

Predicted Grades 2021

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Following the chaos that ensued last Summer, the government has confirmed how academic qualifications including GCSEs and A-Levels will be assessed in the Summer of 2021. Whilst it had been hoped that in-person examinations would go ahead as usual, the second wave of Covid-19 and further lockdowns meant the closure of schools and put paid to the hope of normal examinations. In summary, and following a brief consultation, students will be awarded grades based on an assessment by their teachers.

It will be welcome news that the government does not intend to use the algorithm used in an attempt to ensure grade consistency last year, however, pressure will inevitably be re-focussed on schools and their teachers' decisions as to grades.

In making their judgment, teachers have been advised to take into account a wide variety of evidence which can include:

- student work produced in response to assessment materials provided by the exam board, including groups of questions, past papers or similar materials such as practice or sample papers
- non-exam assessment (NEA) work such as coursework, even if this has not been fully completed
- student work produced in centre-devised tasks that reflect the specification, that follow the same format as exam board materials and have been marked in a way that reflects exam board mark schemes - this can include:
 - substantial class or homework (including those that took place during remote learning)
 - internal tests taken by pupils
 - mock exams taken over the course of study
 - records of a student's capability and performance over the course of study in performance-based subjects such as music, drama and PE
 - records of each student's progress and performance over the course of study.

Exam boards will provide schools with guidance to help teachers make fair and consistent judgments. Assessment materials were provided at the end of March including mark schemes, exemplar responses and data on past performance where available. Requirements for schools and colleges' quality assurance processes were published by exam boards and processes for all schools and colleges will be checked by the exam boards before they submit grades. However, a head teacher or principal were also required to submit a declaration to the exam board confirming that they have met the requirements for quality assurance.

Exam boards will then undertake quality assurance by way of random samples of evidence from schools and colleges during June and July. Exam boards will not re-mark the student's evidence or give an alternative grade, but they will decide whether the grades determined by the school or college are a reasonable exercise of academic judgement of the students' demonstrated performance and ask the school/college to investigate if they are not satisfied. Grades will only be changed if the exam board remains dissatisfied following the outcome of the investigation by the school or college, or if evidence of malpractice is found.

Students will be entitled to appeal their grades and schools should ensure that they have clear processes in place to deal with this, including a clear record of the evidence used in determining the disputed grades. Complaints should first be made to the school or college and if the student remains dissatisfied, complaints may be escalated to the exam board which will adjudicate on the evidence presented. Grades could of course go down as well as up.

Given the continued disruption to education this year, it is likely that teachers will face significant challenges in making judgments about students' grades and there is likely to be significant disparities between schools and students. Whilst teachers are expected to inform students of the evidence that is and will be considered in making the assessment, students will not know their final grades until publication date which will be 10 August for A-Levels and 12 August for GCSEs. The government has pledged that no student will be worse off as a result of the disruption caused by the pandemic. It has been predicted that this will result in grading being generous and grades may rise across the board. The guidance yet to be published by the exam boards may mitigate against this.

Those students who have faced significant challenges will be able to provide evidence of any mitigating circumstances in appealing the grades given. These measures will no doubt assist in the government's aim of making it "*no harder overall for this year's students to receive a particular grade than students in other years*". However, appeals of grades are free and given the disruption, may result in schools dealing with a high number of appeals. It is therefore essential that schools make

careful preparations for the recording of evidence for teacher assessed grades. Schools must be able to show a clear and consistent approach taken to assessment.

Given the significant impact that this may have on students opportunities to pursue their chosen career path and Ofqual's guidance to disgruntled students to complain to their institution in the first instance, it is likely that there will a number of complaints which may in turn lead to claims. As part of this process it is likely that schools will receive data subject access requests from students seeking information in relation to teacher assessment. In the event that it is not possible to resolve students' concerns, schools may face claims for breach of duty/negligence and/or Equality Act claims. Independent schools may also face breach of contract claims where students and/or parents may feel aggrieved that the fees paid do not reflect value for money in the grades received.

After two school-years of severe disruption, ensuring fairness will be a challenging task. Assessing the appropriate grade will be particularly difficult for schools where whole year groups have repeatedly been sent home or where there has been a change in teacher. There are warnings of extremely high grade inflation. Nevertheless, there will always be pupils dissatisfied with their results and claims can be expected to arise. Schools and colleges will need to ensure that they comply with Ofqual guidance and that they keep a clear record of how individual grades were assessed.

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