

# 2021 grade plans – a bigger disaster than last year?

## **By Sammy Wright, Social Mobility Commissioner for Schools and Higher Education**

The government has published a broadly sensible proposal for exams in 2021, with one glaring error.

To look at how we calculate grades without looking at learning loss and catch up at the same time leaves young people at risk of catastrophic unfairness.

The cancellation of examinations this summer is not because the pandemic makes them impossible to sit – the BTECs that went ahead last week are proof of this – but rather because the unequal impact of the pandemic makes it impossible for them to be fair.

### **Not on a level playing field**

This is for the simple fact that disadvantaged students have had less digital access and schooling, resulting in higher learning loss than their more advantaged peers. They will not be on a level playing field.

As such, qualifications for 2021 can never be an objective measure of performance in the way we are used to, no matter how much we might wish it.

And if, as the proposal suggests, we ask teachers to ignore lost learning and attempt 'objectivity' while simultaneously suggesting that the grades they award should match the inflated profile of 2020 results, we are heading for a worse disaster than last year.

The destinations gap between the disadvantaged students most impacted by COVID-19 and their peers will yawn wider than ever.

### **Correct bias and ensure parity**

Once we accept that these judgements must inevitably include some measure of a student's potential, the government is right in saying we need to use assessment evidence – probably based on the cancelled exams – to inform teacher judgement, help correct bias and ensure parity.

But this evidence must only be a guide and a check. We also need to give teachers the opportunity to show how far a student currently is from their true potential.

For students who might have the ability to progress on to the next stage, but have high levels of lost learning, we must ensure that they are offered proper support and catch up at the start of the next phase of their

education.

One solution is a fully funded extra year of education, for example expanding and covering tuition fees for the Foundation year that many universities already offer and adding a year of free post-16 provision.

Alternatively, we could provide an extra term on all post-16 and higher education (HE) courses. This could be made possible by increasing the funding of post-16 providers to enable them to provide more hours of teaching per week, and by adjusting course completion dates for HE.

The government's proposals make several important and useful suggestions:

- Grades and assessments – The consultation is absolutely right to say that we must ensure that learning continues right to the end of the academic year. Grades are only an indicator. To progress, students must have, as far as possible, the education the grades represent. As such, we whole-heartedly welcome the proposal that grades should be linked to school-based assessments in the summer – without which many young people would disengage. But we caution that to simply make this a direct link, with students effectively given mock exam grades, would be the worst of both worlds and would open the door to systemic inequality.
- Ensuring clearing happens after appeals: It is also right to propose that we must have a robust system of appeals, designed in such a way that schools can submit their own evidence in good time to ensure everyone has a verified grade before the traditional results day. At all costs we must avoid the chaos of clearing in 2020 – and as such, we again call on UCAS and universities to ensure that clearing does not happen until all appeals have been responded to.
- Vocational education is important: The proposals for vocational and other qualifications are sensible in outline and rightly reflect the huge variety in these courses and the uses to which they are put, as well as the range of evidence already gathered and the skills of centres in assessing this. Getting the detail right will be essential, as will ensuring that students who elected not to sit BTECs in the confusion of the lockdown announcement are not penalised for this decision.
- Opportunity to sit exams: The consultation is right to make special provision for private entrants. Exam boards have already been planning an extra, one-off alternative exam in July for students who miss the main series. Given the proposed early release of grades to students, there seems little justification for not allowing any other student the option to sit this exam if they are not happy with the grade awarded by their institution and feel they have no grounds for appeal.

We cannot lose sight of the most important fact that lies at the heart of this. Ofqual must work closely with DfE to address policy, concurrently dealing with qualifications and learning loss.

No matter how grades are awarded, many students will be embarking on courses

in September 2021 at a lower level than they may have done in a normal year. We must have a bold and comprehensive plan to enable the most disadvantaged groups to catch up with their more advantaged peers. It needs to be part of a long-term strategy, fully funded, planned by educationalists with cross party consensus, that looks forward for the next five years to support those most impacted by COVID-19 over their educational lifetime.

Many of us have been calling for this since the start of the pandemic. Now it is time for action.

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## Appointment of Chancellor of the High Court

Press release

Her Majesty The Queen has been pleased to approve the appointment of The Rt Hon Sir Julian Flaux as the Chancellor of the High Court with effect from 3 February 2021.



Her Majesty The Queen has been pleased to approve the appointment of The Rt Hon Sir Julian Flaux as the Chancellor of the High Court with effect from 3 February 2021. This appointment follows the elevation of Sir Geoffrey Vos as Master of the Rolls.

### **Biography of candidate**

The Rt Hon Sir Julian Flaux was called to the Bar in 1978 and took Silk in 1994. He started his judicial career as a Recorder in 2000. He was appointed a Deputy High Court Judge in 2002 and a High Court Judge (Queen's Bench Division) in 2007. He was the Judge in Charge of the Commercial Court between 2014 and 2015 and a Presiding Judge on the Midland Circuit between 2010 and 2013. In 2016, he was appointed President of the Special Immigration Appeals Commission. He was elevated to the Court of Appeal in 2016. He has been Supervising Judge of the Commercial Court since 2020.

## The Appointment

The appointment of the Chancellor of the High Court is made by Her Majesty The Queen on the advice of the Prime Minister and the Lord Chancellor following the recommendation of an independent selection panel chaired by Lord Burnett of Maldon, the Lord Chief Justice. The other panel members were: Lady Black (Justice of the Supreme Court), Professor Lord Kakkar (Chairman of the Judicial Appointments Commission [JAC]), Ms Sue Hoyle OBE (Lay JAC Commissioner) and Ms Jane Furniss CBE (JAC Commissioner). The Chancellor of the High Court (CHC) is one of the most senior judges in England and Wales and holds day-to-day responsibility for the operation of the Business & Property Courts (B&PCs) in London and its seven city centres across the country, in consultation with the President of the Queen's Bench Division. The B&PCs are a global centre of excellence for the resolution of business disputes and hear some of the most complex and high-profile domestic and international specialist civil claims in the world.

The CHC has full responsibility for the Chancery lists of the B&PCs, which includes the Business List, the Insolvency and Companies List, the Intellectual Property List (including IPEC), the Property Trusts and Probate List, the Competition List, the Financial List (jointly with the Commercial Court) and the Revenue List. Those responsibilities include the deployment of the specialist judges who conduct the hearings and the allocation of cases.

Originally created as the office of Vice-Chancellor in 1813 and having undergone a number of changes in role since then, the CHC also presides in the Court of Appeal (Civil Division) and sits at first instance in the B&PCs.

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## [Change of Her Majesty's Ambassador to Mexico: Jon Benjamin](#)

Press release

Mr Jon Benjamin has been appointed Her Majesty's Ambassador to Mexico in succession to Ms Corin Robertson who will be transferring to another Diplomatic Service appointment. Mr Benjamin will take up his appointment during August 2021.



Full name: Jonathan Benjamin

Married to: Carolina Vasquez

Children: One son

Dates	Role
2017 to 2020	FCD0, Director of Learning, Principal of the Diplomatic Academy; also FC0, Alternate Director, Operations, COVID-19 Taskforce (March – June 2020)
2014 to 2017	Accra, High Commissioner and Her Majesty's Non-Resident Ambassador to Togo, Benin and Burkina Faso
2009 to 2014	Santiago, Her Majesty's Ambassador
2009	Full-time Language Training (Spanish)
2008 to 2009	Secondments as adviser to the Boards of AIG (New York) and Eurasia Group (New York)
2005 to 2008	New York, Deputy, later Acting, Consul-General
2002 to 2005	FC0, Head, Human Rights Policy Department
2000 to 2001	FC0, Deputy Head, Drugs and International Crime Department
2000	FC0, Head, Zimbabwe Emergency Unit
1996 to 1999	Ankara, First Secretary (Head of Political Section)
1995 to 1996	Full-time Language Training (Turkish)
1993 to 1995	FC0, Private Secretary to Minister for Europe and Latin America
1992 to 1993	FC0, Head of Section (Central Asia/Caucasus), Eastern Department
1988 to 1991	Jakarta, Third, later Second Secretary (Political)
1987 to 1988	Full-time Language Training (Indonesian)
1986 to 1987	FC0, Desk Officer for Burma and Laos
1986	DFID (then ODA), Desk Officer for Pakistan

## Newsdesk

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## New national construction products regulator announced

News story

A national construction product regulator will operate within the Office for Product Safety and Standards which will be expanded with £10m in funding.



The Government has committed to establish a national regulator for construction products as part of wider reforms to address systemic failings identified by the Hackitt Review.

It will operate within the Office for Product Safety and Standards which will be expanded and given £10m in funding to establish the new function.

The move is part of the Ministry of Housing, Communities & Local Government's work to address the culture within the construction industry.

There's more information on the [Ministry of Housing, Communities & Local Government webpages](#)

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## New regulator established to ensure construction materials are safe

- National regulator established to ensure homes are built from safe materials

- Action taken as Grenfell Inquiry reveals manufacturers ignored safety rules
- Independent review will examine faults in the system and recommend how abuse can be prevented

Residents will be protected through the establishment of a national regulator which will ensure materials used to build homes will be made safer, the Housing Secretary Robert Jenrick has announced today (19 January 2021).

The regulator for construction products will have the power to remove any product from the market that presents a significant safety risk and prosecute any companies who flout the rules on product safety.

This follows recent testimony to the Grenfell Inquiry that shone a light on the dishonest practice by some manufacturers of construction products, including deliberate attempts to game the system and rig the results of safety tests.

The regulator will have strong enforcement powers including the ability to conduct its own product-testing when investigating concerns. Businesses must ensure that their products are safe before being sold in addition to testing products against safety standards.

This marks the next major chapter in the government's fundamental overhaul of regulatory systems. The progress on regulatory reform includes the publication of an ambitious draft Building Safety Bill, representing the biggest improvements to regulations in 40 years, and a new Building Safety Regulator that is already up and running in shadow form.

Housing Secretary Rt Hon Robert Jenrick MP said:

The Grenfell Inquiry has heard deeply disturbing allegations of malpractice by some construction product manufacturers and their employees, and of the weaknesses of the present product testing regime.

We are establishing a national regulator to address these concerns and a review into testing to ensure our national approach is fit for purpose. We will continue to listen to the evidence emerging in the Inquiry, and await the judge's ultimate recommendation – but it is already clear that action is required now and that is what we are doing.

Business Minister and Minister for London Paul Scully said:

We all remember the tragic scenes at Grenfell Tower, and the entirely justified anger which so many of us in London and throughout the UK continue to feel at the failings it exposed.

This must never happen again, which is why we are launching a new

authority to test and regulate the safety of construction materials, informed by the expertise that already exists within the Office for Product Safety and Standards.

Chair of the Independent Review of Building Regulations and Fire Safety Dame Judith Hackitt said:

This is another really important step in delivering the new regulatory system for building safety. The evidence of poor practice and lack of enforcement in the past has been laid bare. As the industry itself starts to address its shortcomings I see a real opportunity to make great progress in conjunction with the national regulator.

The regulator will operate within the Office for Product Safety and Standards (OPSS) which will be expanded and given up to £10 million in funding to establish the new function. It will work with the Building Safety Regulator and Trading Standards to encourage and enforce compliance.

The government has also commissioned an independent review to examine weaknesses in previous testing regimes for construction products, and to recommend how abuse of the testing system can be prevented.

It will be led by a panel of experts with regulatory, technical and construction industry experience and will report later this year with recommendations.

- The announcement follows recommendations in the [Dame Judith Hackitt Review](#) that industry and government must ensure that construction products are properly tested, certified, labelled and marketed.
- In July 2020, the government published in draft the [Building Safety Bill](#). The Bill set out the biggest reforms to building safety regulation for a generation, and included provisions to strengthen and extend the scope of the powers available to government to regulate construction products.
- Together, the Fire Safety Bill, Fire Safety Order and the Building Safety Bill will revolutionise safety and oversight for residents in all buildings.
- The government has published an [update of the progress and steps being taken since the Grenfell fire](#).