

UCU and NUS joint Letter to Secretary of State Gavin Williamson

18 August 2020

Gavin Williamson
Secretary of State
Department for Education
20 Great Smith St
Westminster
LONDON
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Dear Mr Williamson

Yesterday's announcement confirming that centre-assessed grades (CAGs) would stand for both A-level and GCSE awards was a welcome, albeit belated, development that will lead to a much fairer grading outcome for the vast majority of affected students.

However, this late change, along with the decision to lift the student number cap, has raised a number of new questions for many affected A-level students, as well as the staff in schools, further education colleges and universities who are working to support them and plan the next phase of their education. We are therefore writing on their behalf to ask that you join us and our members for an online meeting to hear first-hand how staff and students have been affected by your decisions and to seek further clarity from the government on the following issues.

Impact on students

Many students now find themselves in a position whereby their first-choice course is already full and they are unable to take up the offer they would have if their CAG had been in place from the start. While lifting the student number cap removes the government penalty on institutions who over-recruit, it does not address the practical barriers that prevent many institutions from recruiting higher numbers than they originally intended in order to honour their conditional offers - including staffing and physical capacity.

It has become clear from both the Ofqual data and from the anecdotal evidence across the education sector that those worst affected by this crisis are high-achieving students from low-income backgrounds. We are deeply concerned that the use of a classist, racist and ableist algorithm will continue to have a significant impact on many of these students even now that the policy has changed. We are extremely concerned that the impact of the Ofqual algorithm on students whose first choice courses are now already full will have been particularly felt by students from black and minority ethnic backgrounds and students who have a disability.

For those students who were downgraded through the moderation system and have

missed out on their first choice university place, we would like to see the government fund additional places to take the pressure off universities and staff and ensure that no student, who now meets their original conditional offer, has been denied the opportunity to study at their first choice university due to an unfair, unlawful and discriminatory grade assessment system. We know that some students will be unable to take up their places due to personal reasons, or because their situation has been changed by last week's chaos. The government must provide additional financial support for students who would otherwise have to defer places due to the grading system that was used.

Some students, particularly private candidates, did not receive final grades this year due to their examination institutions not submitting them on their behalf. For students in this situation, the government must work with schools and colleges to ensure all students receive a final grade, have access to a fair and free appeals process and are eligible for free resits in the Autumn regardless of typical eligibility criteria.

In the longer term we need to see a commitment to overhaul the exam and grading system for good so that every student has a fair chance to succeed. This fiasco has merely unmasked a discriminatory assessment system that disadvantages working class students, students of colour and disabled students - one that underfunds our schools, colleges and universities meaning that, year on year, education has been a postcode lottery.

Position of BTEC students

We request that the government applies its decision to use CAGs to the grading of BTECs and other affected qualifications which many students rely upon for progression. So far we are yet to see any announcements on what this U-turn will mean for BTEC qualifications and many students have been made to wait much longer to receive their results. This situation needs to be urgently resolved – we need to see students who have been studying for BTECs and other affected qualifications to be given CAGs.

Impact on staff

The last few days have placed a significant burden on staff across the education sector, and added a great deal of unnecessary stress and anxiety for staff who are already dealing with huge challenges in preparing for safe and effective delivery of education in the Autumn term. For staff in higher education, it has also compounded the uncertainty that has led to many institutions making unnecessary cuts and redundancies.

While it is still unclear exactly what the distribution of domestic students across higher education will be, it is widely anticipated that institutions will move as much as possible to honour their offers. This will likely lead to expanded recruitment at high-tariff institutions at the expense of lower-tariff universities, shifting the financial pain from the Covid crisis onto many of the institutions that play a vital role in widening participation and social mobility. The lifting of the student number cap therefore removes one of the only interventions that the government has made to help mitigate the financial impact of the Covid crisis on universities.

Overall, then, the government's approach to A-level grading will have done nothing to alleviate the financial pressures facing the sector, and is likely to have made these pressures more acute in several institutions. It is now time for the government to acknowledge the vital role of higher education in supporting the UK's social and economic wellbeing, and provide funding which supports those institutions who have lost out on students due to the Covid crisis and the government's flawed approach to grading.

Request for information

Due to the impact of the grading system on students we request that the government publishes,

- i. Details of the equality impact assessment that was conducted during the process to approve the original grading approach.
- ii. If there is no equality impact assessment, we would like to see, in compliance with the specific duty under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353) the government to publish information to demonstrate compliance with the over-arching Public Sector Equality Duty imposed by section 149 Equality Act 2010, the evidence of the Department for Education and Ofqual paying due regard to that duty and specifically to the need to eliminate unlawful discrimination, and advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- iii. Details of the equality monitoring the government plans to undertake in order to understand the long-term implications of its decisions in relation to how grades have been awarded.

Public sector duty regarding socio-economic inequalities

The effect of the government's recent decisions on grading has starkly illustrated the necessity of requiring public authorities, when making decisions of a strategic nature about how to exercise their functions, to have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. We call upon the government to bring into force section 1 of the Equality Act 2010 to mandate this. Section 1 remains on the statute books and the government has a duty to keep under review the desirability of bringing it into force. If recent events have shown anything, they have shown that now is the time to review and take action.

Prioritising safety

Finally, as we seek to move forward and support students entering the next phase of their learning, ensuring that our institutions are safe will be of paramount importance. As outlined, in recent days much energy has been diverted to dealing with the fallout of the grading approach; it is now vital that the government works closely with both education providers and trade unions to prioritise safety if it is to restore the confidence of students and staff.

We would like to invite you to a panel discussion hosted by NUS and UCU to discuss all of the issues outlined in our letter above.

We look forward to receiving your response.

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