

## **Consultation on:**

- **Improving Reviews and Appeals of GCSE, AS and A level Marking**
- **Withdrawing the GCSE, GCE, Principal Learning and Project Code of Practice**
- **New Requirements on Setting GCSE, AS and A level Grade Boundaries**



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# 1. Executive summary

## The scope of this consultation

This consultation is about three distinct but inter-related proposals:

- To improve the way concerns about a candidate's GCSE, AS or A level marks are considered by exam boards. Our proposals apply to new GCSEs, AS and A levels and to legacy GCSEs, AS and A levels while these continue to be available.<sup>1</sup>
- To withdraw the *GCSE, GCE, Principal Learning and Project Code of Practice*<sup>2</sup> (the Code) which contains the rules exam boards must follow when they deliver and award legacy GCSEs, AS and A levels and Principal Learning and Project qualifications. The Code includes the current rules on reviewing marks and appeals.
- To introduce new procedural rules on how exam boards set grade boundaries for GCSEs, AS and A levels. The current rules for the legacy qualifications are in the Code. The proposals are about the procedures of grade boundary setting only, not about the substantive decisions as to where they are set.

Our proposals would:

- Change the way exam boards review their marking and moderation of GCSE, AS and A level assessments, including so they correct mistakes but do not change legitimate marks.
- Extend the grounds on which centres<sup>3</sup>, (and in some cases candidates), following a review, can appeal against marking and moderation decisions for GCSEs, AS and A levels, so appeals can be about unreasonable marks/decisions as well as procedures.
- Remove duplication in our rules and remove some rules we consider to be unnecessary, whilst making sure exam boards take a common approach to setting grade boundaries for GCSEs, AS and A levels.

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<sup>1</sup> GCSEs, AS and A levels are being changed. New qualifications are being phased in and earlier versions of those qualifications phased out. In this document, where we need to distinguish between the versions of the qualifications we refer to them as 'new' and 'legacy', respectively or to the new qualifications and earlier versions. The new qualifications have not yet been awarded and so there have been no requests for review of marking or appeals about them. There are no rules yet in place to deal with such requests.

<sup>2</sup> [www.gov.uk/government/publications/gcse-gce-principal-learning-and-project-code-of-practice](http://www.gov.uk/government/publications/gcse-gce-principal-learning-and-project-code-of-practice)

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

We are seeking initial views about whether, once the Code is withdrawn, the new rules set out in this consultation should also apply to Principal Learning and Project qualifications and to other qualifications, such as international GCSEs.

## **The nature of assessments**

Last year we published the results of a year-long investigation into the quality of GCSE, AS and A level marking in England.<sup>4</sup> We concluded that exam boards generally have good controls around marking. But there is always room for improvement.

Since we published the report, exam boards have done further work to enhance the quality of their marking and they are making further changes.

Nevertheless, in a system in which many millions of assessments are marked each year, mistakes will happen. These must be found and corrected.

Exam boards use a combination of question types to assess the range of knowledge, skills and understanding covered by the qualifications. These include objective questions that may have only one right answer and questions that require longer-form answers to which markers need to apply their academic judgement.

Questions for which there is only one right answer are easy to mark. For example, for the question ‘What is 75 per cent of 1,000?’ there is only one right answer.

However, candidates writing an essay in response to a 20-mark question will each write different answers. The mark scheme will indicate what markers should look for in a candidate’s response and the range of marks that would be appropriate. In some cases, a candidate might receive a slightly higher mark from one marker than they would from another. In other cases, they might be given a slightly lower mark. This does not mean that either mark is wrong – both could be a reasonable application of the mark scheme. Legitimate differences in the exercise of academic judgement are not the same as marking mistakes.

Exam boards take steps to make sure that marking is consistent, whichever types of question they use. They aim to use clear mark schemes and to carefully select, train and monitor markers. However, where they use questions that require markers to exercise their academic judgement, it will often be possible for two markers, legitimately, to give slightly different marks for the same answer.

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<sup>4</sup> <https://www.gov.uk/government/collections/ofquals-quality-of-marking-research>

## **A fair review system**

It is important that marking errors are found and corrected. It is equally important that legitimate marks, which have been given by markers reasonably exercising their academic judgement, are not changed as this could unfairly benefit candidates who question the marks they were first given over those who do not.

We have researched how the current approach to reviews of marking works and how possible alternative approaches might work. We have published our findings<sup>5</sup>.

We have found evidence that while exam boards correct genuine marking errors, they sometimes also change reasonable marks, because the reviewer's academic judgement differs from that of the original marker. Centres usually only ask exam boards to review marks that are just below a grade boundary. A small change in mark can therefore lead to a grade change. This gives a misleading impression about the number of marking errors and potentially, and more importantly, may unfairly advantage candidates whose marks were reviewed over others.

Our research has informed our proposed improvements to the way marking is reviewed. Our aim is to ensure that exam boards correct marking errors but do not change marks that represent a reasonable application of the mark scheme.

We propose that a centre that remains concerned after a review of marking should be able to appeal to the exam board on the grounds that a mark was unreasonable, as well as on procedural grounds.

For legacy AS and A levels, a centre can currently see the marked assessments, and so form a view on how the candidate actually performed, before deciding whether to request a review. For legacy GCSEs, requests for reviews of marking are more speculative, as the marked assessments are not first seen by centres. The higher the number of requests a centre makes, the higher its costs are likely to be.<sup>6</sup> We propose all marked assessments should be available before a request for a review of a mark must be made.

Together these and the other proposals on which we are consulting, would make reviews of marking/moderation and appeals more transparent and fair.

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<sup>5</sup> <https://www.gov.uk/government/publications/alternative-marking-review-processes-for-exams>

<sup>6</sup> Exam boards charge a fee when asked to review a mark, which they refund if they find a mistake was made.

## Withdrawing the GCSE, GCE, Principal Learning and Project Code of Practice

Exam boards that offer legacy GCSEs, AS and A levels, as well as Principal Learning and Project qualifications, must comply with the rules in the Code.<sup>7</sup>

The Code prescribes many of the processes that exam boards follow when setting, marking and awarding qualifications. Such an approach is out of line with our approach to regulation more generally. Most of the other activities covered by the Code are already addressed by the rules that apply to all the qualifications we regulate – the *General Conditions of Recognition*.<sup>8</sup>

We propose to withdraw the Code. This will enable us to remove unnecessary duplication, exam boards to take responsibility for their processes and us better to hold exam boards to account. We would have to withdraw the rules in the Code on marking reviews and appeals to bring about the improvements we want to make, which is why we are consulting on both sets of proposals together.

### Setting grade boundaries

The Code includes the rules that exam boards follow when setting grade boundaries for legacy qualifications. We believe these rules make sure candidates are treated consistently, regardless of their exam board. We propose broadly to replicate the existing rules on setting grade boundaries and to apply those to both new and legacy GCSEs, AS and A levels.<sup>9</sup> We would need to introduce new rules at the same time as we withdraw the Code, which is why we are consulting on the new rules now.

### Geographic coverage

We are consulting on proposals that would apply to exam boards offering GCSEs, AS and A levels taken by students in England. The regulators of these qualifications in Northern Ireland and Wales will decide whether to introduce similar or different proposals, or to retain the current arrangements.

### How to respond

The closing date for responses is **11 March 2016**.

You can respond to this consultation in one of three ways:

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<sup>7</sup> The Code is one of our regulatory documents for these qualifications. Exam boards are required by Condition B7 of our *General Conditions of Recognition* ([www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)) to comply with any requirements (and have regard to any guidelines or principles in) regulatory documents.

<sup>8</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>9</sup> The technical rules may differ for the new qualifications.



- Complete the online response at <https://www.surveymzmo.com/s3/2483922/marking-reviews-appeals-grade-boundaries-and-the-code-of-practice>
- Email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk). Please include the consultation title 'Consultation on marking reviews, appeals, grade boundaries and Code of Practice' in the subject line of the email and make clear who you are and in what capacity you are responding.
- [Download the response form](#) and post your response, making clear who you are and in what capacity you are responding, to:

'Consultation on marking reviews, appeals, grade boundaries and Code of Practice',  
Ofqual,  
Spring Place,  
Herald Avenue,  
Coventry,  
CV5 6UB

## **2. About this consultation**

This consultation will be of interest to a wide range of audiences. To make it easier for you to identify which sections you want to read and respond to, we have split it into parts. We have included further background information in two appendices.

The consultation is structured as follows.

**Part A – Reviews of marking and appeals.** In this part, we set out proposals for new arrangements for reviewing the marking /moderation of, and appeals about, GCSEs, AS and A levels. We explain what currently happens and what we propose would happen in the new system.

**Part B – Proposed rules on reviews of marking and appeals.** Here we explain the rules that we propose to apply to exam boards to bring about the proposed changes to reviews of marking/moderation and appeals.

**Part C – Withdrawing the Code of Practice.** In this part, we explain why we propose to withdraw the Code of Practice. The withdrawal will have an impact on legacy GCSEs, AS and A levels and Principal Learning and Project qualifications.

**Part D – Setting grade boundaries.** This part covers our proposed draft Conditions and guidance on the procedures exam boards use to set grade boundaries. These rules would apply to all GCSEs, AS and A levels.

**Part E – Implementation.** We set out here our proposed timetable for implementing the changes and our assessment of the impact of these changes on candidates and centres.

**Appendix 1: Summary of key proposals and changes to review of marking/moderation and appeals for GCSEs, AS and A levels.** In this appendix we set out our proposals and how these compare with the existing arrangements.

**Appendix 2: Draft Conditions.** In this appendix, we set out the draft Conditions with which we propose that exam boards would have to comply to reflect our proposed approach to reviews of marking/moderation and appeals. These draft rules would apply to all GCSEs, AS and A levels.<sup>10</sup>

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<sup>10</sup> Appendix 1 includes the drafting we propose to introduce for new GCSEs. We propose to conduct a technical consultation on any qualification specific wording which will apply to legacy GCSEs, AS and A levels to implement the new rules on any relevant matters.

**Appendix 3: Technical document.** Here we set out draft technical requirements for the grading of legacy GCSEs, AS and A levels.<sup>11</sup>

**Consultation questions (in a separate document).** These are the questions to which we ask you to respond by the closing date of 11 March 2016.

## Relevant documents

The following documents are relevant to this consultation and you might wish to read them before you respond:

- The report Research on alternative marking review processes for exams.<sup>12</sup>
- An analysis of how certain sections of the Code map to other existing elements of our regulatory framework, including the *General Conditions of Recognition*.<sup>13</sup>
- Our regulatory impact assessment of the proposed approach to reviews of marking/moderation and appeals.<sup>14</sup>

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<sup>11</sup> These requirements will take effect under the new Conditions set out in Part D of this consultation.

<sup>12</sup> <https://www.gov.uk/government/publications/alternative-marking-review-processes-for-exams>

<sup>13</sup> <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

<sup>14</sup> <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

### **3. Part A – Proposals for reviews of marking and appeals of GCSEs, AS and A levels**

#### **Introduction**

In this part of the consultation, we explain our proposals for reviews of marking/moderation and appeals. Our proposals relate to all GCSEs, AS and A levels, but we are seeking initial views on whether we should extend the proposals to some other qualifications, in particular Principal Learning and Project qualifications and to others that are taken as alternatives to GCSEs, such as international GCSEs. To help you understand our proposals, we start by setting out what happens now. We then explain what would happen under our proposed new system and highlight the key changes that we propose to make.

#### **What happens now**

The rules that require exam boards to put in place processes to review marking and to consider appeals are contained in the Code. The Code requires exam boards to use common administrative arrangements for these services and to publish their arrangements for dealing with them. Exam boards are also required to comply with General Condition I1 which requires them to have an appeals process in place.<sup>15</sup>

#### **Marking**

In most cases, after candidates take their assessments, these are sent to exam boards to mark.<sup>16</sup> The exam boards use trained markers and monitor their performance to make sure that all candidates' work is marked to the same standard.

In some cases, such as where the candidate has performed a piece of music or created a piece of art, centres mark the assessments themselves and send their marks to the exam board. Where the assessment is marked by the centre, the exam board will check a sample of the centre's marking. If the exam board is satisfied that the centre has marked the work correctly, the centre's marks will be used. If it is not, the exam board will adjust the marks. This process is called moderation.<sup>17</sup>

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<sup>15</sup> This Condition requires all exam boards to have in place an appeals process that allows for the effective appeal of results.

<sup>16</sup> This is the case for legacy GCSEs, AS and A levels and will be the same for the new qualifications.

<sup>17</sup> Exam boards are generally required to have in place arrangements to undertake moderation of centre marked assessments, This is required by General Condition H2.

## **Enquiries about results**

After results have been issued, exam boards are required to have a process in place for a candidate (usually through their centre) to ask for a mark to be reviewed.<sup>18</sup> A centre can also ask for an exam board to review the outcome of the exam board's moderation of centre-marked assessment. The arrangements centres use to ask for marks and moderation decisions to be checked, and any errors to be corrected are known as enquiries about results.

There are three main parts to the current arrangements for enquiries about results. A centre can ask an exam board:

- To check whether a clerical error has been made – for example, if a question has not been marked, the mark for a question has not been included in the total, or the marks have been added up wrongly. This is referred to as a **clerical check**.
- To review the mark given to an assessment. In such cases, the exam board arranges for a marker to review the mark originally given and either confirm or change the mark. This is known as a **post-results review of marking**. Within this review stage, the Code also allows for a **priority post-results review of marking**. This is the same as a review of marking, but must be completed within a shorter time period and is usually used where a university place is at stake. To support a priority review of marking, exam boards make marked assessments available to centres before the date by which they have to decide whether to request a review of marking.
- To review a moderation decision for centre-marked assessments. Similar to a review of marking, the exam board arranges for a moderator to review the original moderation decision and either confirm or change the marks. This is known as a **post-results review of moderation**.

For each of these types of review, exam boards are required to have deadlines for when they must be requested and when they must be completed. A priority review, for example, must be completed and the outcome reported back to the centre within 18 days of the exam board receiving the request.

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<sup>18</sup> In the case of external candidates – those who are not attached to a centre, for example because they are taught at home – exam boards allow the candidate to directly request a review. External candidates are described as 'private candidates' in the Code.

Exam boards are required to charge centres for providing these services and to adopt common principles on refunding fees.<sup>19</sup> Where the outcome of the review is that the original mark was wrong, in practice the fee is refunded (or not collected).

## **Appeals**

If a centre<sup>20</sup> is still concerned after receiving the outcome of an enquiry about results, it can appeal to the exam board. The appeal can only be on the basis that the exam board, when marking/moderating the assessment, did not correctly follow its procedures and/or that its procedures were not consistent with the Code.

The exam board must allow the centre two weeks after receiving the outcome of an enquiry about results to lodge an appeal. An appeal will be heard by an exam board's appeals panel, which includes at least one person who is not, or has not been, a member of the exam board's governance, an employee or an examiner of the exam board within the last five years. Formal appeals must be held, and decisions communicated, within 50 working days of receipt of the original request.

The rules in the Code overlap with the obligations set out in General Condition I1, which, among other things, requires exam boards to have an appeals process that provides for the effective appeal of results on the basis that procedures were not followed.

If, after an appeal to the exam board, the centre still believes the exam board did not follow the correct procedures, it can apply for a final review by the Examinations Procedures Review Service.<sup>21</sup> This process is managed by us and is the final appeal stage, focusing on whether or not an exam board has followed procedures correctly.

## **Views on and use of the current arrangements**

Some centres, teacher organisations and indeed exam boards report concerns about the current review of marking/moderation and appeals processes. These concerns include the following:

- A lack of transparency in the system.
- The time it takes some exam boards to complete the process, especially if a centre takes the matter to a formal appeal.
- The cost to centres and/or candidates.

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<sup>19</sup> Although the amount to be charged is not specified in the Code.

<sup>20</sup> As above, if the candidate is an external candidate, he/she can appeal directly to the exam board

<sup>21</sup> The Examinations Procedures Review Service is a process established by us with which exam boards must comply in line with General Condition I2.

- The speculative nature of some requests for reviews of marking and clerical checks.
- Assumptions that, on review, assessments are re-marked afresh, rather than that the original marking is reviewed.
- Perceptions that markers who review the original marking know that the original mark is likely to be just below a critical grade boundary, so they search for extra marks to nudge the grade up, advantaging candidates for whom a review of marking has been requested over those for whom it has not.
- Perceptions that in subjects in which markers legitimately exercise academic judgement when marking scripts, the review may lead to one legitimate mark being substituted for a different legitimate mark, giving a misleading impression of the number of marking errors made and potentially advantaging candidates whose scripts are reviewed over those whose are not.
- Perceptions that reviewing markers are unduly influenced by the original marker's mark and annotations.
- Allowing appeals on procedural matters only, rather than on the substantive matter of whether the candidate's work was appropriately marked.

The number of applications for checks for clerical errors and reviews of marking has increased in recent years.<sup>22</sup> Exam boards have told us that the move to linear exams and changes to school performance tables, where only the first time a candidate is entered for an exam counts towards the performance table, have made it more likely that centres will question results.

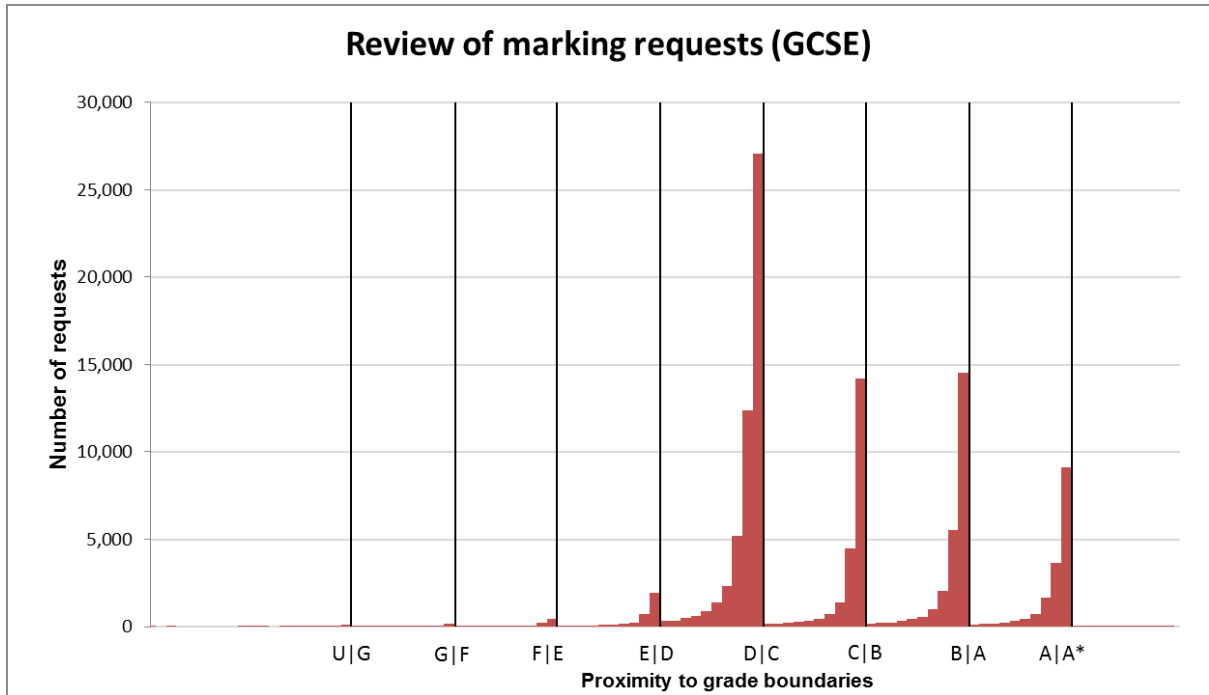
School accountability measures, which have placed a strong focus on the GCSE C/D grade boundary, are likely to have a major influence on centres' decisions to request reviews of GCSE marking. The data shows the high frequency of requests for reviews where the marks are just below a grade C boundary. As new school performance arrangements are introduced in which other grades will be significant for performance measures, centres may increasingly seek reviews of marking where a result is just below any grade boundary.

AS and A levels are not subject to the same centre performance measure pressures as GCSEs. However, candidates who do not get the grades for their university offer might, usually through their centre, ask for a mark to be checked.

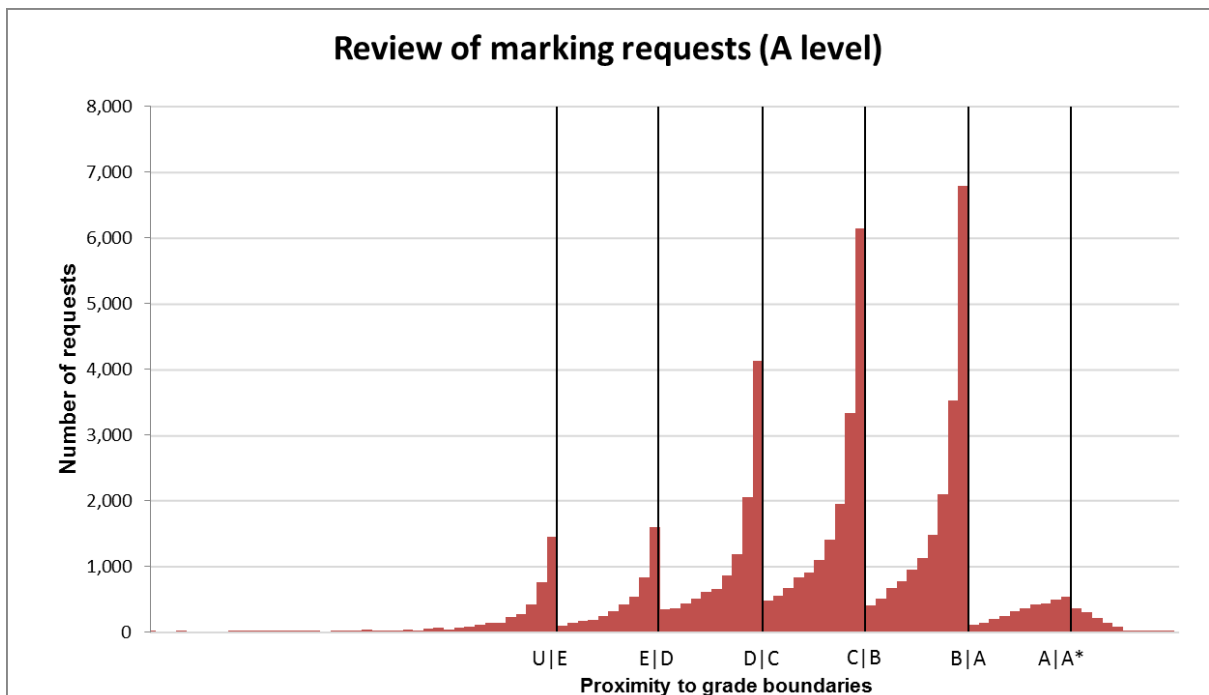
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<sup>22</sup> *Enquiries about Results for GCSE and A Level: Summer 2014 Exam Series:*  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/386109/enquiries-about-results-for-gcse-and-a-level-summer-2014-exam-series.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/386109/enquiries-about-results-for-gcse-and-a-level-summer-2014-exam-series.pdf)

The following graphs from one exam board show how, in 2014, requests for reviews of marking were spread across the qualification mark range (figures 1 and 2). The peaks represent candidates whose overall marks (in the uniform mark scale) are just below the grade boundary. This means that for most assessments being reviewed, very small mark changes can have an impact on the overall grade.



[Figure 1]



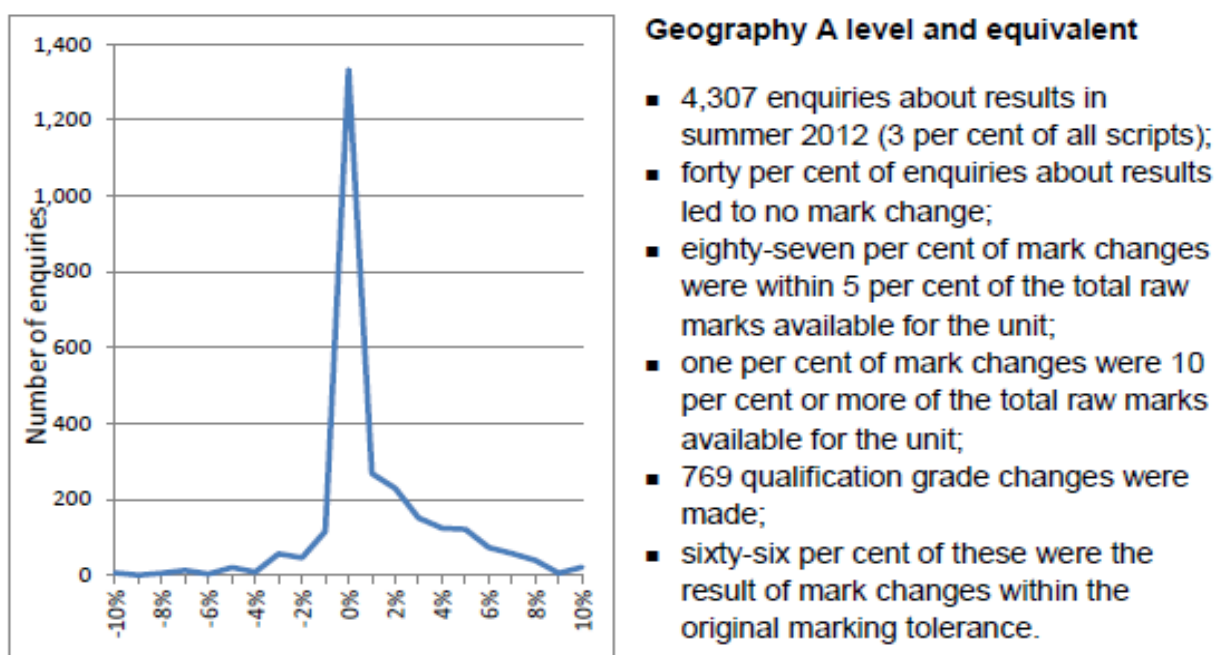
[Figure 2]



These graphs show that centres are, quite naturally, most likely to request a review when a mark is close to the next grade boundary. An increase in the mark might lead to a candidate getting a higher grade, but a reduction in the mark (which could also happen on review) is less likely to lead to a drop in grade.

Currently, most mark changes made following review are small. In 2014, over 80 per cent of mark changes were within the marking tolerance<sup>23</sup> that was allowed when the assessments were first marked. We reported a similar pattern for 2012 in our report on the quality of marking.<sup>24</sup>

In our 2012 report, we looked in detail at two subjects – geography and French. Figures 3 and 4 summarise what we found.

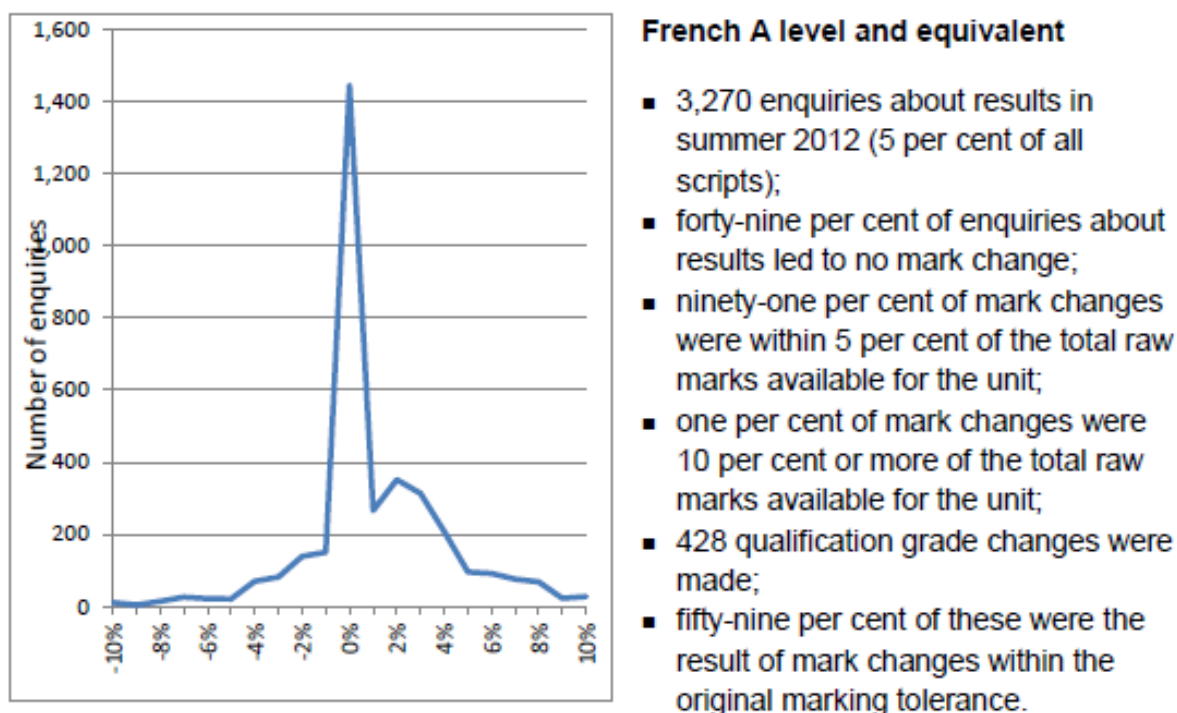


[Figure 3]

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<sup>23</sup> When exam boards monitor initial marking, they apply a pre-determined mark range as a tolerance. The size of the tolerance will vary by question type and the number of marks allocated to the question. The use of tolerance recognises that markers exercise academic judgement when marking and that, for some questions, slightly different marks could reasonably be given to the same answer.

<sup>24</sup> [www.gov.uk/government/collections/ofquals-quality-of-marking-research](http://www.gov.uk/government/collections/ofquals-quality-of-marking-research)



[Figure 4]

Both subjects showed very few large mark changes – less than 1 per cent of mark changes were of 10 per cent or more of the raw marks available for the unit. Most significantly, around 60 per cent of changes for both subjects were within the original marking tolerance. Whilst some large mark changes do occur, and are likely to reflect a real error in marking, this is less common.

### Our research on reviews of marking

We have talked to a number of stakeholders about alternatives to the current approach and we have heard different suggestions. Earlier this year we researched possible alternative models to help us understand whether any would address the concerns about the current system and secure effective, fair, manageable and affordable arrangements. We have published a report on our research<sup>25</sup>

Our research involved assessments marked by exam boards from three different GCSE and A level units. These assessments, from three exam boards, and had been the subject of actual marking reviews in 2014. The three units covered a full range of question types. The exam boards collaborated with us during the research and their markers participated in the project. The research took place after live marking and live reviews of marking were complete, so there was no impact on candidates.

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<sup>25</sup> <https://www.gov.uk/government/publications/alternative-marking-review-processes-for-exams>

## **Research models**

We investigated four possible models to understand the impact of each on the amount and nature of mark changes. For each of the models we compared the marks given on review with the marks that were actually given following the real 2014 review.

The models that we used were:

**Model 1: in which markers reviewed the original mark in line with their understanding of the current process.** In the current scheme, reviewing markers should only change marks where the original mark was inaccurate. We were able to investigate whether this is how reviews of marking currently work in practice.

**Model 2: in which the marker reviewed the original mark, but that mark was not changed if the original mark was ‘within tolerance’, ie. it was within a pre-determined mark range.** Exam boards monitor the first marking of scripts as marking happens. During first marking, exam boards apply a tolerance; they will not replace the first mark with an alternative mark, so long as the two marks are within the marking tolerance. A possible future model for the review of marking is that tolerance is applied when marking is reviewed. The tolerance would take the form of a pre-determined mark range and the original mark would not be changed if the reviewing marker’s mark was within that range from the original mark.

This model could address concerns that at the review stage markers believe the original mark was just below a grade boundary and so they find a few more marks to bring the grade up, albeit that the original mark was reasonable.

In the research, we modelled the effects of tolerances between  $\pm 2$  and  $\pm 3$  marks equivalent to between  $\pm 2\%$  of raw marks and  $\pm 3.75\%$  of marks depending on the maximum mark of the question paper.

**Model 3: the marker marked the assessment afresh without seeing the original mark or any comments made by the original marker.** We included this model because some critics of the current system suggest that reviewing markers are unduly influenced by the original marker’s mark and annotations. They argue that the reviewing marker should mark a clean copy of the script and so be uninfluenced by the views of the first marker.

**Model 4: two markers separately marked the assessment afresh without seeing the original mark or any comments made by the original marker before discussing their individual marks and agreeing a single mark between them.** Model 4 allowed us to judge whether a model that might be regarded as more likely to arrive at a fair mark did, in fact, do so and to understand the level of resource that would be required for this approach to be used routinely.

## **Research findings**

We found that in model 1, the markers were more inclined to deduct marks than had been the case when the scripts had been reviewed 'for real' in the previous year. Of course, in contrast to the live situation, in the research project the markers knew the candidate's mark would not actually be changed. The research provides some evidence to support the perception that reviewing markers are reluctant to reduce marks as this would have a negative impact on candidates.

In model 2 the marks were changed on many fewer occasions than in model 1 because tolerance was applied. The outcome varied by unit, but between 72.5% and 95% of marks remained unchanged. In contrast, the actual reviews of marking of the scripts used in the research had resulted in no changes to only 26% to 42.5% of the marks.

Model 3, in which a marker marked a clean copy of the script, was most likely to result in a change to the mark. It was also the model which produced the greatest probability of a downward mark change.

In model 4, the double-clean marking plus resolution model, there were generally much higher rates of mark change (both upward and downward) than either model 1 or Model 2, but not to quite the same degree as model 3.

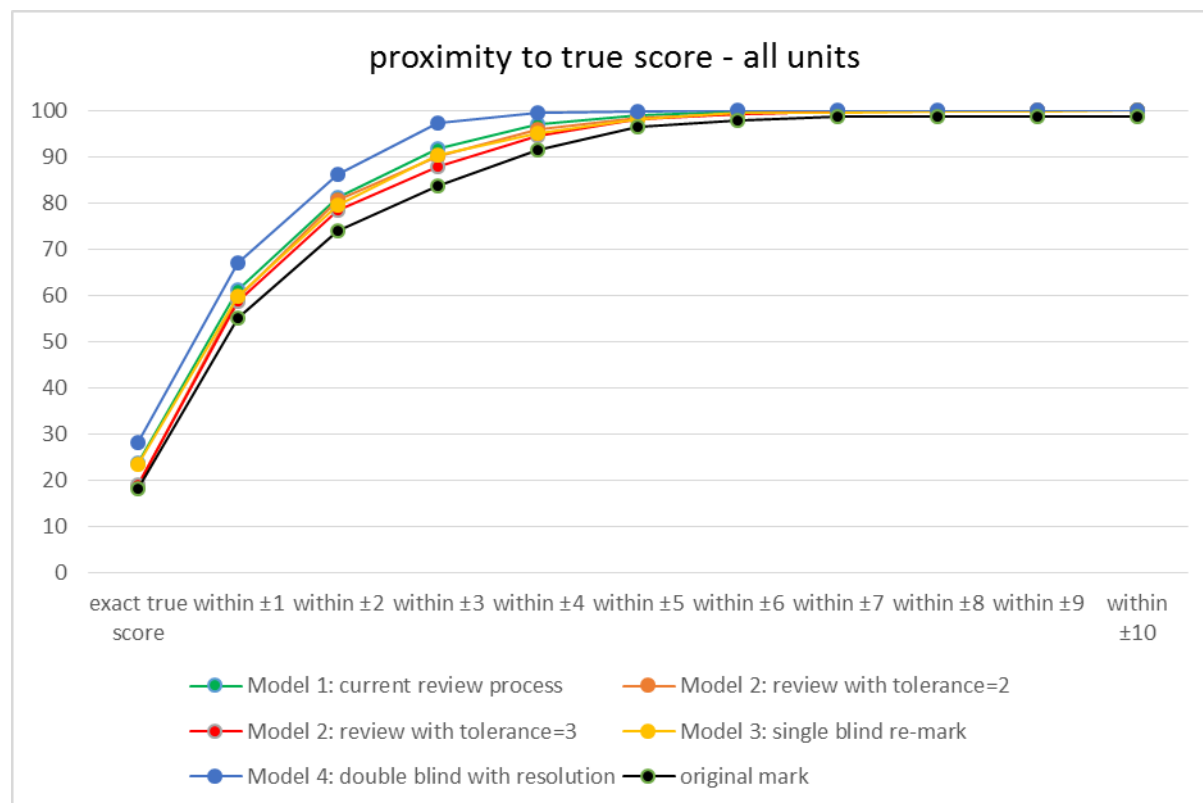
We also sought information during the project on how markers undertaking reviews of marking under the current arrangements understand their role. From their answers to a questionnaire it is clear that markers undertaking reviews do not all adopt a common approach. Some say they follow the exam board's guidance and only change a mark where the original mark resulted from a misapplication of the mark scheme. Others, however, indicated that they sometimes marked the assessment afresh and replaced the original mark with their mark. On the whole, the markers said they might sometimes change a mark, even where the original mark could be justified, and that they were more likely to say they might do so if this would involve an upwards change. If this practice is widespread, candidates whose scripts are reviewed could be given an advantage over those who accept their mark.

The true<sup>26</sup> mark of a script can be derived or estimated by calculating the mean of the marks given by multiple, independent markers. During the project many markers marked the same scripts. This allowed us to identify which of the models was most

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<sup>26</sup> In Classical Test theory, a true score is the notional score of a candidate's were there no error in the measurement. The true score is defined as the mean score of an infinite number of observed scores (i.e. marks) independent administrations of the test. The best approximation to a true score from one particular administration of a test can be obtained from taking the mean from multiple independent measurements of the work. In the research study, we were able to derive a 'true score' for each script because each script was marked multiple times in Condition 3 by independent examiners. We could then compare all script marks to the true score.

likely to produce a mark that was closest to the true mark. Model 4 was the most likely of the models to result in a mark on or closest to the true mark. Model 2 produced marks with the least proximity to the true mark. The chart below shows the proximity to the true score of the different models.



### Conclusions from our research

Our research has allowed us to understand the potential consequences of different models for marking reviews and given us greater insight into how the current model is working.

We believe the current model is introducing inconsistencies as some reviewing markers appear to be substituting one legitimate mark (that of the original marker) with a different mark (their own), whereas others are allowing a legitimate mark to stand, albeit that they might have given the script a different mark.

An approach in which a pre-determined tolerance was applied to reviews of marking would reduce the number of changes made at review stage, but the model could stop genuine errors from being corrected.

If our research findings were replicated in practice, model 3, in which clean copies of scripts were marked afresh, would see an increase in the number of marks that were reduced following review. This might deter schools from requesting a review, and therefore prevent genuine errors from being found.

We have considered the likely costs to the system of introducing model 4, in which two markers independently mark clean copies of the candidate's script. We estimate it would add between £4.7million and £10million to the system, depending on the volume of requests and the costs to exam boards of doubling the number of markers involved with reviews. These costs would be likely to be reflected in the fees charged to centres seeking a review. There are already concerns about the costs and that fees can deter some centres – especially those with more limited resources – from seeking a review. This could be unfair to candidates and reduce the likelihood that genuine errors will be found. The logistics of a model in which two reviewing markers would independently mark the scripts before conferring to agree the final mark would also add to the time it would take to complete a review.

We have also considered whether double marking should be used for all first marking, reducing the need for marking reviews. However, this would add very significant extra costs to the overall system and require the employment of many more markers than the current system requires.

We concluded that none of the alternative models would bring about the improvements being sought. In particular, neither model 3 nor model 4 would prevent one legitimate mark being substituted for another and model 2 could stop genuine errors from being corrected.

Our research gave weight to concerns that some candidates whose marks are reviewed are being given an advantage over candidates who accept their original mark. We also found evidence that on review some markers are apparently inclined to increase the original mark, even when the original mark represented a reasonable application of the mark scheme.

## **Our proposals**

Although we have not identified an alternative approach for reviews of marking that would bring about the desired improvements, our research has helped us identify how the current system could be improved. We therefore propose to retain those parts of the current system that are effective and improve those that are not. In particular, we propose that exam boards should be more transparent and that, while marking errors must be corrected, original marks that represent a reasonable application of the mark scheme to the candidate's work should stand.

## **Our aims for a new system**

Our aims for a new system covering reviews of marking/moderation and appeals are:

- To allow centres (or in some cases candidates themselves) to see marked assessments before deciding whether to request a review of marking. This should enable centres/candidates to be more targeted and avoid the unnecessary costs of speculative reviews.
- To be fair to all candidates, including those who accept their mark and do not request a review.
- To allow errors to be identified and corrected in a timely way.
- To allow exam boards to put in place review arrangements that go beyond the minimum required by regulation and, if they wish, to differentiate themselves from their competitors on this basis.
- Not to build in costs that could make access to review arrangements prohibitively expensive.
- To enable us, when holding the exam boards to account, to focus on whether they undertake timely, effective reviews of marking rather than simply on their compliance with a specified process.
- To extend the grounds on which appeals can be made to exam boards to include appeals on the grounds that the original mark was unreasonable, as well as on the grounds of a procedural error by the exam board.

We set out more details about our proposals below.

### **Access to marked assessments**

We propose that exam boards must make the assessments which they have marked available, either to centres or (in some cases) to candidates directly.<sup>27</sup> Without this, they can only speculate from the result whether the marking was wrong or whether the candidate did not perform as well as expected.

We propose that each exam board should decide when and how to make the marked assessments available. This would allow exam boards to determine what works best for them, their centres and candidates. An exam board might, for example, return all scripts automatically with the results. Alternatively, it might wait

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<sup>27</sup> Our proposals on who can request access to marked scripts (and who can access the exam boards' other review arrangements) are set out in appendix 1.

for a centre to request access to selected marked assessments. Any charging arrangements would reflect the approach.

As long as marked assessments are made available to centres/candidates that want them, and in time for them to decide whether to query a mark, we do not propose to specify exactly when or how this should happen.

We also propose that exam boards must make the mark schemes available when they give access to marked assessments.

### **Example 1**

On receiving their GCSE results, a candidate has achieved a lower grade than expected. The candidate queries this with their centre. The centre suspects that a mistake may have been made but cannot be sure. The exam board does not provide centres with the marked assessments automatically, but makes them available on request, for a fee. In response to the centre's request, the exam board provides a copy of that script electronically so that the centre can see why the candidate's mark was lower than expected.

### **Example 2**

A candidate is taking A level maths. Their mark in one paper is lower than expected and out of line with their marks for their other maths papers. The centre believes that an error has been made. This exam board has made all marked scripts available to the centre automatically with results. The centre logs on to the exam board's website and is able to download a copy of the candidate's script to review.

### **Reviewing for administrative errors**

Administrative errors<sup>28</sup> sometimes occur during marking. A marker could, for example, miss a question or add up the marks for a paper incorrectly. The use of technology reduces the likelihood of administrative errors and when they do occur they are often easily spotted and quickly corrected.

A centre (or in some cases a candidate) could look at the marked assessment to check whether an administrative error has been made and then ask the exam board

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<sup>28</sup> The Code describes these as clerical errors.



to correct it. We propose that exam boards should continue to have arrangements in place to check specifically for administrative errors.

### **Example 1**

After requesting a copy of a candidate's script, a centre notices that although all of the questions have been marked, the marks for one question have not been included in the total for the paper. The centre contacts the exam board and asks it to check this. The exam board confirms that an error has been made and issues a revised mark.

### **Reviewing a mark**

For assessments that are marked by the exam board, we propose that a centre or (in some cases) a candidate may request a review of marking. Exam board markers who undertake reviews (reviewers) must check the original marking and not mark the assessments afresh without reference to the original mark. We propose that a reviewer must only change the original mark if that mark could not reasonably have been given by a marker applying the mark scheme and any relevant marking procedures to the candidate's work. To make a decision the reviewer will consider whether the marker made any errors and whether the marker unreasonably exercised academic judgement.

We do not propose that a numerical tolerance should be applied. We propose that where the original mark was unreasonable it should be changed, whatever the size of the difference between the original and any new mark. Where the original mark could not reasonably have been given, the new mark could be higher or lower than the original.

Our proposed approach would stop one reasonable mark being replaced with another on review. In turn, this will prevent those who seek a review potentially gaining an unfair advantage over those who do not. It will also make sure that marking errors are corrected, however small the resulting change in mark.

To make sure that reviewers understand their role, and how it differs from that of a marker, we propose that reviews should only be undertaken by reviewers specifically trained to do so. As a further safeguard, we propose that exam boards should monitor reviewers and intervene if they find they are not properly carrying out the review role. They should also take steps to make sure that reviewers are acting consistently.

We also propose that, following a review, exam boards should give centres/candidates reasons for the decision they have made in relation to whether a mark should be changed.

### **Example 1**

A centre asks the exam board to review a mark. The exam board asks a trained reviewer to review how the mark scheme was applied to the candidate's script.

The reviewer decides that the original marker applied the mark scheme incorrectly and that they gave an unreasonable mark. The reviewer amends the unreasonable mark. The overall mark (and grade if applicable) for the paper is amended. The exam board tells the centre why it has made this decision.

### **Example 2**

A centre asks the exam board to review a mark. The exam board asks a trained reviewer to review the candidate's script and the mark scheme for the assessment.

The reviewer decides that had they been marking the paper originally, they would have awarded the candidate six marks for a ten-mark question instead of the seven marks given by the original marker. However, the reviewer believes that seven marks could reasonably have been given by a marker applying the mark scheme to the candidate's work. The mark is not changed. The exam board tells the centre why it has made this decision.

## **Review of centre-marked assessments and of moderation decisions**

Some assessments<sup>29</sup> are marked by centres' teachers and moderated by exam boards. We propose that, as currently required by the Code for legacy qualifications, exam boards must make sure that centres allow candidates to ask a centre to review a teacher's mark. So that a candidate can decide whether to query a mark, we propose that exam boards must make sure centres make the pre-moderation mark available to the candidate.

Once marks have been moderated by exam boards, we propose that exam boards must notify centres of the outcome of moderation and the reasons for it. Exam boards must then consider any requests from centres to review moderation decisions. We propose that a reviewer must only change the moderation outcome if it could not reasonably have been given by a moderator applying the mark scheme and any relevant moderation procedures to the candidates' work. As with a review of

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<sup>29</sup> For both new and legacy GCSEs, AS and A levels.

marking, to make a decision, the reviewer will consider whether the moderator made any errors and whether the moderator unreasonably exercised academic judgement.

We propose that only people specifically trained to carry out reviews of moderation should do so, that they must not have been involved with the original moderation and that their performance must be monitored by the exam board.

The exam board must report the outcome of the moderation review to the centre, changing any marks if necessary, and tell it why it has made this decision.

### **Example 1**

After marking a non-exam assessment, a centre provides each candidate with their mark before it sends the marks to the exam board for moderation. It stresses to candidates that the marks are not final as they may be changed by the exam board on moderation.

One candidate does not believe that the mark they have been given properly reflects the quality of their work. The candidate asks the centre to check the mark. The centre gets another teacher to review the mark given to the assessment. The second teacher agrees with the original mark given. The centre submits the original mark to the exam board.

### **Example 2**

After receiving its results, a centre's marks have been moderated downwards. It believes that the marks it submitted were accurate, so it asks the exam board to review its moderation decision.

A reviewer reviews the decision made by the original moderator. The reviewer believes that the decision to lower the marks was reasonable as the centre had not applied the mark scheme correctly and made reasonable judgements. The reviewer makes no changes to the moderated mark. The exam board explains its decision to the centre.

### **Example 3**

After receiving its results, a centre's marks have been moderated downwards. It believes that the marks it submitted were accurate, so it asks the exam board to review its moderation decision.

A reviewer reviews the decision made by the original moderator. The reviewer

believes that the teacher applied the mark scheme in a reasonable way and that the moderator's decision to change the marks was unreasonable. The reviewer reinstates the original marks given by the teacher. The exam board explains its decision to the centre.

## **Appeals**

We propose that if a centre or (in some cases) a candidate<sup>30</sup> does not agree with the outcome of a review of marking/moderation, the centre/candidate should be able to appeal to the exam board. An appeal should be capable of being brought on one or both of the following grounds:

- The exam board did not apply its procedures<sup>31</sup> or follow them properly/fairly when it originally marked or moderated the assessment or reviewed the marking or moderation.
- The mark or moderation decision was unreasonable given the application of the mark scheme and any relevant procedures to the candidate's or candidates' work.

As with the initial review, we propose that the marking or moderation outcome should not be changed unless the appeal panel concludes that the marker could not reasonably have given the disputed mark or arrived at that moderation decision. We propose to require exam boards to report the outcome and the reasons for each decision to the centre/candidate.

We propose that, as now, the final appeal decision must include someone who is external to the exam board and that no one involved with the decision should have an interest in the outcome.<sup>32</sup>

The new rules adopt a slightly different approach to that in General Condition I1 (although we propose that many of the requirements of this Condition should continue to apply). To simplify the rules, we propose that General Condition I1 will no longer apply to GCSEs, AS and A levels. All the requirements on appeals that will apply to these qualifications will be included in the new Conditions.

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<sup>30</sup> We propose that only a centre will be able to appeal following a review of moderation.

<sup>31</sup> The procedures prescribed by the Code will no longer apply.

<sup>32</sup> To simplify the rules, we propose to lift General Condition I1 on appeals and put all the requirements on appeals that will apply to new and legacy GCSEs, AS and A levels in a new Condition. We propose that many of the requirements in General Condition I1 should be included in the new Condition.

### **Example 1**

After requesting a review of marking, a centre still believes that the mark given to a candidate could not reasonably have been given by a marker applying the mark scheme to the candidate's paper. It submits an appeal to the exam board.

The exam board convenes an appeals panel, consisting of an independent person who does not work for the exam board and other members who have not been involved in decisions about the case to date. The panel considers whether the application of the mark scheme was reasonable and whether the exam board has followed the correct process.

In this instance, the panel decides that the original decision was not a reasonable application of the mark scheme.

### **Timelines**

We propose that an exam board should set and publish any dates by which centres/candidates must request access to a marked assessment and the dates by which centres/candidates must request a review or submit an appeal. We do not propose to require all exam boards to work to the same dates. It is possible that exam boards may choose to do so, but it will be for exam boards to decide what is best for them, their centres and candidates. The dates must be reasonable, given the purpose of the qualification.

We propose that an exam board should also set, and then take all reasonable steps to meet, target dates by which it will provide marked assessments requested or provide the outcome of a review of appeal. We propose exam boards should publish these target dates and publish information about how successful they are at meeting these dates.

### **Transparency**

Requiring exam boards to make marked assessments available to centres and to publish the frequency with which they achieve their target dates will improve the transparency of their review arrangements and their appeals process.

We also propose that exam boards should publish statistics and other information about their arrangements and their appeals process, including the number of requests they receive for reviews and appeals, the number of times they change marks and grades (including following a review of moderation), and the reasons for mark, grade and moderation outcome changes.

## **Exam board discretion**

We propose that exam boards should have more discretion than they do now to determine aspects of their review arrangements and appeals process. For example, we propose that exam boards should be able to decide whether to allow candidates who are associated with a centre to themselves request a return of a marked assessment, a review of marking or an appeal, or whether to require that all such requests are made only by centres on behalf of those candidates.<sup>33</sup> Currently, the Code does not permit exam boards to give such candidates direct access to these arrangements. We propose that, as now, external candidates – those who have not been taught by the centre which has purchased the qualification – must have direct access to these arrangements.<sup>34</sup>

In turn, centres and candidates might influence the way the services are provided, as exam boards will have more discretion than now to determine their approach.

We do not propose to require exam boards to charge and return fees for certain services. These are matters that exam boards should decide for themselves, having considered their funding structures and the needs and preferences of those using their services.

We propose that exam boards must be transparent about their approaches and about their own performance. This will allow for innovation and exam board responsiveness to the priorities and preferences of centres and candidates.

## **What is different**

We set out in a table in appendix 1 the key differences between what happens now and what we propose will happen in future. We have also highlighted in that table which of our consultation questions directly relate to each of the proposals.

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<sup>33</sup> We propose to define a centre that has purchased the qualification on behalf of a candidate and helped prepare the candidate for the assessment as a 'relevant centre'.

<sup>34</sup> Our new definition of relevant centre clarifies that external candidates include any candidate whose qualification was not purchased by a centre which has helped prepare the candidate for the assessments.

## **4. Part B – Proposed rules for reviews of marking and appeals**

### **Introduction**

To implement the proposals we have set out above, relating to review of marking/moderation and appeals, we propose to introduce new Qualification Level Conditions for reviews of marking/moderation and appeals.

We also want to put in place new guidance on what an exam board (and all other awarding organisations) should do if it has issued an incorrect result. This guidance will be instead of requirements that are currently in the Code. We are consulting on the draft guidance separately because we propose that it should apply to all awarding organisations.<sup>35</sup>

We plan to introduce Qualification Level Conditions for new and legacy GCSEs, AS and A levels. In the interests of brevity, we have included the draft Conditions only once. When the Conditions are finalised, we will incorporate them into the respective new GCSE and GCE qualification level Conditions. We will undertake a technical consultation before we incorporate them into the rules for the legacy qualifications.

We also plan to introduce similar Conditions for Principal Learning and Project qualifications. We will separately consult on a new suite of qualification level Conditions for Principal Learning and Project qualifications before we withdraw the Code and introduce the new rules.

Conditions are legal rules and they include a particular terminology. For example, we refer to learners, rather than to candidates, and awarding organisations, not exam boards.<sup>36</sup> We set out the draft Conditions in full in Appendix 2. We have summarised below what the Conditions would require.

### **Review of marking of centre-marked assessments**

We propose to introduce a Condition that would require exam boards to build into their agreements with centres (and then enforce) provisions to make sure that the centres perform the following actions:

- Allow candidates to see the mark that the centre has given for their assessment and to seek a centre-based review of the centre's marking.

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<sup>35</sup> <https://www.gov.uk/government/consultations/ofqual-consultation-on-new-statutory-guidance>

<sup>36</sup> We use this terminology because our Conditions apply to a wide range of organisations and qualifications, including to qualifications typically taken in the workplace.

- Provide candidates with access to information about review arrangements and ensure that the review is undertaken at a time that meets the exam board's moderation timetable.
- Make sure that candidates have the materials they need to consider whether to request such a review.
- Undertake the review using a marker who did not do the original marking or, where this cannot be avoided, require that someone else oversees the review.
- Correct any administrative errors made by teachers if these are found during the review.
- Re-mark any task in the assessment if the original mark was found to have included any error or unreasonable exercise of academic judgement.
- Tell the candidate the outcome of the review.

We propose that the Conditions should require exam boards to tell centres (sufficiently far in advance to allow them to plan) when it will need them to submit their marks and assessment materials for moderation.

#### **Notification of moderation outcome**

We propose to introduce a Condition that would require an exam board to perform the following actions:

- Tell a centre the outcome of its moderation in time to allow the centre to consider whether to request a review of the outcome.
- Give the centre reasons for the outcome of its moderation.



## **Review of moderation**

We propose to introduce a Condition that would require an exam board to perform the following actions:

- Put in place arrangements to enable centres to request a review of moderation (acknowledging that the exam board may charge a fee for such a review, make the review subject to other reasonable requirements and specify a date by which the request for a review must be received).
- Make sure that any date by which a request for a review must be made is reasonable, taking into account the date by which the centre will know the outcome of the moderation and the purpose of the qualification.
- When carrying out a review of moderation:
  - consider whether the original moderation outcome was unreasonable (taking into account any error and any unreasonable exercise of academic judgement), given the candidates' work, the mark scheme and any procedures on moderation;
  - only change the moderation outcome if it was unreasonable;
  - document the reasons for its decision (whether to retain or change the original outcome).
- Make sure that reviews of moderation are only carried out by competent people who have no personal interest in the outcome of the moderation, who have not previously been involved with the centre's marking or the moderation, who have been suitably trained, and who have been given the necessary materials to undertake the review.
- Monitor whether reviews of moderation are being carried out in line with the Condition and, where they are not, correct or mitigate the effect of the failure and make sure that it does not recur.
- Monitor whether those carrying out moderation reviews are doing so consistently and where they are not, take steps to secure consistency in the future.
- Tell the centre the outcome of the review and the reasons for it.
- Tell the centre if it finds a marking error when it reviews the moderation.
- Make sure that marks are updated to reflect any change following the review of moderation or to correct any marking error found.

- Make sure that where a marking error is found, reasonable steps are taken to find and correct any similar marking errors.
- Publish:
  - how a centre must request a review of moderation;
  - any deadline for making such a request;
  - any fee payable, when the fee will be charged and any circumstances in which a fee will be refunded;
  - details of the training that those reviewing moderation will undertake;
  - details of how it will monitor its reviews of moderation;
  - what it will do if it finds that its reviews have not been conducted in line with the Condition;
  - the steps it will take to secure consistency, if it finds inconsistency of approach;
  - the target time by which it will have told the centre of the outcome of the moderation review.

### **Making marked assessment materials available to learners**

We propose to introduce a Condition that would require an exam board to perform the following actions:

- Put in place arrangements to make available marked assessment materials<sup>37</sup> to the candidate or to the candidate's relevant centre, where these are not already held by the candidate/relevant centre.
- Make the material available only on request (acknowledging that the exam board may charge a fee for making materials available and may specify reasonable requirements for a request and a date by which a request must be received).
- Make the mark scheme available when the marked assessment materials are available or prior to that.

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<sup>37</sup> Marked assessment material is defined as a candidate's script or other evidence (or, in some cases, a representation of the evidence), a copy of the record of marks awarded and a copy of any comments recorded during the marking.

- Make the material available in time for a candidate to consider whether to request a review of marking or an administrative error review.
- Publish information about how a candidate or centre obtains the materials including:
  - how any request must be made;
  - any deadline for requests for materials;
  - any fee payable, when any fee will be charged and any circumstances in which a fee will be refunded;
  - the target date or time period following a request by which it will return the materials.

### **Administrative error review**

We propose to introduce a Condition that would require an exam board to perform the following actions:

- Have arrangements to review marked assessment materials for administrative errors (defined as a failure to mark a task or to correctly calculate the total mark for the assessment). These arrangements may, explicitly:
  - require that, where the assessment was delivered by the candidate's relevant centre, any request for an administrative error review must be made by the candidate's relevant centre;
  - make an administrative error review subject to payment of a fee;
  - make the review subject to other reasonable requirements;
  - specify the date by which a request for an administrative error review must be received – so long as this is reasonable, taking into account the date by which the marked assessment materials may be made available and the purpose of the qualification.
- When carrying out an administrative error review, correct any administrative errors and make any consequent changes to the mark or result (but make no further changes).
- Tell the candidate or centre the outcome of the review.
- Make sure that administrative error reviews are only carried out by competent people who have no personal interest in the outcome.

- Publish details of its arrangements, including:
  - how an administrative error review must be requested;
  - any deadline for such a request;
  - any fee payable, when any fee will be charged and any circumstances in which a fee will be refunded;
  - the target time by which it will have told the centre or candidate the outcome of the review.

### **Review of marking of marked assessment material**

We propose to introduce a Condition that would require an exam board to perform the following actions:

- Have arrangements in place to deal with a request for a review of marking. Its arrangements may, explicitly:
  - require, where the assessment was delivered by the candidate's relevant centre, that any the request must be made by the candidate's relevant centre;
  - make a review of marking subject to the payment of a fee;
  - make the review subject to other reasonable requirements;
  - specify a date by which a review of marking must be requested – so long as that date is reasonable, taking into account the date by which marked assessment materials may be made available and the purpose of the qualification;
- When carrying out a review of marking:
  - determine whether the mark awarded was reasonable (taking into account any error and any unreasonable exercise of academic judgement), given the candidate's work, the mark scheme and any procedures on marking;
  - if the marking reviewer found that the original mark could not reasonably have been awarded, re-mark the assessment to deal with the effects of the unreasonable marking (but make no further changes);
  - document the reasons for any determination and for any change of mark.

- Make sure that reviews of marking are carried out by competent people who have no personal interest in the outcome, and who have not previously been involved with the marking of the assessment.
- Make sure that assessors who review marking have been trained on how to carry out a review in accordance with the Condition and that they are given the materials they need to carry out the review.
- Monitor whether reviews of marking are being carried out in accordance with the Condition and where it finds they are not, correct or mitigate the effect of the failure and make sure that it does not happen again.
- Monitor whether reviewing assessors are acting consistently and where they are not, take steps to secure consistency in the future.
- Change the mark in line with the outcome of the review and make any consequent change to the result.
- Tell the candidate or centre the outcome of the review and the reasons for it.
- Publish details of its review of marking arrangements, including:
  - how a review of marking must be requested and any deadline for receipt of requests;
  - any fee payable, when the fee will be charged and any circumstances in which a fee will be refunded;
  - details of the training that its reviewing assessors will receive and how they will be monitored;
  - what it will do if it finds that its reviews have not been conducted in line with the Condition;
  - the steps it will take to secure consistency, if it finds inconsistency of approach;
  - the target time by which it will have told the candidate or centre the outcome of the review.

### **Appeals process**

We propose to introduce a Condition that would require an exam board to perform the following actions:

- Have an appeals process in place that provides for the appeal of:

- the outcome of moderation, following a review of moderation (such appeals must be brought by a centre, not by an individual candidate);
- the result for an assessment, following a review of marking (where such an appeal may be required to be brought by the candidate's relevant centre);
- decisions on reasonable adjustments and special considerations;
- decisions relating to any action to be taken against a centre or candidate following an investigation into malpractice or maladministration;

where its process may, explicitly:

- make an appeal subject to payment of a fee;
  - make an appeal subject to other reasonable requirements;
  - specify a time period in which an appeal must be requested – so long as that time period is reasonable.
- Make sure that all appeal decisions are taken by competent people who have no personal interest in the outcome.
  - Make sure that the final decision involves at least one person who has no connection with the exam board.
  - Make sure that an appeal cannot lead to a grade boundary being changed.
  - Allow for appeals of outcomes of moderation:
    - on the basis that the moderation outcome (original or following a review) could not reasonably have been given (taking into account any error and any unreasonable exercise of academic judgement);
    - on the basis that procedures were not applied consistently or followed properly and fairly, provided that an exercise of academic judgement does not constitute applying or following a procedure.
  - Allow for appeals of marks of assessments:
    - on the basis that the mark (original or following a review) could not reasonably have been awarded (taking into account any error and any unreasonable exercise of academic judgement);
    - on the basis that procedures were not applied consistently or followed properly and fairly, excluding procedures on setting grade boundaries and

provided that an exercise of academic judgement does not constitute applying or following a procedure.

- Publish information about its appeals arrangements, including:
  - how an appeal must be requested and any deadline for receipt of requests;
  - any fee payable, when any fee will be charged and any circumstances in which a fee will be refunded;
  - the target time by which it will have told the candidate or centre the outcome of the appeal (from request and from receipt of all evidence).

This Condition would disapply the existing General Condition I1, although many aspects of that Condition are reflected in the draft new Conditions. We believe it will be more straightforward for users of the Conditions if there is just one Condition setting out appeal arrangements for GCSEs and for AS and A levels rather than two separate Conditions.

### **Centre decisions relating to review arrangements**

We propose to introduce a Condition that would require an exam board that only accepts requests from candidates' relevant centres and not from individual candidates (other than external candidates<sup>38</sup>) for access to marked assessment materials, administrative error reviews, reviews of marking or its appeals process to take all reasonable steps to make sure of the following:

- There are effective centre arrangements for the candidate to ask the centre to make a request.
- The arrangements allow the candidate to appeal against the centre's decision not to make a request.
- The candidate is made aware of the centre's appeal arrangements and is provided with a copy of the arrangements on request.

### **Target performance in relation to review arrangements and appeals process**

We propose to introduce a Condition that would require an exam board to set and take all reasonable steps to meet target times for the following:

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<sup>38</sup> As explained above, external candidates do not have a relevant centre.

- The making available of marked assessment materials on request (where the exam board does not provide access automatically).
- Reporting the outcome of a review of moderation to the centre.
- Reporting the outcome of an administrative error review.
- Reporting the outcome of a review of marking.
- Reporting the outcome of an appeal (separately from request and from receipt of all evidence).

### **Reporting of data relating to review arrangements and appeals process**

We propose to introduce a Condition that would require an exam board, for each qualification each year, to publish a report (in accordance with any requirements we set on content and timing) on the following:

- The number of reviews of moderation it has carried out and the number that have led to a change in moderation outcome.
- The nature of the reasons why it made changes to moderation outcomes.
- The number of administrative errors it has corrected (whether following an administrative error review or otherwise).
- The number of administrative error reviews it has carried out and the number of those errors that have led to a change in mark or result.
- The nature of administrative errors corrected and anything it will do to reduce the number of administrative errors in the future.
- The number of reviews of marking it has carried out and the number that have led to a change in mark or result.
- The nature of unreasonable marking discovered and any steps it will take to reduce the number of unreasonable marking outcomes in the future.
- What it found from its monitoring of reviews of marking/moderation and any action it has taken as a result.
- The number of appeals, the number of successful appeals and the nature of reasons why appeals have been successful.
- The number of marked assessment materials returned within the target time and the number returned outside of this time.



- The number of times it reported the outcome of a review of moderation within the target time and the number of times it reported outside the target time.
- The number of times it reported the outcome of an administrative error review of marking in the target time and the number of times it reported outside the target time.
- The number of times it reported the outcome of a review of marking in the target time and the number of times it reported outside the target time.
- The number of times it reported the outcome of an appeal in the target time (following receipt of all evidence) and the number of times it reported outside the target time.

### **Review arrangements and certificates**

We propose to introduce a Condition that would require an exam board to take all reasonable steps to revoke any certificates that reflect inaccurate results because of the application of review arrangements. This would supplement General Condition I4.2(c).

### **Discovery of failure in assessment processes**

We propose to introduce a Condition that would require an exam board that found, as a result of its review arrangements or an appeal, that there had been a failure in its assessment process to perform the following actions:

- Identify other affected candidates.
- Correct or mitigate the effect of the failure.
- Prevent reoccurrence of the failure.

This would replace General Condition I1.4 (and extend application of the provision to review arrangements).

### **Publication of review arrangements and appeals process**

We propose to introduce a Condition that would require an exam board to perform the following actions:

- Publish information about its review arrangements and appeals process and how they relate to each other to give candidates and centres a reasonable understanding.
- Publish this information far enough ahead to enable centres to plan their purchasing of qualifications.

## **5. Part C – Proposed withdrawal of the Code of Practice**

### **Background to the Code**

We inherited the Code from our predecessor.<sup>39</sup> The Code has existed in some form for over 20 years. We last updated it in 2011,<sup>40</sup> working with the qualifications regulator in Wales and the regulator of general qualifications in Northern Ireland.<sup>41</sup> We have since introduced Conditions that apply to all the qualifications that we regulate, together with qualification and subject level Conditions for new GCSEs and for new AS and A levels. We have given the Code the status of a regulatory document, which means that under Conditions B7 and D5 exam boards must comply with it in the same way that they must comply with Conditions. We have already made a decision not to apply the Code to new qualifications.

The use of technology has transformed the way that exam boards operate since the Code was first introduced. The Code does not reflect this completely.

The way that we set our rules has changed since we last updated the Code. Our rules now focus on the outcomes that exam boards (and other awarding organisations) must achieve to ensure valid qualifications, rather than on the detailed processes they must follow. This allows exam boards to be innovative as they seek more effective and efficient ways of conducting their business and of meeting the needs of candidates, centres, employers and others.

Focusing on the outcomes that exam boards must achieve, rather than on the processes they must follow, also allows us to better hold exam boards to account. There is not necessarily one best process that will deliver the outcomes we want and exam boards should have the flexibility to find the approach most appropriate for them.

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<sup>39</sup> Qualifications and Curriculum Authority.

<sup>40</sup> An addendum was issued in June 2012 covering a small number of amendments.

<sup>41</sup> In Wales, qualifications are currently regulated by Qualifications Wales. In Northern Ireland, general qualifications are regulated by the Council for the Curriculum, Examinations and Assessment, while we regulate vocational qualifications. The Code is jointly owned by the regulators for England, Northern Ireland and Wales. We have traditionally worked closely on many aspects of regulating the qualifications covered by the Code. Regulatory and qualification policies have diverged as a legitimate outcome of devolution. We are consulting on proposals that would apply to exam boards offering GCSEs, AS and A levels taken by candidates in England. Our fellow regulators will decide whether to retain the Code or change the requirements that apply to the GCSEs, AS and A levels taken by candidates in Northern Ireland and Wales.

## **Proposal – withdrawing the Code**

The Code sets out the principles and practices for the assessment and quality assurance of the qualifications that it covers, the roles and responsibilities of exam boards and centres, and the requirements for exam processes.

The Code details the processes that exam boards should follow in the design, delivery and award of qualifications. Specifically, it contains provisions for the following:

- (a) Responsibilities of exam boards and their personnel.
- (b) The relationship between exam boards and centres.
- (c) Preparing question papers, tasks and mark schemes.
- (d) Standardising marking and moderation for internal and external assessment.
- (e) Awarding qualifications, maintaining an archive and issuing results.
- (f) Making provision for candidates with particular requirements, such as those with disabilities or temporary injury or illness.
- (g) Managing the risk of malpractice.
- (h) Enquiries about results and appeals and access to marked exam scripts.

Most of the requirements in the Code are covered by the Conditions. We have separately published the report of our comparison of sections of the Code against other elements of our regulatory framework.<sup>42</sup>

We believe that there would be significant advantages in withdrawing the Code, as follows:

- Removing unnecessary duplication and the risks of conflicting requirements and unnecessary burden on exam boards.
- Allowing exam boards to innovate and improve their processes.
- Being clear that our key interest is in the outcomes that the exam boards achieve and that it is for exam boards to put in place effective processes to achieve these outcomes.

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<sup>42</sup> Available at <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

There are two areas of the Code that the current Conditions do not cover sufficiently for GCSEs, AS and A levels:

- How an exam board responds when a centre asks for the mark given to an assessment or a moderation decision to be reviewed because it suspects a mistake has been made. We have explained how we intend to address this in part A.
- How an exam board determines the level of attainment required for a particular grade, currently known as setting grade boundaries or awarding. We explain how we intend to address this in part D.

The Code includes one particular provision that we do not propose to reflect in any new rules, namely the automatic protection for candidates who have in error been given a higher mark or grade than their work deserved. This protection arises when the mistake was found following a review of marking requested on behalf of a different candidate.

We do not consider that it is fair for a candidate who was given a higher result than they should have been to automatically keep that result because of the way that it was discovered. There is no such protection for candidates who have benefitted from such an error when that error came to light in other ways.

We propose to introduce guidance to which all awarding organisations, including exam boards, would be required to have regard to when deciding what they should do when they find that they have issued a wrong result. We are consulting on this separately.<sup>43</sup>

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<sup>43</sup> <https://www.gov.uk/government/consultations/ofqual-consultation-on-new-statutory-guidance>

## **6. Part D – Setting grade boundaries**

### **Background**

The Code includes detailed requirements for the process that exam boards must use when they set grade boundaries. If, as we propose, we remove the Code, these rules will no longer exist. The Code applies to legacy GCSEs, AS and A levels but not to the new qualifications.

We believe that it is important to reflect some, but not all, of the current requirements in new rules and guidance and that these apply to all GCSEs, AS and A levels. In addition, we propose to introduce high-level requirements about the sort of evidence that exam boards should take into account when setting grade boundaries.

Initially, we plan to introduce the Conditions for GCSEs, AS and A levels only. The Code also applies to Principal Learning and Project qualifications and we propose to introduce similar Conditions for these, on which we will consult separately. We are seeking initial views on whether we should, in due course, introduce similar Conditions and guidance to cover some other graded qualifications that we regulate.

This section sets out the requirements that we propose to put in place and the sort of evidence that exam boards should take into account when setting grade boundaries.

### **Current position**

For qualifications covered by the Code, exam boards set grade boundaries for each grade at the end of the marking process. The grade boundary (also known as a 'cut score') is the minimum score that a student needs to achieve a particular grade.

Exam boards use a combination of qualitative and quantitative evidence to set grade boundaries. This evidence includes question papers, mark schemes and completed exam papers from the current and previous years, data such as the mean mark and the spread of marks for the papers, and statistical information based on the previous year's grade outcomes.<sup>44</sup> Exam boards determine the minimum mark that maintains standards at the key grade boundaries<sup>45</sup> and then set the remaining grade boundaries arithmetically.

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<sup>44</sup> *Setting GCSE, AS and A Level Grade Standards in Summer 2014 and 2015:*  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/451321/2015-08-05-summer-series-gcse-as-and-a-level-grade-standards.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451321/2015-08-05-summer-series-gcse-as-and-a-level-grade-standards.pdf)

<sup>45</sup> Grades A, C and F at GCSE and grades A and E at AS and A level.

The Code specifies the process that exam boards offering these qualifications use to do this. In addition, the Conditions and our data exchange<sup>46</sup> procedures also set requirements relating to setting and reporting grade boundaries.

Although the process is referred to in the Code as ‘awarding’, in line with our existing Conditions, we propose in the future to describe this as ‘setting specified levels of attainment’, and this is the term that we use in the draft Conditions below.

## **Our proposals for setting grade boundaries**

Much of the detail in the Code on setting grade boundaries is not needed. In many places, these requirements are already in the Conditions. In others, the Code sets detailed processes that we do not need to prescribe to secure the standards of qualifications.

We set out below the areas where we intend to set requirements. We propose to focus on the evidence that exam boards must take into account when setting grade boundaries, and their reasons for selecting or prioritising some pieces of evidence over others.

### **Proposed requirements on setting grade boundaries**

We propose to introduce a Condition to make sure that exam boards comply with any requirements that we set in relation to setting specified levels of attainment. The Condition would also require exam boards to have regard to any guidance we publish in relation to setting specified levels of attainment. The requirements that we propose to set in respect of legacy qualifications are set out in Appendix 2.

Our proposed Condition is as follows.

#### **Draft Condition Compliance with Ofqual’s requirements in setting specified levels of attainment**

An awarding organisation must comply with any requirements, and have regard to any guidance, which may be published by Ofqual and revised from time to time in relation to –

- (a) the promotion of consistency in measuring the levels of attainment of Learners between qualifications made available by the awarding organisation and similar qualifications made available by other awarding organisations, and
- (b) the setting of specified levels of attainment for particular

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<sup>46</sup> [www.gov.uk/government/publications/data-exchange-procedures-for-a-level-gcse-level-1-and-2-certificates](http://www.gov.uk/government/publications/data-exchange-procedures-for-a-level-gcse-level-1-and-2-certificates)

descriptions of qualifications.

### **Evidence used in setting specified levels of attainment**

We propose to require exam boards to base decisions on an appropriate range of qualitative and quantitative evidence, as follows:

- Information about the level of difficulty of assessments for a qualification compared to any previous assessments. Evidence might include senior examiner reports on how candidates have performed in the paper, as well as quantitative information such as mark distributions, the mean mark, the spread of marks and item-level statistics.
- Information about how candidates have performed on the assessments. Evidence might include samples of work from candidates taking the qualification.
- Information about the cohort of candidates taking the assessment. Evidence might include prior attainment data (for example, candidates' attainment at Key Stage 2 is currently used for setting grade boundaries in GCSEs).
- Information about how previous candidates performed in previous assessments. Evidence might include archived candidate work from previous exams, or data about whether exam boards' standards were aligned in previous assessments.

Our proposed Condition for this is as follows.

#### **Draft Condition**

In setting the specified levels of attainment for a GCSE/GCE qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.

The range of evidence to which an awarding organisation has regard for the purposes of this Condition will only be appropriate if it includes evidence of –

- (a) the Level of Demand of the assessments for that qualification,
- (b) the level of attainment demonstrated in those assessments by an appropriately representative sample of the Learners taking that qualification,
- (c) the level of attainment demonstrated by the Learners taking that qualification in a –
  - (i) prior assessment (which was not for that qualification),  
whether or not that assessment was for a regulated



- qualification, or
- (ii) prior qualification, whether or not that qualification was a regulated qualification, and
- (d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.

An awarding organisation must maintain a record of –

- (a) the evidence to which it has had regard in setting the specified levels of attainment for a qualification which it makes available, and
- (b) its rationale for the selection of and weight given to that evidence.

To help exam boards understand what is required by this Condition, we also propose to put the following guidance in place.

#### **Guidance in relation to the Condition**

Examples of the evidence that may be used by an awarding organisation in setting the specified levels of attainment for a qualification which it makes available may include:

- question papers/tasks and final mark schemes,
- senior Assessor input into decisions, for example comments on how the assessments have worked and recommendations for the setting of specified levels of attainment,
- technical information about how the assessments have functioned, for example mark distributions, mean marks, standard deviations, item-level statistics,
- distributions of Learners across the specified levels of attainment for units/components and the qualification as a whole,
- samples of current Learners' work selected from a range of Centres and assessed/Moderated by Assessors/moderators whose work is known to be reliable,
- statistical predictions,
- prior attainment data,
- details of changes in entry patterns and choices of options,

- archive Learners' work exemplifying specified levels of attainment in previous assessment series for the qualification, together with the relevant question papers/tasks and mark schemes,
- inter-awarding organisation screening data for GCSE and GCE qualifications.

Examples of the evidence that may be used by an awarding organisation in setting the specified levels of attainment for a new qualification which it makes available may include:

- pertinent material deemed to be of equivalent standard from similar qualifications or other relevant qualifications,
- information on Learners' performance in previous assessment series;
- performance descriptions,
- marking guides for assessments where the evidence is of an ephemeral nature,
- information on Centres' estimated levels of attainment for all Learners,
- information about the relationship between component/unit level data and whole qualification performance.

In determining whether it has sufficient evidence of the level of attainment demonstrated in the assessments for a qualification by an appropriate percentage of the Learners taking that qualification, an awarding organisation should consider whether the marks on its system reflect:

- all possible routes through a qualification, and
- a representative proportion of marks from the range of Centres that have registered Learners for a qualification.

In addition to the guidance set out above, we propose an amendment to the existing guidance for General Condition A5.2(b). As all awarding organisations, not just exam boards, would be required to have regard to this guidance, we are consulting on it separately.<sup>47</sup>

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<sup>47</sup> <https://www.gov.uk/government/consultations/ofqual-consultation-on-new-statutory-guidance>

## **Technical requirements for setting specified levels of attainment for legacy GCSEs, AS and A levels**

In addition to the requirements above, we propose some more specific requirements for legacy qualifications. These currently exist in Appendices 2 and 3 of the Code. They are technical requirements for exam boards and set out the order in which grade boundaries must be set and the way in which arithmetic boundaries are calculated.<sup>48</sup> This makes sure that grade boundaries are calculated in a particular way to ensure that grades for the same qualification issued by different exam boards are of the same standard.

We believe that we should continue to apply such rules for legacy GCSEs, AS and A levels so that exam boards are consistent in the way that they set grade boundaries and candidates are not unfairly advantaged or disadvantaged because exam boards use different approaches.

As these rules already exist in the Code, we propose to transfer them, largely as they are, into relevant qualification level Conditions. We do not propose to change their meaning, although some minor amendments to their wording may be needed when we transfer them so that the language used is consistent with the Conditions. It may also be necessary to make minor amendments to reflect the change from modular qualifications to linear qualifications.

We set out the current rules that we plan to transfer in Appendix 3. These do not include the amendments described above, on which we will consult exam boards at a later date.

### **Definitions**

To make sure that our requirements are understood consistently by all exam boards, we plan to incorporate the following definition into our requirements for legacy GCSEs, AS and A levels.

Unit: The smallest part of a qualification that is formally reported and can be separately certificated. A unit may comprise separately assessed components.

We do not consider it necessary to retain any of the other definitions that are included in the Code.

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<sup>48</sup> These are the boundaries that are not set during the awarding process, but instead are calculated arithmetically.

## **Other qualifications**

We propose that in the first instance, the Conditions outlined above will apply to all GCSEs, AS and A levels. We do not propose to apply the technical requirements, taken from the Code, to new GCSEs, AS and A levels. We will develop and consult on appropriate requirements for the new qualifications. We will also consult separately on the Conditions and requirements that will apply to Principal Learning and Project qualifications.

There are other qualifications that use a similar grading system and for which levels of attainment are set in a similar way. We believe that the requirements we are putting in place for qualifications covered by the Code represent good practice in setting and maintaining standards and we would like your initial views on whether these high-level Conditions should apply more widely to graded qualifications.

If we were to consider such a change, we would have to decide for which qualifications the requirements would be appropriate and how we would define them. The approach would only be relevant for qualifications where grade boundaries (or pass marks or cut scores) are set at the end of a marking process. The approach would not be appropriate for qualifications where the decisions about the grade awarded (or about whether a candidate has passed) take place when a candidate's work is marked, as is the case in many vocational qualifications.

We might identify such qualifications as those where:

- the level of attainment demonstrated by learners in that qualification, and/or an assessment for that qualification, can be accurately and consistently differentiated on the basis of the marks given to those learners; and
- the exam board sets one or more specified levels of attainment for that qualification:
  - following a review of relevant evidence from the current assessment series for that qualification; or
  - at a predetermined mark without undertaking such a review.

We would consult separately if we planned to make such a change, but would welcome your initial views on the benefits and impact of such a change.

## **7. Part E – Implementation and impact assessment**

### **Implementation**

We propose to withdraw the Code and introduce the new Conditions for reviews of marking/moderation and appeals and for setting grade boundaries before GCSEs, AS and A levels are awarded in summer 2016. We do not propose to introduce them before the end of the academic year 2015/16. This means that the aspects of the rules that will require exam boards to secure certain actions from centres will not apply until the following academic year.

The withdrawal of the Code will not necessarily require exam boards to change their ways of working if they do not wish to, so long as those ways of working are able to secure the outcomes specified in our proposed Conditions and requirements.

The first new AS qualifications will be awarded next summer and we propose that the new requirements should apply to those qualifications for their first awards.

We propose to introduce the proposed requirements on marking reviews and appeals in summer 2016, but after centre-based marking for 2015/16 has concluded.

We invite views on whether such a timetable is reasonable and on whether we should consider phasing in any aspects of the new requirements.

### **Equality analysis**

Our statutory objectives include the qualifications standards objective, which is to secure that the qualifications we regulate:

- give a reliable indication of knowledge, skills and understanding; and
- indicate:
  - a consistent level of attainment (including over time) between comparable regulated qualifications; and
  - a consistent level of attainment (but not over time) between qualifications that we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate.

We must therefore regulate so that qualifications properly differentiate between candidates who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant candidates,

including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

As a public body, we are subject to the public sector equality duty. This duty requires us to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The exam boards that design, deliver and award qualifications covered by the Code are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

When we decide whether such adjustments should not be made, we must have regard to:

- the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities;
- the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred; and
- the need to maintain public confidence in the qualification.

Legislation therefore sets out a framework within which we must operate. We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, from time to time, conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a candidate's knowledge, skills and understanding, a candidate who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification. A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification. It is not always possible for us to regulate so that we can both secure that qualifications give a reliable indication of knowledge, skills and understanding, and advance equality between people who share a

protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, rational decision.

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely than might affect, for example, candidates' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a candidate's ability to achieve a particular mark in an assessment, our influence is limited to the way that the qualification is designed and assessed.

In considering our proposals to withdraw the Code and put in place requirements for reviews of marking/moderation, appeals and setting grade boundaries, we want to understand the possible impacts of the proposals on persons who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It should be noted that with respect to the public sector equality duty under section 149 of the 2010 Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.

### **Reviews of marking/moderation and appeals**

Our new Conditions will expressly allow exam boards to charge for appeals against decisions in relation to reasonable adjustments and special consideration. They will not be required to do so. In deciding whether to charge a fee and in what circumstances any fee would be refunded, exam boards will need to consider their equalities duties under the Equality Act 2010 and the Conditions.

We have not identified any other impacts for any group sharing a protected characteristics arising from our proposals in respect of reviews of marking/moderation and appeals.

### **Removal of the Code**

We note that particular parts of the Code impose requirements on exam boards in relation to equalities. For example – under paragraph 3.12(xi) of the Code – exam boards' committees are required to ensure, where appropriate, that question papers and tasks do not advantage or disadvantage particular groups of candidates on grounds other than competence in the relevant subject. In addition, section 7 of the Code sets out requirements that exam boards must meet for candidates with particular requirements. It requires exam boards to have processes in place for

making access arrangements that include reasonable adjustments for disabled candidates.

We are content that the protections provided by the Code with respect to equality are covered under existing Conditions. For example –

- Condition D1 requires exam boards to ensure that their qualifications minimise bias, which is defined as ensuring that an assessment does not produce unreasonably adverse outcomes for learners who share a common attribute.
- Condition D2 requires exam boards to comply with equalities law in relation to each of their qualifications, monitor whether any feature of their qualifications could disadvantage students with a particular protected characteristic and, where they identify such a feature, remove any unjustifiable disadvantage.
- Conditions G6 and G7 require exam boards to have in place clear arrangements for making reasonable adjustments and giving special consideration.

On this basis, we do not believe that candidates with protected characteristics will be negatively affected by our proposal to remove the Code.

We have not identified any other impacts for any group sharing a protected characteristic and we do not believe that any group will be disproportionately affected by our proposal to withdraw the Code.

### **Rules in relation to grade setting**

We have well-established arrangements in place to consider equality issues in the context of qualifications. We aim to ‘front-load’ equality considerations. When setting grade boundaries and determining grades, exam boards should take no account of candidates’ protected characteristics. Exam boards must monitor their qualifications for any feature that could disadvantage a group of candidates, including those with protected characteristics. They must either remove that disadvantage or explain why it is justifiable.

Reasonable adjustments can be made for disabled candidates to the arrangements for taking assessments, or to the assessments themselves. There are well-established arrangements for this. Setting grade boundaries and grading can then assume a level playing field. Any approach that involved setting different grade boundaries for people with different protected characteristics would undermine standards and confidence, would be potentially discriminatory and would be



detrimental to all candidates. We have explicitly proscribed such a practice in the specification<sup>49</sup> that we have issued under section 96 of the Equality Act 2010.

We do not believe that our proposals with respect to the setting of grade boundaries will have a positive or negative impact for any particular group of candidates who share a protected characteristic.

## **Regulatory impact assessment**

We have assessed the potential impact of aspects of our proposals for the review of marking and appeals on exam boards and the potential impact of the alternative options that we have considered. We have published our initial assessment separately.<sup>50</sup>

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<sup>49</sup> *Specifications in Relation to the Reasonable Adjustment of General Qualifications:*  
<http://ofqual.gov.uk/documents/specifications-relation-reasonable-adjustment-general-qualifications>

<sup>50</sup> Available at <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

## Appendix 1: Summary key proposals and changes to reviews of marking/moderation and appeals for GCSEs, AS and A levels

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>Allow centres (or, in some cases, candidates) to see copies of any of the candidates' assessments marked by the exam board.</p> <p>Make available the mark schemes for the assessments either before this or at the same time.</p>	<p>Centres that believe the mark is wrong but that have not seen the marked assessment can only speculate about what has happened in their candidate's assessment.</p> <p>If the centre can see the marked script, they are more likely to be able to spot an administrative error, or to make an informed decision about whether to request a review of marking.</p>	<p>Centres can ask an exam board to return an AS or A level script before they decide whether to request a review of the exam board's marking. The Code sets the date by which such requests must be made and the date by which the scripts must be returned.</p> <p>Similar provision is not made for the return of GCSE scripts. Marked GCSE scripts are only returned (on request) <b>after</b> the closing date for</p>	<p>1a 1b</p>

<sup>51</sup> All of our proposals apply to new and legacy GCSEs, AS and A levels.

<sup>52</sup> The current arrangements set out in the Code apply to legacy GCSEs, AS and A levels but not to new GCSEs, AS and A levels. General Conditions apply to all of these qualifications.

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
	<p>This approach may reduce the number of speculative requests for checks for administrative errors and for reviews of marking. The reason for a candidate's disappointing mark might be apparent once the marked script has been seen and it might simply reflect a candidate's performance on the day of the exam.</p> <p>This approach would introduce greater transparency to the system.</p>	<p>the receipt of requests for a review of marking.</p> <p>Exam boards are not required to make mark schemes available when they publish results, although they generally do.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Centres can see marked GCSE assessments before deciding whether to request a review of marking or administrative error review.</li> </ul>	
<p>Allow centres (or, in some cases, candidates) to request that a candidate's marked assessment is reviewed for administrative errors and correct errors that are identified.</p>	<p>Clearly, if an administrative error has been made, this must be corrected. For example, the mark for a question has been omitted from the total or an answer has not been marked.</p>	<p>Exam boards currently have a service for correcting Administrative errors (described as clerical errors).</p>	<p>1c</p>
<p>Allow centres (or, in some cases, candidates) to request that the marking in a candidate's marked</p>	<p>Although exam boards aim to eliminate errors by training and monitoring their examiners, in a very</p>	<p>Centres can currently ask for the marking of an assessment to be reviewed.</p>	<p>1d</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
assessment is reviewed.	high-volume system, mistakes will occur. Because of this, we believe it is right that a centre that thinks a marking mistake has been made can ask for the way that a script has been marked to be reviewed.		
<p>Require centres to provide candidates with the pre-moderation mark for assessments they have marked.</p> <p>Require centres to have in place arrangements for the marking of assessments they have marked to be reviewed.</p>	<p>If there is an error made when an assessment is marked by a centre, this could be carried forward to moderation. Allowing candidates to see their pre-moderated mark would allow them to ask the centre to review the marking and correct any errors before it is moderated. This helps to ensure that the rank order of a centre's candidates is correct before the marks are moderated.</p> <p>Candidates can only decide whether to request a review if they have been told their pre-moderation mark.</p>	<p>Exam boards must make sure that candidates are able to ask a centre to review the mark for their assessment, but there is no requirement for candidates to be told what mark they have been given.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Candidates to be told the marks of their centre-marked assessments in time for them to ask the centre to review its marking.</li> </ul>	<p>1f 1g</p>
Following moderation, provide the outcome of moderation of a centre's	Although exam boards aim to eliminate errors by training and	Centres can currently ask for the moderation of scripts to be	1h

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>assessments to the centre (with reasons) to enable the centre to request a review of moderation</p> <p>Review the moderation on request from a centre.</p>	<p>monitoring their examiners, in a very high-volume system, mistakes will occur. Because of this, we believe it is right that a centre that thinks a mistake has been made on moderation can ask for the way that scripts have been moderated to be reviewed.</p>	<p>reviewed.</p>	
<p>On a review, change the marking or moderation (and make any consequential change to the grade) where the reviewer finds that the original marker or moderator gave an unreasonable mark or arrived at an unreasonable moderation outcome – that is, a mark/outcome that could not reasonably have been given to the assessment if the marker or moderator had correctly applied the mark scheme and any other relevant marking/moderation procedures.</p>	<p>For some subjects and some question types, markers must exercise their academic judgement when applying a mark scheme to a candidate's work. Two markers could correctly apply the mark scheme and yet give the candidate slightly different marks. This would be a legitimate variation in the way that they exercised their academic judgement.</p> <p>Our research indicates that reviewing markers may in some cases substitute one legitimate mark</p>	<p>The Code allows for inaccurate marks to be changed but it does not explicitly require that marks that represent a reasonable application of the mark scheme must not be changed.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Explicit rule to stop exam boards replacing one reasonable mark with an alternative reasonable mark.</li> <li>▪ Explicit rule to stop exam boards replacing one reasonable moderation outcome with an</li> </ul>	<p>1d 1i</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>Not change a mark or moderation outcome that could reasonably have been given by a marker or moderator applying the mark scheme.</p>	<p>for another and that they be more inclined to increase than reduce the mark. This potentially advantages candidates who request a review of marking over those who do not. Although our research did not investigate moderation reviews, we believe that the same approach should apply to the review of moderation decisions.</p> <p>In light of the findings of our research, we believe that the original marking and moderation should be reviewed, rather than a clean script being marked or moderated afresh.</p>	<p>alternative reasonable moderation outcome.</p>	
<p>Explain to the centre (or to the candidate where appropriate) the reasons for its decision to retain or change a mark or moderation outcome following a review of marking or moderation.</p>	<p>Requiring the reviewing marker to give reasons for their decision should also help secure consistency of approach and transparency.</p>	<p>The Code of Practice does not require exam boards to give centres or candidates reasons for the outcomes of their reviews of marking.</p> <p><b>Key change</b></p>	<p>1e</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
		<ul style="list-style-type: none"> <li>▪ Exam boards to give reasons for their decisions.</li> </ul>	
<p>Make sure that reviews of marking and moderation are undertaken by markers or moderators who have been specifically trained and prepared to undertake the review role.</p>	<p>Reviewing the way that an assessment has previously been marked or moderated is not the same as marking or moderating it for the first time. It should not be assumed that competent markers or moderators will necessarily be competent reviewers, in particular under the new rules, if they are not specifically prepared for the reviewer role.</p> <p>In our research, we found a lack of consistency of approach between reviewing markers and some confusion about the role of the reviewer.</p>	<p>We do not currently require that reviewers are specifically trained and prepared for this role.</p> <p>Exam boards often select senior examiners to undertake reviews. They may refresh (or re-standardise) them to make sure that they correctly apply the mark scheme, but they do not prepare them specifically to review the marking or moderation undertaken by others.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Reviewers of marking and moderation to be specifically trained for this role.</li> </ul>	1q
<p>Make sure that its reviewers do not review their own marking or moderation.</p>	<p>Markers who review their own marking or moderation may find it difficult to be objective. They are, in any event, likely to be perceived to</p>	<p>The Code of Practice requires that, wherever possible, the review of marking is undertaken by someone other than the original marker.</p>	1r

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
	be biased.		
<p>Monitor whether reviewers who undertake marking or moderation reviews are changing marks when an error has been made but are not substituting one reasonable mark or moderation outcome for another and intervene when necessary.</p> <p>Monitor whether reviewers who undertake marking or moderation reviews are acting consistently and, where they are not, take steps to promote consistency in the future.</p>	<p>Exam boards should know whether their reviewers are acting consistently and identifying and dealing with unreasonable marking or moderation decisions but not changing reasonable marks. They can then intervene – with further training and/or supervision, or by stopping the reviewer reviewing further scripts.</p>	<p>Exam boards are required to monitor the consistency with which the original markers are applying the mark scheme. They use various techniques to do so.</p> <p>The Code does not require them to monitor how well and consistently markers reviewing marking or moderation are working.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Exam boards to monitor the performance of their reviewers.</li> </ul>	1q
<p>Allow centres (or, in some cases, candidates) that, following a review of marking or moderation, remain concerned about a mark or moderation outcome to appeal to the exam board on one of the following grounds:</p>	<p>The provisions made to identify administrative errors and to review marking should make sure that most mistakes are identified and corrected in this way.</p> <p>However, a centre might remain</p>	<p>The Code requires exam boards to allow centres to lodge an appeal, once the review of marking/moderation has been undertaken. Appeals must focus on whether the exam board has acted as follows:</p>	1k 1l 1m



We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<ul style="list-style-type: none"> <li>▪ The exam board did not apply its procedures properly.</li> <li>▪ The mark awarded was unreasonable given the evidence generated by the candidate/candidates and the mark scheme and relevant procedures.</li> </ul> <p>Permit appeals relating to:</p> <ul style="list-style-type: none"> <li>▪ Decisions relation to reasonable adjustments and special consideration.</li> <li>▪ Decisions relating to action to be taken following an investigation on malpractice or maladministration.</li> </ul> <p>Prohibit centres appealing about the setting of a grade boundary.</p>	<p>concerned that the mark given to a script was unreasonable. The proposed new Condition would allow appeals to be made on the grounds of a procedural failing or on the grounds that the mark could not reasonably have been given.</p> <p>We propose that the setting of a grade boundary should not be capable of being challenged in an appeal. As a decision to change a grade boundary would affect the whole cohort, concerns about a grade boundary should be raised and investigated in other ways.</p> <p>Other aspects of the appeals process required by General Condition I1 should continue to be available.</p>	<ul style="list-style-type: none"> <li>▪ Used procedures that were consistent with the Code.</li> <li>▪ Applied its procedures properly and fairly in arriving at judgements.</li> </ul> <p>General Condition I1 also imposes requirements on exam boards – requires that the exam board's appeals process must provide for the effective appeal of results on the basis that procedures were not applied consistently.</p> <p><b>Key changes</b></p> <ul style="list-style-type: none"> <li>▪ Appeals on the grounds that a mark/moderation outcome was unreasonable to be allowed.</li> <li>▪ Appeals against a grade boundary to be prohibited.</li> <li>▪ Using procedures consistent with the Code no longer to be considered on an appeal.</li> </ul>	

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>Make sure that at least one person involved in an appeal decision is not an employee of, or an assessor working for, the exam board or is otherwise connected with it.</p>	<p>We believe that a centre will have greater confidence in an exam board's appeal arrangements if at least one of the decision-makers is independent of the exam board.</p> <p>We do not propose to retain all of the requirements contained in the Code.</p>	<p>The Code requires exam boards to put appeals panels in place, at least one member of which must not be, or must not have been, a member of the exam board or its committees, its employee or an assessor for the exam board at any time during the previous five years.</p> <p>The Code also includes requirements about how an exam board must advertise for and appoint independent panel members.</p> <p>General Condition I1 contains the provision we are proposing to adopt.</p>	<p>1s</p>
<p>Set and publish reasonable deadlines by which centres/candidates must request the return of a marked assessment script (where it will not make the script available automatically), request an administrative error</p>	<p>Centres/candidates must know the timelines that they must follow.</p> <p>We do not propose to set the dates ourselves. We believe that it would be legitimate for exam boards to set their own dates and for there to be</p>	<p>The Code provides that:</p> <ul style="list-style-type: none"> <li>▪ all requests for an enquiry about results must be received by 20th September.</li> <li>▪ an appeal must be lodged within two weeks of receiving the outcome of the review.</li> </ul>	<p>1t 1v</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>review, request a review of marking and request a review of moderation.</p> <p>Specify a reasonable time period during which an appeal may be requested.</p>	<p>differences between them, so long as the dates are clear, reasonable and published.</p> <p>The reasonableness of a deadline will depend on the purpose of the qualification. For example, A levels are widely used for entry to university, so a review of a marking decision that was reached after university admissions for the year had closed might well not be reasonable.</p> <p>The reasonableness of a timeline will depend on other aspects of the exam board's approach. For example, an exam board that makes marked assessments available when it releases results might reasonably set an earlier deadline for requests for marking reviews than an exam board that only gives</p>	<p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Exam boards can set their own deadlines.</li> </ul>	

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
	access to marked assessment on request.		
<p>Set and publish its target deadline for responding to requests for marked assessments to be made available (where it will not make the assessment available automatically).</p> <p>Set and publish its target deadline for completing administrative error reviews, reviews of marking, reviews of moderation and its consideration of an appeal.</p> <p>Take all reasonable steps to meet its target deadlines.</p> <p>Publish data to show the number and the percentage of occasions in which it achieves its published deadlines.</p>	<p>We propose to allow exam boards to set their own deadlines and for these to be different between exam boards. An exam board that is able to achieve more ambitious deadlines may publicise this. To discourage exam boards from publishing unrealistic deadlines that they do not achieve, we believe that they should publish information on the frequency with which they achieve and miss those deadlines. This will help to ensure that exam boards set deadlines that they can meet. Centres could also take such information into account when deciding which exam board to use.</p>	<p>The Code provides that:</p> <ul style="list-style-type: none"> <li>▪ The outcome of a priority post-results review of marking must be communicated to the centre or candidate within 18 days of receipt of the request.</li> <li>▪ The outcome of a request for a clerical check must be communicated to the centre or candidate within 20 days of receipt of the request.</li> <li>▪ The outcome of a post-results review of marking must be communicated to the centre or candidate within 30 days of receipt.</li> <li>▪ The outcome of a post-results review of moderation must be communicated to the centre or candidate within 40 days of receipt.</li> </ul>	<p>1w 1x</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
		<ul style="list-style-type: none"> <li>▪ The outcome of an appeal must be communicated within 50 working days of receipt.</li> </ul> <p>The Code does not require the publication of such data on deadlines, although this data is normally published.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Exam boards to set, publish and take all reasonable steps to meet target timescales.</li> <li>▪ Requirements on exam boards to publish information about their performance.</li> </ul>	
<p>Publish how it trains and prepares its markers to undertake reviews of marking/moderation, how it will monitor for consistency and that reviews are being undertaken in accordance with the rules and what action it will take where it finds</p>	<p>It is important the centres and candidates are confident that marking reviews are undertaken properly and consistently.</p> <p>Centres and candidates might not have a good understanding of what</p>	<p>The Code sets out how markers must be trained, supervised and monitored. General Condition A5 requires that exam boards have a workforce of appropriate size and competence at all times. However, these rules are not specific to</p>	<p>1z</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>inconsistency or non-compliant reviewing.</p> <p>For each year, publish what it has found from its monitoring and what action it has taken as a result.</p>	<p>happens when an exam board reviews the way that a script was originally marked or moderated.</p> <p>Requiring exam boards to publish how they train and prepare reviewers for the role and monitor their performance should allow those with an interest to understand more about how each exam board works and encourage the exam boards to properly undertake and, where necessary, enhance these functions.</p>	<p>reviewers.</p> <p>Currently, the exam boards do not always regard markers who undertake reviews as having a distinct role for which specific training and preparation is required.</p> <p>There are no requirements on exam boards to monitor how those who review marking perform in that role or to publish information about how they train and prepare reviewing markers for the role.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Exam boards to publish information about how they train and monitor their reviewers.</li> </ul>	
<p>Publish the following data for each qualification:</p> <ul style="list-style-type: none"> <li>▪ The number of administrative errors found and corrected and a</li> </ul>	<p>We believe that the publication of such information will provide important transparency about the way that review and appeal</p>	<p>We currently publish data showing the number of requests for enquiries about results and their outcomes.</p>	<p>1y</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>summary of the nature of the errors and how it proposes to reduce such errors.</p> <ul style="list-style-type: none"> <li>▪ The number of requests for an administrative error review it has dealt with and the outcome of the reviews.</li> <li>▪ The number of requests for a review of marking and moderation it has dealt with and the outcome of the reviews and an overview of the reasons for mark and moderation changes where these have been made.</li> <li>▪ The number of appeals it has carried out, the outcome of the appeals and the reasons for any successful appeal.</li> </ul>	<p>arrangements are used and their outcomes.</p>	<p>The Code of Practice does not require the exam boards to publish such data. Data on the reasons why marks have been changed is not published.</p> <p><b>Key change</b></p> <ul style="list-style-type: none"> <li>▪ Additional information to be published about the outcomes of reviews and appeals and about other administrative errors which have been found.</li> </ul>	
<p>Identify any other candidates who are affected by a marking error that has been found through the operation of review arrangements or the appeal process, and correct the</p>	<p>If candidates have been given the wrong mark, and possibly the wrong grade, this should, where possible, be corrected for all candidates including those who did not</p>	<p>The Code stops exam boards correcting marking errors that come to light during a marking review or appeal in respect of candidates who did not themselves request a review</p>	<p>10</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>error or take steps to reduce the effect of the error for those other candidates.</p>	<p>themselves seek a review or appeal. There is otherwise a risk that some candidates will receive results that do not reflect their performance, potentially misleading others who rely on qualifications and advantaging or disadvantaging them relative to others. We recognise that the appropriate course of action when finding an error will vary according to the circumstances. However, we do not believe it is right that some candidates should be protected from having an error corrected when others are not. We are consulting separately on guidance to which exam boards and other awarding organisations would be required to have regard to when deciding what to do when they find an incorrect mark.</p>	<p>of marking or appeal and have had grades awarded, unless the correction would increase their mark. The Code does not stop exam boards correcting errors in respect of any candidate that come to light in other ways – for example, through the exam boards’ own quality assurance checks.</p> <p>General Condition I1.4 contains the provision we are proposing to adopt insofar as they apply to the appeals process.</p> <p><b>Key changes</b></p> <ul style="list-style-type: none"> <li>▪ There will be no automatic protection for candidates who have been given a higher result than their work deserved where that error was found as a result of a review of marking (although we propose to introduce further</li> </ul>	



We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
		guidance which exam boards would be required to have regard to when deciding how to deal with the issue of an incorrect result).	
<p>Publish its position on accepting requests for access to marked assessments, requests for reviews of marking and appeals (following a review of marking) directly from candidates (which must include external candidates) and from centres on behalf of candidates.</p> <p>Publish information about any requirements that must be satisfied before such requests are made and/or considered.</p> <p>Where it requires centres to make requests on behalf of candidates, require centres to put in place</p>	<p>In the main, candidates do not have a direct relationship with exam boards; centres do. The exception is for external candidates – mainly those who have been home-schooled.</p> <p>Occasionally, against the wishes of a candidate, a centre might decide not to request access to a marked assessment, an administrative error review, a review of marking or an appeal. For example, because the centre considers that the original mark is a fair reflection of the candidate's performance.</p>	<p>The Code prohibits exam boards from accepting requests for a review of marking directly from a candidate, with the exception of external candidates. The Code requires exam boards to make sure that centres have formal arrangements in place to resolve disputes that arise between a centre and a candidate over requests for a review of marking.</p> <p><b>Key changes</b></p> <ul style="list-style-type: none"> <li>▪ Exam boards will not be prohibited from accepting requests for access to marked assessments, administrative</li> </ul>	<p>1v 1u 1p 1h</p>

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>arrangements to resolve disputes between a candidate and a centre about the centre's decisions with regard to such requests.</p> <p>Only allow requests for a review of moderation and appeals following reviews of moderation to be made by a centre.</p>	<p>It is important that exam boards are clear whether they will receive requests from candidates (other than external candidates) without the support of their centre.</p> <p>We believe that we should neither require nor prohibit exam boards to adopt a particular approach, but that centres should have in place arrangements to resolve disputes between a centre and a candidate on whether a review of marking should be requested where an exam board only accepts such requests from centres and external candidates.</p> <p>We recognise that there is merit in the current approach, which requires that requests (other than from external candidates) are made by centres, because centres will</p>	<p>error reviews, reviews of marking and appeals (following reviews of marking) directly from candidates – although they may decide not to make provision for this.</p>	

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
	<p>generally better understand whether an assessment has been correctly marked. Centre involvement can protect a candidate who mistakenly believes an error has been made and invests time and money in seeking a review and/or appealing. Nevertheless, we propose that exam boards may decide this.</p> <p>We propose that, as now, requests for review of moderation (and any subsequent appeals) should only be made by centres, as the consequences for a review of moderation affect the whole of a centre's cohort.</p>		
Publish whether they charge fees in respect of access to marked assessments, administrative error reviews, reviews of marking, reviews of moderation and appeals.	We believe it is right that exam boards can decide on their fee arrangements, but centres and candidates must be able to know what these are.	The Code requires exam boards to charge fees for the post-results services and that each exam board adopts common principles with regard to the refund of fees.	1v 2b

We propose that an exam board must: <sup>51</sup>	Why we are proposing this?	Requirements of the current arrangements <sup>52</sup> and the key changes in our proposed requirements	Relevant consultation questions
<p>Publish when such fees will be charged and when any fees will be refunded.</p>		<p>The fees vary between exam boards. In practice, exam boards do not collect fees until the reviews are completed. Then they only collect fees in respect of reviews or appeals where no error was found.</p> <p>The Code does not state whether exam boards should charge fees in respect of appeals about special considerations or reasonable adjustments.</p> <p><b>Key changes</b></p> <ul style="list-style-type: none"> <li>▪ Exam boards will decide whether to charge a fee, and if so, what the fee will be.</li> </ul>	

## **Appendix 2: Draft Conditions on reviews of marking, moderation and appeals**

The draft Conditions that we would put in place to implement the proposals on reviews of marking, moderation and appeals are set out below. We propose that these Conditions should apply to all GCSEs, AS and A levels.<sup>53</sup> We will consult separately on the Conditions that we should put in place for Principal Learning and Project qualifications.

### **Condition GCSE7<sup>54</sup> – Review of marking of centre-marked assessments**

- GCSE7.1 In respect of each GCSE Qualification which it makes available, or proposes to make available, where an assessment is marked by a Centre, an awarding organisation must –
- (a) ensure that the agreement which is required by General Condition C2.2 to be in place between it and the Centre includes the provisions required by this condition, and
  - (b) take all reasonable steps to ensure that the Centre complies with those provisions.
- GCSE7.2 For the purposes of this condition, the agreement must include provisions which require the Centre to:
- (a) establish, maintain and comply with arrangements for any Learner to request a review of the Centre’s marking of an assessment in respect of the Learner and for the Centre to carry out such a review,
  - (b) issue the results for each assessment which has been marked by the Centre to Learners, so as to allow a reasonable time period for Learners to consider whether to request a review of the Centre’s marking of that assessment,
  - (c) inform Learners that they may request copies of materials to assist them in considering whether to request a review of the Centre’s marking of the assessment,

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<sup>53</sup> We propose to conduct a technical consultation on any qualification specific wording which will apply to legacy GCSEs, AS and A levels to implement the new rules and on any other relevant matters.

<sup>54</sup> We have developed draft Conditions for new GCSEs in particular.

- (d) on such a request from a Learner, promptly make available to the Learner copies of any materials which the Learner may reasonably require to consider whether to request a review of the Centre's marking of the assessment,
- (e) take all reasonable steps to ensure that an Assessor who was previously involved in the Centre's marking of an assessment in respect of a Learner is not involved in a review of marking in respect of that assessment and, where this cannot be avoided by the taking of all reasonable steps, make arrangements for the relevant part of the review to be subject to scrutiny by another person,
- (f) ensure that arrangements in place for the review of the Centre's marking of an assessment require the Centre to change the marking of an assessment to correct the effect of an Administrative Error,
- (g) ensure that arrangements in place for the review of the Centre's marking of an assessment require the Centre to remark a task where the mark awarded for the task could not reasonably have been awarded given the evidence generated by the Learner in the assessment and the criteria against which Learners' performance is differentiated,
- (h) ensure that arrangements in place for the review of the Centre's marking of an assessment require the Centre to notify the Learner promptly of the outcome of the review, of the reasons for that outcome and of any change in mark,
- (i) ensure that arrangements in place for the Learner to request a review of the Centre's marking of an assessment require the Centre to complete any such review so as to meet the awarding organisation's requirements in relation to when marks for the assessment and materials in respect of the assessment must be provided to it to enable it to undertake Moderation, and
- (j) notify Learners and the awarding organisation of how they may obtain a copy of the arrangements in place for the Learner to request a review of the Centre's marking and provide such a copy promptly when requested.

GCSE7.3 For the purposes of Condition GCSE7.2(g), in determining whether

the mark which was awarded for the task could reasonably have been awarded, the arrangements shall require the Centre to consider whether the marking of the task included –

- (a) any errors, and
- (b) any unreasonable exercise of academic judgment.

**GCSE7.4** In respect of each GCSE Qualification which it makes available or proposes to make available where an assessment is marked by a Centre, an awarding organisation must notify Centres (sufficiently far in advance to satisfy their reasonable planning requirements) of its requirements in relation to when marks for the assessment and materials in respect of the assessment must be provided to it to enable it to undertake Moderation.

**Condition GCSE8 – Notification of Moderation outcome**

**GCSE8.1** In respect of each GCSE Qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must notify the Centre of the outcome of Moderation so as to allow a reasonable time period for the Centre to consider whether to request a review of Moderation, taking into account any date by which the awarding organisation requires such a request to be received.

**GCSE8.2** The notification which an awarding organisation provides for the purposes of Condition GCSE8.1 must specify the reasons for the outcome of Moderation.

**Condition GCSE9 – Review of Moderation**

**GCSE9.1** In respect of each GCSE Qualification involving Moderation which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for any Centre to request a review of the Moderation undertaken by the awarding organisation in respect of any assessment which has been marked by the Centre and for the awarding organisation to carry out such a review.

- GCSE9.2 The arrangements may –
- (a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,
  - (b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and
  - (c) specify a date by which a review of Moderation must be requested.
- GCSE9.3 Where the arrangements specify a date by which a review of Moderation must be requested, the date must be reasonable, taking into account –
- (a) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation's arrangements, and
  - (b) the purpose of the GCSE Qualification.
- GCSE9.4 The arrangements must require that, on carrying out a review of Moderation, the awarding organisation –
- (a) determines, in respect of the Moderation it undertook of the Centre's marking of the assessment, whether the outcome of Moderation which was arrived at could reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the Centre's marking of that evidence, the criteria against which Learners' performance is differentiated and any procedure of the awarding organisation in relation to Moderation,
  - (b) where it has determined that it arrived at a reasonable outcome, makes no changes to the outcome of Moderation,
  - (c) where it has determined that it failed to arrive at a reasonable outcome, makes changes to the outcome of the Moderation to the extent necessary to correct the effect of the failure, but makes no other changes to the outcome of Moderation, and
  - (d) documents the reasons for any determination and for any change to the outcome of Moderation.



- GCSE9.5 For the purposes of Condition GCSE9.4, in determining whether the outcome of Moderation could reasonably have been arrived at, the awarding organisation shall consider whether the Moderation it undertook of the Centre's marking of the assessment included –
- (a) any errors, and
  - (b) any unreasonable exercise of academic judgment.
- GCSE9.6 The arrangements must require that –
- (a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,
  - (b) a person who was previously involved in the Centre's marking of an assessment or in the Moderation of that assessment must not be involved in a review of Moderation in respect of that marking,
  - (c) prior to carrying out any review of Moderation, each person tasked with carrying out such a review shall be provided with training on how to do so in accordance with this condition,
  - (d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with a copy of any Marked Assessment Material which was considered for the purpose of Moderation and the criteria against which Learners' performance is differentiated,
  - (e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,
  - (f) where the awarding organisation learns, through its monitoring or otherwise, that a review of Moderation has not been carried out in accordance with this condition, it shall take all reasonable steps to correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure and ensure that the failure does not recur in the future,
  - (g) the awarding organisation shall monitor whether or not persons carrying out reviews of Moderation are making determinations which are consistent over time and consistent with determinations

made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,

(i) the awarding organisation reports the outcome of the review of Moderation to the Centre, specifying the reasons for any determination which has been made and for any change to the outcome of Moderation, and

(j) where, on carrying out a review of Moderation, the awarding organisation discovers what it reasonably considers to be an error in the marking of an assessment, the awarding organisation includes details of the error in its report to the Centre on the outcome of the review of Moderation.

GCSE9.7

The arrangements must, following the awarding organisation's notification of the outcome of the review of Moderation, provide for:-

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and update marks and (where appropriate) results promptly to correct the effect of any error which is identified.

GCSE9.8

An awarding organisation must publish the arrangements, including details of –

(a) how a review of Moderation must be requested,

(b) any date by which a review of Moderation must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any

circumstances in which such a fee will be refunded,

(d) the training which the awarding organisation will provide to persons tasked with carrying out a review of Moderation prior to carrying out such a review,

(e) the monitoring which the awarding organisation will carry out of reviews of Moderation,

(f) the action which the awarding organisation will take where it learns that reviews of Moderation have not been carried out in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations being made on reviews of Moderation are not being made consistently over time or between persons carrying out such reviews, and

(h) the target time period for the period following a request for a review of Moderation by which the awarding organisation will have reported the outcome of the review to the Centre.

**Condition GCSE10 – Making Marked Assessment Materials available to Learners**

GCSE10.1 In respect of each GCSE Qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition to make available a Learner's Marked Assessment Material in respect of any assessment to be taken for that GCSE Qualification to the Learner or, where the assessment has been delivered by the Relevant Centre, the Relevant Centre (on the Learner's behalf).

GCSE10.2 The arrangements may –

(a) provide that, where the assessment has been delivered by the Relevant Centre, any such request must be made by the Relevant Centre (on the Learner's behalf),

(b) provide that the awarding organisation is not required to take further steps to make available a copy or a representation of evidence generated by the Learner in the assessment where the

evidence (or a copy of the evidence) is already held by the Learner or, where the assessment has been delivered by the Relevant Centre, by the Learner or the Relevant Centre,

(c) require the awarding organisation to make available Marked Assessment Material only on payment of a fee,

(d) require the awarding organisation to make available Marked Assessment Material only on request,

(e) specify reasonable requirements for the making of such a request, and

(f) specify a date by which such a request must be received.

GCSE10.3 The arrangements must –

(a) allow Learners a reasonable opportunity to consider whether to request the awarding organisation to carry out an Administrative Error Review in respect of the Marked Assessment Material, and

(b) allow Learners a reasonable opportunity to consider whether to request the awarding organisation to carry out a review of marking of the Marked Assessment Material, taking into account any date by which the awarding organisation requires such a request to be received.

GCSE10.4 An awarding organisation must publish the arrangements, including details of –

(a) how any request for Marked Assessment Material to be made available must be made and any date by which such a request must be received,

(b) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any circumstances in which such a fee will be refunded, and

(c) any date by which the awarding organisation will make Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre) or any target time period for the period following a request by which the awarding organisation will have made Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre).

GCSE10.5 The arrangements must require that a copy of the criteria against which Learners' performance is differentiated in respect of the assessment is made available to the Learner (or as the case may be the Relevant Centre) at the same time as or prior to the Marked Assessment Material being made available.

**Condition GCSE11 – Administrative Error Review**

GCSE11.1 In respect of each GCSE Qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out an Administrative Error Review in respect of the Learner's Marked Assessment Material for any assessment to be taken for that qualification and for the awarding organisation to carry out such an Administrative Error Review.

GCSE11.2 The arrangements may –

- (a) provide that where the Marked Assessment Material relates to an assessment which has been delivered by the Relevant Centre, any request for an Administrative Error Review must be made by the Relevant Centre (on the Learner's behalf),
- (b) provide that the awarding organisation shall only carry out an Administrative Error Review on payment of a fee,
- (c) specify other requirements for the making of a request for an Administrative Error Review, provided that such requirements are reasonable, and
- (d) specify a date by which an Administrative Error Review must be requested.

GCSE11.3 Where the arrangements specify a date by which an Administrative Error Review must be requested, the date must be reasonable, taking into account –

- (a) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding

	organisation's arrangements, and
	(b) the purpose of the GCSE Qualification.
GCSE11.4	<p>The arrangements must require that, on carrying out an Administrative Error Review –</p> <p>(a) where the awarding organisation has determined that the marking recorded in the Marked Assessment Material contains an Administrative Error, it must correct the effect of the Administrative Error,</p> <p>(b) where the awarding organisation considers that the marking recorded in the Marked Assessment Material does not contain an Administrative Error, it must not make any change to the mark awarded,</p> <p>(c) where the outcome of the Administrative Error Review is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner's result, and</p> <p>(d) the awarding organisation must report the outcome of the Administrative Error Review to the Learner (or as the case may be the Relevant Centre), specifying any change in mark and any change in result.</p>
GCSE11.5	<p>The arrangements must require that all Administrative Error Reviews will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Administrative Error Review being carried out.</p>
GCSE11.6	<p>An awarding organisation must publish the arrangements, including details of –</p> <p>(a) how an Administrative Error Review must be requested,</p> <p>(b) any date by which an Administrative Error Review must be requested,</p> <p>(c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any circumstances in which such a fee will be refunded, and</p> <p>(d) the target time period for the period following a request for an Administrative Error Review by which the awarding organisation</p>

will have reported the outcome of the Administrative Error Review to the Learner (or as the case may be the Relevant Centre).

**Condition GCSE12 – Review of marking of Marked Assessment Material**

GCSE12.1 In respect of each GCSE Qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out a review of marking of the Learner's Marked Assessment Material for any assessment to be taken for that qualification and for the awarding organisation to carry out such a review.

GCSE12.2 The arrangements may –

- (a) provide that where Marked Assessment Material relates to an assessment which has been delivered by the Relevant Centre, any request for a review of marking of the Marked Assessment Material must be made by the Relevant Centre (on the Learner's behalf),
- (b) provide that the awarding organisation shall only carry out a review of marking on payment of a fee,
- (c) specify other requirements for the making of a request for a review of marking, provided that such requirements are reasonable, and
- (d) specify a date by which a review of marking of Marked Assessment Material must be requested.

GCSE12.3 Where the arrangements specify a date by which a review of marking of Marked Assessment Material must be requested, the date must be reasonable, taking into account –

- (a) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation's arrangements, and
- (b) the purpose of the GCSE Qualification.

GCSE12.4 The arrangements must require that the Assessor carrying out a review of marking of Marked Assessment Material –

- (a) determines, in respect of each task in the assessment for which marks could have been awarded, whether the mark which was awarded for the task could reasonably have been awarded



given the evidence generated by the Learner in respect of that task, the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation in relation to marking,

(b) where the Assessor has determined that the mark awarded for a task in the assessment could reasonably have been awarded, makes no changes to the mark awarded for the task,

(c) where the Assessor has determined that the mark awarded for a task in the assessment could not reasonably have been awarded, remarks the task to the extent necessary to correct the effect of the unreasonable marking but makes no other changes to the mark awarded for the task, and

(d) documents the reasons for any determination and for any change of mark.

GCSE12.5 For the purposes of Condition GCSE12.4, in determining whether the mark which was awarded for the task could reasonably have been awarded, the Assessor shall consider whether the marking of the task included –

(a) any errors, and

(b) any unreasonable exercise of academic judgment.

GCSE12.6 The arrangements must require that –

(a) all reviews of marking will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner's Marked Assessment Material in respect of that task,

(c) prior to carrying out any review of marking, each Assessor shall be provided with training on how to carry out a review of marking in accordance with this condition,

(d) prior to carrying out a review of marking of any Marked Assessment Material, an Assessor shall be provided with a copy of the Marked Assessment Material and the criteria against which

Learners' performance is differentiated,

(e) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are doing so in accordance with this condition,

(f) where an awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to carry out reviews of marking in accordance with this condition, it shall take all reasonable steps to correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure and ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the Assessors which are carrying out reviews of marking are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where an awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between Assessors, it shall take all reasonable steps to promote consistency in the future,

(i) where the outcome of a review of marking is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner's result, and

(j) the awarding organisation reports the outcome of the review of marking to the Learner (or as the case may be the Relevant Centre), specifying the reasons documented by the Assessor carrying out the review, any change in mark and any change in result.

GCSE12.7

An awarding organisation must publish the arrangements, including details of –

(a) how a review of marking of Marked Assessment Material must be requested,

(b) any date by which a review of marking of Marked Assessment Material must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any

- circumstances in which such a fee will be refunded,
- (d) the training which the awarding organisation will provide to Assessors prior to carrying out a review of marking,
- (e) the monitoring which the awarding organisation will carry out of Assessors carrying out reviews of marking,
- (f) the action which the awarding organisation will take where it learns that an Assessor is failing to carry out reviews of marking in accordance with this condition,
- (g) the action which the awarding organisation will take where it learns that determinations are not being made consistently over time or between Assessors, and
- (h) the target time period for the period following a request for a review of marking of Marked Assessment Material by which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre).

**Condition GCSE13 – Appeals process for GCSE Qualifications**

- GCSE13.1 In respect of each GCSE Qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.
- GCSE13.2 In respect of each GCSE Qualification which it makes available, or proposes to make available, in addition to the other arrangements required by the GCSE Qualification Level Conditions, the awarding organisation must establish, maintain and comply with an appeals process in accordance with this condition, which must provide for the appeal of –
- (a) the outcome of any Moderation of a Centre’s marking of an assessment, following a review of Moderation in respect of that marking,
- (b) the result for any assessment in respect of a Learner, following a review of marking of Marked Assessment Material in respect of that assessment,

	<p>(c) decisions regarding Reasonable Adjustments and Special Consideration, and</p> <p>(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.</p>
GCSE13.3	<p>The appeals process may –</p> <p>(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,</p> <p>(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and</p> <p>(c) specify a time period during which an appeal must be requested, provided that any such time period is reasonable.</p>
GCSE13.4	<p>The appeals process must provide for –</p> <p>(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed, and</p> <p>(b) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it.</p>
GCSE13.5	<p>The appeals process must not allow a specified level of attainment which has been set for the GCSE Qualification to be changed.</p>
GCSE13.6	<p>For the purposes of Condition GCSE13.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation:</p> <p>(a) on the basis that the outcome of Moderation could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the Centre's marking of that evidence, the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation relating to Moderation, and</p> <p>(b) on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed</p>

	<p>properly and fairly, provided that for these purposes any exercise of academic judgment in relation to the outcome of Moderation shall not constitute the application of or following of a procedure.</p>
GCSE13.7	<p>For the purposes of Condition GCSE13.6(a), to determine whether the outcome of Moderation could reasonably have been arrived at, the appeals process must require the consideration of whether the Moderation undertaken of the Centre's marking of the assessment included –</p> <p>(a) any errors, and</p> <p>(b) any unreasonable exercise of academic judgment.</p>
GCSE13.8	<p>For the purposes of Condition GCSE13.2(a), the appeals process which an awarding organisation has in place must provide for any request for an appeal of the outcome of Moderation of a Centre's marking of an assessment to be made by the Centre.</p>
GCSE13.9	<p>For the purposes of Condition GCSE13.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results:-</p> <p>(a) on the basis that the mark awarded for an assessment could not reasonably have been awarded given the evidence generated by the Learner in respect of that assessment, the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation relating to marking, and</p> <p>(b) on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes –</p> <p>(i) any procedures in respect of the setting of specified levels of attainment for the GCSE Qualification shall be excluded, and</p> <p>(ii) any exercise of academic judgment in relation to the awarding of marks shall not constitute the application of or following of a procedure.</p>
GCSE13.10	<p>For the purposes of Condition GCSE13.9(a), to determine whether the mark which was awarded for an assessment could reasonably have been awarded, the appeals process must require the consideration of whether the marking of the assessment included</p>

	–
	(a) any errors, and
	(b) any unreasonable exercise of academic judgment.
GCSE13.11	For the purposes of Condition GCSE13.2(b), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by the Relevant Centre, any request for an appeal must be made by the Relevant Centre (on the Learner’s behalf).
GCSE13.12	An awarding organisation must publish information on the appeals process which it has in place to enable results of assessments and outcomes of Moderation to be appealed, including details of –  (a) how any request for an appeal must be made,  (b) any time period during which an appeal must be requested,  (c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any circumstances in which such a fee will be refunded,  (d) the target time period following a request for an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and  (e) the target time period following receipt of all evidence in respect of an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

**Condition GCSE14 – Centre decisions relating to Review Arrangements**

GCSE14.1	In respect of each GCSE Qualification which it makes available, where an awarding organisation’s arrangements provide that –  (a) a request for Marked Assessment Material to be made available,  (b) a request for an Administrative Error Review to be carried out,  (c) a request for a review of marking of Marked Assessment
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	<p>Material to be carried out, or</p> <p>(d) a request for an appeal of the result for an assessment, must be made by a Centre, the awarding organisation must take all reasonable steps to ensure that the Centre has in place effective arrangements for a Learner to apply to the Centre for it to make such a request and for a Learner to appeal a Centre's decision that such a request should not be made.</p>
GCSE14.2	<p>For the purposes of this condition, an awarding organisation must take all reasonable steps to ensure that –</p> <p>(a) the Centre makes Learners aware of the arrangements it has in place prior to the issue of results in respect of the assessment, and</p> <p>(b) the Centre provides Learners with a copy of the arrangements promptly when requested.</p>

**Condition GCSE15 – Target performance in relation to Review Arrangements and appeals process**

GCSE15.1	<p>In respect of each GCSE Qualification which it makes available, or proposes to make available, where an awarding organisation's arrangements provide for it to make a Learner's Marked Assessment Material available to the Learner on request, it must set a target time period for the period following such a request by which it will have made the Marked Assessment Material available to the Learner.</p>
GCSE15.2	<p>In respect of each GCSE Qualification which it makes available, or proposes to make available, an awarding organisation must set target time periods for –</p> <p>(a) the period following a request for a review of Moderation undertaken by the awarding organisation by which the awarding organisation will have reported the outcome of the review of Moderation to the Centre,</p> <p>(b) the period following a request for an Administrative Error Review by which the awarding organisation will have reported the outcome of the Administrative Error Review to the Learner (or as</p>

the case may be the Relevant Centre),

(c) the period following a request for a review of marking of Marked Assessment Material by which the awarding organisation will have reported the outcome of the review of marking to the Learner (or as the case may be the Relevant Centre),

(d) the period following a request for an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and

(e) the period following receipt of all evidence in respect of an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

GCSE15.3 An awarding organisation must take all reasonable steps to meet the target time periods which it has set in respect of a GCSE Qualification.

**Condition GCSE16 – Reporting of data relating to Review Arrangements and appeals process**

GCSE16.1 In respect of each GCSE Qualification which it makes available, an awarding organisation must prepare and publish a report in respect of each year detailing, in respect of that year –

(a) the number of reviews of Moderation which the awarding organisation has carried out and the number of reviews which have led to a change in the outcome of Moderation,

(b) the nature of any failures to arrive at a reasonable outcome of Moderation which have led to a change in the outcome of Moderation,

(c) the number of Administrative Errors, the effect of which the awarding organisation has corrected (whether or not as part of an Administrative Error Review),

(d) the number of Administrative Error Reviews which the awarding organisation has carried out, the number of Administrative Error Reviews which have led to a change of mark and the number of Administrative Error Reviews which have led to



a change of result,

(e) the nature of the Administrative Errors which have been discovered and any steps which the awarding organisation proposes to take to reduce the number of Administrative Errors,

(f) the number of reviews of marking which the awarding organisation has carried out, the number of reviews of marking which have led to a change of mark and the number of reviews of marking which have led to a change of result,

(g) the nature of unreasonable marking which has led to a change of mark on a review of marking and any steps which the awarding organisation proposes to take to reduce unreasonable marking,

(h) the results of the monitoring of reviews of Moderation and reviews of marking which the awarding organisation has carried out and any steps which it has taken following its monitoring,

(i) the number of appeals which the awarding organisation has conducted and the number of appeals which have been successful, and

(j) the nature of unreasonable marking, failures to arrive at a reasonable outcome of Moderation and failures to apply procedures consistently or to follow procedures properly and fairly which have led to an appeal being successful.

GCSE16.2

The report which an awarding organisation publishes for the purposes of Condition GCSE 16.1 must include, in respect of the year to which the report relates –

(a) the number of Marked Assessment Materials which have been made available following a request during any target time period and the number of Marked Assessment Materials which have been made available outside any such target time period,

(b) the number of times it has reported the outcome of a review of Moderation during the target time period and the number of times it has reported such an outcome outside the target time period,

(c) the number of times it has reported the outcome of an Administrative Error Review during the target time period and the number of times it has reported such an outcome outside the

target time period,

(d) the number of times it has reported the outcome of a review of marking during the target time period and the number of times it has reported such an outcome outside the target time period, and

(e) the number of times it has reported the outcome of an appeal during the target time period for such reporting following the receipt of all evidence in respect of the appeal and the number of times it has reported such an outcome outside the target time period.

GCSE16.3 An awarding organisation must ensure that the report prepared in accordance with Condition GCSE16.1 –

(a) complies with any requirements in relation to the content or the presentation of the report which may be published by Ofqual and revised from time to time, and

(b) is published by any date which has been specified by Ofqual in advance.

#### **Condition GCSE17 – Review Arrangements and certificates**

GCSE17.1 In respect of each GCSE Qualification which it makes available, an awarding organisation must take all reasonable steps, including having procedures in place, to ensure that it revokes any certificate if the result on the certificate is revealed to be inaccurate as a consequence of the application of the awarding organisation's Review Arrangements in the case of a Learner.

#### **Condition GCSE18 – Discovery of failure in assessment processes**

GCSE18.1 Where the application of the awarding organisation's Review Arrangements or the application of an appeals process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to –

(a) identify any other Learner who has been affected by the failure,

(b) correct or, where it cannot be corrected, mitigate as far as

possible the effect of the failure, and

(c) ensure that the failure does not recur in the future.

**Condition GCSE19 – Publication of Review Arrangements and appeals process**

GCSE19.1 In respect of each GCSE Qualification which it makes available, or proposes to make available, the information which the awarding organisation publishes on its Review Arrangements and on the appeals process it has in place must enable Learners and Centres to have –

(a) a reasonable understanding of the Review Arrangements and the appeals process, and

(b) a reasonable understanding of how the Review Arrangements and the appeals process relate to each other.

GCSE19.2 An awarding organisation must take all reasonable steps to ensure that information which it publishes on its Review Arrangements and its appeals process for a GCSE Qualification is published sufficiently far in advance of the time at which the qualification to which they relate will be made available to Learners to satisfy the reasonable planning requirements of potential purchasers.

In addition to the above Condition, we propose to amend the relevant condition<sup>55</sup> on Interpretation and Definitions to introduce the following new definitions:

**Administrative Error**

An error in the marking of an assessment which is either –

(a) a failure to mark a task forming part of the assessment, or

(b) a failure to correctly calculate the total mark for the

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<sup>55</sup> For new GCSEs, the relevant Condition is currently Condition GCSE 8.4. Taking into account the above new Condition, it would be renumbered as Conditions 20.4.

assessment from the marks which were awarded by the Assessor for the tasks forming part of the assessment.

### **Administrative Error Review**

A review to determine whether the marking recorded in Marked Assessment Material contains an Administrative Error.

### **Marked Assessment Material**

In relation to an assessment for a GCSE Qualification taken by a Learner, other than an assessment where evidence generated by a Learner is marked by a Centre, material comprising –

- (a) a copy of any evidence generated by the Learner in the assessment which is held by the awarding organisation or, where evidence generated by the Learner in the assessment is not held or cannot readily be copied, a representation of the evidence in another form,
- (b) a copy of the record of the awarding of marks by the Assessor when the evidence generated by the Learner was marked, and
- (c) a copy of any comments which the Assessor recorded during the marking of the evidence generated by the Learner.

### **Relevant Centre**

In relation to a Learner, a Centre which –

- (a) has purchased the GCSE Qualification (on behalf of the Learner), and
- (b) materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

### **Review Arrangements**

In relation to a GCSE Qualification, the arrangements which an awarding organisation is required to establish, maintain and comply with in accordance with –

- (a) GCSE9 (*Review of Moderation*),
- (b) GCSE10 (Making Marked Assessment Materials available to Learners),

- (c) GCSE11 (Administrative Error Review), and
- (d) GCSE12 (Review of marking of Marked Assessment Material).

## Appendix 3: Proposed technical requirements for setting grade boundaries in GCSE, AS and A level qualifications

### Requirements for setting specified levels of attainment in GCSE qualifications graded A\* to G

This document sets out the requirements for all GCSE qualifications graded from A\* to G. It does not apply to GCSE qualifications graded from 9 to 1.

With respect to GCSE qualifications graded from A\* to G, awarding organisations must also comply with:

- our *General Conditions of Recognition*,<sup>56</sup> which apply to all awarding organisations and qualifications;
- our *Conditions for Setting Specified Levels of Attainment*; and
- all relevant Regulatory Documents.<sup>57</sup>

#### 1 – Grading for GCSEs A\* to G that do not use uniform marks

1.1 For GCSE and GCSE (short course) – non-tiered components, the three key grade boundaries are:

- a) C/D
- b) A/B
- c) F/G.

An awarding organisation must set the grade boundaries in the sequence given above.

1.2 For GCSE and GCSE (short course) – tiered components, the four key grade boundaries are:

- a) C/D foundation tier
- b) C/D higher tier

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<sup>56</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>57</sup> <https://www.gov.uk/guidance/awarding-organisations-understanding-our-regulatory-requirements>

- c) A/B higher tier
- d) F/G foundation tier.

An awarding organisation must set the grade boundaries in the sequence given above.

1.3 For GCSE and GCSE (short course) – non-tiered and tiered exams, the three key subject grade boundaries are:

- a) C/D
- b) A/B
- c) F/G.

1.4 An awarding organisation must set grade boundaries for the subject as a whole using the following method:

- 1) The boundary mark for each component is scaled as necessary to reflect the mark allocation for that component as detailed in the specification.
- 2) The resulting scaled component boundary marks are added and the result is rounded to the nearest whole number (0.5 rounded up).

Whenever the two indicators do not coincide, the grade boundary should normally be set at the lower of the two indicator marks, unless there is good reason, as a result of a review of the statistical and technical evidence, to choose a higher mark within the range spanned by the indicators.

1.5 An awarding organisation must determine the other subject grade boundaries arithmetically as follows:

- a) The B/C boundary is obtained by dividing the mark interval between the A/B and C/D boundaries by two. Where there is a remainder of one, the extra mark is added to the grade B interval.
- b) The D/E and E/F boundaries are set by dividing the mark interval between the C/D and F/G boundaries by three. Where there is a remainder of one, the extra mark is added to the grade D interval. Where there is a remainder of two, one extra mark is added to each of the grade D and grade E intervals.
- c) In a tiered examination, if the mark range below C/D is equal to, or greater than, twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set as far below the grade C/D boundary as the grade B/C boundary is above the grade C/D boundary. If the mark range below C/D is

less than twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set halfway between the C/D boundary and zero. Where this gap does not divide evenly, the D/E boundary will be rounded down to the lower mark (for example, 35.5 would become 35). Where a review of technical and statistical evidence leads the awarding organisation to judge that the D/E boundary should be set at a different mark, consideration will be given to moving the grade D/E boundary, and the reasons for this must be recorded.

- d) In a tiered examination, the E/U boundary on the higher tier is provisionally set by subtracting half the mark interval between the C/D and D/E boundaries (rounding up half marks) from the D/E boundary. When a review of technical and statistical evidence leads the awarding organisation to judge that the E/U boundary should be set at a different mark, consideration will be given to moving the grade E/U boundary, and the reasons for this must be recorded.
- e) The G/U boundary is the same number of marks below the F/G boundary as the E/F boundary is above the F/G boundary.

1.6 An awarding organisation must provisionally set the A\*/A grade boundary as follows:

- a) If the mark interval between the A/B boundary and the maximum mark is more than twice the mark interval between the A/B and B/C boundaries, the A\*/A boundary is set the same number of marks above the A/B boundary as the B/C boundary is below the A/B boundary.
- b) If the mark interval between the A/B boundary and the maximum mark is less than or equal to twice the mark interval between the A/B and B/C boundaries, the A\*/A boundary is set halfway between the A/B boundary and the maximum mark, rounded down where necessary to the nearest whole number below (for example, 78.5 is rounded to 78).

Where a review of technical and statistical evidence leads the awarding organisation to judge that the A\*/A boundary should be set at a different mark, consideration will be given to moving the grade A\*/A boundary, and the reasons for this must be recorded.

## **2 – Grading for GCSEs A\* to G that use uniform marks**

2.1 Aggregate marks must be calculated on the basis of a uniform mark scale:

- a) Uniform marks for each unit must be calculated in such a way as to maintain the learners' relative position between the raw grade boundaries.



- b) Each unit must be reported in uniform marks.
- c) Uniform marks for individual assessment units must be added to generate a final total mark for the qualification as a whole. A grade is then generated.
- d) Where a learner has taken more than the required number of units, the awarding organisation must generate the best grade for the learner.

Non-tiered units/components

2.2 For GCSE and GCSE (short course) – non-tiered components, the three key grade boundaries are:

- a) C/D
- b) A/B
- c) F/G.

An awarding organisation must set the grade boundaries in the sequence given above for each unit/component.

2.3 An awarding organisation must set the other unit/component grade boundaries arithmetically as follows:

- a) The B/C boundary is obtained by dividing the mark interval between the A/B and C/D boundaries by two. Where there is a remainder of one, the extra mark is added to the grade B interval.
- b) The D/E and E/F boundaries are obtained by dividing the mark interval between the C/D and F/G boundaries by three. Where there is a remainder of one, the extra mark is added to the grade D interval. Where there is a remainder of two, one extra mark is added to each of the grade D and grade E intervals.
- c) The G/U boundary is the same number of marks below the F/G boundary as the E/F boundary is above the F/G boundary.

2.4 An awarding organisation must provisionally set the A\*/A grade boundary as follows:

- a) If the mark interval between the A/B boundary and the maximum mark is more than twice the mark interval between the A/B and B/C boundaries, the A\*/A boundary is set the same number of marks above the A/B boundary as the B/C boundary is below the A/B boundary.

- b) If the mark interval between the A/B boundary and the maximum mark is less than or equal to twice the mark interval between the A/B and B/C boundaries, the A\*/A boundary is set halfway between the A/B boundary and the maximum mark, rounded down where necessary to the nearest whole number below (for example, 78.5 is rounded to 78).

Where a review of technical and statistical evidence leads the awarding organisation to judge that the A\*/A boundary should be set at a different mark, consideration will be given to moving the grade A\*/A boundary, and the reasons for this must be recorded.

#### Tiered units/components

2.5 For GCSE and GCSE (short course) – tiered components, the four key grade boundaries are:

- a) C/D foundation tier
- b) C/D higher tier
- c) A/B higher tier
- d) F/G foundation tier.

An awarding organisation must set the grade boundaries in the sequence given above for each unit/component.

2.6 An awarding organisation must determine the other unit/component grade boundaries arithmetically as follows:

In the higher tier:

- a) The B/C boundary is obtained by dividing the mark interval between the A/B and C/D boundaries by two. Where there is a remainder of one, the extra mark is added to the grade B interval.
- b) If the mark range below C/D is equal to, or greater than, twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set as far below the grade C/D boundary as the grade B/C boundary is above the grade C/D boundary. If the mark range below C/D is less than twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set halfway between the C/D boundary and zero. Where this gap does not divide evenly, the D/E boundary will be rounded down to the lower mark (for example, 15.5 would become 15). Where a review of technical and statistical evidence leads the awarding organisation to judge that the D/E boundary

should be set at a different mark, consideration will be given to moving the grade D/E boundary, and the reasons for this must be recorded.

- c) The E/U boundary is provisionally set by subtracting half the mark interval between the C/D and D/E boundaries (rounding up half marks) from the D/E boundary. When a review of technical and statistical evidence leads the awarding organisation to judge that the E/U boundary should be set at a different mark, consideration will be given to moving the grade E/U boundary, and the reasons for this must be recorded.

In the foundation tier:

- a) The D/E and E/F boundaries are obtained by dividing the mark interval between the C/D and F/G boundaries by three. Where there is a remainder of one, the extra mark is added to the grade D interval. Where there is remainder of two, one extra mark is added to each of the grade D and grade E intervals.
- b) The G/U boundary is the same number of marks below the F/G boundary as the E/F boundary is above the F/G boundary.

2.7 An awarding organisation must provisionally set the A\*/A grade boundary as follows:

- a) If the mark interval between the A/B boundary and the maximum mark is more than twice the mark interval between the A/B and B/C boundaries, the A\*/A boundary is set the same number of marks above the A/B boundary as the B/C boundary is below the A/B boundary.
- b) If the mark interval between the A/B boundary and the maximum mark is less than or equal to twice the mark interval between the A/B and B/C boundaries, the A\*/A boundary is set halfway between the A/B boundary and the maximum mark, rounded down where necessary to the nearest whole number below (for example, 78.5 is rounded to 78).

Where a review of technical and statistical evidence leads the awarding organisation to judge that the A\*/A boundary should be set at a different mark, consideration will be given to moving the grade A\*/A boundary, and the reasons for this must be recorded.

### **General requirements**

2.8 When a unit consists of two or more components, the key grade boundary marks must be determined for each component separately. The boundary mark for each component must be scaled as necessary to reflect the weighting for

that component as detailed in the specification, and these scaled component boundary marks must be added to give unit boundary marks. These unit boundary marks must then be used as the basis for conversion to uniform marks.

- 2.9 In all GCSE specifications using uniform marks, the raw grade boundary marks for each component/unit must be converted to the equivalent uniform mark scale boundary marks based on the percentages given in the table below. Awarding organisations must select an appropriate maximum uniform mark for the subject award in light of the assessment scheme. At qualification level, the uniform mark grade boundaries are set at the same percentages of the maximum uniform mark for the qualification unless affected by tiering arrangements.

For GCSE	A*	A	B	C	D	E	F	G
Percentage of available uniform marks	90	80	70	60	50	40	30	20

- 2.10 For all units, a raw mark of zero must convert to a uniform mark of zero. For un-tiered and higher tier units, the maximum raw mark must be converted to the maximum uniform mark. For foundation tier units, the maximum raw mark must convert to the maximum uniform mark allowed for the grade range, or one below the lowest uniform mark above the targeted grades.

- 2.11 The subject grade awarded for those qualifications that use uniform marks must be determined by the total uniform mark. However, for some qualifications the grade range will be restricted by the tier of entry of the assessment.

- 2.12 For GCSE double awards, the grade range allows credit for intermediate performance according to the following table.

For GCSE double award	A*A*	A*	A	A	B	B	C	C	D	D	E	E	F	F	G
Percentage of available uniform marks	90	85	80	75	70	65	60	55	50	45	40	35	30	25	20

### **Requirements for setting specified levels of attainment in GCE qualifications**

This document sets out the requirements for all GCE qualifications to which the *GCE Qualification Level Conditions and Requirements*<sup>58</sup> do not apply. It does not apply to reformed GCE qualifications to which the *GCE Qualification Level Conditions and Requirements* do apply.

With respect to the GCE qualifications to which these requirements apply, awarding organisations must also comply with:

- our *General Conditions of Recognition*,<sup>59</sup> which apply to all awarding organisations and qualifications;
- our *Conditions for Setting Specified Levels of Attainment*; and
- all relevant Regulatory Documents.<sup>60</sup>

#### Setting specified levels of attainment

1.1 Aggregate marks must be calculated on the basis of a uniform mark scale:

- a) Uniform marks for each unit must be calculated in such a way as to maintain the learners' relative position between the raw grade boundaries.
- b) Each unit must be reported in uniform marks.
- c) Uniform marks for individual assessment units must be added to generate a final grade for the qualification as a whole.
- d) Where a learner has taken more than the required number of units, the awarding organisation must generate the best grade for the learner.

1.2 The two key grade boundaries are:

- a) E/U
- b) A/B.

An awarding organisation must set the grade boundaries in the sequence given above for each unit/component.

1.3 When a unit consists of two or more components, grade E/U and A/B boundary marks must be determined for each component separately. The boundary mark for

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<sup>58</sup> [www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements](http://www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements)

<sup>59</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>60</sup> [www.gov.uk/government/publications/regulatory-documents-list](http://www.gov.uk/government/publications/regulatory-documents-list)

each component must be scaled as necessary to reflect the weighting for that component as detailed in the specification, and these scaled component boundary marks must be added to give unit boundary marks. These unit boundary marks must then be used as the basis for conversion to uniform marks.

1.4 Where learners repeat a unit that consists partly of internally assessed work, moderated marks for their internally assessed work may be carried forward during the lifetime of the specification (if allowed by the specification).

1.5 An awarding organisation must determine the other unit/component grade boundaries arithmetically:

- a) The grade B/C, C/D and D/E boundary marks are calculated by dividing the mark interval between the A/B and E/U boundaries by four.
- b) Where there is a remainder of one, the extra mark is added to the A to B mark range.
- c) Where there is a remainder of two, one extra mark is added to each of the A to B and B to C mark ranges.
- d) Where there is a remainder of three, one extra mark is added to each of the A to B, B to C and C to D mark ranges.

1.6 For all units, raw marks are converted to uniform marks according to the table below. At qualification level, the uniform mark grade boundaries are set at the same percentages of the maximum uniform mark for the qualification.

For GCE	A	B	C	D	E
Percentage of available uniform marks	80	70	60	50	40

1.7 A mark of zero on the raw mark scale must always be converted to zero on the uniform mark scale. The maximum raw mark for the unit is always converted to the maximum uniform mark for the unit.

1.8 With the exception of mathematics and further mathematics, an A\* grade will be awarded to learners who achieve grade A overall and also achieve 90 per cent or more of the maximum uniform mark on the aggregate of the A2 units.

1.9 For A level mathematics, an A\* grade will be awarded to learners achieving a grade A overall and 90 per cent or more of the maximum uniform mark on the aggregate of units C3 and C4.

1.10 For A levels in further mathematics, an A\* grade will be awarded to learners achieving a grade A overall and 90 per cent or more of the maximum uniform mark on the aggregate of the three best A2 units.

1.11 The maximum uniform mark for a GCE qualification is dependent on the

number of units according to the table below.

Number of units	1	2	3	4	5	6
Maximum uniform mark	100	200	300	400	500	600

1.12 For double awards, the grade range at qualification level is extended to allow credit for intermediate performance. The uniform mark grade boundaries are set at the percentages of the maximum uniform mark for the qualification according to the table below.

For GCE double award	AA	AB	BB	BC	CC	CD	DD	DE	EE
Percentage of available uniform marks	80	75	70	65	60	55	50	45	40

1.13 For the applied A level double award, there will be an A\*A\* and an A\*A grade. In each case, learners will need to achieve an AA grade overall. The A\*A\* grade will be awarded to those achieving 90 per cent or more of the maximum uniform mark on the aggregate of all of the A2 units. The A\*A grade will be awarded to those achieving 90 per cent or more of the maximum uniform mark on the aggregate of the three best A2 units but not achieving A\*A\*. For the applied A level nine-unit award, there will be an A\*A grade (but not an A\*A\* grade). A\*A will be awarded to learners who achieve grade AA on the nine-unit award overall and 90 per cent or more of the maximum uniform mark on the three A2 units.

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