

# **Analysis of responses to our consultation on changes to regulations for enquiries and appeals**

Consultation on:

Conditions and guidance

Proposals for exam boards to continue to train and monitor markers and moderators

Proposals for piloting the grounds for appeals

Proposals for other amendments to General Conditions of Recognition and guidance



July 2016

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## **Introduction**

### **The consultation on reviews of marking and moderation of GCSEs, AS and A levels**

This report is a summary of the views expressed by those who responded to our consultation on *changes to regulations for enquiries and appeals*<sup>1</sup> which took place between 26 May and 23 June 2016.

### **Background**

This consultation sought views on how Ofqual proposes to implement new arrangements for reviews of marking, reviews of moderation and appeals for GCSE, AS and A level qualifications.

This followed on from Ofqual's Consultation on: *Improving Reviews and Appeals of GCSE, AS and A level Marking; Withdrawing the GCSE, GCE, Principal Learning and Project Code of Practice; and New Requirements on Setting GCSE, AS and A level Grade Boundaries*<sup>2</sup> in December 2015. Ofqual announced the decisions and published the analysis of that consultation on 26 May 2016.<sup>3</sup>

This consultation was about the Conditions and guidance Ofqual proposed to put in place to implement the changes.

There were three additional areas on which we consulted which had not been included in the original consultation. These were:

- piloting a new ground on which appeals can be made (challenge marking or moderation on the grounds of a Marking Error);
- retaining specific requirements for exam boards to train original markers and moderators; and
- producing statutory guidance on how reviewers determine a Marking Error has been made.

We also proposed to amend the Conditions for 2016, which we had consulted on previously, in some areas. In particular, these were to:

- require exam boards to only provide reasons for the decision of a review of marking upon request (as a transitional provision for 2016 only);

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<sup>1</sup> <https://www.gov.uk/government/consultations/changes-to-regulations-for-enquiries-and-appeals>

<sup>2</sup> <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

<sup>3</sup> <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

- require exam boards to provide reasons for the decision of a review of moderation, but permit the reasons to follow the decision to minimise delay;
- set a framework for key dates related to reviews and appeals – we set out our proposals for this framework;
- permit that the review of centre-marked assessments, which students can request, does not have to take place within the centre, but could be conducted by a third party; and
- permit, but not require the return of GCSE scripts ahead of centre requests for reviews of marking or moderation in 2016.

We also proposed some other amendments to our Qualification Level Conditions and guidance for reformed GCSEs and A levels. These were to:

- correct an error in Condition GCSE5 where the word 'skills' has been omitted;
- introduce a Qualification Level Condition for reformed GCSEs and A levels
- that would require that a qualification could only be developed where
- subject level conditions exist in that subject.

## Who responded

We received a total of 19 responses to our consultation document. We also received one submission which did not follow the structure of the consultation document, but made a number of specific points.

All the responses were from individuals or organisations based in England or Wales.

**Table 1: Breakdown of consultation responses**

<b>Personal / organisation response</b>	<b>Respondent type</b>	<b>Number</b>
Personal	Teacher	2
Personal	Educational Specialist	2
Organisation	School / college / academy chain	6
Organisation	Other representative or interest group	5
Organisation	Awarding organisation	5

## **Approach to analysis**

The consultation was published on our website. Respondents could choose to respond using an online form, by email or by posting their answers to the consultation questions to us.

This was a consultation on the views of those who wished to participate and while we tried to ensure that as many respondents as possible had the opportunity to reply, it cannot be considered as a representative sample of the general public or any specific group.

## **Data presentation**

We present the responses to the consultation questions in the order in which they were asked.

The consultation asked 26 questions and each had a different focus. Respondents could choose to answer all or just some of the questions.

For 10 of the questions, respondents could indicate the extent to which they agreed with our proposals, using a 5-point scale (strongly agree, agree, neither agree nor disagree, disagree and strongly disagree), as well as providing free-form narrative comments on our proposals.

For these questions, we set out respondents' views using the 5-point scale. Where respondents provided further comments, we analyse these separately for respondents who agreed with our proposals, disagreed with our proposals, and expressed no preference.

In the remaining 16 questions, we requested free-form narrative comments in response to specific enquiries.

During the analysis phase we reviewed every response to each question, including the responses using the 5-point scale and the free-form comments on our proposals.

## **Views expressed – consultation response outcomes**

In this section we report the views, in broad terms, of those who responded to the consultation document. We have structured this around the questions covered in the consultation document and provide analysis of the data broken down by stakeholder. We do not detail each individual comment which was made, although we have read and considered all views which were provided.

A consultation is not the same as a survey and the responses only reflect the views of those who chose to respond. Typically these will be those with strong views and/or particular experience or interest in a topic. What follows is a reflection of the views expressed by respondents to the consultation.

A list of the organisations that responded to the consultation is included in Appendix A.

<b>Question 1 – To what extent do you agree or disagree with our proposal to pilot the ground for appeal that the mark or moderation decision contained a Marking Error in 2016?</b>
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Responses from those who answered this question were as follows:

Strongly agree	7
Agree	4
Neither agree nor disagree	1
Disagree	3
Strongly disagree	3

Of those respondents who strongly agreed or agreed with the proposal:

- Many respondents considered that it was a good idea to assess the impact of this change on a small number of subjects initially before rolling it out further.
- Some commented that all parties concerned will have a chance to understand how appeals on this new ground would work.
- One commented that the change will help to raise confidence in the current system.
- One commented that it is important that the outcome of the pilot would include reviewing whether this is a sensible proposal, not just implementation timescales.

The respondent who neither agreed nor disagreed with the proposal:

- Commented that the pilot was being rushed through for the current exam series, that there was insufficient time to engage with stakeholders and train staff and that there was a risk of processes not being fully tested.
- Anticipated that there would be a significant increase in appeals if the change is rolled out to all subjects, with there being no difference to the outcome, given that errors will be picked up by a first review.

Of those respondents who disagreed or strongly disagreed with the proposal:

- One respondent commented that this will increase the advantage held by more affluent centres who currently game the system.
- One respondent commented that it remains unclear how schools would be able, in practice, to evidence that a mark scheme had not been applied reasonably.
- A number of respondents expressed concern over whether there was time to communicate the change to stakeholders, develop processes and procedures and train decision-makers.
- One exam board questioned how the new grounds for appeal will, effectively, be applied retrospectively for assessments that were developed approximately 18 months ago.
- One respondent commented that the proposed change was too short notice.
- One respondent stated that it would be inequitable to operate two different appeals systems in the same series.
- One exam board respondent expressed concern at the possibility that including a challenge on the grounds of academic judgement could lead to the appeals process becoming a litigation forum and that to adequately train staff and review systems for the change would increase the burden on exam boards at a time of peak delivery.
- One exam board respondent stated that it is imperative that a comprehensive understanding of the assessment structure, demand, mark scheme and standard – applied by the Principal Examiner – is at the heart of determining whether or not the mark awarded is accurate.
- A number of respondents queried who would be qualified to consider whether or not the marking standard had been appropriately applied on an appeal.

- One exam board respondent commented that success criteria have not been agreed for the pilot and that it will be crucial for Ofqual to coordinate the development and implementation of a common evaluation plan.

**Question 2 – To what extent do you agree or disagree with our proposal to pilot the ground for appeal that the mark or moderation decision contained a Marking Error in the following qualifications: A level mathematics, religious studies and geography only in 2016?**

Responses from those who answered this question were as follows:

Strongly agree	2
Agree	6
Neither agree nor disagree	2
Disagree	4
Strongly disagree	5

Of those respondents who agreed or strongly agreed with the proposal:

- Some respondents commented that it was sensible to trial the proposals before full implementation on a limited number of subjects.
- Some respondents commented that the choice of subjects was appropriate.
- One respondent who agreed with the proposal commented that it would have been desirable to include an arts subject.
- One respondent stated that they would feel very let down if the scheme as a whole were not rolled out by summer 2017.

Of those respondents who disagreed or strongly disagreed with the proposal:

- Some noted that, since they did not agree with the proposal in question 1, they were not supportive of the proposal regarding subjects for trial in question 2.
- One respondent noted that the pilot could potentially lead to unequal treatment of students in the appeals process, given that the grounds on which they can appeal are determined by the subjects they have chosen.
- One respondent commented that introducing change so late in the exam series and for a small range of subjects could cause confusion for both candidates and

centres and that introducing changes at this stage cannot be expected to be effective.

- One respondent noted that it was not clear what the pilot would focus on, nor what is being measured, and therefore questioned whether carrying out the pilot in these subjects would provide sufficient evidence to allow it to be rolled out in 2017.
- One exam board respondent provided data to show that it had experienced a very small number of appeals in the subjects identified in the last two years and commented that there may be a very small pool of data following the pilot.
- One respondent commented that by only piloting with A level subjects, 11-16 schools and general further education colleges which don't deliver A levels will not be able to contribute to and learn from the pilot.
- One respondent commented that A level religious studies was not a very popular subject to include in the pilot.
- One respondent noted that mathematics seems an odd choice of subject for the pilot, because in the respondent's experience there are relatively few errors uncovered on a remark.
- One respondent stated that A level English literature would be an appropriate subject to include in the pilot.
- A number of respondents noted that the aggregation rules for A level mathematics and further mathematics mean that some units can count toward either qualification and it would be unsatisfactory to have different appeal procedures for the two different qualifications.

**Question 3 – To what extent do you agree or disagree with our proposal to put in place guidance setting out how reasonableness should be judged for reviews of marking, reviews of moderation and appeals?**

Responses from those who answered this question were as follows:

Strongly agree	10
Agree	5
Neither agree nor disagree	1
Disagree	1

Strongly disagree	1
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Of those respondents who agreed or strongly agreed with the proposal:

- Some commented that it is important to have clear guidelines about what is and isn't acceptable.
- Some commented that exam boards, teachers and students can only apply the process properly if there are clear structures in place.
- One commented that, given that the introduction of new grounds for appeal is a significant change to the process, it is imperative that communication is effective and it is imperative that the notion of reasonableness is applied consistently across awarding organisations.
- One respondent commented that some centres may wish to legally challenge the reasonableness or unreasonableness of the awarded mark.
- One respondent supported the proposal to put in place guidance but considered that the guidance in its current form was not fit for purpose, in that it does not adequately define '*reasonable*' or exemplify its application. This could give rise to an increased propensity towards legal challenge.
- One respondent agreed that guidance was required but commented that the proposed guidance does not offer sufficient clarity on when a mark should or should not be changed.

Of those respondents who disagreed or strongly disagreed with the proposal:

- One noted that this is a difficult thing to do, as the nature of the assessments and mark schemes across subjects are very different.
- One expressed the view that the proposal put forward by Ofqual is not sufficiently clear for exam boards to either hold reviewers to account or manage expectations from schools, students and parents. It also imposes a single model where there are multiple ways to manage these types of reviews.
- One expressed the view that the guidance does not address situations where the student's work falls outside the expected responses described by the mark scheme, which is a common occurrence.

**Question 4 – To what extent do you agree or disagree with our proposal to put in place requirements on exam boards to train Assessors carrying out original marking or moderation?**

Responses from those who answered this question were as follows:

Strongly agree	16
Agree	2
Neither agree nor disagree	-
Disagree	-
Strongly disagree	-

All respondents agreed or strongly agree with the proposal:

- Many noted that it is essential that markers and reviewers are well trained.
- Many noted the importance of consistency of high quality of marking and moderation across exam boards.
- One noted that, although exam boards currently say they do training, there needs to be more joined up thinking at the beginning of the process.
- One noted that it is paramount they have confidence in the ability of reviewers to carry out their role to a high standard.
- One noted that exam boards should not attempt to save costs when it comes to the training of examiners.

**Question 5 – To what extent do you agree or disagree with our proposal to require exam boards to provide reasons only on request in 2016 rather than automatically?**

Responses from those who answered this question were as follows:

Strongly agree	1
Agree	3
Neither agree nor disagree	8
Disagree	-

Strongly disagree	3
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Of those respondents who agreed or strongly agreed with the proposal:

- One noted that this will inform action needed by exam boards and Ofqual in order to provide a professional and robust assessment service.
- One appreciated that this is a change in process for exam boards and potentially an additional burden, given the limited time frame between June 2016 and results and the review window in August/September, but noted that there should be consistency in the provision of reasons by exam boards.
- One noted that it should be possible for exam boards to provide reasons automatically by the next exam cycle.
- One exam board respondent noted that it is committed to providing centres with the information they need to understand the outcome of their post-results service requests and that it will ensure that centres have access to this information for 2016.

Of those respondents who neither agreed nor disagreed with the proposal:

- One noted that they understand Ofqual's reason for asking exam boards to provide reasons on request, in order not to delay the review outcome.
- One noted that having to request reasons will prolong the process.
- One exam board respondent raised concerns about the expectation that centres will have in respect of the level of detail and stated that it would not be feasible to provide in-depth feedback for each script, even on request (noting that system developments were required). It noted that reasons could be provided by category and that centres could apply for a copy of the script.

Of those respondents that disagreed or strongly disagreed with the proposal:

- One exam board respondent noted that it would not be possible to implement the proposed change in 2016. There is insufficient time to train reviewers or to amend their contracts so that the decision information could be generated to the required standard. Instead, decision outcome letters for reviews of marking could be reviewed to make them more helpful and informative. The respondent noted that expectations of the type of information to be provided as reasons are unclear.
- One exam board respondent noted that in the absence of system change to control this arrangement, following reviews of marking, it could provide centres

with the copies of the reviewed scripts – which will include the reviewers' annotations. A fee would be charged for this. The respondent noted that centres may have false expectations about the information that can be provided.

- Two exam board respondents noted that tailored feedback could be provided where individual reviews of marking give rise to a change of two qualification grades or more.
- One respondent noted that it will be time consuming for centres to request reasons for candidates.
- One respondent commented that reasons should be provided automatically from 2016.

**Question 6 – To what extent do you agree or disagree with our proposal to require exam boards to provide reasons automatically from 2017 onwards?**

Responses from those who answered this question were as follows:

Strongly agree	6
Agree	5
Neither agree nor disagree	3
Disagree	-
Strongly disagree	3

Of those respondents who agreed or strongly agreed with the proposal:

- Some noted that students will ask for a reason, and they would rather it was automatic in order to save time.
- One noted that this will inform action needed by exam boards and Ofqual in order to provide a professional and robust assessment service.
- Some commented that this will add greater transparency to the system.
- One noted that if the new rules around reviews of marking are to hold any weight, there must be reasoning behind the review. The respondent raised a concern over whether this would lead to increased cost, but thought this unlikely.

Of those respondents who neither agreed nor disagreed with the proposal:

- One commented that they were still not sure what value this will add to the process, especially if the category is 'marked reasonably'.
- The respondent also commented that there is risk that the reasons will be categorised in a way that is less useful to schools or students, or in a way that is unreasonably burdensome for the exam boards to collate or provide.

Of the respondents that strongly disagreed with the proposal (all exam board respondents):

- One stated that the system development required to implement this proposal would not be possible prior to 2020. Making changes to legacy systems increases the risk of failure and, therefore, the delivery of the current examination series. Any such changes would divert technical resource and expertise away from supporting current systems and from developing the essential new systems, for 2020.
- One noted that there are costs associated with providing this information for centres, stated that exam boards would need to charge for this service and believed that centres should be allowed to choose whether or not to incur this additional cost.
- One believed that centres should request the candidate's script, rather than being provided with the reason automatically, as this will add to the cost for the centres.

**Question 7 – To what extent do you agree or disagree with our proposal to allow the reasons and the outcomes to be provided separately to one another?**

Responses from those who answered this question were as follows:

Strongly agree	2
Agree	6
Neither agree nor disagree	2
Disagree	6
Strongly disagree	2

Of those respondents who agreed or strongly agreed with the proposal:

- Some respondents, both school and exam board, agreed that the reason should not delay the outcome which is the important part for the student especially when a university place is pending.
- One noted that it may speed up the return of the outcome, but there is the potential for schools' and exam boards' administration to be doubled.

Of respondents who neither agreed nor disagreed with the proposal:

- One noted that, if this allows for outcomes to be provided more speedily, then it is a good idea. However, if the outcome is then contested by the student it could be frustrating if the reasons are not available at the same time.

Of respondents who either disagreed or strongly disagreed with the proposal:

- One respondent commented that this could lead to the impression that exam boards were trying to justify the decision rather than it being seen as part of a unified process.
- One respondent noted that the reasons for the decision should give evidence for a school or Learner to make a judgement on whether to take the process further.
- One respondent commented that having separate communications makes it unnecessarily convoluted, that there must be a reason in order for there to be a result and the reason must be provided promptly in order to make a decision whether or not to appeal.

**Question 8 – To what extent do you agree or disagree with our proposal to permit reviews of centre-marked assessments to be conducted by the centre or by a third party?**

Responses from those who answered this question were as follows:

Strongly agree	3
Agree	5
Neither agree nor disagree	2
Disagree	5
Strongly disagree	3



Of those respondents who agreed or strongly agreed with the proposal:

- Some respondents commented that it is good to have the option of involving a third party, if the school is unable to process the appeal.
- One respondent noted that they welcomed some form of independent contribution to the decision making process.
- One respondent commented that this is unlikely to occur in a school or college where there are teams generally made up of more than one subject teacher, but that it would be a crucial consideration for smaller centres where there is only one subject teacher.
- One respondent noted that this will enable consistency as well as supporting teachers to improve the quality and accuracy of marking in subsequent years.

Of those respondents who neither agreed nor disagreed with the proposal:

- One respondent queried who the third party would be, whether it would be the exam board, and asked whether another school or college would be able to complete the review correctly.
- One exam board respondent noted that the marking across the cohort must be consistent and that whilst a third party could, in theory, be another awarding organisation, this was not an approach they would advocate.

Of those respondents who either disagreed or strongly disagreed with the proposal:

- One respondent considered there to be logistical and time challenges with this proposal and that it may set unrealistic expectations for candidates and their carers.
- One respondent commented that moderation should always be external.
- One commented that reviews should only be internal, and that the involvement of a third party would complicate matters and undermine schools and colleges.
- One respondent queried whether Condition GCSE12 could be interpreted as a right for a Learner to have their own personal tutor review the marking of centre marking.
- One respondent stated that this proposal raises questions for qualification standards and conflicts of interest.
- A number of exam board respondents stated that they did not intend to be a third party for these purposes.

**Question 9 – What will be the impact of requiring centres to make marks for centre-marked assessments available to students ahead of moderation?**

Of the 19 respondents who answered this question:

- One commented that this would put pressure on schools and colleges by students or parents, when marks are below what they had hoped for.
- Some considered that this would be hard for schools to manage.
- Some commented that there would be an increase in challenges to marking.
- One noted that there could be a risk that candidates would misunderstand their final outcomes. There could also be a risk that the centres' own marks could be influenced by pressure from the parent or student if they shared in advance of submission. This could, therefore, result in an increase in the number of centres whose marks were subject to amendment during moderation.
- One respondent, who did not support the proposal, commented that the proposal would put significant strain on those managing coursework, is wholly unrealistic and will distort teaching. Instead, the validity and reliability of assessment should be achieved by the exam board through robust moderation.
- One respondent commented that marks should not be made available to students ahead of moderation as they are not truly marks before they have been moderated.
- One respondent commented that providing marks which are changed on moderation may impact on the credibility of the centre-based Assessor and detrimentally affect the morale of teachers.
- One commented that this proposal would require deadlines to be brought forward considerably.
- One noted that, despite best efforts, centres may miss the awarding organisation's submission deadlines and this would create operational issues.
- One considered that this proposal would be detrimental for pastoral, academic, disciplinary and administrative reasons. It is a logical step in the review process in August, but should be left until then.
- One stated that the only reasonable time for the student to ask for a review of their marks is before moderation, otherwise it risks undermining the principles of moderation and randomly selecting the sample

- One supported more openness and access to the system, especially for students, who are dependent on it.

**Question 10 – When is the earliest that we should implement the requirement for centres to make marks for centre-marked assessments available to students ahead of moderation?**

Of the 16 respondents who answered this question:

- Some suggested September 2017, others 2018.
- Several commented that this should not be introduced swiftly, as time would be needed to give centres the opportunity to draw up procedures and appropriate timescales.
- One commented that the change should not be introduced mid-course for colleges and schools running two-year programmes.
- Some stated that they were opposed to this being introduced under any timescale.

**Question 11 – To what extent do you agree or disagree with the proposed framework for the dates that exam boards set for accepting requests for reviews of marking, reviews of moderation and appeals?**

Responses from those who answered this question were as follows:

Strongly agree	3
Agree	7
Neither agree nor disagree	3
Disagree	3
Strongly disagree	-

Of those respondents who agreed or strongly agreed with the proposal:

- Some commented that setting minimum windows is sensible.
- Two respondents commented that not having a common approach would lead to worries about unfairness, and could be used by exam boards as a marketing opportunity to sway people to take their offering.

- Some respondents commented on the importance of an agreed approach across exam boards.
- A number of exam board respondents noted an interest in changing the deadline for requests for GCE priority review of marking.
- One noted that fixed dates, rather than windows, would reduce the potential for confusion.

Of those respondents who neither agreed nor disagreed with the proposal:

- One stated that it would be a nightmare to have different dates for different exam boards and expressed concern that, although schools might set one deadline date, there was a possibility of a student requesting a review after the school date but within the exam board deadline, which would cause problems.
- One noted that university places depend upon the A level priority remark process.

Of the respondents who disagreed with the proposal (who were exam boards):

- One noted that there are distinct advantages in maintaining long established and well understood dates, including the interests of schools and colleges.
- One noted that the deadline for requests for GCE priority review could change to ensure that exam boards are in a position to complete any review of marking or administrative errors prior to August 31; the date that has been historically set by some universities who may be holding open an offer, depending on the outcome of a post-results review of marking.
- One noted that some of the lead times would be too long, that there are too many variable deadlines and that the arrangements fail to take into account the higher education admissions arrangements.

One respondent commented that exam boards have over two months to mark and centres need over two months to appeal.

**Question 12 – To what extent do you agree or disagree with the proposal that we require exam boards to publish a report each year which identifies changes to their review arrangements as a result of their monitoring of Moderation?**

Responses from those who answered this question were as follows:

Strongly agree	8
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Agree	3
Neither agree nor disagree	4
Disagree	1
Strongly disagree	1

Of those respondents who agreed or strongly agreed with the proposal:

- Some noted that it would be useful for schools to have a report.
- One commented that this will increase trust in the system.
- One commented that this will only have meaning if the review of marking includes reporting on where poor marking has happened.
- One noted that there was a danger of the document becoming such a 'headline' document that it may well become meaningless.

Those respondents who neither agreed nor disagreed with the proposal included exam board respondents, who commented:

- There was a lack of clarity about expectations in this area and there may be circumstances in which, for good reason, exam boards are reluctant to share confidential ways of working. There is the potential for such a report to be misinterpreted and this may erode public confidence.

Of those respondents who disagreed or strongly disagreed with the proposal:

- One respondent stated that such a report would undermine rather than increase public confidence and that the purpose of such a report is not clear.
- One exam board stated that although it agreed that exam boards should be transparent in providing information to centres about changes that are made, they did not think it appropriate that exam boards provide a report each year to identify changes to review arrangements.

**Question 13 – When should we require exam boards to have arrangements in place to make marked assessment material available to centres in order to request a review?**

Of the 16 respondents who answered this question:

- One exam board respondent stated that would provide all marked assessments to centres, on request, from summer 2016.

- One respondent stated summer 2016 but failing that summer 2017.
- A number of respondents stated summer/autumn 2017.
- Two respondents stated that this should be no later than summer 2017.
- One respondent stated that there should be flexibility up to and including the June 2018 series.
- One exam board respondent stated that due to system constraints the earliest it could safely introduce the service would be 2020.
- One exam board respondent stated that the date should be considered in light of other system changes which Ofqual introduces as it will not be possible to introduce too many changes at once, without introducing risk to the system.
- One respondent stated that it is important to prioritise subjects that affect progression.
- One respondent noted that this must not be at the expense of dealing with immediate GCE requests.

**Question 14 – Do you have any comments on our proposed Conditions and requirements for reviews of marking, reviews of moderation and appeals in GCSE (9-1) qualifications?**

Most respondents did not have any comments in response to this question. Of the 5 respondents who answered the question:

- One exam board respondent gave detailed feedback on the drafting of a number of the proposed conditions. The exam board also:
  - Raised concerns over the references to being required to consider consistency '*over time*' in a number of Conditions and what these requirements would entail.
  - Fundamentally disagreed with a number of provisions in GCSE12.2, on the basis that these requirements would put undue pressure on centres and on the entire system.
  - Raised concerns over the publication of training and monitoring activity in Conditions GCSE14.7 and GCSE17.6, as this may be misconstrued.

- Stated that Condition GCSE17.5(b) does not allow for any exceptions to involving an Assessor who was previously involved in marking and that there are some exceptional circumstances where this may be required.
- Suggested that the requirements in Condition GCSE18.12 should remain in place, instead of introducing the further requirement in Conditions GCSE18.7 and GCSE18.9 at a later date. This is because the further requirements will inevitably involve debate over the '*reasonableness*' of a mark and this will be time consuming for awarding organisations and centre staff.
- Stated that many of the points contained in Condition GCSE21.1 cannot feasibly be reported on at present and that a phased implementation over a period of time is required to cover details such as the nature of moderation and marking errors. Significant system change is required to provide these details.
- One exam board respondent also commented that it would be helpful to clarify whether these proposed Conditions also apply to Endorsements<sup>4</sup>.
- One exam board respondent raised concerns over the proposed withdrawal of the Code of Practice in 2016, stating that the absence of the Code would undermine the well-established '*procedural*' ground of appeal and that the exam board's engagement suggests that the implications of the withdrawal of the Code for automatic grade protection have not been widely understood. Withdrawal of the Code should be considered further.
- One respondent commented that Condition GCSE15.1(b) indicates that the exam board may only be required to make assessed materials available for a fee. Condition GCSE17.2(b) indicates that a fee could be, as is currently the case, required for a review too. Concern was expressed that providers/students might have to pay two fees as part of the process.

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<sup>4</sup> An Endorsement is an optional route through a qualification which is then reflected in the qualification title (such as Fine Art or Graphic Design in a GCSE Art qualification)

**Question 15 – Do you have any comments on our proposed guidance for reviews of marking, reviews of moderation and appeals in GCSE (9-1) qualifications?**

Most respondents did not have any comments in response to this question. Of the 6 that did make comments:

- One respondent noted that the proposed guidance on marking errors appeared fair both to those students who requested a review and those who did not.
- One respondent stated that the guidance does the best at defining the almost indefinable (what is '*reasonableness*') but inevitably the concept must remain vague and so progress against the guidance should be considered after about three years. The respondent expressed concern that the guidance on not considering an alternative mark put forward by the candidate could lead to a real danger of unfairness.
- One exam board respondent gave detailed feedback on the drafting of the proposed guidance. In particular, the exam board:
  - Commented that documenting the reason for each decision seems impractical and queried who will see the documentation, the level of detail expected and the intended audience.
  - Stated that it is unhelpful and ambiguous to use the phrases '*normal meaning*' and '*a common sense approach*' to describe considering reasonable marking – stating that suggesting an exam board uses a common sense approach sends out the wrong message and undermines the point that only people who have had appropriate training are qualified to make this sort of academic judgement.
  - Queried how many times a mark can be reviewed before it can stand.
  - Raised a number of questions on how appeals would work in practice, including how reasonableness could be treated.
- One exam board respondent commented that if the review or appeal is being made on the basis that the mark scheme has not been applied correctly, then both the review of the marking and the appeal of that review should involve a further review of marking carried out by a marker adequately trained in the standardisation of that assessment. It noted that there must, however, be a limit on the number of review opportunities.
- One exam board respondent:

- Stated that it did not believe that the consideration of Marking Error should form part of the appeals process. The consideration of the Marking Error, it maintained, should form part of the review process. The appeal would then consider if the correct review process had been followed.
  - Stated that further guidance is required on the possible methods of documenting reasons, including under a specific category.
  - Expressed concern that the provision of reasons would create an expectation that there is an additional document providing reasons for marking, which would be time consuming to create, and might not make sense without viewing the candidates' responses to the assessment materials.
- One respondent commented that the guidance did not help any party make a judgement on whether an exam board is or is not compliant with the conditions.

**Question 16 – Do you have any comments on our proposed Conditions and requirements for reviews of marking, reviews of moderation and appeals in GCSE(A\*-G) qualifications?**

Most respondents did not have any comments in response to this question. Of the 6 who did make comments:

- The points made by a number of respondents were the same as those given in response to question 14.
- One respondent noted that it is important that priority is given to subjects that affect progression, eg English and maths GCSEs.

**Question 17 – Do you have any comments on our proposed guidance for reviews of marking, reviews of moderation and appeals in GCSE(A\*-G) qualifications?**

The majority of respondents did not have any comments. Of the 8 who made comments:

- Many respondents referred to their responses in relation to question 15.
- One commented that any changes to marks should be attributed to the student automatically.

- One respondent made reference to previous concerns raised in relation to the marking of certain subjects and that further requirements should be put in place to review marking before results are issued.

**Question 18 – Do you have any comments on our proposed Conditions and requirements for reviews of marking, reviews of moderation and appeals in reformed GCE qualifications?**

The majority of respondents did not have any comments on this question. Of the 7 who made comments:

- Many respondents referred to their responses in relation previous questions.
- One respondent noted that the proposed Conditions are a move in the right direction.
- One respondent noted that it is important that the timeframes for remarking do not have a negative impact on progression plans for candidates.

**Question 19 – Do you have any comments on our proposed guidance for reviews of marking, reviews of moderation and appeals in reformed GCE qualifications?**

The majority of respondents did not have any comments on this question. The 4 who made comments referred to their responses in relation to question 15.

**Question 20 – Do you have any comments on our proposed Conditions and requirements for reviews of marking, reviews of moderation and appeals in legacy GCE qualifications?**

The majority of respondents did not have any comments on this question. Of the 5 who made comments:

- Many respondents referred to their responses to previous questions.
- One respondent commented that there could be insufficient time to allow students to be issued with marks and be able to appeal the mark before sending the marks and work for moderation. Concern was expressed that centres could end up with a large number of review requests, and it was stated that this would be unnecessary with internal and external moderation processes in place.

**Question 21 – Do you have any comments on our proposed guidance for reviews of marking, reviews of moderation and appeals in legacy GCE qualifications?**

The majority of respondents did not have any comments on this question. The five respondents who made comments referred to their responses to previous questions.

**Question 22 – Do you have any comments on our proposed Conditions for requiring that GCSE (9-1) and reformed GCE qualifications can only be developed for subjects which have subject level Conditions?**

The majority of respondents did not have any comments on this question. Of the two who made comments:

- One respondent commented that this was a sensible proposal as it ensures a consistent approach and standards for all GCSE and GCE qualifications.

**Question 23 – Do you have any comments on our proposed amendment to Condition GCE5.1?**

The majority of respondents did not have any comments on this question. One respondent noted that the inclusion of 'skills' reflects the requirement for students to be able to evaluate and analyse information rather than just repeat learned knowledge.

## **Equalities Impact Assessment**

The final three questions of the consultation related to possible impacts, as a result of the implementation of the proposals, on persons who share a protected characteristic.

This section should be read in conjunction with Section 7.5.1 of Alpha Plus's *An Analysis of consultation responses: marking reviews, appeals, grade boundaries and Code of Practice, March 2016*.<sup>1</sup>

**Question 24 – We have not identified any ways in which the proposals would impact (positively or negatively) on persons who share a protected characteristic. Are there any potential impacts we have not identified?**

The majority of respondents did not identify any further impacts. Of the four who made comments:

- One noted that indirectly the proposals will disadvantage students from those ethnic groups concentrated in poorer centres, and would entrench advantages to the detriment of working class pupils.

- One noted that the potential requirement for centres/students to have to pay both to request scripts and a review of marking may disadvantage students from less advantaged backgrounds.

**Question 25 – Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?**

The majority of respondents did not identify any additional steps. Of the four who made comments:

- One proposed that exam boards should be required to return scripts electronically as a matter of course.
- One suggested that it was necessary to find a way to penalise centres which systematically appeal every year in order to ‘game’ the system.

**Question 26 – Do you have any other comments on the impacts of the proposals on students who share a protected characteristic?**

The majority of respondents did not have any comments on this question. Of the three who made comments:

- One respondent made reference to a recent Department for Education/Examination Officers’ Association consultation on autism, and noted that this consultation had raised issues potentially relevant to the proposals.

## **Appendix A: List of organisational consultation respondents**

When completing the questionnaire, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation.

Below we list those organisations that submitted a non-confidential response to the consultation. We have not included a list of those responding as an individual; however all responses were given equal status in the analysis.

AQA  
Association of Colleges  
Association of Teachers and Lecturers  
Benenden School  
Bolton School Girls' Division  
Examination Officers' Association  
Farnborough Sixth Form College  
Girls' School Association  
Hampton College  
International Baccalaureate Organisation  
Nottingham Girls' High School  
OCR  
Pearson  
St Helen and St Katharine  
Surbiton High School  
WJEC

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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