



**Rt Hon Gavin Williamson CBE MP**  
Secretary of State

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23 February 2021

**DIRECTION UNDER S 129(6) OF THE APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009**

This letter directs Ofqual, in line with section 129(6) of the Apprenticeships, Skills, Children and Learning Act 2009, in relation to the government's policy regarding exams and other assessments in 2021.

Government decided on 4 January 2021 that schools, colleges and further education providers must act to limit the spread of the Covid-19 virus by closing to everyone except vulnerable students and the children of critical workers. Exam year students experienced disruption to their education during the 2019/20 academic year and many experienced more disruption in the autumn term. With the loss of at least six weeks' face-to-face teaching and uncertainty about when schools and colleges would reopen, the government considered that most exams could not be held in a way which was, and was perceived to be, fair. It is therefore government policy that the 2021 summer exam series for GCSEs, AS and A levels in England cannot go ahead.

On 15 January we undertook a joint consultation on how to award grades in 2021 so that they are robust and fair. We received over one hundred thousand replies from students, parents and carers, and teachers. There was widespread support for our overall approach.

It is government policy that this year's cohort of GCSE, AS and A level students should instead receive grades based on teachers' judgements of their performance based on a range of evidence. The approach should give students confidence,

maximise remaining teaching time and be flexible to accommodate changes to public health advice.

The diverse nature of other regulated qualifications, including vocational and technical qualifications (referred to collectively in this letter as VTQs), and other general qualifications that are not GCSEs, AS or A levels, means that one approach to awarding cannot be taken to all these qualifications. Different approaches should be taken to three groups of VTQs. The first group are those VTQs most similar to GCSEs, AS and A levels that are used for progression to further or higher education. It is government policy that it is not viable for exams for these VTQs to go ahead, and results should instead be awarded using similar arrangements to GCSEs and AS or A levels. The second group are VTQs used to enter directly into employment. Exams or assessments should continue where they are critical to demonstrate occupational or professional competence and can be delivered in line with public health measures. Where the assessment cannot take place safely it should be delayed. The third group are smaller qualifications taken for mixed purposes, such as Functional Skills Qualifications and English for Speakers of Other Languages (ESOL). Exams and assessments for these should continue in line with public health measures, but with alternative arrangements available for those who cannot access the assessments.

It is this government's policy position that, in order to achieve fairness for students, grades for other general qualifications that are not GCSEs, AS or A levels such as the International Baccalaureate, Pre-U, Core Maths, Extended Project Qualifications, and Advanced Extension Awards should be determined in a similar way to GCSEs, AS and A levels.

### **GCSEs, AS and A levels**

This direction sets out this government's policy for how GCSEs, AS and A levels should be awarded this year using teacher assessed grades based on a range of evidence. It reflects the fact that in the absence of exams, teachers are best placed to determine grades. This government's policy seeks to balance flexibility for teachers on the range of evidence they use to show their students' performance with achieving results that are as consistent as possible to promote public confidence in the grades awarded.

In this exceptional year, I recognise that schools and colleges will do all they can to cover the required subject content. It may not, however, be possible for students' evidence to be based on the assumption that all of the content was taught. Therefore, exceptionally, it is government policy that teachers' judgements this year should only be made on the content areas that have been taught. Teachers should assess as much course content as possible to ensure in the teachers' judgement that there has been sufficient coverage of the curriculum to enable progression to further education, training, or employment, where relevant.

#### *Materials to support teachers' judgements*

To adapt the way students are assessed in this pandemic affected year, government policy is that teachers should use their expertise to decide the range of evidence that

will enable their students to show what they know and can do, within parameters set by the exam boards. Exam board guidance should set out a list of those sources of and approaches to collecting evidence that are considered most effective in determining grades, taking into account the need for these to be undertaken remotely, if necessary. I expect teachers to draw on different sources of evidence when forming judgements and that Heads of Centre should be satisfied that the range of evidence used corresponds to what has been taught.

Reflecting wide support in the consultation, exam boards should provide a package of training and support materials on how to make judgements, including assessment materials. This should include grade descriptors for at least alternate grades, sets of questions, mark schemes, example answers and other guidance. This guidance should be clear that the expected performance standard is broadly the same as in previous years. The guidance should support teachers to combine evidence to form an overall judgement. It should also include training on how to make objective judgements and to minimise the possibility of bias.

Government policy, reflecting over 90 per cent of consultation responses, is that centres should be able to use evidence from throughout their students' course of study. It is important any future assessments can be undertaken remotely to accommodate any possible course of the pandemic. Teachers should use a consistent evidence base for all of their students in a subject, wherever possible, to support consistent judgements.

In line with requirements in a normal year, I expect teachers to make reasonable adjustments for disabled students under the Equality Act, in relation to work set where the need for such adjustments has been identified. Where this has not been possible in relation to evidence already collected, or where a student is unwell at the time of a forthcoming assessment, I expect teachers to substitute this evidence where possible, but if necessary, to either take account of the impact of the absence of the reasonable adjustment in the judgement they make, or disregard that evidence so as not to prejudice the overall judgement.

### *Coursework*

Non-exam assessment is set each year by exam boards and is an important part of the assessment in many subjects, to assess practical and performance skills and other elements of subject content that cannot be validly tested in an exam. Despite the disruption the pandemic has had on some students' ability to complete these assessments, especially when they need access to a school or college, I am hopeful that as many students as possible will have the opportunity to continue to work on their assessments—a position strongly supported by the consultation.

Teachers should use these assessments in accordance with exam board mark schemes and, depending on the content they have been able to cover, the contribution they make to students' overall grade should in the government's view remain broadly similar to a normal year. I expect the exam boards' guidance to support teachers to take account of partially completed coursework where

completion is not possible. In this extraordinary year, I would not expect the marking of coursework to be moderated by the exam boards.

### *Assessment materials*

To provide the best possible support to teachers to make their judgements, I want the exam boards to make assessment materials available to teachers. Given the different circumstances that schools and colleges find themselves in as a result of the pandemic, I would like the use of these to be optional to reflect the majority view of respondents from the consultation.

The provision of assessment materials is a helpful tool for evidence gathering and determining the standard of performance alongside the wider range of information, advice and guidance exam boards will provide.

I want the exam boards' assessment materials to contain sets of questions, for all relevant GCSE, AS and A level subjects, taking a consistent approach across exam boards for each subject. I understand these will include a combination of questions, both published and unpublished and I would like a proportion of unpublished questions in all subjects.

These questions should be accompanied by mark schemes, example responses and data on past performance where available, to support teachers in making their judgements. It is this government's expectation that these questions will be organised to help teachers easily find and draw out questions which relate to the areas they taught and they will be made available in various modified formats so they are accessible to all.

As it is not possible to hold exams this year, government policy is that teachers should be free to deploy their range of evidence, including use of the assessment materials provided by the boards, when they feel it best to. While the boards' assessment materials should be made available by the end of March, there should be no set date or window of time in which teachers must use them other than in time to submit grades by 18 June.

### *Exam centre quality assurance*

It is government policy that exam boards should provide centres with clear requirements for their own quality assurance processes, to promote a consistent approach to determine grades, a view held by over 70 per cent of consultation respondents. I expect Heads of Centre to be required to provide a formal declaration about the accuracy and integrity of the grades submitted and the processes supporting them.

The guidance provided by the exam boards should include advice on how centres can use their previous performance data from when exams and other forms of evidence were taken to benchmark their 2021 teacher determined grades. It should also state how to access further information and support if centres have questions or need clarification. Students should have their grades determined by the standard of their work but the use of a centre's previous performance data by schools and

colleges at an aggregate level could play a useful role in informing grading judgements. I do not expect it to be used as a basis for determining or making changes to the results of individual students. Changes to a student's grade should only be made based on the evidence of their performance and as a result of human intervention at the centre or the exam board.

### *Exam board quality assurance*

As well as the checks and balances that centres will employ themselves, it is right in the government's view, and that of over two thirds of consultation respondents, that the exam boards provide an additional layer of scrutiny to ensure centres adhere to the exam boards' requirements. These quality assurance arrangements should focus on making sure the process and evidence used by centres to award grades are reasonable. The exam boards should be required to undertake checks of all centres' internal quality assurance processes before grades are submitted to them.

It is the government's view that the exam boards' quality assurance should also include checks of samples of the evidence to support students' proposed grades. These checks of evidence will help ensure centres have undertaken an appropriate and robust process for determining grades and reviewing their judgements to promote fairness in the awarding of grades. Where robust investigation indicates that a centre's grades might not be justified, the exam board should ask the centre to investigate. If the exam board is not satisfied with the outcome of this investigation or malpractice is found, exam boards should reserve the right to adjust or withhold grades. Changes to the grades submitted should only be made in the quality assurance process where grades cannot be justified based on the evidence provided, rather than as a result of marginal differences of opinion.

It is government policy that these checks of evidence should take place in a sample of centres, these centres to be identified through a combination of a random sample (which is representative of different types of centre) and some more targeted checks of centres based on certain criteria. I expect the exam boards to use the following criteria to identify centres for further checks: where the centres' submitted grades appear significantly lower or higher than past performance; where there have been significant changes in entry patterns; and where a centre is identified as needing additional support, for example because it is a new centre.

It is government policy that Ofqual should ensure the exam boards take all reasonable steps to prevent malpractice, to detect and investigate malpractice where it is suspected and to take action against those responsible which is proportionate to the gravity and scope of the malpractice.

### *Results*

In this exceptional year, this government's policy is that Ofqual should give priority to results that credibly reflect teachers' judgements about their students' performance, rather than seeking to ensure that the national distribution of grades follows a similar profile to that of previous years.

It is this government's policy that results days should be brought forward and held in the same week. This would mean that students receive their results for A/AS levels and GCSEs on the 10th and 12th of August, respectively. Results for relevant VTQs that are linked to progression to Further or Higher Education should also be issued to students on or before these dates. In this government's view, this approach is critical in order to maximise the time available before results for robust judgements and quality assurance processes, but also to allow more time for post results processes, including both appeals and transition activities for students moving between phases of education.

### *Appeals*

It is government policy that every student who believes their grade does not reflect their performance or has not been properly determined, should have a clear route to appeal this year. This reflects the views of the vast majority of respondents to the consultation. Appeals for those students whose higher education places are dependent on the outcome of an appeal should, as far as possible, be concluded in early September. I expect centres to be required by the exam boards to allow students to see the evidence on which their grade is to be determined before grades are submitted, so that students have the opportunity to raise mitigating circumstances and identify errors in advance.

The consultation proposed that centres should consider the appeal, and only submit a further appeal to the exam board if they thought their centre had not followed the exam board's procedural requirements. Having considered the responses to those proposals, the government considers this did not sufficiently take account of the workload this would place on teachers or the importance for students of having their appeal heard by a third party.

It is therefore government policy that, if a student believes their grade is wrong, they should be able to ask their centre to check for errors and make sure they followed their own process correctly. If a student still believes their grade is wrong, then the centre will submit an appeal to the exam board on their behalf. The exam board should review both the process the centre has followed and review the evidence on which a student's grade was determined to confirm whether the grade submitted by the centre was a reasonable exercise of academic judgement. If an exam board finds the evidence cannot support the grade, they should determine the alternative grade and inform the centre.

An exam board should only revise a student's grade at appeal where it finds the evidence on which the grade was determined cannot reasonably support that grade, rather than as a result of differences of opinion. Where the student disagrees with the final result issued by the exam board after the appeal, and believes the process has not been followed correctly, an application may be made to Ofqual's Exams Procedures Review Service which will review the process used by the exam board. Students should be aware that their grade can go up or down as the result of an appeal.

Students should have sufficient support to raise an appeal. As well as any support provided by centres, exam boards should also ensure that students have further support, for example by running a helpline.

There may be some students taking VTQs or other general qualifications who are unhappy with the results that they receive. It is important that students who are awarded their qualifications in a similar way to GCSEs, AS and A levels have access to a right of appeal on the same basis as those set out for GCSEs, AS and A levels, noting that the exact nature of the processes might need to differ to recognise the different nature of the qualifications.

### *Private candidates*

I am mindful that the process for determining students' grades will need to be suitable for private candidates. Government policy is that arrangements should be put in place so that all candidates, including private candidates, can have access to a grade. It is the government's policy position that a summer exam series for private candidates would not be viable, due to the ongoing uncertainty of the pandemic, the significant disruption students of all types have faced this year, and the need for fairness between private candidates and other students.

It is therefore this government's policy position that private candidates should be assessed in a similar way to other students, by a recognised exam centre using an adapted range of evidence, which could include taking the exam board provided assessment materials in a suitable form. These candidates should have the same opportunity as other students to be assessed on what they have studied, and exam boards should allow centres to conduct assessments remotely. Ofqual and the exam boards should issue guidance to specify the forms of evidence that can be used, taking into account private candidates' different circumstances.

I recognise that for private candidates to receive a grade in this way they will need to find a willing exam centre. A list will be made available of centres willing to assess private candidates. There will be a process for centres to express interest before the list is published in a few weeks. I will look to ensure costs to private candidates remain affordable. Although Ofqual cannot require particular centres to accept students, it should make sure that exam boards provide sufficient guidance on an assessment approach and support materials, as described above, to those centres that wish to carry out this role.

In most cases, private candidates taking VTQs or other general qualifications will have generated evidence that can be used to award a result. Where this is not the case, I expect measures similar to those set out above to apply.

### *Autumn exam series*

This year it is important that students have the opportunity to sit an exam if they wish to improve their teacher assessed grade. The government's policy is, therefore, that there needs to be a full series of GCSE, AS and A level examinations held in the autumn and I expect Ofqual to make provision for this.

## **Other general qualifications that are not GCSEs, AS or A levels**

It is this government's policy position that, in order to achieve fairness for students, other general qualifications that are not GCSEs, AS or A levels such as the International Baccalaureate, Pre-U, Core Maths, Extended Project Qualifications, and Advanced Extension Awards should be awarded through alternative arrangements, similar to those used for GCSE, AS and A levels.

## **Vocational and technical qualifications**

I recognise that awarding organisations have, under Ofqual's Extended Extraordinary Regulatory Framework, adapted many VTQ assessments to allow them to continue to take place whilst accounting for the impact of the pandemic, including moving some assessments online. Despite this, it is no longer viable to expect many VTQ exams to continue for all students.

This government's priority is to ensure that, like GCSE, AS and A level students, these students can progress to their next stage of life wherever possible. I want to ensure there is as much fairness as possible across VTQs and in comparison with GCSE, AS and A levels. It is government policy that the arrangements put in place allow students to be awarded results that are as consistent and reliable as possible and which promote public confidence in the results awarded. Where students are taking VTQs to enter directly into and through employment, it is government policy that the approach to assessment ensures the students can demonstrate the necessary occupational or professional standard such that they can safely carry out that employment. Where VTQs are used either to progress to education or employment, and they are unlike GCSEs, AS or A levels, it is this government's policy that exams and assessment for these continue in line with public health measures, but with alternative arrangements available for those who cannot access the assessments.

I recognise that VTQs are different from GCSEs, AS and A levels, and the landscape is far more complex with VTQs ranging in their purpose, size, structures, assessment types, and levels, and the students taking them and providers delivering them are more diverse. I therefore acknowledge that they cannot all be subject to the same awarding arrangements.

I set out in this direction the government's policy intention for three broad groups of VTQs. Ofqual consider how to set out the permitted approaches for awarding organisations including whether to issue a revised framework. This direction relates to all publicly-funded (including, for example, loans and AEB) regulated qualifications from entry level to level 6. I understand that Ofqual may choose to apply the approaches to non publicly-funded regulated qualifications. The policy position set out in this direction applies to all students expecting to sit exams or assessments in the academic year 2020/2021 whether or not they are certificating this year.

Like GCSEs, AS and A levels, the performance standard for VTQs and other general qualifications should be broadly the same as in previous years.

### *Qualifications similar to GCSEs, AS and A levels used for progression to further or higher education*

Like GCSEs, AS and A levels, students taking these qualifications will have experienced, and continue to experience, disruption to their education as a result of the limited access to schools, colleges and other FE providers. It is for this reason that, to provide as much fairness as possible for these VTQ students, the government's policy position is that it is not viable for external exams for these qualifications to go ahead. Instead, results should be awarded through alternative arrangements similar to those used for GCSEs, AS and A levels. This will apply to many VTQs approved for performance tables including Applied General Qualifications, such as many BTECs, Cambridge Nationals and Technicals, Tech Levels, Technical Awards and Technical Certificates. There will be some VTQs not approved for performance tables which also fall within this group. Given the diversity of these qualifications, the precise alternative arrangements will not be the same in all cases and I ask that Ofqual and awarding organisations seek to ensure as much alignment and consistency as possible across similar qualifications where relevant to provide as much fairness to students as possible.

There will be some qualifications in this group which have an element of occupational competence that needs to be assessed, such as Early Years and Childcare qualifications, but which students are using for progression to higher education rather than directly into employment. This government's priority is to enable students to progress onto their next stage wherever possible. Therefore, I am asking Ofqual to work with awarding organisations to consider how results can be awarded so that students are not held back from progressing to higher education.

Most VTQs in this group will have some internal assessment throughout the course of study. Like non-examined assessment for GCSEs AS and A levels, I recognise the value of internal assessment for VTQs in supporting continued learning, as well as the evidence it can provide to inform results awarded through alternative arrangements. It is government policy that evidence generated through internal assessment is used in the alternative awarding arrangements wherever possible, but I recognise that the disruption to learning means that, like external exams, internal assessment will have been, and continue to be, impacted. I ask that Ofqual works with awarding organisations to ensure that the alternative arrangements developed to award qualifications account, where necessary and appropriate, for the circumstances in which internal assessment is not completed.

This is the first year in which students will be taking T Levels and we must ensure the approach taken to these qualifications enables students to progress through the course and have the opportunity to do well in the second year. Therefore, it is this government's policy position that students should be able to receive grades for the core component in August this year and that alternative arrangements for the award of these grades are available to 2020 T Level providers. I request that Ofqual works with my department, the Institute for Apprenticeships and Technical Education, awarding organisations and providers to agree the alternative arrangements for grading the core component. The arrangements should recognise that, unlike other qualifications, there is no historical delivery which can be used to inform alternative

assessment in relation to the core component. I would ask that the arrangements are communicated to providers at the first available opportunity.

*Qualifications used to demonstrate occupational or professional competence to enter directly into employment*

For some VTQs, the exams or assessments are critical for the qualification to be awarded reliably and safely. This will primarily be the case for exams and assessments that are taken to demonstrate occupational or professional competence or proficiency. This will include, for example, professional accounting assessments, health and safety critical skills relating to machinery and construction, and skills in health and social care, plumbing, electrics, animal care and land management. These are needed for students to enter directly into, or progress through, employment or apprenticeships, as employers need to be confident that the individual has the appropriate professional or occupational competence to safely fulfil the job. I recognise that in these cases, it would not be appropriate to use alternative arrangements to safely assess these students' skills and knowledge. Providing a result that signals competency that has not been evidenced to the usual expected standards creates risks, including those relating to health and safety. It could mean that a student does not possess the skills required by the role to which the qualification relates or does not meet the standards set by professional bodies or in regulations.

For these qualifications, the government's policy position is that exams and assessments continue to be delivered where that can be done in a Covid-secure way in line with PHE measures. I know that awarding organisations have already made some adaptations to these qualifications, and that further adaptations may be required to take account of the ongoing impact of the pandemic. I recognise the importance of students having access to specialist equipment for these sorts of qualifications, and that is why we are prioritising on-site access to colleges and FE providers for FE students taking exams and assessments that cannot be adapted or delivered remotely in these qualifications in February and March, as well as on-site learning for those in training for some critical worker roles that are due to complete in February and March.

I recognise that there will be some students taking these qualifications who cannot be provided with a result because the assessment cannot be adapted while still remaining fit for purpose nor be delivered safely, or where the student is not ready to take the assessment. In these instances, the government's policy is that the exam or assessment will have to be delayed. I ask that Ofqual works with awarding organisations to seek to minimise the risk of delay as far as possible, and my department will continue to work at pace to consider the wider measures needed to support students to catch up lost learning as a result of the pandemic.

*Qualifications not similar to GCSEs, AS or A levels and used for mixed purposes*

Other VTQs may be used by students for progression to FE or HE but are different to GCSEs, AS or A levels in their structure or assessment delivery. These tend to be smaller qualifications, they may not run to an academic timetable, and students only

sit the assessments when they are ready to do so. They tend also to be at lower levels.

This structure of these qualifications means the impact of disruption may be less as students may already be ready to take the assessment or be able to catch up later in the spring and summer. This will include qualifications such as Functional Skills Qualifications and English for Speakers of Other Language Skills for Life Qualifications. Unlike last year, many awarding organisations now have remote solutions in place and students should not be prevented from accessing these exams and assessments where they are ready and where the assessments can be delivered in line with PHE measures, in-person or remotely. Therefore, the government's policy is that these should continue to be offered, but with alternative arrangements available for those who cannot access them. I ask that Ofqual monitors how awarding organisations implement the alternative arrangements to ensure these are only accessed where appropriate and necessary.

#### *Level 4 and 5 qualifications*

Level 4 and 5 qualifications are awarded by both Ofqual-regulated awarding organisations and Office for Students regulated higher education institutions (HEIs). The qualifications cover a broad range of learning aims, including progression, entry into employment and professional recognition or a mix of these. While we would ideally have parity across the L4/5 landscape and more broadly, I recognise that the autonomy of HEIs to determine their own approach to examinations, and the different modes of delivery across a wide range of subjects, mean that a fully consistent approach is neither practical nor desirable. I also recognise that the sector has already undertaken considerable work to enable L4/5 students to be assessed.

Therefore, it is this government's policy that the policy position for VTQs set out above is applied to qualifications at level 4 and 5.

#### *Autumn series*

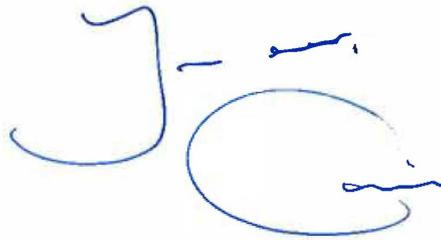
Like GCSE, AS and A level students, it is important that students have the opportunity to sit an exam if they wish to improve on their teacher assessed grade. Therefore, I expect Ofqual to work with awarding organisations to determine whether there is need for different provision of autumn and winter assessments beyond those already provided and I look forward to advice from you on this.

#### **Next steps**

Accordingly, pursuant to the power of direction referenced above, I hereby direct Ofqual to have regard to this policy. I ask that Ofqual considers this direction, and takes its decisions in the light of it, making the appropriate changes to its regulatory framework. Ofqual should work with exam boards, awarding organisations, teachers, tutors and other professionals in the education and skills sector, to give effect to the decisions taken in light of the policy positions outlined above as rapidly as possible to ensure there is clarity for those individuals studying these qualifications, as well as providers.

I know that you are working closely with my officials on these proposed arrangements and I am sure you will continue to, so the department is sighted at the earliest possible stage on any issues or risks that may arise.

This letter will be published as a direction under section 129(7) of the Apprenticeships, Skills, Children and Learning Act 2009. I am copying it to: Ian Bauckham, acting Chair of Ofqual; Robert Halfon MP as chair of the Education Select Committee; to Kirsty Williams AM and Peter Weir MLA as Education Ministers in Wales and Northern Ireland respectively; and to John Swinney MSP as Cabinet Secretary for Education and Skills in the Scottish Government.

A handwritten signature in blue ink, appearing to read 'Gavin Williamson', with a large, stylized 'G' and 'W'.

**Rt Hon Gavin Williamson CBE MP  
Secretary of State for Education**