

Roger Taylor
Ofqual
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By email

24 August 2020

Dear Roger,

This letter is in response to your letter of 21 August 2020, commenting on the Royal Statistical Society's letter of 14 August 2020 to the Office for Statistics Regulation (OSR), calling for a review into the models used by qualification authorities to produce 2020 exam grades.

May we begin by saying again, as we have said throughout, we understand the challenges of the task Ofqual undertook in designing a system for adjusting teacher-assessed exam grades at short notice, and in the absence of exams.

Turning to your letter, we note that it makes two claims: firstly, that our letter to OSR was incorrect in its description of the confidentiality agreement Ofqual asked our members to sign, and secondly, that our letter was incorrect in its description of the RSS's correspondence with Ofqual.

We believe both claims are mistaken, and we stand by both the specifics of our letter and our statements about the broader issue of transparency to which they relate.

You argue that the **confidentiality agreement** that you asked RSS expert advisers to sign before you would consider them as external advisers "does not preclude anyone from commenting on the model. It only precludes the disclosure of confidential information shared within the group". While we accept that signatories to the confidentiality agreement would have been able to comment on whatever aspects of the model Ofqual chose to publish, the point we made in our letter to OSR was a different one: that the confidentiality agreement would prevent us from discussing the "choice of the model".

The choice of model and the process for developing it (which is the subject of the OSR review) includes more than just the details that Ofqual published in the methodology document. In particular, it includes details of the commissioning process and how trade-offs were decided for how the model should work – issues which sit at the heart of the problems with the model itself. Under the confidentiality agreement, any such information that emerged during discussions of the group but that was not published by Ofqual would constitute confidential information that our members would have been prohibited from revealing for five years. On our reading, commenting on how the constraint of grade inflation was set, whether it was appropriate to the statistical task at hand, and who set it, would have been in breach of the NDA we were asked to sign.

I should note too that in our response to your email about the NDA, we raised a number of other issues, such as whether discussions would be minuted and be subject to Freedom of Information requests so that dissenting views would become a matter of public record. Indeed, we were not even sure whether the request was for our nominated Fellows to be members of external advisory group. We asked for further information about all these issues.



Your second point relates to our comment that the RSS did not get an official response to our questions. In reply, you cite the email that Ofqual sent to Sharon Witherspoon on 3 July 2020, “giving assurances about the purpose of the contract”. We do not consider it accurate to describe this email as a response to the significant questions we had raised in our email to Ofqual of 13 May 2020: it did not discuss the terms of the NDA, or the specific concerns we raised around transparency, minuting and so on. Indeed it suggested that the intent had not been that RSS Fellows would be part of the external advisory group but that the NDA was required ‘merely to enable us to speak freely and openly and to be able to share the sensitive information necessary to fully engage with the issues we’re needing to consider’ on a one-on-one basis. The assurances provided in the email were of the most general sort, consisting of a claim that Ofqual would be ‘fully transparent’ without giving any substantive response to our questions.

We also note that this reply was sent 51 days after we raised questions with you – a remarkable delay under the circumstances. By this time, after holding off our own submission to the House of Commons Education Select Committee in hopes of hearing from you, we submitted our evidence on 8th June, and were holding publication of it only to comply with the norm that evidence submitted to Parliamentary Select Committees is published first by Parliament. In that evidence we first publicly raised the issue of transparency. Our initial draft of that evidence mentioned the issues of the NDA, but we removed that from the final version in order to be as constructive as possible and keep the focus on the larger issues.

To conclude, we stand by the comments we made in our letter of 14 August to OSR. If you feel there are any outstanding questions of fact in relation to our correspondence, we would be happy to make it public.

More importantly, we hope the OSR’s review into the process of model development will be a helpful exercise for all concerned, and will help establish good practice for public bodies seeking to develop and use models to produce public statistics in the future. That, rather than a focus on the terms of the NDA, seems to us the most constructive way forward, not only for the sake of all those affected by this year’s decisions about awarding grades but for future cases where statistical adjustment mechanisms are used.

Yours sincerely,



Professor Deborah Ashby OBE FMedSci
President of the Royal Statistical Society



Sharon Witherspoon MBE FAcSS
Vice-President of the Royal Statistical Society,
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