

URGENT EXECUTIVE DECISION



72. Challenge to English GCSE Results 2012

The Director for People submitted a written report indicating that a request had been received from the Leaders of Leeds, Lewisham and Manchester City Councils to join a consortium to legally challenge the decisions of Ofqual and the examination boards Edexcel and AQA in respect of the June 2012 English GCSE results and recommending that Plymouth City Council also becomes a party to these proceedings.

The report advised Members that the Council would be liable to part fund the costs of Counsel representing the consortium, with total likely costs between approximately £65,000, and £420,000 depending on the outcome of the challenge and the final number of members of the consortium. At present nine Councils and two other authorities had agreed to become a party to the proceedings and two other parties had agreed to make a financial contribution to the costs of the consortium. A further 36 Councils had already indicated their support and were seeking ratification through their democratic process, decreasing the potential liability significantly.

Cabinet Members were advised that a sum of £24,000 had been set aside in the school intervention budget for this purpose.

Cabinet was asked to deal with this matter as an urgent decision because Counsel needed to know which Councils would be parties to the proceedings in order to be able to lodge the court papers with the court. This needed to happen as soon as possible to be able to comply with the court time limits. Councillor Mrs Aspinall, Chair of the Overview and Scrutiny Management Board, had given her approval to the urgent decision.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that –

- (1) the Council becomes a party to the Judicial Review of the decisions of Ofqual, Edexcel and AQA in respect of the June 2012 English GCSE results;
- (2) the London Borough of Lewisham leads the legal action;
- (3) the Head of Law of the London Borough of Lewisham will act on behalf of the Council in connection with this Judicial Review;
- (4) the Council understands and accepts the costs and consequences of participating in these proceedings.

Note: This item has been designated as urgent in accordance with the provisions of the Constitution and is not subject to the call in procedure