

# Decisions on marking reviews and appeals, grade boundaries and the Code of Practice



In December 2015 we started a consultation<sup>1</sup> on our proposals to:

- Remove the *GCSE, GCE, Principal Learning and Project Code of Practice*<sup>2</sup> (the Code).
- Change the way exam boards review their marking and moderation of GCSE, AS and A level assessment so errors are corrected, but marks are otherwise not changed.
- Extend the grounds on which centres<sup>3</sup>, and in some cases candidates, can appeal against marking and moderation decisions for GCSEs, AS and A levels following a review.
- Make sure exam boards continue to take a common approach to setting grade boundaries for GCSEs, AS and A levels.

Our aims were to:

- Remove rules that duplicate others.
- Make sure any errors in marking GCSEs, AS and A levels are found and corrected, in a way that is fair to all students.
- Make sure exam boards award qualifications in a consistent way.

The consultation closed in March and we are now announcing our decisions, which were informed by the responses to the full consultation, responses provided by students in a supplementary survey and our regulatory impact assessment.<sup>4,5</sup>

---

<sup>1</sup> <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/371268/2011-05-27-code-of-practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371268/2011-05-27-code-of-practice.pdf)

<sup>3</sup> 'Centres' includes schools and colleges and any other organisation that has an arrangement with an exam board to deliver its qualifications.

<sup>4</sup> <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

<sup>5</sup> A more detailed analysis of the responses can be found in the Alpha Plus report at <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

We are grateful to everyone who responded to our consultation.

## Summary of decisions

We set out our decisions below. Some of our decisions are the same as we proposed in our consultation. We have revised some of our proposals in light of responses to the consultation and our subsequent analysis. Stakeholders also raised some specific concerns about when our proposals should be implemented. They told us that there were disproportionate costs and risks to the exam system that would arise for schools, colleges and exam boards if some of our proposals were implemented in 2016. We are therefore seeking further views on when some of the changes should be introduced and information on their possible impact.

We recognise that with some of the changes we are introducing it is likely exam boards will need time to develop and refine their systems and approaches. The arrangements that are initially put in place in the first years will be in the context of what is achievable. We expect that exam boards will develop their approach over time and with the benefit of experience. Where we do not consider that exam boards are able immediately to meet our requirements, at even a minimal level, without incurring disproportionate costs or creating risks to the wider exam system, we have adapted or phased the implementation of our proposals. We have made it clear where we have decided to adopt or modify our proposals and where we wish to consult further, as follows:

- normal font – our original proposal is unchanged
- *italics* – our original proposal has been amended
- **bold** – new proposals, proposals on the implementation timetable and additional guidance on which we are consulting.

For summer 2016 we will:

- Remove the rules relating to GCSEs, AS and A levels from the *GCSE, GCE, Principal Learning and Project Code of Practice*<sup>6</sup> (the Code)
- *Retain the Code's rules relating to Project and Principal Learning qualifications*
- Permit exam boards, if they wish, to accept requests for reviews, and appeals, directly from learners
- Where exam boards decide not to accept requests directly from learners, exam boards must, as far as possible, ensure that learners can appeal the centre's decision that the request should not be made (this is a current requirement of the Code)
- Put in place explicit requirements for exam boards to train reviewers (including those undertaking reviews of moderation) prior to undertaking reviews and for details of that training to be published.

---

<sup>6</sup> <https://www.gov.uk/government/publications/gcse-gce-principal-learning-and-project-code-of-practice>

- Put in place explicit requirements for exam boards to monitor reviewers (including those undertaking reviews of moderation) and for any outcomes of that monitoring to be published
- Require exam boards to return to centres marked AS and A level scripts if centres want to see them (as now) and allow exam boards to return marked GCSE scripts to centres, if they want to see them before deciding whether to ask for a review
- Require Marking and Moderation Errors<sup>7</sup> to be corrected, but not otherwise allow marks to be changed
- Require exam boards to provide, when requested, reasons (which could be categories of decision types) for review decisions
- Require exam boards to provide reasons for decisions following a review of moderation
- Require exam boards to publish deadlines for submitting a review or appeal (we know these have already been published by the exam boards for 2016 and we see no reason why these must be changed).
- *Set a framework for key dates related to reviews<sup>8</sup> and appeals*
- Require exam boards to set their own timescales for each process and publish their performance against those timescales
- Require exam boards to consider appeals on the basis that it has not applied its procedures consistently or that procedures were not followed properly and fairly
- Continue to require exam boards to ensure that centres have arrangements in place for learners to request a review of centre marking
- Require exam boards to use a common approach to setting grade boundaries for GCSEs, AS and A levels

We also propose for summer 2016, subject to the feedback from our further consultation, to:

- **Put in place specific requirements for exam boards to train and monitor markers and moderators (such requirements are currently imposed through the Code)**
- **Publish statutory guidance on how reviewers should determine whether a Marking Error has been made**
- **Require exam boards to pilot the provision of the extended ground (that there had been a Marking Error<sup>9</sup>) for appeal in a small number of subjects in 2016**

---

<sup>7</sup> The awarding of a mark or the arrival at an outcome of Moderation which could not reasonably have been given or arrived at given the evidence generated by the Learner(s) (and for Moderation, the centre's marking of that evidence), the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation in relation to Moderation or marking, including in particular where the awarding of a mark or outcome of moderation is based on: an Administrative Error, a failure to apply such criteria and procedures to the evidence generated by the Learner(s) where that failure did not involve the exercise of academic judgment, or an unreasonable exercise of academic judgment.

<sup>8</sup> The requirement to set deadlines for provision of reasons for the decisions on review will not come into force until 2017

<sup>9</sup> see footnote 7.

For summer 2017 we will:

- *Permit reviews of centre-based marking to be conducted by either centres or a third party.*
- *Require that reviews of centre-marked assessments are done by assessors with no personal interest<sup>10</sup> in the review.*
- *Set a framework for minimum timescales related to deadlines for requests for reviews and appeals*
- Consider extending the grounds for appeal, to include that there had been a Marking Error, to other qualifications, subject to the analysis of the outcomes of the pilot.

**We have decided that we will require exam boards to put in place arrangements so that learners can ask for the results for centre-marked assessments before deciding whether to seek a review but will consult further on when we should implement this requirement.**

**We will also consult further on when we should implement the requirement that exam boards must make marked GCSE scripts available to centres in time for them to consider whether to ask for a review.**

We are also seeking further views on the impact on exam boards, schools and colleges of these proposals before making a final decision on their implementation.

### **The Code of Practice for GCSEs, AS and A level**

By withdrawing the Code as it applies to GCSEs, AS and A levels we will remove unnecessary duplication with our broader regulations. We will not prescribe how exam boards achieve the outcomes we require. Exam boards will be responsible for their processes and we will hold them to account.

In response to our consultation, some respondents said the Code should be updated rather than the rules removed. Others said that the requirement for exam boards to develop their own policies and procedures could create confusion and inconsistencies which could damage public confidence.

We will address these concerns by setting out in a new document for schools and colleges where, and with whom, different responsibilities lie.

We will retain the Code's rules as they relate to Project and Principal Learning qualifications. We will consult further on specific rules for these qualifications over the next 12 months.

---

<sup>10</sup> To ensure objectivity and to prevent any conflict of interest or bias.

## **New rules on reviews of marking and appeals**

We proposed new rules to improve the way concerns about a candidate's GCSE, AS or A level marks are considered by exam boards. These would apply to new GCSEs, AS and A levels and to legacy GCSEs, AS and A levels while they continue to be available. We originally proposed that all the requirements relating to exam board marked assessments should be implemented for summer 2016.

There was broad agreement that change is required, but opinions differed on how it should be achieved and when different elements of our proposals should be implemented. The greatest range of views related to:

- **Arrangements for the review of centre-based marks**

The Code requires centres to have appeals procedures relating to teacher-marked assessments and that these are widely available. It does not, though, expressly require that students must be given their marks.

We proposed that centres should allow students to ask that a mark given by a teacher for non-exam assessment is reviewed and, to allow them to decide whether to ask for such a review, that students should be given their marks before they are sent to the exam board for moderation.

While two thirds agreed with our proposals, a third of respondents disagreed. Many of these were concerned that a student would not understand enough about marking to judge whether a review was needed and that it would undermine teachers' professional judgement.

We have decided that, as the Code already requires that centres allow students to question their teachers' marks, such a provision should be carried forward. In light of the feedback from centres, we have decided to consult further on when we should introduce the additional requirement for centres to tell students the mark their teacher has given, for example whether it should apply only to the marking of non-exam assessments in the new GCSEs, AS and A levels. We will also seek more detailed information on the impact this could have, particularly on schools and colleges.

We have decided to change our proposals slightly. We have decided to allow reviews to be conducted by someone who does not work within the centre. This will allow the review to be conducted by the centre or a third party (which could be the exam board). We made this change to allow more flexibility for centres. In light of this additional flexibility we have, however, also decided that reviews of centre marking can only be carried out by those who have no personal interest<sup>11</sup> in the outcome of the review.

---

<sup>11</sup> To ensure objectivity and to prevent any conflict of interest or bias.

- **The removal of consistent processes and common deadlines**

We proposed that we would not set deadlines and timescales for reviews and appeals. This would allow exam boards to set their own deadlines and timescales for their own review and appeal processes, though they could set common dates if they wished.

A significant majority either disagreed or strongly disagreed with this proposal. Those who commented felt that a common approach was important for centres and/or students.

To ensure a common minimum window is available, we will preserve the right to set a framework for those dates. We will consult on a framework to come into effect for summer 2017. Exam boards have already published dates for 2016.

Our aim will be to put in place a framework within which all exam boards will work, without stopping them, individually or collectively, from responding to demands from schools and colleges for more innovative, efficient or centre/student focused approaches.

We will require exam boards to set their own deadlines for submitting a review or appeal and timescales for each of the processes, within any timeframe we prescribe. They may decide to use common dates. We will require them to publish their individual performance against those timescales.

- **Access to marked scripts**

The majority of respondents supported our proposal that all their exam-board marked GCSE, AS and A level scripts should be available to centres, that wanted to see them, before deciding whether to request a review of marking.

Some respondents said this proposal would create additional burden for teachers, who might be required by their centre to review a large number of scripts during their holidays. But most also welcomed the additional transparency that this option provides. Some exam boards have told us they will have to make significant changes to their IT systems before they could return marked GCSE scripts in any volume. Whilst we believe it is important that centres can see marked scripts before they decide whether to ask for a review, we do not want to introduce unnecessary risk into the system, particularly at a time of wider reform.

We have therefore decided to retain the requirement that exam boards must provide access to all AS and A level scripts for 2016. We will consult further on when we should implement the requirement that exam boards must make marked GCSE scripts available to centres in time for them to consider whether to ask for a review. This will give schools time to consider how they might resource this if they choose to view scripts.

Exam boards have already published their arrangements for reviews of marking in 2016, including their timelines and fees. We will not require exam boards to

make marked GCSE scripts available in 2016 before the deadline for centres to request a review, although some might decide to do so. In 2016 therefore, exam boards will be able to choose whether to make marked GCSE scripts available to centres that want them, either before the published deadline for requesting a review of marking or at a later date.

- **Marking Errors must be corrected but reasonable marks must not be changed**

The majority of respondents agreed or strongly agreed with our proposals that marks should only be changed on review where the mark could not reasonably have been given – when a Marking Error had been made. Almost all of those who agreed said this was the fairest approach for all.

Those who disagreed put forward a range of reasons. Arguments were made that a student should be given the highest mark possible, that it is difficult to define 'reasonable', and that the only fair process would be a blind re-mark.

Some school representatives said that if, on review, a mark could only be changed if it was unreasonable, then far fewer reviews would result in a mark change than now.

We are clear that Marking Errors must be corrected (however small or large the change of mark will be), but if no Marking Error was made an original mark should not be replaced. If such marks were changed then candidates who did not ask for a review of their marks would be unfairly disadvantaged relative to those who did.

We are consulting on statutory guidance to exam boards setting out how we expect them to identify Marking Errors, including cases where markers have exercised their academic judgement in an unreasonable way.

- **Extending the grounds for appeal to include that a Marking Error had been made that had not been corrected on review**

School groups welcomed our proposal to allow an appeal on the grounds that a Marking Error had been made, that had not been corrected on review, as well as on the grounds of a procedural failure, but questioned what the process would look like. Exam boards were concerned that extending the grounds for appeal in this way could increase appeals to an unmanageable volume and unrealistically raise the expectations of centres.

In light of this feedback, we have decided that for summer 2016 we will only require exam boards to consider appeals on the basis that they did not apply procedures consistently or that procedures were not followed properly and fairly.

We are consulting on our proposal to require exam boards to pilot the new ground for appeal in a small number of qualifications this year. This would allow schools and colleges to ask for an appeal on the grounds that a Marking or

Moderation Error had been made. We propose the exam boards should pilot the new ground in three qualifications: A level mathematics, A level geography and A level religious studies. Experiences from this pilot will help evaluate the impact of the change and help schools and colleges understand how appeals on this new ground would work.

In light of our analysis of the outcomes of the pilot, we will revisit our proposal, making any necessary changes and then make further decisions on which grounds of appeal will be available for all subjects for 2017 and beyond.

- **Remove the automatic protection for candidates who received an incorrect result**

Responses to this proposal were mixed. Some respondents supported our proposal to remove the automatic protection currently provided for candidates who, as a result of Moderation Error, received a higher mark than they should. They said this would allow exam boards to take individual circumstances into account but noted that there were times when candidates should be protected. Some said that candidates given a higher mark should be allowed to keep it.

We do not consider it fair for a candidate who was given a higher result than their performance deserved to automatically keep that result purely because the error was discovered through a review of moderation. This protection does not automatically exist for candidates advantaged by errors identified through other means.

We will remove the automatic protection for candidates who receive a higher mark than they should have done. We do not suggest that all wrong marks should be changed. Exam boards' decisions should depend on a number of factors that we will set out in guidance, on which we have already consulted.

## **Further areas on which we are consulting**

We are consulting on:

- specific requirements to train and monitor original markers and moderators
- the timescale for requiring marked GCSE scripts to be made available
- a framework for minimum timescales relating to deadlines for requests for reviews and appeals
- guidance about how Marking Errors should be identified
- piloting the extended ground for appeal in A level mathematics, geography and religious studies in 2016
- when schools and colleges should be required to tell their students the marks of teacher-marked assessment.

## **Introducing new procedural rules on how exam boards set grade boundaries for GCSEs, AS and A levels**

We will introduce the procedural rules for setting grade boundaries on which we consulted, subject to final consultation on their detailed wording. These largely reflect current practice.

Most respondents who expressed a view agreed with the proposals and that the list of evidence was appropriate.

### **Next Steps**

We have published a technical consultation on reviews of marking and appeals that covers:

- the rules to bring our decisions into effect
- the changes we propose to make to address issues raised through consultation
- our proposed guidance.

We wish to make our publications widely accessible. Please contact us at [publications@ofqual.gov.uk](mailto:publications@ofqual.gov.uk) if you have any specific accessibility requirements.



© Crown copyright 2016

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit <http://nationalarchives.gov.uk/doc/open-government-licence/version/3> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [publications@ofqual.gov.uk](mailto:publications@ofqual.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.uk/ofqual](http://www.gov.uk/ofqual).

Any enquiries regarding this publication should be sent to us at:

Office of Qualifications and Examinations Regulation

Spring Place  
Coventry Business Park  
Herald Avenue  
Coventry CV5 6UB

Telephone 0300 303 3344  
Textphone 0300 303 3345  
Helpline 0300 303 3346

---