



Alex Scharaschkin, Responsible Officer
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15 October 2019

Dear Alex,

GCSE English Literature examination paper May 2018

On 3 April 2019, the Associate Director for Standards for Delivery & Performance of General Qualifications wrote to advise you that a referral had been made to the Legal Moderation and Enforcement Team to consider whether Ofqual should take regulatory action in respect of an Event Notification that AQA made to Ofqual on 30 May 2018, in respect of its GCSE English Literature examination paper.

Facts

The Event Notification related to the 2018 GCSE English Literature Examination Paper 2 which was sat on 25 May 2018. It contained a question option in relation to the 'Power and Conflict' topic which was almost identical to a question that had been published in one of the sets of 2014 Specimen Assessment Materials (SAMs).

There was also a sample response to the question in the 2014 SAMs which showed how a student might answer the question. This was not a complete response and there were no marks associated with it.

The examination paper was taken by 416,558 candidates across 3,278 Centres.

The question was introduced in the first draft of the question paper. The decision to purposefully replicate a question from the published sample assessment materials in the live assessment for 2018 was taken with the rationale of ensuring that teachers cover the whole specification without excluding areas that featured in past papers. The approach was agreed by senior examiners and AQA staff at the Item Approval Committee for this paper.

The content of the paper was discussed with relevant AQA Curriculum staff on 23 May 2018, ahead of the exam date on 25 May 2018. The content was not discussed prior to this date in order to limit access to live papers by staff who

have contact with schools. The possibility of queries from teaching staff was raised during this discussion. This led to the escalation of the matter to the Head of Assessment Design. After review, the Head of Assessment Design referred it to the Head of Series Delivery to begin a formal incident management process which is used by AQA to manage any potential issues which arise in series delivery.

On 24 May, an incident panel was convened to discuss actions necessary to monitor and prepare for any activity that might occur during or after the examination and reactive lines were prepared to use in responding to any queries after the examination.

On 24 May Ofqual were informally informed of the situation, followed by an Event Notification on 25 May.

AQA received 38 complaints about the exam paper from Centres, students and parents. The general tone of the complaints was a sense of unfairness and disadvantage towards candidates who had answered the alternative question choice.

Analysis

The Legal Moderation and Enforcement Team has carefully considered the relevant evidence. It is clear from that evidence that on 23 May 2018, AQA had identified the risk that the use of a near-identical question from the SAMs, could have had an Adverse Effect and it took steps to manage the incident accordingly. By this point it was too late to change the decision to include the question as the assessment was sat on 25 May. In correspondence with the Legal Moderation and Enforcement team, AQA has accepted that, prior to 23 May, it had not identified any risk of an Adverse Effect occurring as a result of using the near-identical question and consequently admits that it breached General Condition A6.1.

Enforcement Committee

This matter has been considered by Ofqual's Enforcement Committee alongside two other cases in which it has decided to take regulatory action against AQA (Review of Marking 2016-2018 and GCE French 2018).

The Enforcement Committee found that AQA has breached General Condition A6.1 in that it could and should have identified the risk of an Adverse Effect much earlier than it did. AQA knew at the time the question was set, that it was nearly identical to a question used in the SAMs and it was therefore reasonable for it to contemplate that its inclusion in the assessment may give rise to prejudice to learners and/or adversely affect standards of and public confidence in the qualification.

The Enforcement Committee considered this to be a serious breach of the Conditions which formed part of a trend across the three cases it considered, in which AQA has repeatedly failed to identify and manage risks in the delivery of its qualifications. This gives rise to significant concerns around AQA's systems of planning and internal control at the time.

However, the Enforcement Committee noted that AQA has conducted a comprehensive statistical analysis of Learner performance in the examination which demonstrated that there was no significant advantage or disadvantage to Learners, regardless of which question option they answered. AQA has also

provided a detailed rationale for why it consciously decided to reuse the question, noting that in subjects like English Literature, there are a limited number of questions that can be legitimately set on each text, which is particularly true for poetry questions.

The Enforcement Committee also took into account the admissions that AQA has made in this case, the substantial settlement proposal it has made in respect of the Review of Marking and GCE French cases, and the fact that AQA has conducted an end-to-end review of its incident management and escalation processes and implemented improvements to mitigate the risk of incidents like this recurring in the future.

Taking all of these circumstances into account, the Enforcement Committee has decided that this is not a case which demands the imposition of a Monetary Penalty. However, the Committee considered that the breach is sufficiently serious that it should be marked publicly, in the interests of promoting public confidence and deterring AQA and other awarding organisations from future breaches of this nature.

We therefore propose to publish this letter, along with the Notices of Intention to impose Monetary Penalties in the Review of Marking and GCE French cases.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Sally Collier". The signature is written in a cursive style with a horizontal line underneath it.

Sally Collier
Chief Regulator