



SSAT policy update 9 July 2020

Tom Middlehurst, Head of Policy and Public Affairs

GCSEs and A-levels 2020

Latest on confidentiality, FOIs and subject access requests

Confidentiality of CAGs and rank orders

- Until A-level and GCSE results, schools must keep both centre-assessed grades (CAGs) and rank order confidential
- Any staff member who discloses this information, either directly or indirectly (e.g. “Think about what your last mock grade was / what’s your predicted grade) has committed exam malpractice
- But **before, on and after** results’ day students can request their CAG, rank order, and any information you hold that relates to how those decisions were made ...

Data Regulation Act 2018

- Under the Data Protection Act 2018 (GDPR) both schools (centres) and awarding organisations are deemed to be data controllers
- Ofqual's guidance makes clear that students can request their CAG and rank order, and that schools should have a clear process for how to do this, and how to respond
- Even without this guidance, a request should be regarded as a formal subject access request or a freedom of information request FOI – and you must legally follow this up

Subject access request v FOI

The type of request will depend on the wording of the request. The request does not need to use either type of terminology (the act favours the data subject).

Freedom of information request

This is likely to be a general question about how your school made decisions about CAG and rank order, including any documentation sent by SLT / HODs, and any training given to staff.

Subject access request

Is more likely, and is a student requesting the grade they were given by the school and their rank order **and**, potentially, any documentation that relates to this

What constitutes a DSAR?

- **Any** verbal or written request for personal data must be considered a DSAR, even if the subject (student) doesn't realise they are making one
- There is no formal language that has to be used, or particular form to fill in
- Eg. an email, zoom chat message, WhatsApp saying “Sir/Ms, can you tell me your grade?” is legally a subject access request, and must be followed up
- Potential tension between what's legally the right thing to do v what's right for the student and school

What do you have to provide, and when?

- Any verbal or written requests made before results day (ie since March) should have already of been logged and sent to your school / trust's Data Protection Officer
- The legislation allows you to delay answering, but you must answer within 5 months or 40 working days, and acknowledge the request
- On or after results day, any request must be answered within one month
- What you have to provide depends on the wording of the 'request'. If a student asks how their CAG was reached this includes ANY written discussion of their CAG / rank order including emails, deleted emails, recorded virtual meetings, etc. Obviously, any email relating to personal data such as CAG has had to have been tagged to the student since 2018 – this is likely to be the first time schools' data practices are tested

Rank order or not rank order

- One of the reasons for exemption is whether disclosing personal data reveals another subject's personal data
- This is especially true of rank order for small subjects, where disclosing rank order of one student may identify another student's rank order
- Unfortunately, the DfE and ICO have not provided guidance of this; schools have got to decide, on a case by case basis, whether disclosing rank order will reveal another student's personal data
- Yet another challenge for the summer – how can you prepare?

Can you provide CAGs to all students in results day?

- There is no legal prevention stopping this, but it must be line with ICO guidelines and your school's data policy
- Think through the implications of both approaches carefully – will receiving CAGs affect students and families' relationship with you as a school
- Protecting wellbeing of staff

Data checklist

- All staff understand the 2018 legislation and have already and continue to log and refer any formal/informal FOIs and subject access requests. Do teachers know who your Data Controller is?
- Are you confident that all personal information is tagged on your CRM / other data system, and can be accessed easily?
- If not, are you confident you could respond to a comprehensive request within the 40 day timeframe?
- Is your published Data Protection Policy up to date, including contact information?
- Do you have a streamlined process for requesting this data for this summer?
- Have you already made a decision as a school about when a rank order disclosure will be allowed or not?

National predicted statistics

The **national** level expected grade distributions for GCSE take into account:

- 2017 and 2018 but **not** 2019 results in English and maths
- 2018 and 2019 results in other reformed subjects
- Normal formula used for newly reformed subjects

What does this mean for school-level standardisation? This formula is embargoed until results day

Appeals

- The grounds for appeals are very limited. Appeals cannot be made by students, only by schools on behalf of students
- Only grounds for appeals is if the data was corrupted / inputted wrongly
- Students **cannot** appeal their CAG or rank
- Schools **cannot** appeal on the basis of the standardisation formula or mitigating circumstances (e.g. genuinely expecting better results)
- Students can appeal if they have evidence of bias or exam malpractice

Autumn series

- All subjects for all exam boards are mandated to put on autumn series
- October for A-levels (results before Christmas), November for GCSEs (results by February)
- Same number and same style of exams as usual
- No NEA except in art and design
- Only students who were entered for the summer series are eligible
- No legal obligation for centres to offer autumn series, although the guidance strongly urges schools and colleges to
- How useful is it to encourage the autumn series? Focus on progression

Results day considerations

- Are you opening the school or doing it virtually?
- What support are you offering students? Will all students be contacted personally (cf Owen Williams)
- What CIAG advice can you give? It's likely that conversations with colleges and universities will be different this year
- Focus on progression. If a student can go on to their next stage of education, it's unlikely that resitting a subject will be helpful to them

School reopenings in September

Key starting points

- All students back, all of the time, teaching a full broad and balanced curriculum
- DfE guidance states that there is no one-size-fits-all-approach and school leaders will need to make decisions based on local context
- Guidance brings in no new legal duties. Where something is a matter of public health, the word 'must' is used

Public health advice

- More frequent handwashing, catch-it bin-it kill-it, more cleaning, minimize contact and promote social distancing
- If a student develops symptoms they should not attend school and should self-isolate for 7 days
- If awaiting collection at school they should be in a separate room, behind a closed door, with an open window. Access to a separate toilet. Staff helping them don't need to self-isolate unless they themselves develop symptoms

Bubbles

- Class-size at primary and KS3 where possible
- Year-group size at secondary / KS4
- Minimise contact between bubbles including staggered breaks, and start and finish times
- Siblings can be in different bubbles
- No assemblies or meetings larger than a bubble
- Teachers can move between bubbles but should stay 2m from students. Use of staff rooms avoided
- Not an all-or-nothing model
- Test and trace – but you don't need to ask for results
- If two or more students test positive, the local health team may request entire bubble self-isolates for 14 days

Operations

- Transport
- Attendance (compulsory unless following public health guidance. Shielding ends on 1 August. Schools should issue penalties as normal).
- Likewise, most staff should come in as shielding ends on 1 August
- Educational visits allowed but not overnight
- DfE recommend school uniform policies are enforced. Uniforms don't need to be cleaned any more than usual
- Extra-curricula provision encouraged and can operate as additional small bubbles
- Remind staff they need to be back from foreign holidays that **aren't** on the green list two weeks' before term starts so they can self isolate for 14 days

Curriculum, behaviour and pastoral support

- Teach a full, broad and balanced curriculum
- Return to full school curriculum in all subjects by summer 2021
- Plan the curriculum based on formative assessment
- Be ready to deliver the full curriculum virtually in case of bubble / local / national lockdowns
- May reduce some subjects but must have clear rationale (until summer 2021)
- SRE curriculum compulsory
- £650m catch-up funding for schools
- Focus on pastoral support
- Focus on behaviour including students facing front, not in groups

Accountability and assessment

Business as usual – more to follow!

Managing outbreaks – remote learning

- Remote learning should be in place for whole cohorts or even small groups of students by 30 September
- Should be the same amount of content and time as in-school and should include daily interaction with teachers
- Oak National Academy

Curriculum, accountability and assessment

Ofsted

- Full S5 and S8 inspections suspended until January 2021
- From September, Ofsted 'visits' (not inspections) will start and will focus on how effective schools are reintegrating students, managing return, and are prepared for remote learning
- **All** inadequate schools to be visited between September – December, as well as sample of RI, good and outstanding schools
- No formal judgement, but the visit will be followed-up with a published letter, and could result in further action if deemed appropriate
- Operational note will be sent in September. EIF suspended until January
- Schools will have one day's notice of visit.

School performance measures 2020

- No data published
- Data must not be used in future inspections and for performance management this year
- What narrative will you tell in August?

- How will you baseline year 7s? How will this inform future planning?

School performance measures 2021

- KS2 tests confirmed as going ahead
- Various government documents suggest KS4 and KS5 performance measures will go ahead as usual, although speculation measures will not be published or will be limited
- Impact of early entries in 2020 – especially GCSE English and A-level maths

Exams in 2021

- For most subjects, in most exams the full content is to be covered
- Some exemptions from assessment such as speaking and listening in English language, doing experiments in science, and geography field trip
- Students watch experiments (science) and use of machinery (design technology), and watch a streamed theatre production rather than in-person (drama)
- Maybe content sampling in subjects but definitely not in English, maths, science of A-level
- Optionality in history GCSE
- Potential for all or some exams to be pushed back to after 7 June
- Use of standardisation formula

Some curriculum questions to consider

1. To what extent has your school curriculum been delivered during lockdown?
2. On school reopenings, how will you use existing and / or new assessment strategies to find out what students know and what they don't?
3. Do your KS3 teachers know the KS2 NC?
4. What about a 'recovery curriculum'?
5. How to close the disadvantage gap? Has your disadvantage profile changed?
6. A period of blended learning? Issues of workload
7. Changes to the planned timetable / KS4/5 options?
8. Further cultural capital challenges

Other policy and leadership considerations

Home learning and disadvantage

- IFS study shows students from better-off households are undertaking an average of 30% more time learning than the poorest fifth of students (i.e. 1hr 15 mins per day)
- Study also showed that while around 50% of better-off parents would send their child back to school from 1 June, only 30% of the most disadvantaged parents would

DfE focus on HE – possible curriculum considerations

- 12 new policy advisors being recruited to focus on FE and HE policy
- Williamson is particularly keen to change HE admissions, with students applying for university after getting results:
- Uni year changed to January start
- A-levels moved forward 5 weeks and uni start back 5 weeks
- Current timetable used but with a short turn-around of offers made
- Unis make offers as they currently do, but students don't get the offer till results day

Funding

- £560m for building repairs
- £650m in catch-up funding for schools and colleges
- £350m for 1-1 catch-up tuition
- £101 million for 18-19 year olds school returners doing 'valuable' level 2 and 3 courses for an additional year
- Schools part of £1bn energy efficient grants

Final Q&A