

# Welcome to Landmark Chambers' 'Public Examinations 2020' webinar

The recording may be accessed [here](#).

# Your speakers today are...



**Fiona Scolding QC (Chair)**

**Topic:**  
Calculated grades  
and the Ofqual  
consultation:  
legal pinchpoints



**Samantha Broadfoot QC**

**Topic:**  
Summer 2020  
Exams - Introduction



**Leon Glenister**

**Topic:** Fairness:  
appeals and the  
algorithm

# SUMMER 2020 EXAMS

## Introduction



**Samantha Broadfoot QC**

## KEY DATES

3 April 2020	Ofqual Guidance issued
15 April 2020	EIA and Consultation published
29 April 2020	Consultation closes at 23:45
29 May 2020	Earliest date for centres to provide grade / rank /declaration
August 2020	Results Days
Sept/Oct 2020?	Autumn exam series

## KEY REQUIREMENTS - GUIDANCE

Schools, colleges and other exam centres must provide:

- An assessed grade per subject per student;
- The rank order of students within each grade for each subject;
- A declaration from the Head of Centre making the submission.

## WHICH QUALIFICATIONS DOES THIS APPLY TO?

Applies to:

- GCSEs, AS and A levels , EPQs and Advanced Extension Award in maths

Separate consultation re:

- Cambridge Pre-U, International Baccalaureate Diploma and for vocational and technical qualifications.

**DOES NOT APPLY to International GCSEs**

## WHICH YEAR GROUPS?

- Original Guidance:
  - Students in year 11 and above
- Now proposed:
  - students in year 10 and below
  - Same arrangements should apply to all students across UK and internationally who were planning to take the qualifications this year.

# CONSULTATION

- Short deadline – 29 April 2020
- Wide audience
- Wide topic range

**\*\* USE THE OPPORTUNITY TO RESPOND \*\***



## Fairness: appeals and the algorithm



**Leon Glenister**

## Appeals

- Even if you take an exam in autumn series “both grades will stand”. Therefore fairness is important.
- Usual process: remark of script or coursework.
- Proposed appeal will not allow appeal of:
  - Predicted grade/rank/professional judgment
  - The procedure adopted by a centre to predict grades
  - Standardisation model

## Appeals

- ONLY proposed appeal is by a centre against the procedure of the exam board.
- No direct appeal for students. No route to review judgments made.
- Students will only receive rank and prediction through subject access request, 40 days after exam results.
- Is this fair? What legal principles apply?

## The standardisation process

- No appeal proposed “because consistent application of the statistical standardisation process is central to the maintenance of standards in these qualifications this year.”
- Process required to iron out differences in standards.
- More weight likely to be given to statistical expectations of centres than grade predictions. Rank, it appears, is more important than grade.
- Is this fair?

## Calculated grades and the Ofqual consultation: legal pinchpoints



**Fiona Scolding QC**

## Ranking - discrimination

- Problems with ranking?
- Ofqual recognises the potential issue: pp7, 10, 30-32;
- Equality Impact Assessment (pp49-53) and literature review;
- BAME, gender and SEN?
- What should schools do?

## Home-schooling – discrimination

- 20,000 private candidates out of 1.3m entered for exams = 1.5%
- Private candidates with no association with exam centre unlikely to be able to get calculated grade. No special arrangements to be made: pp23-25;
- Ofqual recognises equality issue (p52). More likely to be:
  - At home due to disability;
  - At home for religious reasons
- No answer at the moment

## School decision-making process – public law challenges

- What if school's general approach to grade/rank calculation flawed?
- No appeal currently intended for students (pp35-37). Would have to be public law challenge;
- How to even find out relevant info? Timing issues
- No guidance
- What should schools do?



## Relevance of Autumn series

- “You can sit the exams in the Autumn anyway”
- BUT, is that a sufficient response?
  - Disruption to teaching this year. Students without computers?
  - Importance of timing? Losing university places etc.

## Q&A

**We will now answer as many questions as possible.**

**Please feel free to continue sending any questions you may have via the Q&A section which can be found along the top or bottom of your screen.**

# Thank you for listening

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