

STATUTORY GUIDANCE

GCSE (9 to 1) Qualification Level Guidance

XXX 2019

ofqual

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Introduction

About this document

This document is part of a suite of documents which outlines our guidance for awarding organisations offering GCSE Qualifications graded 9 to 1.

This document sets out guidance which applies to all GCSE Qualifications graded 9 to 1.

This guidance supports the GCSE Qualification Level Conditions and associated requirements.¹

This document constitutes guidance for the purposes of section 153 of the Apprenticeships, Skills, Children and Learning Act 2009 (the '2009 Act') and Condition GCSE2.1(c).

An awarding organisation has a legal obligation under the 2009 Act to have regard to this guidance in relation to each GCSE Qualification that it makes available or proposes to make available. Condition GCSE2.1(c) imposes the same obligation in respect of the guidance below which is issued under that Condition.

An awarding organisation should use the guidance to help it understand how to comply with the GCSE Qualification Level Conditions and associated requirements.

Revisions to this document

We have revised this document since it was originally published (see Appendix 1 for details), most recently in **XX 2019**.

The XX 2019 version of this document introduces new guidance on the general conduct of reviews and appeals. It replaces all previous versions of *GCSE (9 to 1) Qualification Level Guidance* and comes into effect at **XX on XX 2019**.

Guidance set out in this document

This document provides guidance on assessment strategies and standard setting for GCSE Qualifications

It also includes guidance designed to help awarding organisations, schools and colleges understand how awarding organisations should determine whether there has been a Marking Error at either review or appeal. The new approach applies to all GCSEs, AS and A level qualifications at the review stage. We think that it is important for everyone involved at exam results time to understand the overall approach.

¹ www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions

Schools and colleges have an opportunity in 2016 to bring an appeal on a new ground that there has been a Marking Error. This could be against the original marking, the review of marking, or both.

Some of the Conditions referred to in the Guidance that relate to appeals will not be in force for most qualifications during 2016. The qualifications that are subject to the pilot and the new approach at appeal are pre-reform GCE geography, religious studies and physics.

We have indicated in footnotes within this Guidance any paragraphs that only apply to pilot qualifications in 2016. We will evaluate the pilot before we decide when the Conditions should apply to other qualifications. We will also consider amending the guidance in light of the evaluation.

Guidance on assessment strategies for GCSE Qualifications

Condition GCSE2.1 requires an awarding organisation to establish and maintain an assessment strategy for each GCSE Qualification it makes available or proposes to make available.

Condition GCSE2.1(c) requires an awarding organisation to have regard to any guidance in relation to assessment strategies published by Ofqual.

We set out our guidance for the purposes of Condition GCSE2.1(c) below. This comprises both general guidance on the content of assessment strategies and more detailed guidance on the types of information and evidence an awarding organisation could include to support its assessment strategy and help demonstrate compliance with Condition GCSE2.

The guidance indicates the factors an awarding organisation should consider when it designs and sets assessments and suggests the evidence it might include in its assessment strategy. The amount of information that can be included may vary across the issues identified in the guidance, depending on the relevant point in the qualification development process to which a particular item pertains and the extent to which Ofqual has determined the regulatory approach in relation to a particular issue.

General guidance on content of assessment strategies

Condition GCSE2.2 requires an awarding organisation to ensure that the assessment strategy for a GCSE Qualification sets out how it intends to secure, on an ongoing basis, compliance with its Conditions of Recognition in respect of the assessments for that qualification. Condition GCSE2.4 also requires an awarding organisation to keep each assessment strategy under review and revise it where necessary.

We expect an assessment strategy for a GCSE Qualification to provide a comprehensive picture of the steps and approach an awarding organisation will take to secure compliance with its Conditions of Recognition in the design, delivery and marking of assessments for, and award of, that qualification.

An assessment strategy should be a logical and coherent narrative that includes clear and concise evidence demonstrating how an awarding organisation will seek to ensure a qualification and the assessments for it are fit for purpose. As part of this, it should include information and evidence to show how it promotes and acts on feedback between the different stages of the qualification life cycle so as to continuously improve the assessments for that qualification.

An awarding organisation may wish to develop separate parts of its assessment strategies that:

- are specific to an individual qualification (i.e. a GCSE Qualification in a particular subject)
- apply to suites of related/similar qualifications (e.g. its GCSE Qualifications in Physics, Chemistry and Biology)
- are generic to a qualification type or to all of its qualifications (e.g. all of its GCSE Qualifications)

An awarding organisation should explain clearly how any separate parts of an assessment strategy relate to each other. It should also explain how each of these separate parts will be kept under review, and revised where necessary, in light of the others. Taken together, such parts should form a coherent and integrated whole.

Guidance on information and evidence to support assessment strategies

We set out below more detailed guidance on the types of information and evidence an awarding organisation might wish to include to support its assessment strategy and help ensure it provides a logical and coherent narrative that demonstrates how it will seek to ensure on an ongoing basis that a qualification and its associated assessments are fit for purpose.

This guidance is divided into two sections:

- information on the processes and procedures that are used to secure compliance across GCSE Qualifications; and
- information on how processes and procedures have been applied to an individual GCSE Qualification.

Each of these two sections is further divided into four subsections. These focus on key activities in the qualification life cycle:

- developing qualifications;
- developing assessments;
- delivering assessments; and
- monitoring assessments.

Where relevant, we also set out examples in brackets of the applicable General Conditions, Qualification Level Conditions and Subject Level Conditions of Recognition for individual items.

In the tables below we have referred to relevant GCSE Subject Level Conditions as GCSE(*subject*)*n*. Such references are to the GCSE Subject Level Conditions relevant to the particular subject for which the assessment strategy is being set.

Information and evidence on generic processes and procedures used to secure compliance across all GCSE qualifications

Activity	Information and evidence
Developing qualifications	<p>Demonstrates how the awarding organisation complies with relevant Conditions of Recognition and statutory requirements (section 132(3) 2009, E5.1) when developing qualifications</p> <ul style="list-style-type: none"> ■ Describes how it engages with appropriate Users and how it uses evidence gathered from Users, such as employers, higher education institutions and schools and colleges, when it develops qualifications.
Developing assessments	<p>Demonstrates how its approach to developing assessment frameworks for qualifications ensures that it meets the regulatory requirements: (D1, D5, E5.1, GCSE1, GCSE3, GCSE4, GCSE5, GCSE6, GCSE(<i>subject</i>)1)</p> <ul style="list-style-type: none"> ■ Describes the systems in place to support development of assessment frameworks (A5.2, A5.3) ■ States the principles it uses to support the development of valid assessment frameworks (D1.1, D1.2) <p>Demonstrates how, when producing Assessments by Examination, it ensures that it meets regulatory requirements, such as weightings for assessment objectives and coverage of subject content: (A4.2, A4.3, A4.4, C1.1, D1, D2, D5, E4, G1, G2, G3, G4, G9, H5.3, GCSE(<i>subject</i>)1)</p> <ul style="list-style-type: none"> ■ Describes the process it follows to produce Assessments by Examination ■ Describes its approach to sampling subject content and targeting assessment objectives ■ Details any guiding principles it uses when designing Assessments by Examination (GCSE1, GCSE3, GCSE4, GCSE5, GCSE6) <p>Demonstrates how it develops individual questions/tasks and mark schemes (e.g. question/task specification and quality assurance) in accordance with its Conditions of Recognition: (A4.2, A4.3, A4.4, A5.2(a), D1, D2, E4, G1, G2, G3, G4, G9, H1, H2, H5, GCSE1, GCSE3, GCSE4, GCSE5, GCSE6)</p> <ul style="list-style-type: none"> ■ Describes how it ensures that senior examiners have the assessment expertise required to design questions/tasks and mark schemes that will promote validity and reliability ■ Describes how it specifies and commissions questions/tasks and mark schemes

Activity	Information and evidence
	<ul style="list-style-type: none"> ■ Describes how it quality assures/controls question/task and mark scheme construction ■ Details any guiding principles it uses to aid development of questions/tasks and mark schemes ■ Describes how it engages with a suitable range of equality groups and minimises unintended bias <p>Demonstrates how any non-exam assessment tasks are set and undertaken to ensure the requirements within and across Centres are consistent and that the intended skills are targeted: (C2, D1, D5, E4, G1.1, G1.2, G3, G4, G6, G7, G8, G9, H2, H5, GCSE(<i>subject</i>)1)</p> <p>Explains how it ensures that there are no significant overlaps between assessments and any course materials and guidance that it has produced or endorsed: (A4.2, A4.3, A4.4, D1, G1.1)</p> <p>Explains how it ensures that issues from reviews are addressed during the development of assessments: (D3.1, GCSE2.4(a))</p>
Delivering assessments	<p>Demonstrates how it promotes accurate and consistent marking through examiner training and standardisation: (C1, C2, D1, E4.2, G1.3, G4, H1.1, H1.3, H2, H5)</p> <ul style="list-style-type: none"> ■ Details its standardisation procedures and explains their effectiveness ■ Details how any wider examiner training supports the quality of marking, and explains its effectiveness <p>Demonstrates how it promotes accurate and consistent marking through monitoring: (C1, C2, D1, E4.2, G1.3, H1, H2, H5)</p> <ul style="list-style-type: none"> ■ Details the different marking systems available and the procedures used to support monitoring of marking quality ■ Explains, with reference to previous examination series (and/or previous examination series for similar qualifications), the effectiveness of the different marking systems it uses (D3.1, D3.2(b)) ■ Details the principles it uses to guide the selection of marking systems for assessment components with different properties

Activity	Information and evidence
	<p>Demonstrates how it promotes uniform standards within and across Centres through its moderation of non-exam assessments: (C2, D1.1, D1.2(c), H2)</p> <ul style="list-style-type: none"> ■ Details its sampling regime and any evidence which shows the robustness of its approach ■ Details how it determines and applies any adjustments to Centre-marked assessments <p>Demonstrates how it effectively administers assessments: (C2, D1, E4, G4, G6, G7, G8, G9, GCSE6)</p> <ul style="list-style-type: none"> ■ Details how it ensures secure delivery of assessment materials to Centres ■ Details how it ensures the proper conduct of assessments by Centres <p>Demonstrates how it sets and maintains grade standards, in line with the prescribed regulatory approach, and promotes comparability between awarding organisations and over time: (D1.1, D1.2(a)–(c), D1.3, D5, H1.1, H2, H3, H5.2)</p> <ul style="list-style-type: none"> ■ Details how it sets and maintains grade standards ■ Details how it collects and appropriately balances the full range of evidence, which may include statistical information and qualitative consideration of performance <p><i>[Note: Depending on the regulatory approach agreed, this may include consideration of the ability of the cohort, how the assessments have functioned and the extent to which Learners' work reflects defined performance standards or expectations]</i></p> <ul style="list-style-type: none"> ■ Describes how its expertise in standard-setting facilitates appropriate consideration of evidence ■ Outlines how it supports the awarding process as it takes place, such as by providing modelled and/or aggregated Learner marks and subject outcomes in real time during awarding meetings ■ Outlines its procedures for internal review and approval of awarding decisions and outcomes <p>Demonstrates how it scales and aggregates results for individual assessment components, in line with regulatory requirements and in a manner that is technically sound: (D1.1, D1.2 (a)–(c), D1.3, D5, H1.2, H1.3, H5)</p>

Activity	Information and evidence
	<ul style="list-style-type: none"> ■ Details any design principles used to guide its approach to the scaling of Learners' marks <p>Demonstrates how it effectively deals with enquiries about results and appeals: (I1)</p> <ul style="list-style-type: none"> ■ Details the services it provides, and the associated fees and timescales ■ Details how it ensures all Learners' assessments have been marked and graded fairly
Monitoring assessments	<p>Demonstrates how it monitors how assessments function as a whole: (D1.1, D1.2(a)–(c), E4.1, E4.2(a)–(b), G1)</p> <ul style="list-style-type: none"> ■ Describes how it collects metrics to monitor how well the assessments function, such as achieved versus intended weight and component-to-subject correlation ■ Describes how it uses these metrics to monitor/support assessment design and support validity <p>Demonstrates how it monitors how individual assessments function: (D1.1, D1.2(a)–(c), E4.1, E4.2(a)–(b), G1)</p> <ul style="list-style-type: none"> ■ Describes how it collects metrics to be used to monitor how individual assessments function, such as: spread of marks; grade boundary position; and correlation of assessment component marks with other measures of performance ■ Describes how it uses these metrics to monitor/support assessment design and support validity <p>Demonstrates how it monitors how questions/tasks function: (D1.1, D1.2(a)–(c), E4.1, E4.2(a)–(b), G1)</p> <ul style="list-style-type: none"> ■ Describes the metrics it collects, such as facility indices, discrimination indices and performance for different subgroups of the entry in terms of ability level ■ Describes how it uses these metrics to monitor/support assessment design and support validity <p>Demonstrates how it monitors reliability and accuracy of classification: (D1.1, D1.2(a)–(c), E4.1, E4.2(a), G1)</p> <ul style="list-style-type: none"> ■ Describes how it collects metrics, such as reliability coefficients and classification accuracy statistics, estimated at component and subject level where the assessment framework permits ■ Describes how it uses these metrics to monitor/support assessment design and support validity

Activity	Information and evidence
	<p>Demonstrates how it feeds the monitoring outcomes back into assessment development: (D1, D2.2, D3, GCSE2.4(a))</p> <ul style="list-style-type: none">■ Describes the process through which it monitors the quality of assessments■ Details how assessment data are considered and acted on, such as unintended sources of difficulty, including bias generally and in relation to particular characteristics■ Outlines the assessment expertise available to provide informed interpretation of collected data <p><i>[Note: the quantitative analysis outlined in this section should be accompanied by consideration of appropriate qualitative evidence, such as from Teacher feedback and subject associations.]</i></p>

Information and evidence about how processes and procedures have been applied to an individual qualification

Activity	Information and evidence
Developing an individual qualification	<p>Demonstrates that the qualification meets the subject requirements, including coverage of subject content, targeting of assessment objectives and balance of types of assessment: (D1, GCSE(<i>subject</i>)1)</p> <ul style="list-style-type: none"> ■ Includes a mapping grid of specification content against subject content ■ Includes a mapping grid of assessment components against assessment objectives, including weightings of each ■ Describes how the specification meets any specific structural requirements articulated in the subject criteria or GCSE Subject Level Conditions (all GCSE Subject Level Conditions applicable to that subject) <p>Demonstrates that the specification supports any learning aims and objectives for the course of study: (D1, E1.1, E1.2(c), GCSE(<i>subject</i>)1)</p> <p>Includes the rationale for the inclusion of any additional content beyond that required by the published subject content: (D1, GCSE(<i>subject</i>)1)</p> <p>Includes a rationale for any optional routes through the qualification and between different specifications that are offered in a given subject and explains how such optional routes will be comparable in terms of the Level of Demand and the amount of subject content required to be taught and on which Learners will be assessed: (D1.1, D1.2(c), G1.2, GCSE1)</p> <p>Demonstrates that the specification supports progression from, and to, other relevant qualifications: (E1.1, E1.2)</p> <ul style="list-style-type: none"> ■ Identifies qualifications from which, and to which, Learners will be likely to progress ■ Describes how the content and skills in the specification support Learners progressing from, and to, the qualification

Activity	Information and evidence
	<p>Demonstrates that Users support the qualification: (E1.3, E1.4, E1.5)</p> <ul style="list-style-type: none"> ■ Provides feedback from Users about the qualification
<p>Developing the assessments</p>	<p><i>Overall assessment framework</i></p> <p>Demonstrates that the division of subject content across the assessment components supports valid assessment and adheres to any regulatory requirements: (D1.1, D1.2(a), D5, E4.1, E4.2(a), G1, GCSE5.1(b), GCSE(<i>subject</i>)1)</p> <ul style="list-style-type: none"> ■ Demonstrates the subject content structure across assessment components is logical and coherent ■ Describes how the division of subject content across assessment components supports synoptic assessment where required <p>Demonstrates that the balance of assessment objectives across the assessment components supports valid assessment and adheres to any regulatory requirements: (D1.1, D1.2(a), D5, E4.1, E4.2(a), G1, GCSE(<i>subject</i>)1)</p> <ul style="list-style-type: none"> ■ Discusses how the assessment objectives are mixed/balanced across assessment components to support a valid assessment of the domain ■ Discusses how the assessment objectives are appropriately matched to the subject content being assessed within the different assessment components <p>Demonstrates that the number and weighting of assessment components is appropriate: (D1, E4.2(a), G1, GCSE(<i>subject</i>)1)</p> <ul style="list-style-type: none"> ■ Describes how the number and weightings of the components and the subject content/skills that they assess reflect an appropriate emphasis on the different areas of the domain ■ Describes how the number and weightings of the components will promote these achieving their intended weightings, a good degree of classification accuracy and a good spread of marks in each case

Activity	Information and evidence
	<p>Demonstrates how the scope of the assessment components, in terms of marks and specified time, supports valid and reliable assessment: (D1.1, D1.2(a)–(b) and (d), E4.1, E4.2, G1, GCSE(<i>subject</i>)1)</p> <ul style="list-style-type: none"> ■ Shows how, in a given exam series, the subject content will be sampled and the assessment objectives will be targeted, to a sufficient extent and at a Level of Demand appropriate for the cohort ■ Explains the estimated assessment reliability given the length of the test and historical evidence ■ Explains how the manageability of the requirements and their accessibility for the full range of students have been considered ■ Explains how, so far as possible, the potential for undesirable and unintended consequences, in terms of teaching and learning, have been taken into account <p>Demonstrates that the modes of assessment are appropriate to the construct being measured and comply with regulatory requirements: (D1, E4.1, E4.2(a), G1.1, GCSE1, GCSE3, GCSE5)</p> <ul style="list-style-type: none"> ■ Discusses how the required skills are assessed using the proposed models of assessment <p>Demonstrates, for non-exam assessments, how it has considered the manageability of assessments for Centres: (D1.1, D1.2(d), E4.1, E4.2(a)–(d), G1.1(a), G9)</p> <ul style="list-style-type: none"> ■ Describes the factors that impact on the manageability of the assessments for Centres and how those have been considered
	<p><i>In respect of sample assessment materials</i></p> <p>Describes how a cross-section of questions/tasks (or question/task types) have been developed and provides evidence relating to their intended validity, including how they are designed to target their intended demands and intended level of difficulty, as well as promoting accessibility and minimising bias: (D1.1, D1.2(a) and (e), D2, E4.2, G1.1, G1.2, G2.4, G3, G9.2, G9.3, GCSE1, GCSE3)</p> <p>Provides a rationale for the questions/tasks (or question/task types) used in the sample assessments, including their suitability for the subject domain and for the full range of target Learners to demonstrate their abilities: (D1, E4.2, G1.1, G3, G9.2, G9.3, GCSE1, GCSE3)</p>

Activity	Information and evidence
	<p>Describes the principles by which the mark scheme for each question/task (or question/task type) has been developed, including their correlation to task requirements and their suitability to credit the full range of target Learners: (E4.2(g), G1.3, H1, H3, H5, GCSE1, GCSE3)</p> <p>Demonstrates how the questions/tasks (or question/task types) and mark schemes used will promote (as far as possible, bearing in mind validity requirements) the reliability of marking, including accuracy and consistency: (D1.1, D1.2(a) and (b), D1.3, E4.2(g), G1.3, H1, H3, H5, GCSE3)</p> <p>Demonstrates how the questions/tasks (or question/task types) in a single assessment and over a number of consecutive exam series will represent a sufficient sampling of the subject content: (D1, E4.2(a), G1.1, GCSE(<i>subject</i>)1)</p> <p>Demonstrates how the questions/tasks (or question/task types) in a single assessment and over a number of consecutive exam series will appropriately target or seek to credit the assessment objectives, including reference to the guidance on these for the qualification: (D1, E4.2(a), G1.1, GCSE(<i>subject</i>)1)</p> <p>Demonstrates how the questions/tasks (or question/task types) in a single assessment and over a number of consecutive exam series will mitigate predictability, such as in terms of what they target, how they are expressed and any associated stimulus materials: (D1, E4.2(a), G1.1, GCSE(<i>subject</i>)1)</p>
Delivering the assessments	<p><i>Presentation of any evidence of processes and procedures that are specifically relevant to this qualification rather than common across qualifications</i> (D1, G9, GCSE1, GCSE4, GCSE6, all GCSE Subject Level Conditions applicable to that qualification)</p>
Monitoring the assessments	<p><i>Presentation of any evidence of processes and procedures in relation to monitoring that are specifically relevant to this qualification rather than common across qualifications</i> (D1, D3, all GCSE Subject Level Conditions applicable to that qualification)</p>

Guidance on standard setting for GCSE Qualifications

Condition GCSE9.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for GCSE Qualifications.

We set out below our guidance for the purposes of Condition GCSE9.1(b).

Condition GCSE9.2 states that in setting the specified levels of attainment for a GCSE Qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.

Condition GCSE9.3 states that such evidence 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 Learners taking that qualification,
- (c) the level of attainment demonstrated by 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) following the first year in which the qualification is awarded, the level of attainment demonstrated by Learners who have previously been awarded the qualification.

Without prejudice to the requirements set by Ofqual in relation to the weight to be given to statistical evidence in the first year of awards, examples of the evidence that may be used by an awarding organisation in setting the specified levels of attainment for a GCSE 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,

- samples of current Learners' work selected from a range of Centres and assessed/Moderated by Assessors/moderators whose work is known to be reliable,
- 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 Qualifications,
- pertinent material deemed to be of equivalent standard from similar qualifications or other relevant qualifications,
- information on Learners' performance in previous assessment series, and
- marking guides for assessments where the evidence is of an ephemeral nature.

In addition, in setting the specified levels of attainment for a GCSE Qualification that it makes available, we expect an awarding organisation to have regard, as appropriate, to the level of attainment demonstrated by Learners who have taken a pre-reform GCSE qualification in –

(a) the same subject, or

(b) where there was no pre-reform GCSE qualification in the same subject, a similar subject.

We expect the weight placed on such evidence to decrease over successive assessment series as the awarding organisation builds an archive of evidence of the level of attainment demonstrated by Learners in the GCSE Qualification itself.

In determining whether it has sufficient evidence of the level of attainment demonstrated in the assessments for a GCSE 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 the qualification, and
- a representative proportion of Learners' marks for the qualification.

Guidance on the general conduct of reviews and appeals

Awarding organisations are required to have in place arrangements for the review and appeal of marking and Moderation decisions in relation to the GCSE qualifications which they make available.

We set out below guidance on some points in relation to how an awarding organisation should approach the conduct of –

- (a) a review of Moderation under Condition GCSE14,
- (b) an Administrative Error Review under Condition GCSE16,
- (c) a review of marking of Marked Assessment Materials under Condition GCSE17, and
- (d) an appeal in relation to Moderation or marking under Condition GCSE18.

This guidance is intended to relate to the process adopted by an awarding organisation and – in relation to Conditions GCSE17 and GCSE18, where relevant – it should be read alongside our guidance on the substantive consideration of whether or not a Marking Error exists, as well as our 'Guidance on making changes to incorrect results' which forms part of the *Guidance to the General Conditions of Recognition*.²

Expert reports

As part of its review and appeal process, an awarding organisation can request expert evidence to assist with its determination. For example, it may request a report from a senior examiner.

However, where the senior examiner is not the actual decision-maker, the decision-maker should not uncritically accept the report without scrutinising its findings and challenging them where appropriate. Such an uncritical acceptance would be to delegate the making of the decision to the senior examiner preparing the report.

Such a report is one piece of evidence among others and, although it will be for the decision-maker to decide the weight to be accorded to it, that decision must be made consciously in each case applying the decision-maker's own judgment.

Personal interest

Our conditions state that reviews and appeals should not be conducted by anyone with a personal interest in the outcome of a review or appeal.

A personal interest is a conflict of interest that relates to a particular individual. As such it falls within the definition of a conflict of interest in Condition A4.1(b) and (c).

A personal interest can be financial or non-financial in nature. So, for example, where a person carrying out an Administrative Error Review is related to the Learner

² <https://www.gov.uk/guidance/ofqual-handbook/section-h-from-marking-to-issuing-results>

who has completed the assessment, or to the original Assessor who marked it, that will be a personal interest and precluded by Condition GCSE16.6. Likewise, where a person's salary is related to the number of Administrative Errors that he or she does, or does not, identify during reviews, that too would be a personal interest.

The relevant question to ask is whether the person carrying out the review has any reason to make anything other than a decision made in good faith in line with the relevant conditions, or whether an informed and reasonable observer would conclude that such a reason exists.

Reasons

Conditions GCSE13, GCSE14, GCSE17 and GCSE18 require an awarding organisation to give reasons for its determinations on reviews and appeals.

The provision of reasons is important in a number of respects. The discipline of providing reasons may serve to improve the quality of decisions by focusing the mind of the decision-maker. Robust reasons will also promote public confidence in the standards set in regulated qualifications, and may assist a Centre or Learner to more readily accept the awarding organisation's determination. Importantly, by allowing the Centre or Learner to make an informed decision as to whether it has good grounds to disagree with a determination, the provision of reasons supports any opportunity to request a further review or appeal.

The reasons provided by an awarding organisation should be adequate to fulfil these functions. What is adequate will depend on the context, including the type of issues raised in the request, the nature of the assessment and the type of review or appeal. However, we will expect any reasons provided by an awarding organisation to display the following basic attributes –

- (a) Reasons must be proper, adequate and intelligible.
- (b) Reasons must engage with the issues raised in the request for the review or appeal and allow the Centre or Learner to understand why a particular concern has not been accepted.
- (c) Reasons do not need to be lengthy but should allow the Centre or Learner to understand what conclusions have been reached on the principal important issues raised in the request.
- (d) Reasons should refer to the mark scheme, where appropriate. It will be insufficient to simply state that a Learner has not included certain material in his or her response to a task without showing how the inclusion of that material is required by the mark scheme.
- (e) Where an expert report is relied on, the reasons must outline what weight has been accorded to that report, and why.
- (f) There is no requirement for reasons to be recorded in a particular form. For example, for certain reviews, annotations on a script could be compliant with the requirement to provide reasons. However, in whatever form they are presented there must be sufficient detail to make the reasons clear.

Further opportunities for review or appeal

When providing its determination on a review or appeal to a Centre or Learner, an awarding organisation should clearly set out any further opportunity for review or appeal. Where such a further opportunity exists, an awarding organisation should not give the impression that its determination is necessarily the final part of the process.

Guidance on considering Marking Errors on a review or appeal

Awarding organisations which make available GCSE Qualifications are required to have in place arrangements for the review and appeal of marking and Moderation decisions. In relation to marking, an awarding organisation is required to have in place arrangements:

- for the review of the marking undertaken by the awarding organisation (Condition GCSE17), and
- for the appeal of the result of an assessment following a review (Condition GCSE18).

Anybody carrying out such a review must consider the original mark given by a trained Assessor and only make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition GCSE26). An appeal may be brought on the basis that the marking (either in the original marking or on review) included a Marking Error,³ as well as on procedural grounds.⁴

A Marking Error is defined as:

The awarding of a mark which could not reasonably have been awarded given the evidence generated by the Learner, the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation in relation to marking, including in particular where the awarding of a mark is based on -

- (a) an Administrative Error [as defined in Condition GCSE26],
- (b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or
- (c) an unreasonable exercise of academic judgment.

We set out our guidance for the purposes of these Conditions below. This comprises both general guidance on the purpose of the provisions and guidance on how we expect awarding organisations to approach the consideration of whether there has been a Marking Error.

³ Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).

⁴ Appeals may be brought on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Such appeals on procedural grounds are not covered in this guidance.

Condition GCSE12 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of Centre-marked assessments. These arrangements must require that where there has been a Marking Error, the Marking Error must be corrected.⁵

In addition to this, Conditions GCSE14 and GCSE18 contain similar provisions relating to arrangements for the review of Moderation of a Centre's marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review must only make a change to the outcome of Moderation where the Moderation included a Moderation Error (which has a definition in Condition GCSE26 which is similar to the definition of Marking Error). An appeal may be brought on the basis that the Moderation included a Moderation Error⁶, as well as on procedural grounds.

Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, the principles in our guidance apply to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal⁷).

Purpose of considering Marking Errors

A review or appeal may identify that there had been errors in the marking. Examples of this could include a clear and unambiguous failure to properly apply the mark scheme or the identification of unmarked creditworthy material. Such errors must be corrected.

However, for many assessments, it is a misunderstanding to say that Learners have always been either given a '*right mark*' or a '*wrong mark*'. This is because those assessments require Assessors to use their academic judgment in deciding what mark to award.

It will often be the case that two trained Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Following a review or an appeal, one such mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

⁵ This requirement will not come into force until such a date as is specified in, or determined under, a notice published by Ofqual.

⁶ Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Moderation Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).

⁷ Until such a date as is specified in, or determined under, a notice published by Ofqual, reviews or appeals considering Moderation Errors must not lead to a Learner's result being updated so as to lower that result.

A review or appeal should not be an opportunity for a Learner to have a second go at getting a better mark. Such a review or appeal should only adjust a mark where there has been a Marking Error.

Guidance on approach to considering Marking Errors

On any review of marking (in line with Condition GCSE17.5 and the definition of Marking Error in Condition GCSE26) the Assessor carrying out the review must consider whether or not the original mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.

However, the Assessor should take the following steps for each task in the assessment:

- Determine whether there has been an Administrative Error in the marking, such as a failure to mark a Learner's response, and correct any such error.
- Determine whether the task is one where there are only '*right*' and '*wrong*' marks or one where Assessors are required to exercise their academic judgment. If there are only '*right*' and '*wrong*' marks, determine whether the '*right*' mark was given. Where the '*right*' mark was not given, correct the mark. Otherwise, make no change to the mark.
- If the task requires Assessors to exercise their academic judgment:
 - First, determine whether the marking contains any errors which do not relate to an exercise of academic judgment. Where such an error is found, correct the mark.
 - Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.
 - Where there is no Marking Error make no change to the mark.

In making any of the above decisions on a review, the Assessor should have considered the Learner's answer, the mark scheme and any of the awarding organisation's marking policies which are relevant. The Assessor should document the reasons for each decision which is made.

We expect a similar approach to be followed on an appeal where an awarding organisation is considering whether there has been a Marking Error, with the

exception that Condition GCSE18 does not require that the appeal panel itself must carry out any remarking which is required.⁸

In Condition GCSE17.4(d), the reasons which are required to be documented on review are *'the reasons for any determination and for any change of mark'*. The determinations referred to are decisions about whether or not the marking included a Marking Error. If a Marking Error is found, the reasons for the change of mark which is necessary to correct the effect of that Marking Error should be documented. Condition GCSE17.5(j) requires that the reasons to be provided are the reasons documented by the Assessor.

There is no requirement for reasons to be recorded in a particular form. For example, annotations on a script could be compliant with the requirement, if they were in sufficient detail to make the reasons clear.

Condition GCSE18.9 requires the appeals process to provide for the effective appeal of results on the basis that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error.⁹ In other words, an appeal may be brought on the basis that the original marking (unchanged following a review) included a Marking Error or that the remarking (which took place on a review) included a Marking Error.

An appeal should consider the original marking, the outcome of the review, including where relevant any remarking, and take into account any other relevant factors. The appeal panel must uphold the appeal if it considers that the original marking (unchanged following review) or any remarking on a review included a Marking Error.

If the appeals process is to be effective, in most cases the reasons documented on review will be relevant information which should inform consideration of the appeal.

In marking (or remarking) an assessment, Assessors can only make judgments in line with the mark scheme and other relevant procedures. If, following the awarding of marks, an awarding organisation considers that there is a problem with a mark scheme or a relevant procedure, the awarding organisation should take steps to resolve the issue in line with its Conditions of Recognition. We would not generally expect such problems to be dealt with through the review and appeal process.

⁸ As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).

⁹ As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).

Guidance on academic judgment

In considering whether or not there has been a Marking Error, the person(s) carrying out a review or appeal will often need to consider whether or not the marking of a task included any unreasonable exercise of academic judgment.

Assessors are appointed by awarding organisations because they have particular skills in the relevant subject area. Assessors are then trained by awarding organisations to ensure that they are prepared to carry out marking appropriately.

Assessors are often required to use these skills to make a professional judgment of what mark should be awarded to a particular answer. We refer to this as exercising academic judgment.

Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for an answer (and a range of ways in which marks can be attributed to that answer) without a Marking Error being made. It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgment that the mark should be changed.

The starting point for considering whether there has been such an exercise of academic judgment is therefore always the mark which is being challenged (and not any alternative mark which the Learner/Centre considers should have been awarded).

Reviews or appeals will be required to be considered in many different subjects and contexts. '*Unreasonable*' should be given its normal meaning and a common sense approach should be adopted, taking into account all of the circumstances of the particular review or appeal (which include the mark scheme and relevant marking procedures).

Examples of cases where it might be appropriate to find that there has been an unreasonable exercise of academic judgment include but are not limited to:

- Where the marking of an answer is unduly strict or lenient, beyond the bounds of what might reasonably be expected of a trained Assessor properly applying the mark scheme.
- Where a piece of information given as part of an answer was not given a mark but where any Assessor acting reasonably and who had the appropriate knowledge and training should have given a mark.
- Where the marking of an answer suggests that the Assessor had no rationale for his/her awarding of marks.

An exercise of academic judgment will not be unreasonable simply because a Learner/Centre considers that an alternative mark should have been awarded, even if the Learner/Centre puts forward evidence supporting the alternative mark. A person carrying out a review or appeal should not consider whether an alternative mark put forward by a Learner/Centre would be a more appropriate exercise of academic judgment.

Awarding organisations have obligations to ensure that those carrying out reviews of marking are provided with training in relation to their role (Condition GCSE17.5(c)) and monitored to ensure they are performing their role correctly (Condition GCSE17.5(e)) and consistently (Condition GCSE17.5(g)).

We expect that awarding organisations should, in line with these obligations, take particular steps to develop consistent practice over time in the making of decisions on whether there has been any unreasonable exercise of academic judgment leading to a Marking Error.

Appendix 1 - Revisions to this document

The table below sets out all revisions made to this document since it was first published, and the dates on which those revisions came into force.

Revision	Date in force
Guidance on the general conduct of reviews and appeals	XX 2019
Guidance on standard setting (new)	16 February 2017
Guidance on considering Marking Errors on a review or appeal (new)	25 August 2016
First published	23 May 2014



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