise assessment activity and ensure that it can be conducted in ways that are manageable for centres and their staff.

On appeals, while it is accepted that the process for 2020/21 is ongoing, indications at this stage are that the process worked effectively in what were extremely challenging circumstances. It will be essential that key features of these arrangements are retained in contingency arrangements for 2021/22, including absolute clarity that teachers would not be required to take part in the first centre review stage of the process given that this deals only with procedural and administrative matters rather than those relating to professional judgement. The arrangements should also retain provisions in respect of requirements on candidates to set out their grounds for appeal and confirm that grades may go down as well as up as a result of an appeal.

However, under the assessment arrangements proposed in the consultation document, it occurs to the NASUWT that centres would have less discretion about the types of evidence that would be used to determine grades. Consequently, appeal decisions would be focused on the extent to which centres had followed guidance rather than professional judgements about the selection of assessment materials. It is, therefore, reasonable to suggest that these would be appeals of a procedural and administrative nature rather than relating to professional judgement. The NASUWT understands that this is the position in Wales. Further consideration should be given

to this issue and its potential implications in the development of appeals arrangements.

The DfE and Ofqual are right to note that the impact of the pandemic continues to have more profound effects on particular groups of learners, including those with protected characteristics. In reflecting on the outcomes of the process adopted in 2020/21, it will be important for the DfE and Ofqual to ensure that its contingency plans do not further advantage candidates whose education has been less disrupted than that of others and that, in accordance with their Public Sector Equality Duty obligations, explain how the measures proposed will advance equality of opportunity for pupils with particular protected characteristics. It will also be important for the DfE, Ofqual and the awarding bodies to continue to monitor the implementation of these arrangements for any adverse equalities impacts and implement any changes that this monitoring identifies as necessary.

It will also be critical for staff in centres to be given training and support by the awarding bodies on implementing arrangements in ways that take effective account of equalities issues. Ofqual should oversee the development of this training and ensure that all relevant members of the workforce can benefit from it. Materials developed for this purpose in 2020/21 will need to be reviewed to ensure that they take full account of changes to arrangements in 2021/22 and are revised accordingly.

Decisions on modifications to examinations and other assessments

In reaching its decisions on modifications for examinations and other assessments in 2021/22, it is disappointing that the DfE and Ofqual have chosen not to adopt many of the suggestions put forward by the NASUWT. While the modifications that have been announced are helpful, it was clear that the DfE and Ofqual had scope to go much further.

In particular, the blanket decision to rule out changes to subject content is difficult to justify. Ofqual and the DfE were right to give particular priority in the development of their proposals to the need for students to be able to progress successfully to the next stage of their education, or to employment. However, it is clear that the full range of subject content for all qualifications was not determined on the basis that all of it was necessary for progression purposes. This was not a stated objective during the DfE's development of this subject content and it is clear that greater flexibility in this respect would have created opportunities to apply a wider range of modifications to examinations as recommended by the NASUWT. The decision also fails to take account of the ability of higher and further education providers and employers to adapt their provision to take account of areas of learning that may not have been fully covered previously.

It is especially unfortunate that the DfE and Ofqual rejected proposals advanced by the NASUWT and many other stakeholders to ensure that advance information about examination topics was provided during the autumn term. It is noted that the option of providing this information sooner in case of changes in the public health situation has not been ruled out. However, the basis on which such a decision would be made and the extent to which the timescale would be changed have not been made clear, undermining the value of this commitment in practice. The NASUWT can identify no credible reason for not providing this information at this stage.

These measures fall short of the legitimate expectations of many stakeholders across the education system and are likely to create significant manageability pressures for candidates, all of whom have experienced considerable disruption to their learning since March 2020, and centre staff. However in light of their decisions, it is incumbent on the DfE and Ofqual to provide clear guidance to centres on how these pressures should be managed and ensure that centres are given the additional resources they will require to address the challenges they will face in this regard.

I trust these observations are helpful and I look forward to discussing these matters with you both in further detail.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Roach', written in a cursive style.

Dr Patrick Roach
General Secretary