

CONSULTATION

Changes to our rules for reviews of marking, moderation and appeals

Updating our rules and guidance for GCSE, AS, A level and Project qualifications

ofqual

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1. Proposals at a glance

- 1.1. We are consulting on changes to our rules about how exam boards must conduct reviews of marking, reviews of moderation and appeals for GCSE, GCE and project qualifications.
- 1.2. The changes we propose respond to issues we have seen in the first two years of operation of these rules, aim to make our rules easier to follow and bring them in line with a version of the rules which we have already introduced for Technical Qualifications.
- 1.3. We are proposing:
 - simplified wording – we want to make our rules easier to follow and use
 - provisions for private candidates – we want to make it clearer that private candidates can apply directly to exam boards for both reviews and appeals
 - a slight change to our rules for reviews of marking of Centre marked assessments to match the way they have been operationalised by the exam boards, as we think that represents the way they should function
 - to remove some requirements about data the exam boards need to publish, as they are either duplicated by Official Statistics published by us, or disproportionately burdensome
 - in light of decisions we have already taken but which do not come into force until 2020, to update our ‘key dates’ requirements to ensure that all schools and colleges and candidates have the appropriate amount of time, at different stages of the review and appeals processes, to consider whether to make use of this system
 - to introduce additional statutory guidance to help exam boards apply the rules correctly and consistently

2. Audience

- 2.1. This consultation is open to anyone who may wish to make representation but is likely to be of most interest to:
 - exam boards
 - schools, colleges and others who deliver GCSE, GCE and project qualifications
 - organisations that represent the interests of schools, colleges, teachers and students

3. Consultation arrangements

Duration

- 3.1. This consultation will be open for six weeks, starting on 14 December 2018 and ending at 23.45 on 25 January 2019.

Responses

- 3.2. Please respond to this consultation by using one of the following methods;
- complete the online response form, the link for which you will find on [the consultation web page](#)
 - email your response to consultations@ofqual.gov.uk. Please include the consultation title ('Changes to our rules for reviews of marking, moderation and appeals') in the subject line of the email and make clear who you are and in what capacity you are responding.
- 3.3. For information on how we will use and manage your data, please see annex A.

4. Introduction

- 4.1. We expect exam boards to mark all assessments accurately and to issue results that reflect the performance of each student. In most cases this is what happens, and we expect exam boards to ensure the quality of their marking is maintained. Nevertheless, in a system in which many millions of assessments are marked each year, mistakes do happen. The arrangement for reviews and appeals provide a key mechanism for errors to be found and corrected.
- 4.2. In 2016 we put in place our current rules for the way concerns about a candidate's GCSE, AS or A level marks are considered by exam boards.¹ We have identified some opportunities to enhance these Conditions and to set out some of our requirements more clearly.
- 4.3. We have already reflected most of the small changes we propose to make in our consultation on our proposed rules and statutory guidance for Technical Qualifications.²
- 4.4. We said in that consultation that:

We plan to consult on making similar changes to the Conditions in place for GCSE, AS, A level and Project qualifications to reflect the changes we are proposing here in due course.

- 4.5. The responses to that consultation did not give us cause to make any significant alterations to our original proposals. The few small changes we made following that consultation are reflected in the proposals in this consultation.

5. Consultation details

In various places throughout this consultation we refer to specific Conditions, requirements and guidance for our qualifications. In some places we use references such as Condition GCSE12.3, which is from our *GCSE (9 to 1) qualification-level conditions and requirements*.³

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

² <https://www.gov.uk/government/consultations/implementation-of-technical-qualifications>

³ <https://www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions>

In all of these instances, unless otherwise noted, these references can be read across to our Conditions for GCE qualifications, where the reference would be GCE12.3.

We are also proposing to apply the changes to our Conditions for project qualifications. These conditions do not have the same numbering as those for GCSE and GCE qualifications. The table in Annex B sets out which Project Conditions align with which GCSE/GCE conditions.

It is important to note that currently no project qualifications include assessments which are marked by the awarding organisation – although we have requirements in place to allow awarding organisations to assess these qualifications in this way, none has yet chosen to do so.

Simplification of wording

- 5.1. In a number of places we have identified ways to shorten and simplify the current rules, without sacrificing the details which are important. An example is in Condition GCSE17.4a. Our current rules say:

...the Assessor shall determine, in respect of each task in the assessment for which marks could have been awarded, and in respect of the assessment as a whole, whether the marking included any Marking Error

- 5.2. The same paragraph in our version proposed in this consultation reads:

...the Assessor shall determine whether the marking of the assessment included any Marking Error

- 5.3. Another example is in Condition GCSE14.1. Currently, the Condition says:

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.

- 5.4. Our proposed change says:

In respect of each GCSE which it makes available an awarding organisation must establish, maintain and comply with arrangements to carry out, on request from a Centre, a review of any Moderation by the awarding organisation of that Centre's marking of an assessment.

- 5.5. These changes have been made in the following Conditions:

- Conditions GCSE14 to GCSE20
- Condition GCSE23

- 5.6. There are a number of similar changes, which do not change the meaning of the Conditions but make them easier to read and follow. Individually none appear a significant change, but cumulatively we believe they make the documents easier to use. We have not set out these changes in full in this section of the consultation, as, while numerous, they do not change the substance of our rules or guidance. The changes can all be seen in the revised version of the Conditions, set out alongside [this consultation](#).

QUESTION: To what extent do you agree or disagree that the changes we propose to the wording of our Conditions make them easier to read? Please be specific in your answers, for example if you think there are places we have changed the meaning or made the rules less clear.

- 5.7. We are also proposing a structural change to our Conditions. Currently, each of GCSE14 – GCSE18 has a section which requires exam boards to publish information on the respective appeals or review process. We think that repeating this information in five different places makes the rules longer and more complicated than they need to be.
- 5.8. Condition GCSE24 already contains requirements about what exam boards may publish. We are proposing to move the other requirements to Condition GCSE24, which will put all the requirements about publishing information on the exam boards' respective processes in one place.

QUESTION: To what extent do you agree or disagree that we should create a new condition which puts in one place all our requirements about exam boards publishing information about their reviews and appeals processes?

- 5.9. As part of this change, we have considered the substance of the requirements as well as their location. We believe that it is not proportionate to require the exam boards to publish publicly information about matters which are primarily of interest to us as the regulator. We have therefore proposed to remove the requirements for exam boards to publish for each stage of their reviews and appeals processes:
- the training and monitoring of persons tasked with carrying out each type of review and appeal
 - the action which the exam board will take where it learns that a review or appeal has not been carried out in line with the relevant conditions, or where it learns that determinations are not being made consistently over time or between assessors or persons carrying out the reviews
- 5.10. We have already ensured that the exam boards publish on their websites statements about how they undertake their monitoring of reviews of marking and moderation.

QUESTION: To what extent do you agree or disagree that we should remove the requirements for exam boards to publish information for each stage of their reviews and appeals processes about how they train and monitor those undertaking reviews, and the actions they take if they learn of any issues?

- 5.11. For GCSE17 (review of marking of marked assessment material), we have already published a notice⁴ to the exam boards setting out that we expect GCSE17.7 and 17.8 (about providing the reasons for reviews of marking decisions on request) to remain in force until 1 May 2020. This is because we have already decided that from 2020, exam boards will have to provide the reasons for reviews of marking decisions automatically, and changed our rules accordingly. The notice makes clear that until then, our old rules will remain in place. It would be complicated and burdensome for all parties if we were to remove those conditions, tailor them so that they fitted with our new condition, and then for us to reissue the notice we have already issued under GCSE17.8.

⁴ <https://www.gov.uk/government/publications/reviews-and-appeals-for-gcses-as-and-a-levels-transitional-arrangements/notice-in-respect-of-conditions-gcse124-gcse157-gcse177-and-gcse205>

- 5.12. Instead, we propose the cleaner alternative of retaining GCSE17.7 and 17.8 until 1 May 2020 (when the notice expires) and removing GCSE17.7, 17.8 at that point. To put this into effect we have proposed a new condition GCSE23.4.

QUESTION: To what extent do you agree or disagree that we should leave GCSE17.7 and 17.8 in place until 1 May 2020?

Provisions for private candidates

- 5.13. We want our rules to more clearly set out that private candidates – students who enter for a qualification without being taught by a centre – can request a review or appeal without needing the support of a centre. This is not a change to our existing expectations – we have always been clear that private candidates can do this – but we know that this has not always been clear to all who need to understand this rule.

- 5.14. In four places we have proposed wording to make this clear. These are in relation to:

- GCSE15 – making marked assessment material available to learners
- GCSE16 – administrative error review
- GCSE17 – review of marking of marked assessment material
- GCSE18 – appeals process for GCSE qualifications

QUESTION: To what extent do you agree or disagree that the new wording regarding provisions for private candidates is clear and unambiguous?

Reviews of marking of centre-marked assessments

- 5.15. Where centres mark non-exam assessment, our current rules require exam boards to make sure their centres allow students to request a review of the marking the centre has carried out prior to submitting marks to the exam board. This is a requirement we propose to retain.
- 5.16. In carrying out this review, we propose to make it clear that the exam boards must require centres to judge whether the marking of an individual student's work is consistent with the rest of the marking of the centre. Any more widespread issue with the centre's marking will be found and addressed by the moderation process as normal. The revisions we propose to Condition GCSE12.2 are in line with this current practice.
- 5.17. We also propose to amend the rules to make it clear what must happen if the centre cannot accept its reviewer's decision, as we should not presume the reviewer is infallible. The centre remains responsible for the marks it submits. We propose that if the centre does not accept the outcome of a review, it must notify the exam board of the reviewer's finding and the reasons why the centre does not agree with it. The exam board will consider this information in determining the sample of work it requests from that centre.
- 5.18. The reviewer might also find that they cannot judge whether the marking of an individual student's work is consistent with the rest of the marking of the centre as they judge the centre's marking to be inconsistent. The centre must inform the exam board in this case too.

QUESTION: To what extent do you agree or disagree that the change to the requirements for reviews of marking of centre-marked assessments will make our expectations clearer?

Reporting of data relating to review arrangements and appeals process

- 5.19. Condition GCSE21 sets out a requirement for exam boards to prepare and publish a report each year which details a large number of statistics about the exam board's review and appeals processes. These requirements are in force but we have chosen not to exercise our power to set out requirements for publication, and we have told the exam boards to refrain from publishing the data until we do. We are now proposing to remove the reporting requirement altogether.
- 5.20. Since introducing the rules, we have changed our own data publishing arrangements. We will now publish data on reviews and appeals for the whole year (including November appeals data, and project data). This will reduce the burden on exam boards to publish data independently, and it will provide consistent data available in one place.
- 5.21. Publishing a whole year's worth of data means that eight of the areas covered by GCSE21 will overlap with the Official Statistics we publish.
- 5.22. We have reviewed the few remaining areas of data in GCSE21– those which are not now covered by Official Statistics. Some of the reporting requirements perform the same function as the exam board's Statement of Compliance, in terms of confirming whether it has met a Condition. Others involve the collection of data which may not be straightforward for exam boards to collect or that is useful for schools and colleges to see. For example, exam boards have to interpret terms such as 'the nature' of errors and distinguish reliably between an administration error and a marking error.
- 5.23. Overall, we believe the burden on exam boards of publishing these data is not proportionate. We therefore propose to remove GCSE21 in its entirety.
- 5.24. Condition GCSE20 requires exam boards to set a number of target time periods for its review and appeals processes. We are interested in understanding exam boards' performance against these target times which they set themselves. We are therefore proposing to add a reporting requirement to Condition GCSE20. Exam boards would need to report each year on the number of times they have met and failed to meet their targets. Given the data we already publish in this area, we think this information is more likely than the information presented in GCSE21 to be of interest to schools, colleges and other stakeholders.

QUESTION: To what extent do you agree or disagree that we should remove the current reporting requirements relating to review arrangements and the appeals process?

QUESTION: To what extent do you agree or disagree that we should require exam boards to report on the number of times they have met and failed to meet the target timescales they have set?

Key dates requirements

- 5.25. In 2017 we introduced some requirements about reviews of marking and appeals. Two of those requirements will not take effect until 2020. This was in order to give exam

boards sufficient time to adjust their systems without distracting from the secure delivery of exams series, and reflected the most conservative of the exam boards' estimates for implementation. The two decisions were:

- From 2020, exam boards must make marked GCSE scripts available to centres, before their deadline for requesting a review of marking.
- From 2020, exam boards must provide the reasons for review of marking decisions automatically.

5.26. We have considered whether the implementation of either of these rules will affect requirements we set about 'key dates' in the review and appeals process. Exam boards are required to set their own deadlines for submitting a review or appeal and associated activities like requesting an exam script. However, they must do so within the timeframe of 'Key dates' we have prescribed. These provide a common minimum window for centres and/or students and allow exam boards to set common dates if they wish, which they have so far all chosen to do.

5.27. Currently, the requirements differ slightly between GCSE (and project) and A level qualifications. The A level requirements already include stages about the date by which a request for scripts must be made and the date by which scripts must be received as, unlike at GCSE, exam boards are already required to provide access to marked exam scripts. The table below sets out the current GCSE (and project) and GCE requirements.

GCSE (and project) STAGE	TIMEFRAME REQUIREMENTS
A - Date results are issued.	
B - Date by which a request for a review of marking of Marked Assessment Material must be made.	Learner/Centre making the request must be allowed at least four weeks following Stage A to make the request.
C - Date awarding organisation reports the outcome of the review of marking.	

GCE STAGE	TIMEFRAME REQUIREMENTS
A - Date results are issued.	
B - Date by which a request for Marked Assessment Material must be made (where applicable).	
C - Date of receipt of Marked Assessment Material.	
D - Date by which a request for a review of marking of Marked Assessment Material must be made.	Learner/Centre making the request must be allowed at least four weeks following Stage A to make the request, and where Marked Assessment Materials are required to be provided, Learner/Centre making the request must be allowed at least two weeks following Stage C to make the request.
E - Date awarding organisation reports the outcome of the review of marking.	

D - Date by which reasons for the outcome of the review must be requested.	
E - Date awarding organisation provides reasons for the outcome of the review.	
F - Date by which an appeal of the result of the assessment must be requested.	Learner/Centre making the request must be allowed at least four weeks following Stage C to make the request, and where reasons for the outcome of the review have been requested (by Stage D, where specified by the awarding organisation), Learner/Centre making the request must be allowed at least two weeks following Stage E to request an appeal.
G - Awarding organisation reports outcome of the appeal.	

F - Date by which reasons for the outcome of the review must be requested.	
G - Date awarding organisation provides reasons for the outcome of the review.	
H - Date by which an appeal of the result of the assessment must be requested.	Learner/Centre making the request must be allowed at least four weeks following Stage E to make the request, and where reasons for the outcome of the review have been requested (by Stage F, where specified by the awarding organisation), Learner/Centre making the request must be allowed at least two weeks following Stage G to request an appeal.
I - Awarding organisation reports outcome of the appeal.	

- 5.28. As we are introducing a requirement for exam boards to make marked GCSE and project scripts available to centres on request, we are proposing that we add two new stages to the GCSE and project requirements. These two stages would be the same as the current GCE stages B and C. This is to make sure that centres have sufficient time, once they have received a student's script, to decide whether to submit a review of marking. This change would come into force in 2020, in line with the new requirement for exam boards to provide access to scripts.

QUESTION: To what extent do you agree or disagree that we should introduce key date requirements for access to scripts at GCSE and project?

- 5.29. We have also considered the current areas where we have put in place timeframe requirements. We do not think there are any problems with the existing requirements. However, we think there is one area which does not have a requirement at the moment where it would be useful to have one.
- 5.30. We think it is important that students and centres have sufficient time to consider whether they need to see a script before deciding whether to ask for a review. Currently, there is no restriction on when exam boards may set a deadline for requesting access to a script. We are proposing that exam boards must allow a minimum of two weeks following the issue of results for centres and private candidates to decide whether to request access to a script.
- 5.31. We know that some exam boards have allowed a centre to access its students' scripts directly. In future, an exam board might provide centres with access to all its students' scripts automatically. In these cases, the new requirement would either not apply (in the case of the latter example) or would apply in so far as to ensure the direct access remains open for a reasonable length of time. As for the change noted above, this change would come into force in 2020, in line with the new requirement for exam boards to provide access to scripts.

QUESTION: To what extent do you agree or disagree that we should require that an exam board allows a minimum of two weeks following the issue of results for students and centres to decide whether to access a script.

- 5.32. In our review of exam boards' appeals arrangements, and as a result of feedback we have received, we propose to introduce a new key date requirement for GCSEs, GCEs and project qualifications.
- 5.33. We are aware of cases at A level where a centre has not requested access to a script before requesting a review of marking, but then wants to see the script to decide whether there are grounds to submit an appeal. Our current rules do not require an exam board to give centres access to a script in such a case.
- 5.34. We are proposing, therefore, to add a new requirement for GCSEs, GCEs and project qualifications for exam boards to make scripts available following the outcome of a review. This provision would take effect after the exam board has given reasons for the outcome of the review⁵ but before the date by which an appeal must be requested.

⁵ In 2019 reasons for review of marking decisions are available on request. From 2020 they will be provided automatically with review decisions.

5.35. Again, if an exam board uses some form of automatic or self-service access to scripts, these requirements will have a different impact to those exam boards which make access to scripts only available on request.

5.36. We previously announced that from summer 2019 all appeals of reviews of marking can be made on the basis that there was an error in the original marking that was not corrected on review (and/or that a further error was made in the review), rather than having to be on the basis that there was a procedural error as was the case previously. We plan to introduce the change to access to scripts for appeals to align with this change in summer 2019. This is so that all centres are fully informed when deciding whether to appeal at the time when our revised arrangements for appeals come into force for all qualifications covered by these Conditions.

QUESTION: To what extent do you agree or disagree that we should introduce an additional key dates requirement for exam boards to make scripts available following the outcome of a review?

5.37. Our proposed key dates requirements for GCSEs, GCEs and project qualifications therefore look like this:

STAGE	TIMEFRAME REQUIREMENTS
A - Date results are issued.	
B - Date by which a request for Marked Assessment Material must be made (where applicable).	Learner/Centre making the request must be allowed at least two weeks following Stage A to make the request.
C - Date of receipt of Marked Assessment Material.	
D - Date by which a request for a review of marking of Marked Assessment Material must be made.	Learner/Centre making the request must be allowed at least four weeks following Stage A to make the request, and where Marked Assessment Materials are required to be provided, Learner/Centre making the request must be allowed at least two weeks following Stage C to make the request.
E - Date awarding organisation reports the outcome of the review of marking.	
F - Date by which reasons for the outcome of the review must be requested.	

G - Date awarding organisation provides reasons for the outcome of the review.	
H - Date by which a request for Marked Assessment Material must be made (where not previously requested prior to the review of Marked Assessment Material)	Learner/Centre making the request must be allowed at least two weeks following Stage G to make the request
I - Date of receipt of Marked Assessment Material.	
J - Date by which an appeal of the result of the assessment must be requested.	Learner/Centre making the request must be allowed at least four weeks following Stage E to make the request, and where reasons for the outcome of the review have been requested (by Stage F, where specified by the awarding organisation), Learner/Centre making the request must be allowed at least two weeks following Stage G to request an appeal, and where Marked Assessment Materials are required to be provided, Learner/Centre making the request must be allowed at least two weeks following Stage I to make the request.
K - Awarding organisation reports outcome of the appeal.	

5.38. The second of our rules which comes into force in 2020 (exam boards must provide the reasons for review of marking decisions automatically) also means that in 2020 stage F (and the corresponding references in the requirements for stage J) will no longer apply, as reasons for the outcome of a review will be provided automatically – they will not have to be requested. We plan to remove this requirement in 2020 when it will no longer be necessary.

QUESTION: To what extent do you agree or disagree that in 2020 we should remove the key dates requirement about providing reasons?

Guidance

5.39. We propose to introduce additional statutory guidance to support exam boards to conduct their reviews and appeals in line with our requirements.

- 5.40. Our first new section of proposed guidance covers how an exam board should conduct:
- a review of Moderation under Condition GCSE14
 - an Administrative Error Review under Condition GCSE16
 - a review of marking of Marked Assessment Materials under Condition GCSE17
 - an appeal in relation to Moderation or marking under Condition GCSE18
- 5.41. The guidance covers four key areas of the reviews and appeals processes where we have seen some shortcomings in practice.
- 5.42. **Expert reports.** While it is understandable and acceptable that reports from experts such as senior examiners should inform decisions about reviews and appeals, it appears that on some occasions the analysis provided has not been adequately scrutinised or challenged. Our proposed guidance makes clear the decision-maker must decide the weight to be accorded to expert views as one piece of evidence among others.
- 5.43. **Personal interest.** Our conditions state that reviews and appeals must not be conducted by anyone with a personal interest in the outcome. Exam boards have not consistently understood ‘personal interest’, so we have proposed guidance which clarifies this.
- 5.44. **Reasons.** The four Conditions to which our proposed guidance applies (GCSE14, 16, 17 and 18) require an exam board to give reasons for the outcomes of reviews and appeals. In some cases, reasons given have been perfunctory, with the factors considered in decision making and the reasons for final determinations not being clear. We are proposing guidance which sets out in more detail our expectations regarding the reasons exam boards provide for their decisions.
- 5.45. **Further opportunities for review or appeal.** We have found that some exam boards have incorrectly implied that a preliminary or initial stage of an appeal is the final one, and that there is no further avenue for the process. We have proposed guidance which makes clear that an exam board should not give misleading information about the opportunities for further review or appeal.
- QUESTION: To what extent do you agree or disagree that we should introduce new guidance in relation to how an exam board should approach the conduct of reviews and appeals?**
- QUESTION: Do you have any views on the contents of our proposed new guidance?**
- 5.46. Our other new section of proposed guidance covers a single Condition – Condition GCSE23 ‘Discovery of failure in assessment process’ (note that this will become GCSE22 if our proposal to remove the current GCSE21 is adopted).
- 5.47. Our review has found that exam boards are not applying this condition consistently, so we are proposing guidance to make our expectations clear. It confirms we expect awarding organisations to act where they discover, through a review or appeal, that there has been a failure in their assessment process that may have affected students

whose results were not subject to that review or appeal and reminds them of the factors they should consider in such cases.

QUESTION: To what extent do you agree or disagree that we should introduce new guidance about how exam boards should act if they discover through a review or appeal any issue that may have affected other students?

6. Regulatory Impact & Growth and Equality

- 6.1. We have considered the regulatory impact of our proposals and set out our view of the potential impacts below.

Changes to our rules

- 6.2. The changes we are proposing to our rules are for the most part clarifications and improvements in wording. They do not impose new requirements to which exam boards must adhere.
- 6.3. The change to the process for reviews of marking of centre-marked assessments codifies current practice, so we do not think that this change will increase the burden on exam boards.
- 6.4. The consultation proposed two more substantive changes. Firstly, we propose the removal of a set of requirements about exam boards reporting on the performance of their reviews and appeals process. In principle we think this will decrease the burden for the exam boards. However, as exam boards have not yet had to start publishing the data, we think that removing the requirements will, in effect, maintain the current situation and will not result in an increase or decrease of burden.
- 6.5. Similarly, we have proposed some new requirements around the key dates which exam boards have to follow.
- 6.6. This may impose some limited burdens as exam boards will have to make sure that certain stages of their review and appeal arrangements do not complete before centres have had sufficient opportunity to consider if they wish to seek a review or appeal. We expect any costs associated with this activity to be minimal.
- 6.7. Our proposed requirement for exam boards to also provide scripts following a review of marking may also impose some burdens. We think these will be limited, as exam boards already have (or will need to have) in place systems to provide scripts when requested. The proposed requirement will mean that exam boards may have to extend the amount of time these requests are available, but costs can be recovered through the charging of fees. Additionally, the number of reviews that proceed to appeal is very small – in 2017 there were 325 appeals for AS and A levels and 272 appeals for GCSEs, and we think in most cases the centres will request scripts before requesting a review.
- 6.8. There will be a cost of familiarisation for exam boards, as they will need to review the conditions and guidance documents and make sure they understand the changes. We use standard cost assumptions to take this familiarisation into account. For the 50 pages of our revised guidance, we estimate this will cost each exam board £2,600. There are five organisations affected, so the total cost is £13,000.

Changes to our guidance

- 6.9. Our proposed additions to the guidance for these qualifications runs to three pages. We estimate this will cost each exam board £260 to ensure it has familiarised itself with the new guidance. The total cost is £1,300.

QUESTION: We have set out our view of the regulatory impact of our proposals on changing our rules for reviews of marking, moderation and appeals in GCSEs, GCEs and project qualifications. Do you have any comments on this assessment?

QUESTION: Are there any additional steps we could take to reduce the regulatory impact of our proposals?

QUESTION: Are there any costs or benefits associated with our proposals which we have not identified?

Equality

- 6.10. Ofqual is a public body, so the public sector equality duty in the Equality Act 2010 applies to us.
- 6.11. We have considered how our proposals might affect people who share particular protected characteristics. We have not identified any impacts of our proposals (positive or negative) on persons who share the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

QUESTION: We have set out our view that our proposals would not impact (positively or negatively) on students who share a particular protected characteristic. Are there any potential impacts that we have not identified?

QUESTION: Are there any additional steps we could take to mitigate any negative impact you have identified would result from our proposals, on students who share a protected characteristic?

QUESTION: Do you have any other comments on the impacts of our proposals on students who share a protected characteristic?

Innovation and growth

- 6.12. We have a duty under the Apprenticeships, Skills, Children and Learning Act to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications. We have committed in our Corporate Plan to survey awarding organisations' views of the impact of our regulatory requirements on innovation and consider any revisions required in response.
- 6.13. We consider that our proposals are sufficiently flexible to allow exam boards to take innovative approaches to their reviews and appeals services, and do not believe that these proposals would unduly prevent innovation.

QUESTION: To what extent do you agree or disagree with the above statement? Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree.

Please provide specific examples to illustrate your answer.

Annex A - Your data

The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at dprequests@ofqual.gov.uk or write to us at: Data Protection Officer, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

As part of this consultation process you are not required to provide your name or any personal information that will identify you however we are aware that some respondents may be happy to be contacted by Ofqual in relation to their response. If you or your organisation are happy to be contacted with regard to this consultation, please give your consent by providing your name and contact details in your response.

Our legal basis for processing your personal data

For this consultation, we are relying upon your consent for processing personal data. You may withdraw your consent at any time by contacting us using the details above.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships (IFA) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. If we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFA with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Following the end of the consultation, we will publish a summary of responses and may publish copies of responses on our website, www.gov.uk/ofqual. We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded. We will not include personal names or other contact details.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

How long will we keep your personal data

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

Your data

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights, e.g. access, rectification, erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ico.org.uk, or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If there is any part of your response that you wish to remain confidential, please indicate so in your response.

Annex B – Alignment of GCSE/GCE and Project Conditions

GCSE/GCE Conditions	Project Conditions
GCSE12 – Review of marking of centre-marked assessments	Project6 – Review of marking of Centre-marked assessments
GCSE13 – Notification of Moderation outcome	Project7 – Notification of Moderation outcome
GCSE14 – Review of Moderation	Project8 – Review of Moderation
GCSE15 – Making Marked Assessment Materials available to Learners	Project9 – Making Marked Assessment Materials available to Learners
GCSE16 – Administrative Error Review	Project10 – Administrative Error Review
GCSE17 – Review of marking of Marked Assessment Material	Project11 – Review of marking of Marked Assessment Material
GCSE18 – Appeals process for GCSE Qualifications	Project12 – Appeals process for project qualifications
GCSE19 – Centre decisions relating to Review Arrangements	Project13 – Centre decisions relating to Review Arrangements
GCSE20 – Target performance in relation to Review Arrangements and appeals process	Project14 – Target performance in relation to Review Arrangements and appeals process

GCSE21 – Reporting of data relating to Review Arrangements and appeals process	Project15 – Reporting of data relating to Review Arrangements and appeals process
GCSE22 – Review Arrangements and certificates	Project16 – Review Arrangements and certificates
GCSE23 – Discovery of failure in assessment processes	Project17 – Discovery of failure in assessment processes
GCSE24 – Publication of Review Arrangements and appeals process	Project18 – Publication of Review Arrangements and appeals process
GCSE25 – Subjects for GCSE Qualifications	
GCSE26 – Interpretation and Definitions	Project19 – Interpretation and Definitions



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