Overview of Data Protection Matters in the Leaving Certificate 2021 Accredited Grades Process
The purpose of this document is to provide an overview of how personal data is processed for the Accredited Grades process. For the convenience of readers, it encompasses the processing of data by both the Department of Education in the initial phase of the process and the State Examinations Commission in the latter phases. This overview will be updated as appropriate. The reader should ensure that they have the most up-to-date version of the document which will be available at [https://www.gov.ie/en/organisation-information/data-protection/#accredited-grades](https://www.gov.ie/en/organisation-information/data-protection/#accredited-grades).

**Background**

Following an announcement by the Minister for Education on 17 February 2021, all 2021 Leaving Certificate examinations candidates may opt to take Leaving Certificate examinations, (including written examinations and related additional components in each subject as appropriate) and/or to opt to apply for Accredited Grades.

The Minister for Education has brought legislation through the Houses of the Oireachtas. Following enactment, the Education (Leaving Certificate) (Accredited Grades) Act 2021, will allow the State Examinations Commission (SEC) to administer the Leaving Certificate 2021 Accredited Grades process. Pending the enactment of this legislation, the planning for and early stages of implementation of the system of Accredited Grades will be managed by the Department of Education.

An FAQ for candidates providing relevant information in relation to the State Examinations and Accredited Grades can be found at [gov.ie - Leaving Certificate 2021: Your questions answered](gov.ie - Leaving Certificate 2021: Your questions answered). A range of other Leaving Certificate 2021 information for schools, parents and students can be found at [www.gov.ie/leavingcertificate](www.gov.ie/leavingcertificate). This information, which is listed later in this document and describes in detail the various elements and steps of the accredited grades process, is regularly updated and includes key documents produced in video format. It aims to provide clear information to those individuals who will be impacted by the process.

**Consideration of Data Protection Matters**

Consideration of data protection matters in the accredited grades process has been an important issue for the Department and the SEC. In establishing the Department
of Education programme board and team, it was agreed that the DES data protection officer (DPO) would be the DPO for the project and work with the project team to assist them in meeting the various requirements. The following documents were outlined for development:

- **Data Protection Impact Assessment** (DPIA) on the Accredited Grade process - identifying risks and mitigations;
- **Data protection statement/element** for online portals etc;
- **Privacy Notice** for candidates.

The Department is Data Controller for the Accredited Grades Process up to the point when the legislative changes to allow the SEC to administer the Accredited Grades are enacted. The data collected by the Department of Education will then be transferred to the SEC as independent data controller and the Department will no longer retain any of the data.

The SEC is the Data Controller for all stages of the traditional examinations process.

Schools will be Independent Controllers for the estimated subject percentage marks that they produce for their students as part of the accredited grades process and submit to the Department (Details of class rank order do not form part of the accredited grades process).

Detailed information on the overall process has been published on:

**Leaving Certificate 2021 page**

In addition to the documents outlined above, data protection compliance is demonstrated through a range of measures such as:

- Communications between the Department of Education, the SEC and their DPOs and the Data Protection Commissioner (DPC)
- IT Security Policy, Information Security Policy, Project security and Quality Assurance measures
- DOE Data Protection Policies and Procedures
- Data processing contracts/agreements and Data Sharing Agreements as required
• Other data protection technical and organisational measures such as staff training, and GDPR guidance documents and templates

• Oversight through a senior responsible officer at assistant secretary level who reports to the Department’s Management Board, senior management group, Programme Board and programme management team.

• On commencement of new legislation for the SEC, oversight through the SEC’s management structure to the CEO who reports to the Board of Commissioners,

Legal advice was sought and was received by the Department, regarding elements of the process to best ensure compliance.

**GDPR Principles**

**Lawfulness, Fairness and Transparency**

The lawful basis for the processing is Article 6(1)(e) of the General Data Protection Regulation (2016/679) and Section 38 of the Data Protection Act, 2018 underpinned by Section 7(1) of the Education Act 1998. Following enactment, the Education (Leaving Certificate) (Accredited Grades) Act 2021 will provide a lawful basis for the SEC to process the personal data when this is required for the later stages of the process. Fairness and equitable treatment have been key principles underlying the approach taken and also contribute to meeting GDPR principles. The detail below sets out the steps involved and how they meet those principles. Transparency requirements have been met through the privacy notice for candidates and the range of guidance and other information published by the Department and the SEC on the process.

**The GDPR and Automated Decisions**

Article 22 of the GDPR conveys the rights of data subjects around decisions “based solely on automated processing”. While the standardisation process incorporates the use of a statistical model, it is only one step within a number of steps that do involve “human intervention”. This is outlined in detail in the section on standardisation below and it is the view of the Department that Article 22 of the GDPR does not apply to the processing involved.
Purpose and Data Minimisation

The Accredited Grades process is designed as a once-off solution to the challenges posed for Leaving Certificate 2021 by the Covid-19 situation. Data will be limited to what is required for this once-off solution and all non-essential data will be deleted at the end of the accredited grades process.

Accuracy

Significant guidance, support and quality controls have been put in place to best ensure accurate data is used in the process.

Storage and Security

ICT support has been provided and technology used is modern and secure. Only appropriate staff have access to the data. Robust data security and data back-up arrangements are in place for all operating systems and all externally facing systems (candidates and schools) have been subject to extensive stress and vulnerability testing at key stages.

Consultation Process

A dedicated advisory group jointly chaired by an Assistant Secretary General of the Department and the Chief Executive Officer of the SEC assisted with the preparation of recommendations for contingency arrangements for the 2021 Leaving Certificate examinations in light of public health concerns as a result of the Covid-19 pandemic. This group comprised representatives of students, parents, teachers, school managers, the National Council for Curriculum and Assessment (NCCA), the Higher Education Authority (HEA), and the SEC and it consulted widely including the following internal and external stakeholders: secondary students union, teacher unions, school management bodies, IT, potential processors, educational academics and practitioners, SEC Examination and Assessment Managers. Advice was also sought from public health officials.

Data Subjects were represented by the Irish Second Level Students Union as well as through direct contact with the Minister and Department on relevant issues. The data processors, Educational Testing Service, were also consulted on the development and operation of the process. Internal support such as ICT Units were also consulted
and provided key support in deciding upon the most appropriate and secure approach to data collection and processing.

Accredited Grades Data Elements

**Purposes of Processing**

To provide each Candidate who opts to receive them, and those that may not be able to sit the examinations due to Covid related illness, bereavement or hospitalisation, or in the event of a more widespread disruption, with Accredited Grades in Leaving Certificate subjects in order to complete their second level education and use these grades for entry to higher and further education or the world of work.

- Processing applications for the option of receiving Accredited Grades or ‘the better of’ Accredited Grades and Leaving Certificate Examinations to facilitate timely progression from second-level education to employment, further education and higher education, in light of the specific arrangements put in place for the Leaving Certificate 2021 as a result of the Covid-19 pandemic.
- Processing school estimated percentage marks for candidates in the 2021 Leaving Certificate class in order to produce Accredited Grades.
- For research and statistical purposes

**Information on Data Subjects**

Data Subjects are all leaving certificate candidates (circa 63,000 of whom some 60,000 are in the class of 2021 and the remainder are students in the first year of the Leaving Certificate Applied programme), mostly students with a relationship to the Department and the SEC via schools. Out-of-school learners, those who entered for their examinations with the SEC as independent candidates, are also included. Candidates are mostly in the State but there are also students residing outside the State with a small cohort of candidates in an international school in Libya which offers the Irish Leaving Certificate programme. Some candidates will be under 18 years old, but very few under 17. Some may have special needs and their school will have these details. Some candidates with special educational needs are provided with reasonable accommodations under a scheme operated by the State Examinations Commission. These arrangements will be taken into account in the estimating of marks by schools as part of the accredited grades process.
Personal details were required from each candidate via a Secure Portal. Having registered an account, they were asked to opt to receive Accredited Grades and/or sit the Leaving Certificate examinations and on two occasions to confirm their subjects and levels. Estimated percentage marks and class ID for each subject will be obtained from the candidate’s school. A separate process for Accredited Grades, documented in material published by the Department, applies in the cases of out-of-school learners and students attending a school but taking one or more subjects outside of schools, including taking examinations in non-curricular languages.

Candidates received data protection information via a privacy notice on opt-in and guidance issued on different aspects of the process in addition to significant national coverage of issues.

The Department has set out information for candidates on its website https://www.education.ie/en/The-Department/Data-Protection/. Information has also been provided on the SEC’s Candidate Self Service Portal. Personal data of candidates is required to be processed in order for Accredited Grades to be provided. The Department’s Privacy Notice is available to see on its website here and the SEC’s Privacy Notice is available to see on its website here.

The initial correspondence that announced the Portal included the following:

What is my data being collected for?

**Accredited grades**

Following an announcement by the Minister for Education on 17 February 2021, all 2021 Leaving Certificate examinations candidates may opt to take Leaving Certificate examinations, (including written examinations and related additional components in each subject as appropriate) and/or to opt to apply for SEC Accredited Grades.

The main purpose for which the Department of Education requires the personal data provided by you is to provide you with Accredited Grades in the event that you opt to receive them. The personal data provided will be forwarded to your school to allow them to begin this process.

The privacy notice outlining further information on the use of personal data in this process can be found here. Full details of the Department's data protection policy is
Will I be able to get details of the information provided about me to the Department (estimated percentage mark) before the issue of the results?

No. Data protection legislation allows for restrictions to be placed on access to certain types of personal data including the results of examinations. Requests for access to the school’s estimated percentage mark will not be active until the date of issue of the results. After the results are issued by the SEC, you will be able to access this information.

The main guidance developed to date any in future will be in consultation with unions and management bodies through the Stakeholder Advisory Group on Planning for State Examinations 2021. The range of guidance documents currently comprises:

1. **A Guide to State Examinations and Accredited Grades for Leaving Certificate 2021** (February 2021)
2. **Guide to Accredited Grades for Leaving Certificate 2021 for (a) Out-of-School Subjects, and (b) Out-of-School Learners** (March 2021)
3. **Leaving Certificate 2021 Information for schools** (26 April 2021)
5. **Leaving Certificate 2021 Document library and other information** (26 April 2021)
6. **Leaving Certificate 2021 Information for students** (26 April 2021)
10. **Your Questions Answered – This is the Questions and Answers Section of** [www.gov.ie/leavingcertificate](http://www.gov.ie/leavingcertificate). It is updated regularly.

Further documents and online information will be published particularly in advance of accessing Accredited Grades results and the appeals process.

All documents available on [www.gov.ie/leavingcertificate](http://www.gov.ie/leavingcertificate)
A dedicated Helpline was provided to candidates on each occasion that the Candidate Self Service Portal was opened for the purposes of gathering candidate information about their Leaving Certificate options. The SEC will reopen this Helpline when results issue.

A dedicated phone-line service for queries on the Accredited Grade process 2021 has been available from Monday 26 April at the Department’s Helpline on 0579324461 (select option 2), Mon – Fri, 10 am to 5 pm, or by email to LCinfo@education.gov.ie.

Other
Candidate Self Service Portal – (Phase 1 Opening) 10 – 16 March – Candidate Registration,

Confirmation of Levels and choice of sitting examinations, opting for accredited grades, or both, on a subject by subject basis– ‘Before You Start’ Guide.

Candidate Self Service Portal (Phase 2. Opened 27 April – 01 May) – Candidates to finalise subject and level selections and their choices of examinations,

Accredited Grades or both. ‘Before You Start’ Guide.

**Departmental press releases** were published throughout the process to date:

1. 28 April, 2021 – Fifth meeting held of Advisory Group on Planning for State Examinations 2021
2. 23 April, 2021 – Minister Foley publishes the Education (Leaving Certificate) (Accredited Grades) Bill 2021
3. 05 April, 2021 - Minister Foley announces development of a New Digital Strategy for Schools
4. 25 March, 2021 - Minister Foley announces additional supports for schools to support the running of Leaving Certificate Examinations and Accredited Grades process
6. 09 March, 2021 - Minister Foley announces opening of Leaving Certificate 2021 Candidate Portal from Wednesday 10 March until Tuesday 16 March to enable students to register for Examinations and Accredited Grades
7. 17 February, 2021 - Minister Foley confirms Leaving Certificate 2021 written, coursework, oral and practical performance examinations will be held and a corresponding process of grades accredited by State Examinations Commission will be available to students
8. 05 February, 2021 - Minister Foley announces a new phase of planning for the State Examinations to include both the provision of Leaving Certificate examinations and also exploring a corresponding non-examination process.

**Radio/advertising campaign:** This accompanied the two openings of the Candidate Self Service Portal. It involved radio and newspaper ads and social media campaign on Twitter and Snapchat. HSE officials have also participated in webinars on the public health aspects of the examinations.

**Circulars on Accredited grades** include:

2. SEC Circular S16/21 Payment Arrangements for School Appointed Personnel including Panel of Registered Teachers, Superintendents for the Non-Curricular languages proficient Assessment and other additional Costs for the Running of the leaving Certificate (Examinations and Accredited Grades) 2021

**Instructional videos** were uploaded to the Department’s YouTube, including Guides for Schools and candidates.

**How will individuals’ rights be implemented and supported?**

The privacy notice outlines the rights of data subjects. Contact information for the DPO, the controller and the DPC is provided in the privacy notice with a dedicated email for enquiries and requests.

As set out in the privacy notice, data protection legislation allows for restrictions to be placed on access to certain types of personal data including the results of examinations. Requests for access to the school’s estimated percentage mark will not be active until after the date of issue of the results but it is the intention to provide the estimated marks submitted by the school to students once final grades have been issued.

The process of schools forwarding estimated percentage marks forms is envisaged as Controller to Controller sharing of data from a GDPR perspective. The School (but not individual teachers) will securely retain the final approved forms until the end of appeal periods.
The accredited grades results data will be retained for 100 years as this group of students may require a copy of their official state certificate of accredited grades at any stage during their lifetime. The data received from schools and tutors, including the estimated percentage mark data in order to produce Accredited Grades, will be retained until the conclusion of the process including any potential litigation. Examination results data for individual candidates is also retained for a period of 100 years noting that candidates are entitled to seek a copy of their examinations results at any stage over their lifetime. The Data is also retained in the public interest for research, historical and archival purposes.

**What Data are required and what are the sources?**

**Data Required**

- Examination Number
- Programme i.e. Leaving Certificate Established, Vocational or Applied.
- PPSN (Personal Public Services Number)
- DPIN (Departmental Pupil Identifier Number)
- Year
- School Roll Number
- School Type
- Surname
- Forename
- Gender
- Date of Birth
- Subject code
- Module Code
- Subject Irish indicator
- Address
- Eircode
• Telephone Number
• Email address
• Subject
• Subject Level
• Class ID
• School Estimated Percentage Mark
• Accredited Mark
• Accredited Grade
• Appeal indicator
• Appeal outcome
• Confirmation of conflict of interest and management (where applicable)
• Junior Certificate/Cycle results.

Other data used in the model is statistical and not personal data.

A. Student (“Candidate”): Identifier, Evidence of Opt in, clarification of Subject Level
B. Department of Education (PPOD Database): Details on students using identifier.
C. School: Estimated percentage mark for each Subject, class ID.
D. Teacher/Tutor/centre of education: Estimated percentage mark for each Subject for out-of-school learners

There is no Special Category Personal data involved. The system has been designed to collect only data which is absolutely essential to the generation of reliable accredited grades. Only this data is being collected and processed and all non-essential data will be deleted at the end of the accredited grades process.

Sources

An Accredited Grade results from a process of statistical moderation applied to:

• A school estimate (percentage) provided for a candidate in respect of her/his expected performance in an examination in that particular subject. The estimated
marks will be arrived at through a process by which the teacher will use a range of available evidence to support her/his judgement—following which the estimated marks will be subjected to an in-school alignment process and finally oversight by the school principal. The range of evidence that teachers will draw on may include both formative and summative assessment activities undertaken, over the two years of study including those undertaken during periods of remote learning in the current school year 2020/21.

- Data available from the state examinations – this includes, but is not necessarily limited to, national data on past Leaving Certificate and Junior Cycle examination performance (pre2020) of candidates in each subject.

**How will data quality be ensured?**

The management and reconciliation of data is a considerable focus of attention of the Department and the SEC, given the volume of student and school level data moving through the process and the number and different systems in which data is being collected, processed, stored and handled. The complexity of the system, involving 786 schools; 63,000 candidates and 445,000 individual subject level entries, means that careful data management is required throughout the process. The core objective has been ensuring that data is appropriately treated through all stages of the process; between and within systems; ensuring that points of risk are identified and managed; that system checks and validations are identified; developed and implemented throughout the system.

Specific measures include:

- Comprehensive guide provided for teachers to arrive at an estimated percentage mark for each student including an in-school class alignment process, principal oversight and clear guidelines for disposing of manual records held;
- Secure portal developed for schools to submit the estimated percentage marks
- Comprehensive guide provided for the 2-tier data entry process – data entry and data approval with data approval at Principal level;
- Verification and check points built in to the school data entry process;
- Mapping of data flows and identification of key points of risk;
- Appropriate data checking, reconciliation and validation procedures have been developed and applied at each transfer and transformation point;
  - From schools to Department of Education database
- From Department of Education to Student Portal
- From Student Portal to Department of Education
- From Department of Education to statistical standardisation system
- From statistical standardisation system to Department of Education database

Within Department of Education database involving contact with schools to resolve data issues in transforming estimated percentage marks to accredited marks:
- From statistical standardisation system to SEC database
- From SEC database to Candidate Self Service Portal
- From Candidate Self Service Portal to SEC database
- From SEC Database to Candidate Self Service Portal
- From SEC Database to CAO
- From SEC database to Independent Appeals Scrutineers.

- Development of IT systems to identify data changes and anomalies; and to provide a full audit trail of the micro level data changes;
- Both the historical and the current data are subject to robust checks through each stage to ensure data accuracy before being processed through the standardisation process;
- External quality assurance review function to provide independent assurance of work undertaken by external contractor. QA to cover the standardisation model, the work of the contractor and data integrity;
- Direct helpline and dedicated e-mail address available to schools during the data capture process and resulting process;
- QA measures for student portal;
- Comprehensive guide to the accredited grades process for students and their parents;
- Comprehensive guide for students for registering and logging in to the secure student portal, updated at each opening of the portal. Privacy notice published on log in page;
- Direct helpline and dedicated e-mail address available to students;
- Data Processing agreements in place;
- Processing to take place only in secured premises behind appropriate firewalls;
- Project delivery by a Management Group reporting to a Programme Board;
- Once responsibility is transferred to the SEC, project delivery by the Executive reporting to Board of the State Examinations Commission.
Data Sharing

Data may be shared with:

- Educational Testing Service as processors;
- Data Processor to be engaged to provide external Quality Assurance function (independent experts engaged to carry out quality assurance of the standardisation model, the work of the contractors and data integrity);
- OOSS and OOSL Independent Appeals Scrutineers;
- The Central Applications Office, and the Higher Education Institutions for the purposes of entry to higher education;
- The State Examinations Commission, for the purposes of provision to candidates of the combined ‘best of’ results of the examinations and accredited grades processes, and to maintain the permanent record of the Accredited Grades results as part of the 2021 Leaving Certificate record;
- Other contractors including Viatel, ISP for the Student Portal;
- Results Independent Appeals Scrutineers;
- The Economic and Social Research Institute and Recognised Scholarship Awarding Bodies.
- Data may also be shared with the UK university and college admissions service, (UCAS) and otherwise at the request of data subjects via the CAO. The CAO provides result information to UCAS UK as Irish applicants to UCAS provide their consent to UCAS to gather their result information from the CAO as part of the application process.

Transfers

The candidate identifier and estimated percentage marking will be hosted in Dublin on Azure Cloud for processing by Educational Testing Service and the External Oversight Body.

Data Processors to support part of the standardisation process for the Accredited Grades have been appointed by the Department of Education. All data processors appointed by the Department shall be bound to operate within the written instructions of data processor contract(s) and fully in line with the GDPR and articles 28 and 29 in particular. Educational Testing Service (ETS) based in Princeton, NJ 08541, the United States of America, support part of the standardisation process for the
Accredited Grades and are bound to operate within the written instructions of their data processing contract with the Department which includes EU approved standard contractual clauses under article 46 of the GDPR and additional safeguards which take full account of the Court of Justice of the European Union Judgement on Case C-311/18 (Schrems II judgment). You have the right to object to this processing under article 21 of the GDPR (ECLI:EU:C:2020:559).

A secure file transfer will be used for transfer of Accredited Grades data, following standardisation, from ETS to the SEC following the commencement of the new legislation for the SEC.

The Accredited Grades System

At the core of the system for providing accredited grades is a sophisticated, highly-complex statistical standardisation methodology, grounded in a psychometric framework. The system is being developed by Educational Testing Service, international experts in the field of statistics and psychometrics. The Department/SEC is also engaging independent experts to perform QA functions on the work undertaken by ETS. The system combines estimates of a candidate’s expected performance in a subject and level, with other information to arrive at fair representations of candidate performance. The estimation methodology for 2021 has been designed to minimise arbitrary disadvantage imposed on candidates for whom the normal examinations represent an opportunity to provide objective proof of their academic proficiency. Specifically, the methodology is designed so as not to compound existing socioeconomic or demographic disadvantages in the education system.

Published guides:

2. Guide to Accredited Grades for Leaving Certificate 2021 for (a) Out-of-School Subjects, and (b) Out-of-School Learners (March 2021)

The system of accredited grades that is being offered is based on the following key principles:
• **Teacher professionalism**: Teachers know their candidates and can balance a variety of factors in arriving a professional judgement in relation to their students’ expected performance. Their professional code of practice, underpinned by the values of Integrity, Trust, Care and Respect is core to how they work in schools to ensure the best outcomes for their students.

• **Support for students**: The offer of accredited grades takes account of the need to support student wellbeing and satisfies the need for students to be provided with valid certification.

• **Objectivity**: Teachers and schools will be objective in their assessment of the student’s expected performance and will take into consideration a range of evidence to support the judgements that are made. Schools and teachers will work collaboratively to ensure that no bias, conscious or unconscious, influences the decisions made in relation to a student’s expected performance.

• **Fairness and equity**: Schools and teachers will strive to achieve fairness and equity in the way in which they apply the process at school level.

• **Collaboration**: A collaborative approach will be used in schools to ensure that each stage of the process is completed.

• **Timeliness**: Schools and teachers will ensure that the deadlines set for the completion of the in school processes are met and that each stage is completed within the designated timeframe.

**Data Process**

Each step in the process has been designed with fairness in mind.

The first stage in this system was to be able to base the Accredited Grades on really good quality information from schools about students’ expected performance in the Leaving Certificate examinations, had their educational experience not been interrupted by Covid-19. While the school data will be subject to adjustment in the national standardisation process, it forms the basis for the Accredited Grades, so a lot of time and effort was spent in seeking to get this part right.

The approach taken centres on international, educational research which tells us that teachers are more likely to make accurate judgments of student performance in a
high stakes context. Therefore, schools were asked to provide an estimated mark for each student in a class group.

Very clear and comprehensive guidance and training was provided in order that schools could provide their students with the fairest possible estimate of their performance in the Leaving Certificate. Schools were asked to engage in a robust and rigorous three-stage process to arrive at their best estimates of student performance, which involved:

- teachers applying their professional judgement to various sources of evidence;
- a process to align standards among different teachers of the same subject;
- and finally, oversight of the process by the school principal.

The only sound means to achieve fairness across different class groups taking the same subject within a school is through the in-school alignment procedure, so this is a very important part of the process. Guidance was also provided on recognising and avoiding unconscious bias that might affect the estimates.

A separate process has been created to provide estimated marks for students studying subjects outside of school and out-of-school learners. This process involves the review of evidence concerning the candidate’s learning by a Panel of Registered Teachers in each school. The evidence may be submitted by a tutor or teacher who is familiar with the work of the candidate or by the candidate themselves, if they are studying without a tutor or teacher. Separate guidance has been developed for the teachers, tutors and candidates involved in these processes.

Finally, another separate process has been created to enable the provision of an estimated mark and accredited grade for candidates studying non-curricular (or heritage) languages. This involves the administration of a written national language proficiency assessment which is being assessed by trained assessors who will also engage in an alignment process, similar to the alignment process for in-school candidates.

Following the completion of the estimating process, schools will return the data, using an online data collection system. Checks and balances in the process ensure that the data is entered correctly and accurately. A similar robust and rigorous quality
assurance process will be carried out on receipt of the school data and in subsequent processing.

Guidance issued to schools on the process:

1. Leaving Certificate 2021 Information for schools (26 April 2021)

Standardisation

The objective of the system of accredited grades is to provide results which are fair and accurate representations of likely student performance in the Leaving Certificate examinations.

By collecting and using a range of different types of information, the different sources of data will complement each other, to provide the most accurate and fair set of results within the limitations of the available data. As the school data is only accurate at school level, the final calculated marks, and so Accredited Grades, provided to students, for any subject and level, may be higher or lower than the estimates provided by their school.

The national standardisation process is an iterative process involving the application of a statistical model to the data, detailed review of outcomes to identify desirable and undesirable features and artefacts in the output data. It will also include adjustment of the parameters, constraints and similar details of the model to be applied in the next iteration, leading through a number of such iterations to a final version of the model that yields fair and just representations of student performance.

The national standardisation process will use the range of Junior Cycle and Leaving Certificate historical data at national level to determine the particular distributions of results that are most likely for each subject and level. The use of such distributions as part of the estimation process is referred to as conditioning. At school and national level, Junior Cycle examination results are strong predictors of Leaving Certificate performance but are less robust for the purpose of estimating individual
student performance. The Junior Cycle data will be used in the model to produce a
distribution of the likely performance of the particular group of students taking each
subject in each school.

No one pattern of expected results on its own will determine the Accredited Grades,
as the model will combine the range of patterns to generate the grades in a way
which is as reasonable, fair and accurate to students as possible. The fact that the
distribution of results is not based entirely on any one data set, but capitalises on the
distinct strengths of each source of information, contributes to accuracy and fairness
in the model.

The statistical process takes account of whether the group of students taking a
subject in the school this year is academically stronger (or weaker) than in previous
years. For this and other reasons, the distribution of grades emerging from the
school is not pre-ordained to be the same as it was before.

The model does not impose any predetermined score on any individual in a class or
in a school. Provided the school has accurately reflected the relative differences
between students within the class, there will be no barrier to any excellent student
achieving high grades in any school. For example, if there is a high-performing
student within a class of low performing students they will not be unfairly
disadvantaged by using the distributional information as described earlier. Provided
the school has recognised the atypically high performing student, and reflected this
in giving an appropriate estimate in comparison to the others in the group, this will be
taken account of in the model. The same will apply if there are atypical students at
the lower end of performance. The model is designed to accommodate such outliers.
Even if the standardisation process shifts the marks upwards (or downwards) for the
entire class, the calculation process within the model will take account of the relative
standing of the student within the class, as set out in the school-based data, and will
allow the estimates for the group as a whole to be properly realigned, if necessary,
without losing this information about the degree to which this high-performing or low-
performing atypical student exceeds the norm.

The national standardisation process being used will not impose any predetermined
score on any individual in a class or a school.
After the national standardisation process, the calculated marks will be converted into accredited grades. The accredited grades will be expressed in the same manner as currently applies to Leaving Certificate grades.

**Validation of the Model**

To ensure that the statistical model is behaving as expected, and is achieving its objectives, there needs to be a related process of model validation. The workings of the statistical model will be reviewed and validated in a number of ways:

- There will be review of the distributions of results for each subject and level;
- There will also be a review of the outcomes using a number of individual and school-level characteristics, including student gender, and school-level indicators related to socio-economic status. This is to ensure that the model is presenting outcomes that are as fair and equitable as possible given its constraints, and in line with previous outcomes as much as is possible.

- The purpose of the Accredited Grades system is to arrive at the grade that each candidate would have achieved if he/she had taken the examinations as normal. The validation process will check to see if the interactions between these characteristics and the accredited grades results are similar to the interactions in the historical data between these characteristics and examination results. For example, in the case of gender, if the performance of female candidates relative to male candidates in various subjects turns out to be similar under the accredited grades model as was normally the case in previous examination years, then this can be taken as an indicator that the Accredited Grades model is in line with previous years in relation to this. The standardisation process will not use historical school by school data on past performance in Leaving Certificate Examinations.

The purpose of this review of the outcomes of the statistical model is to check whether the Accredited Grades model is resulting in any particular group being advantaged or disadvantaged relative to previous years’ outcomes. It is important to note that this assessment is being made relative to previous years; the validation, for example, will check whether or not disadvantage effects, or gender effects, are exacerbated within the model. It is also important to note that the system will not correct for relative biases that are internal to the sets of estimates provided by individual schools. Schools should have resolved the issue of any unconscious bias within their own estimating process. This was advised in the Guidance to Schools.
Issue of Results

The provisional results issued to candidates who opted for Accredited Grades will show Accredited Grades only while the provisional results of those who opted for both Accredited Grades and sat the Leaving Certificate Examinations will show the ‘better of’ their Accredited Grades results and the results of the Leaving Certificate examinations, on a subject by subject basis,

After the results are issued, candidates will be provided with data on their examinations and accredited grades as follows:

Accredited grades: Estimated Mark and Accredited Mark (the mark awarded, following the statistical standardisation process, that led to their grade

Examinations: Marks for each subject on a component basis.

A candidate who has sat examinations and also opted for Accredited Grades will see both the Accredited Grades data and the examinations data irrespective of which results were awarded to them.

Appeals Process

Candidates will have access to both the Examinations Appeals process and the Accredited Grades appeals process if they have opted for both regardless of the source of their final “Better Of” grade.

The Accredited Grades appeal process comprises the following stages:

- Stage1: Checks will be undertaken on the forms completed by the school to check that the information was transferred correctly from the forms to the data collection system.
- Stage 2: A review will be carried out to ensure that the data was correctly received and transmitted through the systems used in the national standardisation process
- Stage 3: Candidates unhappy with the outcome of the above process may invoke a separate process to have their appeal reviewed by independent Appeals Scrutineers. The Independent Appeals Scrutineers will check to ensure the correct procedures were followed throughout the appeals process. The
Scrutineers will have access to the records and documentation considered at Stages 1 and 2.

Stages 1 and 2 will be undertaken on foot of the initial application by the candidate. Stage 3 will be a separate process which can be invoked by any candidate dissatisfied with the outcome of the initial appeal. Candidates who having exhausted the appeals process as outlined consider that their case has not been processed correctly can make a complaint to the Ombudsman or, in the case of candidates under 18 years of age, the Ombudsman for Children.

The focus of the appeals process will be on:

a) establishing whether any errors have been made by schools in inputting the data from the forms, which were used to record the candidate data (Class ID, estimated percentage marks) into the Accredited Grades Data Collection Application.

b) establishing whether any errors have been made in transferring the data (Class ID, estimated marks for the candidate) from the Accredited Grades Data Collection Application to the statistical model.

c) In the statistical model, as a result of the application of the process of standardisation, the candidate’s estimated mark will be converted to an accredited mark. Checks will be undertaken to establish whether any errors have been made in transferring the candidate’s data, including the accredited mark, from the standardisation system to the State Examinations Commission, on the basis that the above-mentioned legislation allowing the SEC to operate the accredited grades system will have been enacted by then.

d) establishing whether the result the candidate is seeing on the Candidate Self Service Portal accurately reflects the grade on the SEC database.

A separate earlier appeals process will also be in place for cases of out-of-school learners, or candidates attending a school but taking one or more subjects outside of school, where it has not been possible to submit an estimated percentage mark on behalf of the candidate for a particular subject. This process, which is described in the publication Accredited Grades for Out-of-School Subjects and Out-of-School Learners - Guide to Appeals Process (25 May 2021), will also include the option to have an appeal reviewed by Independent Appeals Scrutineers.
Governance and Oversight

Accredited Grades Programme Board
The Accredited Grades Programme Board provides governance and management board level decision making for the work associated with Accredited Grades, until such time as this responsibility is transferred to the SEC.

SEC Board
The Executive and Board of the State Examinations Commission will assume responsibility for delivery, governance and oversight of the system of Accredited Grades once responsibility is transferred to the SEC.

Senior Responsible Officer (SRO)
Dalton Tattan, DOE Assistant Secretary, is the SRO. The SRO reports to the Secretary General and Management Board of the Department of Education and chairs the Accredited Grades Programme Board. He is responsible for decision making on the design, development and implementation of the Department phase of the Accredited Grades policy and process for 2021.

SEC Chief Executive Officer
Andrea Feeney is the CEO of the SEC and reports to the SEC Board of Commissioners. Following enactment of legislation, she will assume responsibility for the development and implementation of the system Accredited Grades in line with the policy of the Minister.

Senior Management Group
The Senior Management Group is responsible for all policy decisions relating to the design, development, and delivery of the Accredited Grades process for 2021, until such time as legislation is enacted to provide the SEC with vires to operate a non-examination process for the purpose of generating Leaving Certificate results.

Interim Standardisation Working Group
An Interim Standardisation Working Group has been established and acts as a technical advisory and technical decision making group for the standardisation process for 2021. Policy decisions or decisions that fundamentally alter the
standardisation process will be escalated to the SRO and the Senior Management Group. This group leads the technical interface with the external contractor on the design, development, and delivery of the 2021 Accredited Grades standardisation process, until such time as responsibility for the Accredited Grades process is transferred to the SEC. The group, which is chaired by the SEC, includes representation from the Department of Education, the SEC and the Educational Research Centre and another member with independent statistical expertise.

**External Quality Assurance**

An external quality assurance review function will provide independent assurance of the work undertaken. The External Quality Assurance function will cover:

- the accredited grades standardisation model – that the methodology, approach, and processes are appropriate for the purpose of achieving the objective;
- the work of the external contractor – that the contractor has carried out all works correctly and accurately in line with project requirements;
- data integrity – that data integrity has been maintained from end to end

**Automated Decisions**

The combination of the data sets and the data collected from schools will be processed through the statistical model. While a statistical methodology is by its nature data driven, the accredited grades model must be influenced by other concerns. There is a significant level of human intervention required to be able to stand over the statistical model and to approve the issue of the Accredited Grades to candidates.

While the standardisation process incorporates the use of a statistical model, there are a number of steps in the process involving human interventions. National distributions, which range across 79 Leaving Certificate curricular subjects and levels, 18 non-curricular languages and approximately 20 Leaving Certificate Applied subjects and tasks will be reviewed during process of standardisation.

Where distributions are not aligned satisfactorily, the model will be adjusted to ensure comparability and fairness for candidates. With each adjustment to the model, there will be further review, to check for negative impacts elsewhere in the model, and further adjustment as required. It is important to note that the result for each candidate in each subject is heavily influenced by the estimate provided by the
school in the first instance, and the distribution of results in any school is not preordained or ‘rationed’.

The above clearly demonstrates that there is a significant level of human intervention in the process meaning the accredited grade is not “based solely” on automated means and therefore it is the view of the Department that Article 22 of the GDPR does not apply.

**Assessment of Issues arising**

The traditional Leaving Certificate enjoys widespread public trust and confidence. The system being put in place for 2021 cannot risk diminishing this level of trust. The technology in this area is modern and secure. This includes a secure Candidate Self Service Portal and secure file transfer protocol.

Given the global nature of the pandemic, the use of an alternative or additional means to certify achievement, to facilitate progression from second level schooling, is no longer unique having been first implemented in Ireland in 2020 with the Calculated Grade process and similar processes implemented to certify achievement in the United Kingdom in the case of the GCSEs and A level examinations and in France in the case of the Baccalaureate and in other jurisdictions.

While identical processes are not being employed in the case of each of these jurisdictions, due to the variations in data and information available and the different types of assessments involved, they are based on similar data.

As a result, and given the robust and rigorous processes involved in the national standardisation process, the outcomes from the accredited grades system will be an integral element of the 2021 Leaving Certificate. Whether candidates receive their 2021 Leaving Certificate on the basis of Accredited Grades or examinations, or both, will not be discernible to the end users. The 2021 Leaving Certificate results will continue to be used for access to further study outside of Ireland, including, for example through the UCAS system in the United Kingdom.

**What safeguards have we put into the Irish approach to standardisation?**

A number of safeguards have been built into the approach to standardisation adopted in Ireland:
• There is greater importance attached to the information coming from teachers about their students than on other data sources. In the Irish standardisation process, the starting point has been the teachers’ estimates of their students’ performance. The pattern of results (distribution) in these results is the starting point for the Accredited Grades model in Ireland.

• The data collected from schools is much more granular information about each student’s estimated performance. Individual percentage marks are being collected for each subject for each student. If estimated grades rather than marks were collected, it would not be possible to carefully adjust the combination of the different sources of information that we have regarding students’ performance in the standardisation process.