

In May 2020, Qualifications Wales invited responses to their consultation on the proposed measures for awarding GCSE and A-Level qualifications in Wales. This response was submitted online but we have replicated our responses below.

4. Learners for whom a qualification-level centre assessment grade and rank order are submitted will receive a grade.

a. To what extent do you agree with this aim? (Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

The National Deaf Children's Society Cymru appreciates that these are exceptionally difficult times and that decisions are required at pace. However, as we will indicate throughout this response, we are concerned there may be equality issues for some deaf learners within the proposals set out in this consultation. In particular, we are mindful of the following issues:

- Calculated grades may be based upon work or mock exams undertaken when the learner did not have appropriate support in place
- Calculated grades may be based upon modules that a deaf student may have found more challenging compared with later modules
- There may be an unconscious bias of lower expectations of deaf learners.

As a result of these concerns, the National Deaf Children's Society Cymru particularly recommends:

- That Qualifications Wales recommends input be sought from specialists who normally work with students who have additional learning needs, such as Teachers of the Deaf. This would be in line with the recent decision from Ofqual, see page 7 at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/883150/Summer_2020_grades_for_GCSE_AS_A_level_guidance_for_teachers_students_parents_UPDATED_05MAY2020_FINAL.pdf. This would also be in line with recommendations from the British Association of Teachers of the Deaf (BATOD):

In BATOD's view it is vital that QToDs working with deaf candidates are involved in this process as otherwise grades may be allocated which do not fully take into account the implications of the candidate's deafness and any access arrangements which would have been in place. Centres may approach services for this information but it is possible that they may not so it is important that the relevant QToD contacts the schools as soon as possible where there are deaf candidates who would have been sitting examinations to ensure that there is specialist input in the decision-making.

<https://www.batod.org.uk/examination-grades-for-deaf-candidates/>

- That an appeals process be in place for students with disabilities where they believe the advice teachers would have relied on was unfavourable due to barriers to access.

- That Qualification Wales consider collecting data on calculated grades for deaf students with the aim of this data being compared with the average grades for deaf students in recent years (taking into account data trends). This would assist in understanding whether deaf students have been adversely affected by this year's arrangements.
- We note that the Ofqual consultation references the possibility of Heads of Centres signing declarations- a statement which is not mentioned in the qualifications Wales consultation. We believe that requiring Heads of Centres to sign a declaration which refers to equality law could provide another safeguard for consideration of the evidence collected.
- Requiring centres to publish what sources of evidence they have considered would assist with accountability and encourage centres to form a holistic assessment of student ability.

As an example, we wanted to highlight the below as a case study of a concerned parent in Wales who has contacted the National Deaf Children's Society Cymru on this issue:

"[X] started studying for [their] GCSE exams in May 2018, this was long before any help for [them] was established. In Jan 2019 [they] started to have a TA in many lessons, a radio aid, maths intervention. When [they] took her Science modules in June 2019 [they] had access to extra time but not a reader, hence not doing so well in those exams. [X] has continued to have support in school, but for many of the tests [they] did in class (which could contribute now to [their] final grade) [They] did not have a reader present and may not have had the extra time.

In January 2020 [X] now has access to a reader in [their] GCSE exams, this has already made a huge difference to [them] where [they] gained a C grade in Health and Social care and a C grade in English literature ([they] was 2 marks off a B grade). These exams gave [X] incredible confidence and made [them] even more determined for the Summer exams, [they] said [they] felt it really helped [them] with the reader.

[X] was due to resit all [their] science modules from last year and would not really want 2019 results to be looked at this year, [X] was upset at the exams being cancelled as [they] felt [they] really wanted to prove that [they] could do this. I think for X [they] feels [they] has not been able to show many of [their] teachers what [they] is really capable of through having a reader."

5. The outcomes for summer 2020 will be broadly similar to those in previous years.

a. To what extent do you agree with this aim? (Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

As outlined in the previous question, the National Deaf Children's Society Cymru believes there is merit in Qualification Wales considering collecting data on calculated grades for deaf students and comparing them with the average grades for deaf students in recent years to help to understand whether deaf students have been adversely affected by this year's

arrangements. However, this would need to take into account data trends as we are mindful that for the past three years, the year on year absolute and relative attainment gap between the achievements of key stage 4 students who are deaf (with no other additional needs) and their peers who have no registered additional learning need has been closing.

6. A statistical standardisation model which uses historical evidence of centre performance and the prior attainment of learners, along with the centre assessment data, is likely to be the fairest approach and produce more accurate calculated grades.

a. To what extent do you agree with this aim?

(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, **unsure**)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

We have some concerns about how the standardisation process could impact deaf students with other additional learning needs who attend special schools/colleges. These centres will typically have a small cohort, with varying needs each year, meaning the results can be prone to fluctuate from year to year. This means that the weighting given to historical evidence of performance at a centre could disadvantage deaf students in special schools/colleges.

We appreciate that modifying candidate rank orders on the grounds of holding a protected characteristic would present its challenges. However, we suggest that Qualifications Wales could collect and analyse data on the grades given to deaf students and compare those grades to the average grades and data trends for deaf students in previous years. This would help to consider whether any additional measures are needed to ensure deaf candidates are not being disadvantaged by biased grading.

Our concerns are echoed by the Equality and Human Rights Commission who, in their response to Ofqual's consultation, have stated their fear that disabled students could be disadvantaged through the use of predicted grades. They've also recommended that:

“Ofqual should publish a report evaluating the predicted grades process and outcomes for pupils. If the evaluation reveals higher than average disparities for pupils with protected characteristics, these should be investigated thoroughly, with appropriate remedial action taken”

<https://www.equalityhumanrights.com/en/our-work/news/predicted-grading-during-covid-19-could-limit-young-peoples-futures>

7. As far as possible, we should ensure that the process for awarding grades in summer 2020 will not disadvantage groups of learners, including those with protected characteristics, relative to previous years.

a. To what extent do you agree with this aim?

(**Strongly agree**, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Ensuring students with protected characteristics are not disadvantaged by the proposed grading process should be a matter of course. However, as identified in response to question 4, we feel that deaf learners face potential risks of being disadvantaged under these proposals and have suggested recommendations in response.

Some students with disabilities may be at risk of being ranked on the basis of evidence collected from previous activities or assessments that were not fully accessible to them. Centres have been advised to use a broad range of evidence to rank students and calculate grades. However, there is no clear accountability on the type of evidence used.

As outlined earlier, and in line with the recent Ofqual announcement, to mitigate the risk of deaf students being disadvantaged, we believe that there should be strong recommendations for centres to seek evidence from SEN/ ALN specialists that work with the student within the centre: such as Teachers of the Deaf. This could help determine how well the student would have performed in an exam where access arrangements and reasonable adjustments were in place.

We would also call for an appeal process for students with disabilities were they believe the evidence teachers would have relied on was unfavourable due to barriers to access.

8. Processes for issuing grades in summer 2020 will use results from any qualifications and units already completed and awarded. As such, the evidence used may differ across qualification types.

a. To what extent do you agree with this aim? (Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

As identified earlier in our response and from our case study, unfortunately there are some students for whom appropriate access and support may not have been in place for mock exams and previous work. We urge that seeking advice from specialists such as Teachers of the Deaf or ALNCoS could help to mitigate this risk.

We also believe that there should be methods of appeal for learners where they feel they have been disadvantaged on such grounds.

Appeals

9. Learners who are dissatisfied with their results this summer will not be able to appeal against the professional judgement made by their centre, or the procedure used by their centre to arrive at this judgement.

a. To what extent do you agree with this proposal?

(Strongly agree, agree, partly agree and partly disagree, disagree,
strongly disagree, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

As outlined at the start of this response, the National Deaf Children's Society Cymru is concerned that there is a risk that deaf students could be disadvantaged.

Whilst we understand there are enormous practical implications for enabling a student appeal process, we believe that the proposals are too strongly weighted towards the protection of centres and exam boards. Without any transparency about what evidence has been used to calculate a student's grade, it will be very difficult for a student to challenge on the grounds of malpractice. We also believe the right of appeal should be open to learners where they consider their grades rely on unfavourable evidence due to barriers of access.

The proposed approach also means there is a lack of accountability on the evidence used by centres. Requiring centres to publish what sources of evidence they have used to calculate a grade would introduce a degree of accountability and encourage centres to form as holistic an assessment of a student's ability as possible.

We believe that there needs to be sufficient accountability of the statistical standardisation model that is used. We do not yet have full details of the algorithm that will be used and if it is not published in advance of its use, it cannot be properly scrutinised to ensure that students in special schools are not disadvantaged by it.

We also wanted to take this opportunity to highlight comments from the Equality and Human Rights Commission. In its response to Ofqual's consultation, has stated:

"Ofqual should publish a report evaluating the predicted grades process and outcomes for pupils. If the evaluation reveals higher than average disparities for pupils with protected characteristics, these should be investigated thoroughly, with appropriate remedial action taken"

Further stating that

"in the event that pupils are not happy with the outcome of their assessment and awarded grade, they must have a meaningful and timely route of appeal"

<https://www.equalityhumanrights.com/en/our-work/news/predicted-grading-during-covid-19-could-limit-young-peoples-futures>

10. Centres will be able to appeal to WJEC on the grounds that they used the wrong data when calculating a grade, the calculated grades generated by the statistical standardisation

model were incorrectly allocated or communicated and/or there was some other procedural failing on the part of WJEC.

a. To what extent do you agree with this proposal?

(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

11. For results issued this summer, we should require WJEC to only consider appeals submitted by centres, and not those submitted by individual learners.

a. To what extent do you agree with this proposal?

(Strongly agree, agree, partly agree and partly disagree, disagree, **strongly disagree**, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

As outlined at the start of this response, the National Deaf Children's Society Cymru is concerned that there is a risk that deaf students could be disadvantaged.

Whilst we understand there are enormous practical implications for enabling a student appeal process, we believe that the proposals are too strongly weighted towards the protection of centres and exam boards. Without any transparency about what evidence has been used to calculate a student's grade, it will be very difficult for a student to challenge on the grounds of malpractice. We also believe the right of appeal should be open to learners where they consider their grades rely on unfavourable evidence due to barriers of access.

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We believe that there needs to be sufficient accountability of the statistical standardisation model that is used. We do not yet have full details of the algorithm that will be used and if it is not published in advance of its use, it cannot be properly scrutinised to ensure that students in special schools are not disadvantaged by it.

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<https://www.equalityhumanrights.com/en/our-work/news/predicted-grading-during-covid-19-could-limit-young-peoples-futures>

12.If an appeals process identifies an error that would result in a lower grade for learners other than those cited in the appeal, then WJEC should not lower these grades.

a. To what extent do you agree with this proposal? (Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, **unsure**)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

13.WJEC should be required to take all reasonable steps to ensure that all appeal decisions are taken by people who were not involved in the process leading to the issue of those results.

a. To what extent do you agree with this proposal? (Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, unsure)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

We understand the value of independence. We have recommended that appeals be available to learners who feel disadvantaged by access barriers. In such appeals, input of specialist professionals working with learners, such as Teachers of the Deaf could be helpful.

14.WJEC should be permitted to run a simplified appeals process whereby the decision-maker considers a report by the member of staff conducting the administrative review and any representations made by the centre in light of that report.

a. To what extent do you agree with this proposal?

(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, **unsure**)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

15.The only functions of the Exam Procedures Review Service (EPRS) this summer will be to review:

1. the extent to which WJEC was compliant with our requirements and with their own policies and procedures, or

2. if any error was identified in the data used to generate the calculated grade(s) and/or in the grade(s) issued, whether that error was properly corrected.

a. To what extent do you agree with this proposal?

(Strongly agree, agree, partly agree and partly disagree, disagree, strongly disagree, **unsure**)

b. Please clearly explain the reasons for your answer in the space below. (If you have disagreed or strongly disagreed, where possible, please outline what you consider to be a suitable alternative or solution.)

Integrated Impact Assessment

Regulatory Impact Assessment

In section 3 of the consultation document, we have set out the regulatory impacts we anticipate from the proposals in this consultation. When responding to the following questions, please make it clear which proposal(s) and/or impacts you are referring to.

16. In relation to the regulatory impacts that we have identified in this section, are there any additional steps that we could take to reduce them? If so, please outline these steps in the space below.

As highlighted at the start, and throughout this response, we feel that deaf learners face risks of being disadvantaged. We believe that further actions should be taken to mitigate these risks. These recommendations include consulting with specialist support staff, enabling learners to appeal where they believe their grades are based on evidence where access barriers were in place, and consideration of reviewing data by ALN type as a means of quality assurance.

We note that the RIA states that:

“We have made a concerted effort to communicate with learners through various channels on a regular basis, and to reassure them that they can have confidence in the process that will be used for awarding this year” (p.31).

We seek clarification on how these messages have been communicated to learners with additional learning needs.

17a. Are there any other positive or negative regulatory impacts (intended or unintended) that we have not already identified? (If you have identified both positive and negative impacts, please select both options in the list below)

- i. Yes, there are other positive impacts
- ii. **Yes, there are other negative impacts**
- iii. No, there are no other impacts
- iv. Unsure

17b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.

Where students have concerns that they may not receive an appropriate grade due to access barriers and circumstances as outlined within this response, there is an emotional strain. This is highlighted in the case study we provided earlier in this response. The uncertainty and lack of

ability to register these concerns ahead of grades being appointed could add to the anxiety of students in similar situations to that of our case study.

Equalities Impact Assessment

In section 3 of the consultation document, we have considered the potential impacts of the proposals in this consultation on individuals or groups who share protected characteristics under the Equality Act 2010. When responding to the following questions, please make it clear which proposal(s) and/or impacts you are referring to.

18. In relation to the impacts that we have identified in this section, are there any additional steps that we could take to reduce them? If so, please outline these steps in the space below.

Yes. Throughout this consultation we have made recommendations with the aim to mitigating against equality risks. These include:

- Involve specialists such as Teachers of the Deaf in the assessment process
- Allow learners to appeal where they feel grades are based on evidence for which access barriers were in place.
- Collect data on learners by ALN to assist with identifying if these groups have been disadvantaged under the 2020 arrangements and make this available of the public as per the annual PLASC (Pupil Level Annual School Census) in order to provide transparency.
- Require centres to publish what sources of evidence they have used to calculate a grade would assist accountability and encourage centres to form a holistic assessment of a student's ability.

19a. Are there any other positive or negative impacts (intended or unintended) for individuals or groups who share protected characteristics that we have not identified? (If you have identified both positive and negative impacts, please select both options in the list below).

i. Yes, there are other positive impacts

ii. **Yes, there are other negative impacts**

iii. No, there are no other impacts

iv. Unsure

19b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.

The EIA does not address the impact for some disabled students who might not have had adequate access provisions in place for the assessments on which their final grade will now be based.

The EIA states that teachers are best placed to make the decision on learner's grades. It does not, however, mention the value of input of specialist teachers and staff, such as Teachers of the Deaf.

Welsh Language Impact Assessment

In section 3 of the consultation document, we have also considered the potential impacts of the proposals in this consultation on the Welsh language.

When responding to the following questions, please make it clear which proposal(s) and/or impacts you are referring to.

20a. Are there any positive or negative impacts (intended or unintended) on opportunities for people to use the Welsh language that we have not identified? (If you have identified both positive and negative impacts, please select both options in the list below)

- i. Yes, there are other positive impacts
- ii. Yes, there are other negative impacts
- iii. No, there are no other impacts
- iv. Unsure

20b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.

21a. Are there any positive or negative impacts (intended or unintended) in relation to treating the Welsh language no less favourably than the English language that we have not identified? (If you have identified both positive and negative impacts, please select both options in the list below)

- i. Yes, there are other positive impacts
- ii. Yes, there are other negative impacts
- iii. No, there are no other impacts
- iv. Unsure

21b. Please explain your answer in the space below, clearly outlining what other impacts you have identified and any steps we could take to reduce this impact.

Additional information

22. We may wish to contact you to discuss your response further. If you are happy for us to do so, please provide your contact details below.

Name: Danielle Gazi

Email: campaigns.wales@ndcs.org.uk