

CONSULTATION

Consultation on arrangements for an autumn 2021 exam series

Covering GCSEs, AS, A levels, Project qualifications and the Advanced Extension Award

ofqual

Contents

Proposals at a glance	3
Audience.....	4
Consultation arrangements	4
Introduction.....	5
Consultation details	5
Eligibility to enter the exams.....	5
How students should be assessed.....	7
Art and design qualifications.....	8
Grades for practical skills and spoken language	10
The form of the exams.....	11
When the exams should be held	14
Grading.....	15
Reviews of marking and appeals	15
Certificates	16
Regulatory requirements	17
AEA and Project qualifications	19
Next steps	20
Equality impact assessment.....	20
Regulatory Impact Assessment	22
Annex A: Consultation responses and your data.....	24
Annex B – Ofqual’s role, objectives and duties	28
The Apprenticeship, Skills, Children and Learning Act 2009	28
The Equality Act 2010.....	29

Proposals at a glance

Exams for GCSEs, AS, A levels and the Advanced Extension Award in summer 2021 have been cancelled because of the coronavirus (COVID-19) pandemic. When the government set out its policy on how grades for these qualifications should be issued instead, it also confirmed that it wanted students to have the opportunity to take exams in autumn 2021 if they wish to try and improve on their teacher assessed grades with which they will be issued this summer. The Secretary of State, [in his direction to Ofqual](#), said he expects Ofqual to make provision for this.

We are seeking views on how an autumn exam series should run, including on our proposals that:

- any student who receives a teacher assessed grade in summer 2021 should be able to enter the autumn exams
- any student who an exam board is satisfied would have taken exams in summer 2021 had they not been cancelled, but who did not receive a teacher assessed grade, should be able to enter the autumn exams. We are seeking views on whether other students should be permitted to enter the autumn exams
- grades should be determined by a student's performance in the exams alone; non-exam assessments should not be taken into account (with the exception of art and design qualifications)
- art and design qualifications, for which there are not normally any exams, should be assessed through students completing an exam board's set task only
- the exams should be in their usual form and in their usual number for each subject;
- A level exams (and any AS exams) should be held in October and GCSE exams in November and December
- students will be able to use the better of the summer or the autumn grade
- exam boards will replace certificates showing only summer 2021 grades with certificates showing autumn grades if a student requests this
- normal reviews of marking and appeal arrangements will apply
- the exam boards should be required to offer exams in all GCSE and A level subjects, unless there are no entries for that subject by the time of the closing date. We are seeking views on whether we should require or permit the exam boards to offer AS exams, or prohibit them from doing so

- no new requirements will be placed on the exam boards that offer Project qualifications or the Advanced Extension Award in respect of making awards in the autumn

Audience

This consultation is open to anyone who may wish to respond but may be of most interest to students who were expecting to take GCSE, AS or A level exams in the summer, teachers of those qualifications and exam boards.

Consultation arrangements

Duration

This consultation will be open from 17 March and ends on 9 April at 23:45.

Respond

Please respond to this consultation by completing the [online response](#) form.

For information on how we will use and manage your data, please see Annex A: Consultation responses and your data.

Introduction

Government policy is that students who want an opportunity to improve on their teacher assessed grades issued to them in summer 2021 should be able to enter GCSE, AS and A level exams in the autumn. We are consulting on arrangements for such exams.

Consultation details

Eligibility to enter the exams

It is government policy that there should be an autumn exam series for students who want to have an opportunity to improve their teacher assessed grades issued to them in summer 2021. We therefore propose that any student who receives a teacher assessed grade this summer should be eligible to enter the autumn exam series.

The arrangements being put in place for the summer are flexible, such that all students who have been studying independently - private candidates - can receive grades. However, some private candidates might prefer to enter the autumn exam series rather than work with a school or college who will determine for them a teacher assessed grade. We do not believe it would be fair to deprive such students of an opportunity to take exams in the autumn. We therefore propose that the exam boards should also accept entries for the autumn exams on behalf of students who they are satisfied would have taken exams in summer 2021 had they not been cancelled.

We are also seeking views on whether, given the exceptional circumstances caused by the pandemic, the autumn exam series should be open to any student, without restriction. We think students studying for GCSEs or A levels will want to maximise their opportunities to catch up with their learning and to prepare fully for the summer 2022 exams. They would not, therefore, wish to take exams in autumn 2021. However, we are seeking views on whether students should be permitted to enter exams in the autumn if they wish.

Question 1:

To what extent do you agree or disagree that students who receive a teacher assessed grade in summer 2021 should be eligible to enter for the corresponding:

GCSE exams in autumn 2021

AS exams in autumn 2021

A level exams in autumn 2021?

Question 2:

To what extent do you agree or disagree that exam boards should be able to accept entries for the autumn exams from students who did not enter to receive a grade in summer 2021 but who, in the opinion of the exam board, would have entered for the summer 2021 exams had they taken place?

Question 3:

To what extent do you agree or disagree that the autumn 2021 exams should be open to all students, regardless of any actual or planned intended entry in summer 2021?

GCSEs

AS

A level

Question 4:

Do you have any comments on which students should be able to take exams in autumn 2021?

How students should be assessed

Some GCSE, AS and A level subjects are assessed just by exam. Other subjects are assessed using both exam and non-exam assessment. Art and design qualifications are assessed using only non-exam assessments.

Students who decide to take exams in autumn 2021 in subjects that usually include some non-exam assessment will have had a range of experiences as they sought to complete their non-exam assessments during the academic year 2020-2021.

We made some changes to the non-exam assessment requirements for students taking their qualifications this year, as we recognised that it would have been difficult in some subjects for students to complete the assessments as usual because of the pandemic. Despite these changes it is likely it will not be possible for all students to complete their non-exam assessments either at all, or in line with the requirements.

For example, some students will have had difficulty accessing specialist equipment, such as that needed for design and technology, because they have been studying remotely and/or because of public health restrictions. Others will have been able to complete their non-exam assessments, but not in line with the usual controls or without access to the usual forms of support such as access to a library.

Under the arrangements for issuing results in summer 2021, teachers will mark non-exam assessments, and take students' performance in the assessment into account when they determine the grade they should receive. They will adjust their marking to reflect the difficulties students have experienced completing their non-exam assessments and/or any relaxation to the usual controls. We will not require the exam boards to moderate the marking this year.

In light of the different ways by which non-exam assessments will have been undertaken in the current academic year, how they will be marked and the fact that marking will not be moderated, we do not believe it would be fair for those assessments to be taken into account when grades from the autumn exam series are determined.

It is likely that many students (possibly the majority) who want to take exams in the autumn will not, in the run up to the exams, be formally attached to a school or college – either because they were studying independently or because they have moved on from the school or college that entered them for the qualifications in the summer. Such students would find it difficult to be able undertake new non-exam assessment tasks.

Even students who are attached to a school or college would likely find it difficult to complete new non-exam assessments at the start of the next academic year. It would also be difficult for their schools or colleges to support them to do so; they will be teaching new year groups and catch-up measures are likely to be continuing.

We understand concerns that some students would perform better in their non-exam assessments than they would in exams. [Research indicates this is not necessarily the case](#), although we acknowledge the research does not cover subjects that include performance-based assessments such as drama and dance.

We therefore propose that, as was the case for the autumn 2020 series, students' grades are determined by their performance in the exams only. Students would not be required to undertake new non-exam assessments; any non-exam assessments undertaken in the current academic year would not be taken into account.

Art and design qualifications

A different approach will be needed for art and design qualifications, as there are no exams in this subject. Normally for GCSE, AS and A level art and design, students complete both a portfolio (60% of the marks) and a task set by the exam board (40% of the marks). The task is taken under supervised conditions and completed within a fixed period.

We decided in August 2020 that, because of the disruption caused by the pandemic, students taking the qualifications in summer 2021 would complete the portfolio but not the task. Students receiving teacher assessed grades in these qualifications this summer will, therefore, be graded on the basis of their portfolio only.

Students who are unhappy with that grade will be able to appeal. If they remained unhappy there would be no value in them entering the qualification again in the autumn and being assessed on the same portfolio as they would likely receive the same grade. They would not have time to prepare a new portfolio in the autumn term.

We propose instead, and as was the case in autumn 2020, that students who want to enter GCSE, AS or A level art and design in autumn 2021 should be assessed on their performance in an exam board set task only. We recognise that some schools and colleges might find it difficult to accommodate and support such students, however we believe that, if students are to be able to enter these qualifications in the autumn, this is the best approach.

We also propose that students' work in response to the task should be marked by the exam board. This would avoid placing further workload on teachers.

Question 5:

To what extent do you agree or disagree that students entering GCSE, AS or A levels in autumn 2021 should be assessed on their performance in exams only?

Question 6:

To what extent do you agree or disagree that students entering GCSE, AS or A level art and design should be assessed on their performance in an exam board set task only?

Question 7:

To what extent do you agree or disagree that students' work in response to the art and design tasks should be marked by the exam boards?

Question 8:

Do you have any comments in our proposal that, with the exception of art and design qualifications, grades should be determined by students' performance in exams only?

Question 9:

Do you have any comments on our proposed approach to art and design qualifications?

Grades for practical skills and spoken language

For A level science (biology, chemistry and physics) and geology students' practical skills are assessed and reported separately; students receive either a Pass or Not Classified grade alongside the A*-E grade they receive for their exam performance. GCSE English language students receive a separate grade for their spoken language skills of Pass, Merit, Distinction or Non-Classified alongside the 9 to 1 grade they receive for their exam performance. For 2021 the same approach is to be used for spoken language in GCSE modern foreign languages.

We propose that students entering autumn 2021 exams should be able to carry forward these separate grades, as happens for students who in normal years are sitting their exams.

Students who do not have such a grade to carry forward, or who want the opportunity to improve that grade, could be assessed in the autumn term if their school or college is willing to provide for this.

Question 10:

To what extent do you agree or disagree that students should be able to carry forward any grade for practical science and geology skills to the autumn 2021 series?

Question 11:

To what extent do you agree or disagree that students should be able to carry forward any grade for spoken language in GCSE English language and modern foreign languages?

Question 12:

Do you have any comments on our proposed approach to the separately reported grades for A level practical science and geology skills and for GCSE English language and modern foreign language spoken language skills?

The form of the exams

We propose that the exams in the autumn should be in their normal form, in terms of the number of exams per subject, the style of the questions, the format of the papers and the conditions under which they are taken. This means they will be in a form that will be familiar to students who will likely have seen and practised taking past papers. It will also allow the exam boards, if they wish, to use the papers written for the summer 2021 exams that were cancelled.

Teachers assessing their students in summer 2021 will assess them only on aspects of the content that students have been taught by their teachers. It will not be possible to replicate this in an exam - as the exams must be the same for all students. The exam boards cannot create bespoke exam papers for all students. Therefore, students taking exams in the autumn will need to be prepared to answer questions on all aspects of the subject content.

In 3 GCSE subjects: English literature, history and ancient history, changes to the content requirements were announced in August 2020 that would have been reflected in the summer 2021 exams. These same content changes will be reflected in the autumn exams for these subjects because students will have been preparing to take exams in summer 2021 on this basis.

In December 2020 the government announced (before it decided exams should be cancelled) that students would be given advanced notice of the topics that would be covered in the summer 2021 exams. This information would have been published at the end of January had exams not been cancelled and would have enabled teachers to focus their remaining teaching time on topics that they knew would be raised in the exams.

We consulted on the provision of advance information in December 2020. We also consulted on whether, for some qualifications, students should have access to support materials in the exams that are not usually provided – for example to formulae and equation sheets in maths and science qualifications. The [analysis of responses to that consultation](#) has been published on our website.

We propose that the autumn 2021 exams should provide a normal exam experience for students. We propose that the exam boards should not provide advance information and that students should have access in the exams to the usual materials only.

The exam boards do not usually provide a full autumn exam series. It could be disproportionately burdensome to require the exam boards to publish advance information for the exams. Requiring them to provide advance information for the autumn exams would introduce further additional burden - and costs - for them and increase risk to the successful delivery of the autumn series.

If the exam board published advance information about the topics on which questions will be asked the exam board would not be able fairly to use the papers they had written for the autumn series at a later date, in the event that there are no entries for a particular subject – which would be an option for them if the content of the exam remained confidential in the normal way.

The main purpose of the autumn exams is to provide an opportunity for students who are disappointed with their teacher assessed grade to improve that grade. They will not know their grade until early August. Students who decide to take exams in autumn 2021 and who have been studying at a school or college will be unlikely to receive any additional teaching to support them to prepare for the exams.

It is likely that students, on seeing advance information were it to be published ahead of the autumn exams, would want support and guidance on how best they should prepare for the exams, in light of this information. There is a risk that the provision of advance information would advantage students who either continued to have access to their subject teachers or who were able to secure support in other ways, for example through private tutors. This would introduce a degree of unfairness that we believe should be avoided.

Where students taking the autumn exams are being taught within a school or college – most likely having moved on to a higher level of study - the publication of advance information could place additional pressures on teachers. Teachers would need to familiarise themselves with the materials to support any such students. Again, this would be at a time when teachers were teaching new year groups and continuing to support their students to catch up with their education.

In response to our December 2020 consultation, a number of respondents suggested that the provision of advance information would have a negative impact on some students, particularly if they were not supported and guided in how to use them. The potential negative impact on some students of the use of advance information is discussed in [our analysis of responses](#) to the December consultation.

We are also concerned that the publication of advance information about the topics to be covered in the autumn exams would make the autumn papers a less useful resource for teachers to use as mock exams. At the request of teachers, the exam boards do not routinely publish exam papers immediately after they have been taken, although they do make them available to teachers.

This allows teachers to use the papers as mock exams – as students will not have seen them. If advance information were to be published, and the papers then used as mocks, students might narrow their revision in a way that would be unhelpful for them as they prepare for their real exams next summer.

Advance information about the topics in November might also have implications for summer 2022 exams. Students and teachers might conclude that topics identified for

inclusion in the autumn series would not come up again in summer 2022 papers. This is not necessarily the case, but that belief might cause some early narrowing of the curriculum for GCSE and A level students.

We propose that students should not have access to support materials in exams that are not normally provided. Respondents to the December 2020 consultation highlighted the need for disabled students, in particular, to be prepared to use any additional materials in exams and the risk of them otherwise being disadvantaged by the provision of such materials in the exams. The need for students to be prepared and supported to use support materials in exams is discussed in the [analysis of responses](#) to our December 2020 consultation.

Question 13:

To what extent do you agree or disagree that the autumn exam papers should be in their normal form, in terms of:

- (a) the number of exams per subject
- (b) the style of the questions
- (c) the format of the papers
- (d) the conditions under which they are taken

Question 14:

To what extent do you agree or disagree that students should not be given advance information about topics that will be included in the autumn exams?

Question 15:

To what extent do you agree or disagree that students taking autumn exams should only have access to the usual support materials when taking an exam?

Question 16:

Do you have any comments on our proposals about the form of the autumn 2021 exams?

When the exams should be held

We propose that AS / A level exams should be held in October and GCSE exams in November and early December. This timeline should allow the majority of AS and A level students appealing their summer 2021 result to receive the outcome of that appeal before deciding whether to enter. In order for AS and A level results to be issued before Christmas, allowing them to be used for entry to those higher education courses that have a January start date, an entry deadline early in the autumn term will be necessary.

The proposed timeline should allow the majority of GCSE students appealing their summer 2021 result to receive the outcome of their appeal before exams start. An early October entry deadline would be required.

GCSE English language and maths exams are usually held in the first week of November. The dates of the exams for 2021 have already been published. We are interested in views on whether the dates for these exams should be changed so the exams would take place a couple of weeks later than usual. This would allow more time for students and centres to take entry decisions and for any outstanding appeals in respect of those qualifications to be completed. If the exams were later, results would also be later than usual.

Question 17:

To what extent do you agree or disagree that:

- (a) AS and A level exams should be held in October 2021 (with entries being required by early September)
- (b) GCSE exams should be held in November and early December 2021 (with entries being required by early October)
- (c) GCSE English language and maths exams should be held later than usual?

Question 18:

Do you have any comments on our proposals for when exams should take place?

Grading

We have not yet taken any decisions on the approach to grading in the autumn 2021 series. Before taking any decisions, we will want to reflect on the outcomes from summer 2021 and the likely approach to exams in summer 2022.

Reviews of marking and appeals

We propose that [the usual reviews of marking and appeals arrangements](#) that apply to any normal exam series should apply in autumn 2021.

This will allow any concerns about marking errors or procedural shortcomings by an exam board to be considered and, if found, addressed. The usual approach is familiar to schools and colleges and to the exam boards who implement it.

Question 19:

To what extent do you agree or disagree that the usual arrangements for reviews of marking and appeals should apply to the autumn 2021 exam series?

Question 20:

Do you have any comments on our proposal that the usual provisions for reviews of marking and appeals should apply in autumn 2021?

Certificates

Some students who take exams in the autumn will already have been issued with a certificate for the same qualification, reflecting the grade they were awarded in summer 2021. Exam board certificates show the grades for all subjects in the same type of qualification (eg GCSE or A level) awarded by that board to a student at the same time. Students who are taking exams in the autumn with a view to improve on the grade they received from the summer and who do, indeed, improve on the grade, might prefer that their summer certificate is amended to show the higher grade.

We propose that, as was the case for 2020, exam boards who are asked by a student to re-issue a summer 2021 certificate to show an improved grade from the autumn 2021 exams must issue such a certificate.

It is possible that some students who were issued with a grade in summer 2020 were planning to take exams in summer 2021. As the summer 2021 exams have been cancelled they might instead take exams in autumn 2021. We do not believe that summer 2020 certificates should be re-issued to show any improved grade awarded in autumn 2021. The autumn 2020 exams were provided as part of the summer 2020 appeal arrangements. The autumn 2021 exams will, in large part, be provided as part of the appeal arrangements for summer 2021. We believe it would be confusing to combine results from both 2020 and 2021 onto one certificate.

As was the case in 2020, we propose that a student who receives a lower grade from the autumn 2021 exams than they received in summer 2021 should retain the summer 2021 grade.

Question 21:

To what extent do you agree or disagree that an exam board must, at the request of a student, reissue a certificate to show the better of the grades issued to a student in summer 2021 and autumn 2021?

Question 22:

To what extent do you agree or disagree that an exam board should not reissue a certificate to show the better of the grades issued in summer 2020 and autumn 2021?

Regulatory requirements

Our normal rules prohibit the exam boards from offering GCSEs, AS and A level exams in the autumn, with the exception of exams in GCSE English language and maths. We will need to change our rules to allow for an autumn exam series.

We could change them to:

- **allow** exam boards to offer the exams in the autumn (without requiring them to do so); or
- **require** the exam boards to offer the exams in the autumn (giving them no choice)

As we discuss in the regulatory impact section below, providing an autumn exam series will add to the exam boards' costs. The exam boards will need to prepare for the autumn exam series at the same time as they are delivering the summer 2021 arrangements, which might require them to employ additional people.

As the entry numbers are likely to be low, the exam boards will be unlikely to recover their costs unless they significantly increase their entry fees.

In 2020 the exam boards provided rebates to schools and colleges, as their costs were cut because exams were cancelled. The exam boards have indicated they will do the same in 2021 and schools and colleges have indicated they expect this will happen. The exam boards can reasonably be expected to take account of costs of providing autumn exams when calculating the size of any rebate. This is an argument for allowing the exam boards to decide whether, and in which subjects, to offer exams. They could decide, for example, only to offer exams in the autumn in subjects that normally have entries over a certain size.

If we do not require exam boards to offer exams in all subjects, and they choose not to, this would deprive some students who might wish to take exams in the autumn of the opportunity to do so. A student who wanted an opportunity to take exams in a subject in the autumn but could not do so because their exam board decided not to offer exams in that subject would likely feel unfairly treated. This is an argument in favour of us requiring the exam boards to offer exams in autumn 2021 in each of GCSE, AS and A level subjects for which they had planned to provide exams in summer 2021.

Given the low number of students who usually enter AS exams and the fact that AS grades are not usually required for progression purposes, we are seeking views on whether we should **require** exam boards to offer GCSE and A level exams but **permit** them to offer AS exams if they choose to do so.

The [provisional entry data for the autumn 2020 exam series](#) shows that fewer than 5 students took exams in some AS subjects. Across the exam boards only 6 subjects

had AS entries that together (i.e., the total across all 4 exam boards) were over 100: biology (275), chemistry (340), maths (410), physics (200), psychology (130) and further maths (115).

Alternatively, we could limit the autumn 2021 exams to GCSE and A levels only – in other words we could **not allow** the exam boards to offer any AS exams. This would reduce the burden on both centres and the exam boards. The exam boards would not have to prepare AS exam papers for the autumn or make provision for the exams in the autumn series. Centres would not have to accommodate AS exams in their own arrangements, allowing them to focus on provision of GCSEs and A levels.

We are particularly interested in views on whether the benefits of AS exams being available in the autumn series outweigh the additional ask of the system from offering students this opportunity.

We propose that if we decide to **require** the exam boards to offer autumn exams in any of the subjects this requirement should be lifted in respect of a subject if, by the entry deadline, the exam board had received no entries at all for that subject.

Question 23:

Should we require or permit the exam boards to offer GCSE exams in autumn 2021?

Question 24:

Should we require or permit the exam boards to offer AS exams in autumn 2021 or should we prohibit them from offering AS exams?

Question 25:

Should we require or permit the exam boards to offer A level exams in autumn 2021?

Question 26:

To what extent do you agree or disagree that, if we require exams boards to offer exams, we should lift this requirement for any subject for which there have been no entries by the entry deadline?

Question 27:

Do you have comments on whether we should require or permit the exam boards to provide GCSE and A level exams in autumn 2021?

Question 28:

Do you have comments on whether we should require or permit exam boards to provide AS exams in autumn 2021 or whether we should prohibit them from doing so?

AEA and Project qualifications

Our rules for AEA qualifications do not prescribe when exams must or can be offered. As fewer than 400 students entered for the qualification in summer 2020 we believe it would be disproportionate to **require** the exam board to offer exams for this qualification in autumn 2021.

Project qualifications are not assessed by exam. The exam boards usually allow the assessments to be submitted at different times in the year, including in the autumn. We do not have rules on when they must or cannot accept submissions. We do not believe it is necessary for us to set any new rules in respect of submissions in autumn 2021.

Question 29:

To what extent do you agree or disagree that we should not require the exam board to offer AEA exams in autumn 2021?

Question 30:

To what extent do you agree or disagree that we should not introduce any rules about the submission of project qualifications in autumn 2021?

Question 31:

Do you have comments on our proposed approach to AEA and Project qualifications in autumn 2021?

Next steps

We will consider responses to this consultation before we decide on the arrangements for the autumn 2021 exam series. We will then consult with the exam boards on the regulatory requirements we will need to put in place to give effect to our decisions.

Equality impact assessment

As Ofqual is a public body, we must comply with the public sector equality duty in section 149(1) of the Equality Act 2010. We set out more information about our duties in Annex B. In developing these proposals, we have considered the likely impact on persons who share particular protected characteristics.

We are required to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

We have considered whether any students would be positively or negatively impacted because of their protected characteristics by any of the possible arrangements for the provision of exams in autumn 2021.

Our greatest concern is the extent to which different students will be supported and able to prepare for exams in the autumn. Many students who would have taken exams in summer 2021 will have left their school or college by the autumn and will

need to prepare independently for any autumn exams. We believe students who no longer have the support of their teachers could be particularly disadvantaged if the autumn exams were in an unfamiliar format or if the conditions under which they were taken were unfamiliar.

Roma, Gypsy and Traveller students are among the students who might find it most difficult to find support to help them prepare for autumn exams. Some SEND students might also be unlikely to have access to their usual support as they prepare to take the exams.

Students who have access to private tutors might be best able to prepare for the exams, particularly if advance information about the content of the exams is provided.

Some students will have experienced greater disruption to their education than others during the current and previous academic years. Students in lower socio-economic groups, disabled students who have not had access to their usual support and students from BAME communities most severely affected by the pandemic are among those whose education is likely to have been particularly negatively affected by the impact of the pandemic and, potentially, less well prepared for the autumn exams.

When we consulted at the end of 2020 on the provision of advance information and support materials for students taken the exam planned for summer 2021, a number of respondents highlighted the need for disabled students, in particular, to have time and support to become familiar with any adaptations to be made to those exams. We do not believe this would be possible ahead of the autumn exam series. Disabled students might, as a result, be negatively impacted if the autumn 2021 exams were adapted.

The usual range of reasonable adjustments should be available for disabled students taking exams in the autumn. We will consider with the exam boards the need to adjust the usual arrangements for applying for reasonable adjustments ahead of the autumn exams. For autumn 2020 the exam boards carried over any reasonable adjustments already agreed for summer 2020.

Question 32:

Are there any other aspects of the possible arrangements for the autumn exams that could have a possible negative impact on students because of their protected characteristics that we have not identified?

If yes, what are they?

Question 33:

How could any negative impacts be removed or mitigated?

Regulatory impact assessment

Schools and colleges that decide to enter students for exams in the autumn will incur costs, notably for entry fees. Depending on the size of their entries they might also incur costs in respect of invigilation and exam accommodation. Schools and colleges will need to take such costs into account when deciding whether to enter students for exams in the autumn.

Our proposal that, with the exception of art and design subjects, students entering for the qualifications in the autumn should be assessed on their performance in exams only will make the series more manageable for schools and colleges than would be the case if they had to arrange for students to undertake non-exam assessments and teachers to mark them.

The exam boards will incur extra costs, which they are unlikely to recover through their entry fees unless they significantly increase their fees or unless the entry for the series is much higher than expected and higher than in autumn 2020. While some of their costs reflect the size of the entry, for example the costs of printing exam papers and of scanning exam scripts, exam boards will incur the full costs associated with a normal exam series with respect to developing exam papers and mark schemes.

They will be able to limit the number of markers they recruit and standardise to reflect the size of entry, although they will need to recruit and standardise sufficient markers to cover the range of questions asked and to ensure that a marker who was not involved with the original marking of a script is available to undertake a review of marking, if required.

We are seeking views on the inclusion of AS levels in the autumn series and whether the exam boards should be required or permitted to offer them – or if they should be prohibited from doing so. Given the likely very low number of students who would enter AS exams, if they were available, and the fact that AS qualifications are not usually necessary for progression, we question whether the benefits of doing so would outweigh the additional costs.

Our proposal that an exam board should not be required to offer exams in a subject if there have been no entries for that subject by the entry date would allow the exam board to hold back the paper for use in a future exam series.

It is possible that the exam boards will consider providing a rebate to schools and colleges in respect of their entry fees for the summer 2021 exam series, to reflect any saving in their costs because of the cancellation of exams. It would be reasonable for the exam boards to take account of their costs of running an autumn exam series when calculating the size of any rebate. It is, therefore, possible that the greater the exam boards' autumn 2021 costs the lower the rebate to schools and colleges.

The exam boards will be preparing for the autumn exams at the same time as they are implementing the summer 2021 arrangements. This will introduce some delivery risks – for both summer and autumn 2021. It is likely that actions taken to mitigate those risks will increase exam boards' costs.

Question 34:

We have set out our understanding of the impact of our proposals on schools, colleges and exam boards. Are there any other potential impacts that we have not identified?

Question 35:

Are there any additional steps we could take to reduce the costs or burdens of our proposals?

Annex A: Consultation responses and your data

Why we collect your personal data

As part of our consultation process, you are not required to provide your name or any personal information that will identify you. However, we are aware that some respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. We would like to hear as many views as possible and ensure that we are reaching as many people as possible. In order for us to monitor this, understand views of different groups and take steps to reach specific groups, we may ask for sensitive data such as ethnicity and disability to understand the reach of this consultation and views of specific groups. You do not have to provide this information and it is entirely optional.

If there is any part of your response that you wish to remain confidential, please indicate at the appropriate point in the survey.

Where you have requested that your response or any part remains confidential, we will not include your details in any published list of respondents, however, we may quote from the response anonymously in order to illustrate the kind of feedback we have received.

Your data

Your personal data:

- will not be sent outside of the UK unless there are appropriate safeguards in place to protect your personal data
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights: access, rectification and erasure

As a data subject, you have the legal right to:

- access personal data relating to you

- object to the processing of your personal data
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details below. You can also find out [more about Ofqual's privacy information](#).

Freedom of Information Act and your response

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients including members of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response and assess this in accordance with applicable data protection rules.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'no' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response. We will analyse all responses and produce reports of consultation responses. In the course of analysis, we will where possible avoid using your name and contact details. We will only process the body of your response, but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships & Technical Education (IFATE) where the

consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. Where possible, if we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFATE with the name of the organisation that has provided the response, although we will consider requests for confidentiality. Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected.

We use Citizen Space, which is part of Delib Limited, to collect consultation responses and they act as our data processor. You can view [Citizen Space's privacy notice](#).

Your response will also be shared internally within Ofqual in order to analyse the responses and shape our policies and regulatory activity. We use third party software to produce analysis reports, which may require hosting of data outside the UK, specifically the US. Please note that limited personal information is shared. All personal contact information is removed during this process. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

Following the end of the consultation, we will publish an analysis of responses on [our website](#). We will not include personal details in the responses that we publish.

We may also publish an annex to the analysis listing all organisations that responded but will not include personal names or other contact details.

How long will we keep your personal data?

Unless otherwise stated, Ofqual will keep your personal data (if provided) for a period of 2 years after the consultation closing date.

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we are relying upon the public task basis as set out in Article 6(1)(e) of UK GDPR to process personal data which allows processing of personal data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there is a legitimate expectation that a process of consultation will take place. Where you provide special category data, we process sensitive personal data such as ethnicity and disability, we rely on Article 9(2)(g) of UK GDPR as processing is necessary for reasons of substantial public interest.

The identity of the data controller and contact details of our Data Protection Officer

This privacy notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR¹ and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this privacy notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this privacy notice, how we handle your personal data, or want to exercise any of your rights, please contact our data protection officer at dp.requests@ofqual.gov.uk

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with [the Information Commissioner](#) (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at:

ICO,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Tel: 0303 123 1113

¹ Please note that as of 1st January 2021, data protection laws in the UK have changed. The General Data Protection Regulation (EU) 2016/679 (GDPR) no longer applies to the UK. However, the UK has incorporated GDPR into domestic law subject to minor technical changes. The Data Protection, Privacy and Electronic Communications (Amendment etc.) EU exit Regulations (DPPEC) came into force in the UK on 1st January 2021. This consolidates and amends the GDPR and UK Data Protection Act 2018 to create the new UK GDPR.

Annex B – Ofqual’s role, objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;

- 1) **The qualification standards objective**, which is to secure that the qualifications we regulate:
 - a) give a reliable indication of knowledge, skills and understanding; and b) indicate:
 - i) a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate
- 2) **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which:
 - a) give a reliable indication of achievement, and
 - b) indicate a consistent level of attainment (including over time) between comparable assessments
- 3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements
- 4) **The awareness objective**, which is to promote awareness and understanding of:
 - a) the range of regulated qualifications available,
 - b) the benefits of regulated qualifications to Students, employers and institutions within the higher education sector, and
 - c) the benefits of recognition to bodies awarding or authenticating qualifications
- 5) **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

We must therefore regulate so that qualifications properly differentiate between Students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant Students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

The Equality Act 2010

As a public body, we are subject to the public sector equality duty. This duty requires us to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The awarding organisations that design, deliver and award qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

When we decide whether such adjustments should not be made, we must have regard to:

- a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities
- b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred
- c) the need to maintain public confidence in the qualification

We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, sometimes conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a Student's knowledge, skills and understanding, a Student who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification.

A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification.

It is not always possible for us to regulate so that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between

people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, Students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a Student's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment.

We require awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the Students that take them. We also require awarding organisations to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a Student to achieve because they have a particular protected characteristic. We require awarding organisations to monitor whether any features of their qualifications have this effect.

In setting our proposed requirements, we want to understand the possible impacts of the proposals on Students who share a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

With respect to the public sector equality duty under section 149 of the Equality Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.



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ofqual

Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

0300 303 3344

public.enquiries@ofqual.gov.uk

www.gov.uk/ofqual