



**Notice of Intention to impose a Monetary Penalty
and
Notice of Intention to accept a Settlement Proposal**

In respect of AQA's reviews of marking and moderation in 2016, 2017 and 2018

Notice

1. The Office of Qualifications and Examinations Regulation ("Ofqual") hereby gives notice that it intends to:
 - a) impose a Monetary Penalty on AQA Education ("AQA") in the sum of £350,000; and
 - b) accept a Settlement Proposal from AQA in terms that AQA:
 - i. admits all of the breaches set out in this Notice;
 - ii. compensates affected Centres (in the form of credit notes) in the sum of £735,570;
 - iii. agrees to pay the Monetary Penalty of £350,000;
 - iv. agrees to pay Ofqual's reasonable costs in respect of this matter.
2. This Notice relates to the following breaches of AQA's Conditions of Recognition, in respect of its reviews of marking and moderation in 2016, 2017 and 2018:
 - a) GCE / GCSE Condition 17.5 (a) and (b)¹;
 - b) GCE / GCSE Condition 14.5 (a) and (b)²;
 - c) General Condition A6.1;
 - d) General Condition B3.1;
 - e) General Condition A5.2 (a) and (e).
3. Further information about Ofqual's statutory powers and the Conditions of Recognition are set out in Annex A of this notice.
4. This Notice should be read in conjunction with:
 - a) the Notice of Intention to impose a Monetary Penalty on AQA in respect of its GCE Examination Paper in 2018; and
 - b) the letter to AQA from Ofqual's Chief Regulator in respect of AQA's GCSE English Literature Examination Paper in 2018.

¹ As in force in Summer 2018. See Annex A, paragraphs 16-24 for further details.

² As in force in Summer 2018. See Annex A, paragraphs 16-24 for further details.

Executive summary

5. During 2016, 2017 and 2018, AQA failed to ensure that all of its reviews of marking and moderation in respect of GCE and GCSE qualifications were carried out in their entirety by a person who had not been involved in the original marking³. In some of these cases, AQA also failed to ensure that the reviews of marking and moderation were carried out by someone who had no personal interest in the outcome of the review⁴. These failings affected an estimated 53,166 reviews of marking and moderation, in part or in whole, over a three year period. This represents around 7% of all of the reviews carried out by AQA each year. Around 93% of the affected reviews involved individual, anonymised answers that were reviewed at an item level on-screen. The remaining 7% involved reviews of whole scripts or moderation.
6. These failings occurred as a result of failings in AQA's online marking system, the limited availability of reviewers in low entry qualifications and the relatively small size of some marking and review panels. However, the reviewers used in this process were AQA's most experienced examiners who were provided with enhanced training before they undertook the reviews. The item level reviews were monitored and sampled during the review process to ensure a rigorous review was taking place.
7. There is no evidence to show that these failings resulted in Learners or Centres receiving the wrong outcome. However, these were serious breaches of Conditions that are integral to the effectiveness and purpose of the system of reviewing marking and moderation. The failures therefore have the potential to seriously undermine public confidence in the review of marking, moderation and appeals system, and the qualifications system more generally
8. AQA failed to ensure that at all times it maintained appropriate systems of planning and internal control⁵ and retained a workforce of appropriate size and competence⁶ to enable it to take all reasonable steps to identify and manage the risks of further incidents occurring, specifically following two incidents of this nature having been drawn to its attention through appeals in 2016 and 2017⁷. AQA also failed to notify Ofqual of the incidents in 2016 and 2017 which it had cause to believe were likely to cause an Adverse Effect⁸.
9. Ofqual became aware of the issue in September 2018, through its own proactive review of AQA's appeals process. Through this process, Ofqual discovered that some reviews of marking and moderation had been carried out by the same person who conducted the initial marking or moderation and asked AQA to

³ As required by GCE / GCSE Qualification Level Conditions and Requirements 17.5(b) and 14.5(b)

⁴ As required by GCE / GCSE Qualification Level Conditions and Requirements 17.5(a) and 14.5(a)

⁵ As required by General Condition A5.2(e)

⁶ As required by General Condition A5.2(a)

⁷ As required by General Condition A6.1

⁸ As required by General Condition B3.1

investigate the issue further. This led AQA to formally notify Ofqual in November 2018 of a potential breach of its Conditions of Recognition. Since then, Ofqual has worked closely with AQA to identify the scale of the issue, to protect Learners, and to make sure that AQA had put right the failings in its processes before the 2019 series.

10. AQA has fully admitted these breaches and has provided Ofqual with an Undertaking and Action Plan which sets out the arrangements that AQA has introduced to ensure that its reviews of marking and moderation were undertaken in full compliance with its Conditions of Recognition in 2019, and will continue to be in full compliance in future series. Ofqual is assured by the Undertaking and Action Plan that AQA's arrangements for reviews of marking and moderation in 2019 were compliant with the Conditions. The Undertaking and Action Plan are set out in Annex B of this notice.
11. AQA has made a Settlement Proposal to Ofqual which offers to compensate affected Centres, pay the Monetary Penalty and pay Ofqual's reasonable costs.
12. Ofqual has decided to give notice that it intends to impose a Monetary Penalty of £350,000 on AQA and accept a Settlement Proposal that AQA will compensate affected Centres in the sum of £735,750 and pay Ofqual's reasonable costs in respect of this matter. Interested parties may make representations in respect of this Notice.

Background information

13. AQA marks student material in three different ways:
 - a) **Item-level** - Using a CMI+ marking platform, AQA electronically scans exam scripts to generate images of individual student answers to individual questions ('items'). These individual, anonymised images are then presented to markers on computer screens. In this way, markers may mark thousands of student answers to the same question. In many cases, they are marking a single word or other short answers. To the extent that markers make any comments in respect of their marking, they do so from a drop down pre-set list.
 - b) **Whole-script** - Using a RM marking platform, paper exam scripts are scanned electronically and markers are then presented with scanned images of the whole script to mark on-screen. In this way, markers view all of a student's answers on the exam script. Or, using a QMS system, traditional, paper-based marking of whole scripts takes place after which examiners input the whole script mark. As with the RM marking platform, markers view all of a student's answers on the exam script.

- c) **Moderation** - Centres submit marks for coursework into an E-sub application which then generates a candidate sample list for the Centres to provide to moderators to mark. Moderators input their marks into the system. Where Centre and Moderator marks differ, a regression programme is run to identify any adjustments that need to be applied across the cohort.

14. Centres can request a review of marking or moderation. AQA charges a fee for those services. The amount charged varies depending on the type of review and qualification, but is typically in the region of £40 per review.

15. AQA is required under Condition GCE / GCSE 17.5 to ensure that:

- a) all reviews of marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the review being carried out, and;
- b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking in respect of that task.

16. Further, AQA is required under Condition GCE / GCSE 14.5 to ensure that:

- a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out, and;
- b) a person who was previously involved in the Centre's marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking.

Summary of facts

2018 series

17. Following the 2018 exam series, AQA received 327,474 applications for review of marking and moderation. Of those, 22,413 applications were found to have been reviewed by an individual who had originally marked some, or all, of the items subject to review. The figure of 22,413 represents approximately 6.9% of all review applications made that year.

18. The applications in question fall into the three different categories of review as follows:

Number of affected reviews in 2018	Category of review
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21,148	Item-level CMI+
1,255	Whole-script
10	Review of Moderation
22,413	TOTAL

‘Item-level’ CMI+ reviews

19. AQA has admitted that it was in breach of GCE / GCSE Condition 17.5(b) in respect of the 21,148 affected item-level CMI reviews in 2018 in relation to items in those assessments that were reviewed by the same person who had originally marked those items.

20. Of the 21,148 affected item-level CMI+ reviews, on average, 7% of all items were reviewed by the same person that did the original marking. The reviewers involved were typically among the most senior examiners. The number of affected items per script was typically very low with only a small percentage of the tasks in each Learner’s assessment being affected. In most cases, only one item per script was affected.

‘Whole-script’ reviews

21. AQA has admitted that it was in breach of GCE / GCSE Condition 17.5 (b) in respect of all of the 1,255 whole-script reviews in 2018, given that the entire scripts were reviewed by the same person who had conducted the original marking.

22. AQA has admitted that it was in breach of GCE / GCSE Condition 17.5 (a) in respect of all of the 1,255 whole-script reviews in 2018, on the basis that, whilst the reviewers had the appropriate competence, there was an increased likelihood that the reviewer may recognise the material that they were reviewing and there was therefore the possibility that an informed and reasonable observer may conclude that the person carrying out the review could have reason to seek to minimise changes to their own original marking. There is no evidence or reason to believe that the reviewers in fact did so in this case.

Moderation

23. AQA has admitted that it was in breach of Condition 14.5 (a) and (b) in respect of each of the 10 applications from Centres for reviews of moderation in 2018, because the individual undertaking the review had moderated some or all of the items subject to review.

GCE Music appeal

24. In June 2018, AQA considered an appeal from a Centre in relation to a Learner's GCE Music exam following a review of marking. The appeal was accepted for consideration on the grounds that there may have been a marking error. At the preliminary review stage (the first stage of a two-part appeal process) AQA identified a procedural error in that the post-results reviewer had already assessed the Learner's work.

25. In order to address this failing, the expert opinion of the Chief Examiner was sought during the preliminary review. The Chief Examiner reviewed the work for the existence of marking errors that had not been identified by the reviewing examiner. The Chief Examiner confirmed that the mark scheme had been accurately applied and did not identify any errors in the marks awarded. The appeals officer was therefore satisfied that there were no marking errors in the original marking that should have been corrected at the review of marking stage. However, the appeal was upheld on the grounds that AQA had failed to properly apply procedures in accordance with GCE Condition 17.5(b). This was rectified by asking the Chief Examiner to conduct an additional review of the work at the preliminary review stage.

26. AQA has admitted that it breached:

- a) GCE Condition 17.5(b) - as the post-results reviewer had already assessed the Learner's work. This breach forms part of the 1,255 whole-script reviews referenced at paragraph 21 above;
- b) General Conditions A5.2(a) and (e) – by failing to have in place arrangements that ensured that it retained at all times a Workforce of appropriate size and competence, and by failing to ensure it maintained adequate systems of planning and internal control;
- c) General Condition A6.1 - by failing to take any steps to identify the risk that other similar incidents had occurred, or were likely to occur, which could have an Adverse Effect;
- d) General Condition B3.1 - by failing to take any steps to notify Ofqual of the event which it had cause to believe could have an Adverse Effect.

2017 series

Incidents in 2017

27. An analysis of AQA's records shows that the following category of reviews were marked or moderated by the same person in 2017:

Number of affected reviews in 2017	Category of review
18,187 (estimate)	Item-level CMI+
967	Whole-script
16	Review of Moderation
19,170 (includes estimate of CMI+)	TOTAL

28. Due to the normal deletion of data, in accordance with AQA's retention policy, it is not possible to quantify the exact number of affected item-level CMI+ reviews in 2017. However, AQA has been able to provide an estimated figure.

29. This estimate is based on the fact that the overall number of item-level CMI+ reviews received in 2017 was 86% of the overall number of items-level CMI+ reviews that were received in 2018, and the Enforcement Committee's acceptance that it is reasonable to conclude that the number of items affected in 2017 was proportionately equivalent to the number of items affected in 2018.

Item-level CMI+ reviews

30. AQA has admitted that it is more likely than not that it breached GCE / GCSE Condition 17.5(b) in respect of an estimated 18,187 item-level CMI+ reviews in 2017, because the problems that gave rise to the non-compliance in 2018 also existed in 2017.

Whole-script reviews

31. AQA has admitted that it breached GCE / GCSE Condition 17.5(a) and 17.5(b) in respect of the 967 whole-script reviews in 2017, as the entire scripts were marked and reviewed on its QMS system by the same person.

Moderation

32. AQA has admitted that it breached Condition 14.5 (a) and (b) in respect of each of the 16 applications from Centres for reviews of moderation in 2017, because the individual undertaking the review had moderated some or all of the items subject to review.

GCE Classical Civilisation appeal

33. In June 2017, AQA considered an appeal made by a Centre in relation to a Learner's GCE Classical Civilisation exam following a review of marking. The

preliminary appeal report identified that the Principal Examiner who reviewed the script was also the same Principal Examiner who had marked the script originally.

34. The appeals officer asked the Chief Examiner to undertake a further review of the scripts. The Chief Examiner confirmed that there was no evidence of any marking errors and that the original mark awarded was correct and fair.

35. The appeal was upheld on procedural grounds and the failure was addressed by the Chief Examiner conducting a further, independent review.

36. AQA has admitted that it breached:

- a) GCE (Pre Reform) Condition 10.5⁹ - as the Principal Examiner who reviewed script was also the same Principal Examiner who had marked the script originally. This breach forms part of the 967 whole-script reviews referenced at paragraph 31 above;
- b) General Conditions A5.2(a) and (e) – by failing to have in place arrangements that ensured that it retained at all times a Workforce of appropriate size and competence, and by failing to ensure it maintained adequate systems of planning and internal control;
- c) General Condition A6.1 - by failing to take any steps to identify the risk that other similar incidents had occurred, or were likely to occur, which could have an Adverse Effect;
- d) General Condition B3.1 - by failing to take any steps to notify Ofqual of the event which it had cause to believe could have an Adverse Effect.

37. AQA has subsequently investigated this incident, and the appeal incident in 2018, and identified that at the time of both incidents, there was insufficient clarity between the Appeals and Post Results teams regarding responsibility for the escalation of incidents. AQA has carried out an end-to-end review of its incident management process and has provided Ofqual with assurances (and supporting documentation) that show it now has in place clear, documented accountabilities and escalation routes across all departments to mitigate the risk of similar incidents recurring.

2016 series

38. An analysis of AQA's records shows that the following category of reviews were marked or moderated by the same person in 2016.

Number of affected reviews in 2016	Category of review
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⁹ GCE (Pre Reform) Condition 10.5 is the equivalent of GCE Condition 17.5(b) for reformed qualifications.

10,151 (estimated)	Item-level CMI+
1,412	Whole-script
20	Review of Moderation
11,583 (includes estimate of CMI+)	TOTAL

39. Due to the normal deletion of data, in accordance with AQA's retention policy, it is not possible to quantify the exact number of affected item-level CMI+ reviews in 2016. However, AQA has been able to provide an estimated figure.

40. This estimate is based on the fact that the overall number of item-level CMI+ reviews received in 2016 was 48% of the overall number of items-level CMI+ reviews that were received in 2018, and the Enforcement Committee's acceptance that it is reasonable to conclude that the number of items affected in 2016 was proportionately equivalent to the number of items affected in 2018.

Item-level CMI+ reviews

41. AQA has admitted that it is more likely than not that breaches of GCE / GCSE Condition 17.5(b) occurred in respect of the 10,151 item-level CMI+ reviews in 2016, because the problem that gave rise to the non-compliance in 2018 also existed in 2016.

Whole-script reviews

42. AQA has admitted that it breached GCE / GCSE Condition 17.5(b) and 17.5(a) in respect of the 1,412 whole-script reviews in 2016, as the entire scripts were marked and reviewed on its QMS system by the same person.

Moderation

43. AQA has admitted that it breached GCE / GCSE Condition 14.5 (a) and (b) in respect of each of the 20 applications from Centres for reviews of moderation in 2016, because the individual undertaking the review had moderated some or all of the items subject to review.

Other breaches

44. AQA has admitted that in 2016, it breached:

- a) General Condition A5.2(e) – by failing to maintain appropriate systems of planning and internal control which should have ensured that reviews of marking and moderation were not carried out by the same person that had done the original review; and

- b) General Condition A6.1 – by failing to take all reasonable steps to identify the risk of these incidents occurring in 2016.

Impact of breaches

45. The breaches affected an estimated 53,166 reviews of marking and moderation, in part or in whole, over a three year period, broken down as follows:

Year	Item-level CMI+	Whole-script	Moderation	TOTAL
2018	21,148	1255	10	22,413
2017	18,187 ¹⁰	967	16	19,170
2016	10,151 ¹¹	1412	20	11,583
TOTAL	49,486	3634	46	53,166

Item-level CMI+ reviews

46. AQA has asserted that in summer 2016, 2017 and 2018, its CMI+ reviewers were its most experienced examiners. They were provided with enhanced training before they undertook reviews and their work was sampled during the review period to ensure a rigorous review was taking place. Through this training, sampling, monitoring and intervention, AQA says it is confident that the item-level CMI+ review cases were not materially affected by the issue.

47. In addition to these quality assurance factors, the impact of the breaches on CMI+ reviews is mitigated by the fact that reviewers were not able to recognise their own work because:

- a) The CMI+ marking system is an anonymised, item-level marking system;
- b) Neither prime markers nor reviewers are in a position to assemble an overall impression of the likely performance of an individual Learner;
- c) Individual, item-level student responses are typically unmemorable, particularly for low-tariff items;

¹⁰ Estimated figure based on the fact that the overall number of item-level CMI+ reviews received in 2017 was 86% of the overall number of item-level CMI+ reviews that were received in 2018, and the Enforcement Committee's assumption that it is reasonable to conclude that the number of items affected in 2017 was proportionately equivalent to the number of items affected in 2018.

¹¹ Estimated figure based on the fact that the overall number of item-level CMI+ reviews received in 2016 was 48% of the overall number of item-level CMI+ reviews that were received in 2018, and the Enforcement Committee's assumption that it is reasonable to conclude that the number of items affected in 2016 was proportionately equivalent to the number of items affected in 2018.

- d) For the most part, reviewers would also not be able to recognise prime marking through individual or personalised examiner comments because of the use of a 'pre-set' list of potential comments by markers, while for other components the potential annotations that can be made are limited and inherently similar;
- e) Reviewers who had sight of their own marking in relation to the 21,148 item-level CMI+ cases in question typically marked such a high number of items in prime marking that it would likely be only in the most exceptional of cases that they would recognise individual student responses at the review stage. The median number of CMI+ items prime marked by the reviewers in question was 6,610. The average percentage of this prime marking that they subsequently reviewed was 0.9%.

Whole-script reviews

48. In relation to the affected whole-script reviews in 2016, 2017 and 2018, AQA has asserted that whilst it did not adequately deliver the service required of it, the reviewers in question were its most experienced examiners and there is no evidence to suggest that reviews were undertaken to an unacceptable level of quality, or that Centres and Learners received the wrong outcome.

Moderation

49. In relation to the affected reviews of moderation in 2016, 2017 and 2018, AQA accepts that it did not deliver the service expected by centres but notes that the impact of the breaches in the affected reviews of moderation was mitigated by that fact that:

- a) The reviewers in question were Lead Moderators, who set the standard for all moderating activity;
- b) AQA informed the affected Centres of the decision to use the Lead Moderator who had undertaken the original moderation – none of whom raised concerns when given the opportunity to do so;
- c) The view, held in good faith at the time, that it was desirable to have moderation cases reviewed by the original moderator when this person was the Lead Moderator who was effectively setting the standard.

Public confidence

50. Whilst there appears to be no evidence that breaches of the Conditions had any material impact on the outcome of any review, Ofqual's Enforcement Committee nevertheless found that the requirements in GCE / GCSE Conditions 17.5 (a) and (b) and 14.5 (a) and (b) are an integral part of the assessment process and fundamental to securing high quality assessments, standards and public confidence in GCSE and GCE qualifications. AQA's failure to provide a review of

marking and moderation in compliance with the Conditions, particularly across a large proportion of cases over a significant period of time, has the potential to seriously undermine public confidence in the review and appeals system and the qualifications system more generally.

Income from affected reviews

51. AQA has undertaken an analysis of the income it received from fees paid in relation to the affected reviews in 2016, 2017 and 2018.

52. In summary, the estimated figures are as follows:

	CMI+ reviews (proportionate estimate¹²)	Whole Script reviews¹³	Moderation¹⁴	Total Fees
2018	£52,000	£52,248	£1,484	£105,732
2017	£44,597	£38,426	£2,706	£85,729
2016	£25,177	£52,309	£2,766	£80,252
Total Fees	£121,774	£142,983	£6,956	£271,713

Avoided costs

53. Ofqual has asked AQA to estimate the costs it would, and should, have incurred in 2016, 2017 and 2018, had it maintained appropriate systems of planning and internal control and a workforce of appropriate size and competence (in accordance with Condition A5.2).

54. Excluding one-off compliance costs associated with changes to marking platforms that AQA has now incurred, AQA has estimated that it avoided ongoing compliance costs in relation to management overheads and system development, as follows:

Year	Avoided costs
2016	£114,170
2017	£165,673
2018	£180,480

¹² The income figures for the item-level CMI+ reviews are an estimate based on the percentage (approximately 7%) of items that were reviewed in breach of the Conditions, rather than the total income derived from each affected review.

¹³ The income figures for the whole-script reviews are based on actual data (not estimated).

¹⁴ The income figures for reviews of moderation are based on actual data (not estimated).

Total	£460,323
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Determination of a Monetary Penalty

55. On 18 September 2019, Ofqual's Enforcement Committee considered all of the evidence and the admissions made by AQA, and found that AQA has breached the following Conditions of Recognition in relation to its reviews of marking and moderation in 2016, 2017 and 2018:

- a) GCE / GCSE Condition 17.5 (a) and (b);
- b) GCE / GCSE Condition 14.5 (a) and (b);
- c) General Condition A6.1;
- d) General Condition B3.1;
- e) General Condition A5.2 (a) and (e).

56. The Enforcement Committee also considered a Settlement Proposal from AQA which offered to:

- a) admit all of the breaches set out in this Notice;
- b) compensate affected Centres (in the form of credit notes) in the sum of £735, 570;
- c) pay the Monetary Penalty in the sum of £350,000;
- d) pay Ofqual's reasonable costs in respect of this matter.

57. In determining whether or not a Monetary Penalty is an appropriate regulatory outcome in this case, and if so, what amount would be proportionate to impose, the Enforcement Committee had regard to Ofqual's Taking Regulatory Action policy (2012) and, in particular, the following aggravating and mitigating factors:

Aggravating factors

- a) These were extensive breaches which affected an estimated 53,166 reviews of marking and moderation, in part or in whole;
- b) The breaches were prolonged and repeated over a three year period from 2016-2018;
- c) These were serious breaches of Conditions that are integral to the effectiveness and purpose of the system of reviewing marking and moderation. The failures therefore have the potential to seriously

undermine public confidence in the review of marking, moderation and appeals system, and the qualifications system more generally;

- d) The circumstances of the breaches were substantially within the control of AQA. AQA did not identify risks or have adequate escalation processes in place and therefore opportunities to identify and remedy the problem in 2016 and 2017 were missed;
- e) When specific breaches were identified in 2017 and 2018 through the appeals process, they were not acted upon or reported to Ofqual.

Mitigating factors

- a) AQA has provided an action plan and an Undertaking setting out its approach to reducing the risk of future breaches. AQA has assured Ofqual that this action plan has operated with full success since the November 2018 series;
- b) AQA has expressed a wish to undertake compensatory measures for the affected centres to the value of £735, 570, reflecting the value of income received by AQA plus its avoided compliance costs. It is noted that AQA is an education charity operating for the public benefit, whose surpluses are reinvested into loss making qualifications and the provision of CPD;
- c) Of all the review applications made, the affected breaches represent a relatively small minority (6.9% in 2018);
- d) Of the affected CMI+ reviews, the number of items per script that were reviewed by the original marker was typically very low. In the majority of cases only one item in a script was affected. On average, 93% of items in each Learner's script was marked in compliance with the Conditions and therefore the impact on any individual affected Learner was extremely limited. Reviewers who had sight of their own marking in relation to the item-level CMI+ cases in question, typically marked such a high number of items in prime marking that it would likely be only in the most exceptional of cases that they would recognise individual student responses at the review stage. The median number of CMI+ items prime marked by the reviewers in 2018 was 6,610. The average percentage of this prime marking that they subsequently reviewed was 0.9%;
- e) AQA's CMI+ and Whole-script reviewers were their most experienced examiners and were provided with enhanced training before they undertook the reviews;

- f) The CMI+ reviews were monitored and sampled during the review process to ensure a rigorous review was taking place;
- g) There is no evidence that the breaches made a material difference to the outcome of any of the reviews;
- h) AQA has said that it was not, and it is not, its intention to benefit financially from any of the activities that were not carried out in accordance with the Conditions;
- i) Since becoming aware of the breaches, AQA has been co-operative with Ofqual and has expressed recognition and regret for its failings and has taken steps to prevent future occurrences, and proposed appropriate reparation.

58. The Enforcement Committee has also considered:

- a) any financial gain that AQA made from charging fees for services that it had not adequately delivered;
- b) any financial benefit that AQA accrued in comparison to other awarding organisations, for failing to put in place adequate systems of planning and internal control and a workforce of appropriate size and competence;
- c) the need to deter AQA and other awarding organisations from making similar failings in the future;
- d) the need to promote public confidence in qualifications through visible, appropriate and effective regulatory action;
- e) the nature and circumstances of these breaches in comparison to other similar breaches for which fines have been imposed by Ofqual on other Awarding Organisations;
- f) AQA's relative size and turnover as an awarding organisation;
- g) The admissions and Settlement Proposal made by AQA in this case.

Decision

59. Taking all of the above into account, the Enforcement Committee has decided to:
- a) impose a Monetary Penalty on AQA in the sum of £350,000; and
 - b) accept a Settlement Proposal from AQA in terms that AQA:
 - i. admits all of the breaches set out in this Notice;

- ii. compensates affected Centres (in the form of credit notes) in the sum of £735,570¹⁵;
- iii. agrees to pay the Monetary Penalty in the sum of £350,000;
- iv. agrees to pay Ofqual's reasonable costs in respect of this matter.

60. The figure of £350,000 includes a significant discount to reflect the fact that a Settlement Proposal has been put forward by AQA, and in particular, its proposal to pay £735,570 in compensation directly to affected Centres in the form of credit notes.

61. Had AQA not made a Settlement Proposal in this case, the starting point for the Monetary Penalty would have been significantly higher than £350,000. It would also have included an additional sum to reflect the income that AQA received from affected reviews and the compliance costs it avoided in 2016, 2017 and 2018.

62. The Enforcement Committee is satisfied, in accordance with section 151B of the Apprenticeships, Skills, Children and Learning Act 2009, that a Monetary Penalty in the sum of £350,000 would not exceed 10% of AQA's total annual turnover.

Representations

63. AQA has waived its right to make representations in respect of Ofqual's intention to impose a Monetary Penalty by way of making the Settlement Proposal.

64. Interested parties may make representations in respect of Ofqual's proposal to impose a Monetary Penalty on AQA and/or to accept a Settlement Proposal from AQA. Any such representations must be sent by E-mail to EnforcementCommittee@ofqual.gov.uk and must be received before **4pm on 12 November 2019**.

Next Steps

65. The Enforcement Committee will consider this case again on or after 13 November 2019.

¹⁵ The compensation figure of £735,570 includes the income AQA received from affected reviews (£271,713) and the compliance costs it avoided incurring (£460,323) and is rounded up in order award proportionate levels of compensation to affected Centres. A table setting out further details and the proposed banding of compensation for affected Centres is set out in Annex C of this Notice.

66. The Enforcement Committee will consider any representations made as specified in this Notice (Representations) and will decide whether to make a final order for the payment of a Monetary Penalty, and if so in what amount, and whether to accept a Settlement Proposal from AQA in the terms proposed or whether any other order should be made.

Signed: F Wadsworth

Name: Frances Wadsworth

Chair of the Enforcement Committee

Date: 15 October 2019

Enforcement Committee:

Frances Wadsworth

Christine Ryan

David Wakefield

NOTE:

- 1) If Ofqual does not receive representations it may determine this matter after the date for representations is given, alternatively it may agree a different date for the receipt of representations.
- 2) Ofqual will publish this Notice of Intention on its website.

Annex A

Legal provisions

Statutory powers

1. AQA Education (“AQA”) is recognised as an awarding body by The Office of Qualifications and Examinations Regulation (“Ofqual”) under section 132(1) of the Apprenticeships, Skills, Children and Learning Act, 2009 (“the 2009 Act”) and is subject to the General Conditions of Recognition (“the Conditions”) which Ofqual is required to set and publish under Section 134 of the 2009 Act.
2. Under Section 151A(2) of the 2009 Act, Ofqual may impose a Monetary Penalty on an awarding body if it appears to Ofqual that the awarding body has failed to comply with its Conditions of Recognition (General and/or Qualification Level).
3. Under Section 151B(3) of the 2009 Act, the amount of any Monetary Penalty may be whatever Ofqual decides is appropriate in all the circumstances of the case, subject to Section 151B(1), which provides that Ofqual may not impose a Monetary Penalty in an amount which exceeds 10% of the awarding body’s turnover.
4. Ofqual’s *Taking Regulatory Action* Policy (2012) sets out how it will use its powers to take regulatory action, including the factors it will take into account when deciding whether to impose a Monetary Penalty and how it will determine the amount of any Monetary Penalty to be imposed.

General Conditions of Recognition

5. AQA has a legal obligation to comply with the General Conditions of Recognition on an ongoing basis. The General Conditions of Recognition include guidance on how to comply with the rules. AQA has a legal obligation to have regard to this guidance.
6. The relevant General Conditions of Recognition in this case are:
 - a) A6 – Identification and management of risks;
 - b) B3 – Notification to Ofqual of certain events;
 - c) A5 – Availability of adequate resources and arrangements.
7. **Condition A6.1 provides that:**

“An awarding organisation must take all reasonable steps to identify the risk of the occurrence of any incident which could have an Adverse Effect.”

8. The associated guidance for Condition A6 provides examples of positive indicators that would suggest an awarding organisation is likely to comply with this Condition. In particular, the awarding organisation:
- *identifies events that might have an Adverse Effect using risk management approaches;*
 - *knows where ownership for its approach to risk management lies within the organisation;*
 - *reviews and updates its risks using a systematic and consistent approach.*
9. The guidance also provides examples of negative indicators that would suggest an awarding organisation is not likely to comply with this Condition. In particular, the awarding organisation:
- *does not systematically consider the range and type of risks that may have an impact on its regulated activities;*
 - *fails to identify a foreseeable risk where it might be reasonably expected to do so that could result in an Adverse Effect.*

10. Condition J1.8 defines an Adverse Effect as:

“An act, omission, event, incident, or circumstance has an Adverse Effect if it –

- (a) gives rise to prejudice to Learners or potential Learners, or*
- (b) adversely affects –*
 - (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,*
 - (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or*
 - (iii) public confidence in qualifications.”*

11. Condition B3.1 provides that:

“An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.”

12. An Adverse Effect is defined under J1.8 as detailed at paragraph 7 above.

13. The associated guidance to Condition B3 provides examples of positive indicators that would suggest an awarding organisation is likely to comply with this Condition. In particular, the awarding organisation:

- *identifies events that have occurred or are likely to occur that could have, or has had, an Adverse Effect and notifies Ofqual promptly;*
- *has clear decision-making and timely escalation processes for identifying and determining whether an event could have, or has had, an Adverse Effect.*

14. The guidance also provides examples of negative indicators that would suggest an awarding organisation is not likely to comply with this Condition. In particular, the awarding organisation:

- *does not have a clear and effective process for managing event notifications;*
- *does not notify Ofqual of an event which has had, or could have an Adverse Effect before Ofqual becomes aware of it through other means (for example through complaints by Learners or Centres, media reports or reports from other agencies) where it would have been possible to do so;*
- *experiences reoccurrences of the same or similar event where this could have been prevented.*

15. Condition A5.1 provides that:

“An awarding organisation must –

(a) ensure that it has the capacity to undertake the development, delivery and award of qualifications which it makes available, or proposes to make available, in accordance with its Conditions of Recognition, and

(b) take all reasonable steps to ensure that it undertakes the development, delivery and award of those qualifications efficiently.”

16. Condition A5.2 provides that:

“For these purposes, an awarding organisation must establish and maintain –

(a) arrangements which will ensure that it retains at all times a Workforce of appropriate size and competence

(b) ...

(c)...

(d)...

(e) appropriate systems of planning and internal control.”

17. The associated guidance to Condition A5 provides examples of positive indicators that would suggest an awarding organisation is likely to comply with this Condition. In particular, the awarding organisation:

- *identifies and has in place, the resources it needs to develop, deliver and award its qualifications;*
- *acts quickly to identify and address any shortcomings in its capacity or ability to develop, deliver or award any of its qualifications that it could not reasonably have foreseen.*

18. The guidance also provides examples of negative indicators that would suggest an awarding organisation is not likely to comply with this Condition. In particular, the awarding organisation:

- *does not identify or address inefficiencies in the development, delivery and award of its qualifications;*
- *fails to make appropriate amendments to the size and competence of its Workforce when it makes significant changes to the qualifications it offers.*
- *relies on IT systems that are prone to poor performance and/or repeated error.*

Qualification Level Conditions

19. In addition to the General Conditions of Recognition, AQA is subject to Qualification Level Conditions and Requirements in respect of the GCE and GCSE qualifications that it offers.

20. The relevant Conditions in force during the 2018 series were:

- GCE Qualification Level Conditions and Requirements (September 2017); and
- GCSE (9-1) Qualification Level Conditions and Requirements (September 2017).

21. There were a variety of different Conditions in force during the 2016 and 2017 series depending on whether the affected qualifications were legacy or reformed qualifications. For the purposes of this case, there is no material difference between the relevant Conditions across 2016 - 2018. For ease of reference, these Conditions are referred to collectively in this notice as 'GCE / GCSE' Conditions.

22. The relevant Qualification Level Conditions in this case are:

- GCE / GCSE17 - Review of marking of Marked Assessment Material; and
- GCE / GCSE14 – Review of Moderation

23. Condition GCE / GCSE 17.1 provides that:

“In respect of each GCE / GCSE Qualification which it makes available, an awarding organisation must establish, maintain and comply with arrangements for it to carry out a review of marking of a Learner’s Marked Assessment Material.”

24. Condition GCE / GCSE 17.5 provides that:

“The arrangements must provide that –

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

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

(c) ...”

25. Condition GCE / GCSE 14.1 provides that:

“In respect of each GCSE Qualification 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.”

26. Condition GCE / GCSE 14.5 provides that:

“The arrangements must provide that –

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

(b) a person who was previously involved in the Centre’s marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking,

(c) ...”

27. The guidance to the GCE / GCSE Conditions states that a ‘personal interest’ is a conflict of interest that relates to a particular individual and falls within the definition under Condition A4.1(b) and (c). 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.

Annex B

Undertaking and Action Plan



Undertaking given by AQA to the Office of Qualifications and Examinations Regulation ('Ofqual') in accordance with Condition B8 of the General Conditions of Recognition.

In the context of:

- A. GCE Qualification Level Conditions and Requirements ('GCE') 17.6 (b) and GCSE (9-1) Qualification Level Conditions and Requirements ('GCSE') 17.6 (b) that an Assessor previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner's Marked Assessment Material in respect of that task.
- B. AQA undertook a review of summer series 2018 post-results data. AQA identified, in a proportionately very small number of reviews of marking, that there were examples of individuals undertaking reviews in relation to parts of Learners' Marked Assessment Material (or in substantially fewer cases, whole scripts) of which they were the original Assessor.
- C. Of the exam scripts marked in connection with Assessments in the summer series 2018, the majority were scanned electronically, split into individual questions ("items") and each item was then marked by a separate examiner.
- D. In carrying out these item-level reviews of marking in respect of the 2018 summer series, AQA provided reviewers with Learners' responses to items of the Assessment in anonymised form for their review. Prime marking annotations were available to reviewers, but these were typically generic, predefined responses that did not identify the original Assessor. The Assessors involved in summer 2018 item-level reviews of marking typically marked over six thousand items during prime marking.
- E. A relatively small number of scripts were marked by an alternative method whereby whole scripts were marked by a single Assessor, having been provided electronically or through traditional paper based marking. These were typically in subjects or options with a small number of specialist Assessors.
- F. AQA provided the detail of its review to Ofqual in November 2018, and subsequently made a separate event notification pursuant to Condition B3 of the General Conditions of Recognition, albeit not promptly.
- G. From the November 2018 exam series, AQA implemented enhanced processes to ensure full compliance in that series. These included:
 - a. a change to AQA's online marking system that prevented reviewers being presented with Assessment Material for which they were the original assessor
 - b. the recruitment of additional reviewers in low entry qualifications (or qualification options) (where there may previously have been a sole specialist Assessor) and increased capacity where needed, to support full compliance in all panels.

- H. AQA reviewed the effectiveness of the measures introduced for the November 2018 series and has implemented learning in its planning in advance of the summer series 2019, with a view to securing full and sustained compliance with Qualification Level Conditions GCE 17.6 (b) and GCSE 17.6 (b).

THE UNDERTAKING

IN RESPECT OF THE SUMMER 2019 EXAMINATION SERIES AQA WILL:

1. Undertake a review of the number of reviewers required in respect of each qualification to ensure full regulatory compliance and recruit individuals to those posts.
2. Implement a change to its onscreen marking technology solution that will prevent reviewers being presented with assessment material for which they were the original assessor (this change having been successfully implemented in the November 2018 examination series).
3. Introduce revised internal monitoring arrangements in relation to the identity of markers and reviewers of assessments. Using targeted and specific management information, we will prevent reviews being allocated to the original Assessor and once reviews are allocated, identify and escalate any exceptions to this, and reallocate these assessments to an alternative reviewer, prior to the release of outcomes.
4. As an additional safeguard for any cases where our controls haven't prevented the original reviewer from being presented with an assessment, introduce a formal escalation process to enable reviewers and moderators to flag and escalate Assessment Material they may recognise from marking/moderation.
5. Ensure that systems are in place to facilitate prompt notification to Ofqual (pursuant to Condition B3 of the General Conditions of Recognition) of any instances where the measures implemented to secure ongoing compliance with relevant requirements fail.
6. Provide update reports to Ofqual in respect of the implementation of this Undertaking, week commencing 22 August 2019 (being one week after GCE results day), week commencing 16 September 2019 and to conclude week commencing 28th October 2019.


SIGNED – A Scharaschkin

DATED – 31 July 2019

(AQA Responsible Officer)

Condition of Recognition	AQA actions to meet Condition	Progress against plan
B3 General Conditions of Recognition	We will enhance and improve our processes as follows:	
B3.1 An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.	<ol style="list-style-type: none"> 1. We will promptly notify Ofqual in the case of any breach or potential breach of the Conditions and where an Adverse Effect is possible. 2. Event notifications are built into our incident management process, which we will invoke for any such cases where we believe we have or may breach conditions. 3. We will raise awareness and enhance training for operational staff on raising any issues where there is potential for adverse effect or variation to standard process. This action covers all Conditions, including in respect of the measures in place regarding reviews. 4. Daily analytics reporting highlights any risks where an event is likely to occur. This prompts action but in the unlikely occurrence this can't be mitigated our incident management process will be invoked. 	Operations teams have enhanced awareness of importance of raising potential issues as incidents. Daily analytics reports in place. Incident management process and guidance reviewed and refreshed.
GCSE (9-1) 17.6; GCSE (AtoG) 9.5; GCE (pre-reform) 10.5 and GCE (reform) 17.6 The arrangements must provide that –	We will enhance and improve our processes as follows:	
(a) all reviews of marking of Marked Assessment Material will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the review being carried out,	<ol style="list-style-type: none"> 1. Ensure additional reviewers with appropriate subject and assessment competence are recruited to supplement sole and small panels if needed; at least one additional reviewer will be added to each relevant panel. Reviewers will be drawn from: <ol style="list-style-type: none"> a) existing panels (other roles within the same panel or 	All panels have been reviewed to ensure this requirement was built into resource planning. No panel fulfilment concerns at present. Mandatory training is planned and

Condition of Recognition	AQA actions to meet Condition	Progress against plan
	<p>a cognate subject) or</p> <p>b) through additional recruitment, supported by appropriate training.</p> <p>c) Ensure additional reviewers recruited have no personal interest, through following existing recruitment processes.</p>	<p>scheduled for 15th July – 21st August. Any additional recruits after this date will also receive training before they are approved to review.</p> <p>Capturing personal interest is part of the recruitment process. It will prevent associates from reviewing centres they have an interest in.</p>
	<p>2. As an additional safeguard, put in place a formal escalation process for reviewers on all marking platforms to notify AQA if they believe they have a personal interest in the outcome of the review they have been presented with.</p>	<p>Processes in place from November 2018 series onwards, part of the guidance all reviewers receive before reviewing starts. This will be further emphasised in summer 2019.</p>
	<p>3. In unlikely event that a reviewer with personal interest is identified and review by alternative person was not possible, AQA will notify Ofqual promptly.</p>	<p>Staff are aware of this requirement and the need to escalate issues promptly.</p>
	<p>4. Additional review associates receive appropriate training in advance of completing reviews, to include standardisation in the component and existing mandatory training for reviewers. Safeguards will be put in place to prevent reviewing until training has been completed.</p>	<p>Built into process plans for all future series. Mandatory training and standardisation is planned, starting 15th July and progress is being tracked.</p> <p>All reviewers must complete mandatory e-learning. This is supplemented by webinars for some subjects. Any additional reviewers recruited after results days receive full training before being passed to review.</p>

Condition of Recognition	AQA actions to meet Condition	Progress against plan
<p>(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner's Marked Assessment Material in respect of that task,</p>	<p>We will enhance and improve our processes as follows:</p>	
	<p>5. Model associate resource requirements including:</p> <ul style="list-style-type: none"> a) using past and forecast information, b) the volume of reviews forecast and therefore the number of reviewers needed, c) adjusting this forecast to factor in periods of unavailability, d) adjusting based on final entries information and other relevant insight e) confirming the additional capacity that will be needed to ensure regulatory requirements are fully met in all cases and exceptions to process are not needed. 	<p>Modelling complete. We are confident in recruitment levels and have no panel fulfilment concerns at this stage. Ongoing reporting and monitoring is in place, through operational governance and we continue to track this.</p>
	<p>For sole examined and small panel components, actions including:</p> <p>identify alternative reviewers and contract at least one additional reviewer with availability for the review period, to be drawn from:</p> <ul style="list-style-type: none"> a) Chief, or other senior associate from another component in the same subject or b) associate from a related/cognate subject or another competent person. c) identify where additional capacity is needed and contract at least one additional reviewer with availability for the review period, to be drawn from the examining panel d) where further capacity is needed beyond 	<p>Successfully implemented in November and process in place as part of resource planning for all future series.</p> <p>Sole and small panel components now include at least one additional reviewer on each panel.</p>

Condition of Recognition	AQA actions to meet Condition	Progress against plan
	<p>that panel, contract and alternate competent person (Chief, or other senior associate from another component in the same subject, associate from a related/cognate subject).</p>	
	<p>6. Ensure effective monitoring of reviewer resourcing plans for each exam series through existing governance process, to provide assurance of sufficient and appropriate capacity on review panels. Reporting and governance through post results steering group and Operations Delivery Board, which includes the delivery-focussed members of the Operations Leadership Team.</p>	<p>Governance in place from November 2018 series onwards. Specific individuals dedicated to post results resourcing. Enhanced reporting and monitoring in place through weekly Operations Delivery Board, weekly Post Results Steering group, twice weekly reporting to the relevant delivery leads and daily reporting within the Resource Management team.</p>
	<p>7. Wherever practicable and proportionate, put in place additional management information/reporting across all components to identify exceptional non-compliance cases requiring intervention.</p>	<p>Successfully implemented and in place from November 2018 series onwards.</p>
	<p>8. As an additional safeguard, put in place a formal escalation process for all reviewers, on any marking platform, to notify AQA if they believe they were the original assessor they have been presented with.</p>	<p>Formal escalation process successfully implemented for reviewers from November 2018 series onwards.</p>

Condition of Recognition	AQA actions to meet Condition	Progress against plan
	9. Re-communicate to reviewers the requirement for them not to have been the original assessor in all or part of the assessment and of the formal escalation process they must take if they believe they were the original assessor	Communications shared in advance of each review series opening, as part of planned information and training for reviewers. Guidance documents updated for summer 2019.
	Whole script and hard copy reviewing 10. Ensure all processes for allocation of reviews (whole script or physical material) do not allow the material to be allocated to the original assessor.	In place from November 2018 series onwards through system settings and manual checks, without exception. Further internal resource being recruited to scale up these manual checks to manage volume for summer 2019 series.
	CMI - item level reviewing: 11. Ensure that all processes for allocation of reviews do not allow the material to be allocated to the original examiner.	Actions 12 - 15: An effective technology solution was implemented for November 2018 series onwards. We remain confident in this system.
	12. Ensure appropriate and robust testing of system controls and prior to live use.	This has been tested again ahead of summer 2019 and we remain confident in the system.
	13. Revise and update guidance to reviewers regarding enhanced processes to ensure they have clarity about the requirement.	In place from November 2018 series. Guidance updated for summer 2019.

Condition of Recognition	AQA actions to meet Condition	Progress against plan
	14. Ensure 'grace period' is sufficient to perform quality assurance checks against the Conditions prior to the release of outcomes to schools and colleges.	In place from November 2018 series. When managing the 'grace period' mindful of both UCAS deadline date and service levels for review requests. Daily reporting highlights the length of time since review was requested and progress of quality checks, allowing team to manage this closely.
	15. Establish a clear decision process for unavoidable exceptions to this rule, including appropriate escalation in AQA and reporting of these exceptions to Ofqual through the Event Notification process.	Teams involved in these processes are clear that any potential risk of exception to process must be escalated. Training documents are being reviewed across all teams involved in review of results services ahead of results.
GCSE (9-1) 14.5, GCSE (AtoG) 6.5, GCE (reform) 14.5, GCE (pre-reform) 7.5 and Project 8.5 The arrangements must provide that –	We will enhance and improve our processes as follows:	
(a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,	1. Ensure additional reviewers with appropriate subject and assessment competence are recruited to supplement sole and small panels if needed. Reviewers will be drawn from: a) existing panels (other roles within the same panel or a cognate subject) or b) through additional recruitment, supported by appropriate training.	All panels have been reviewed to ensure this requirement was built into resource planning. No panel fulfilment concerns at present. Mandatory training is planned and scheduled for 15 th July – 21 st August. Any additional recruits after this date will also receive training before they

Condition of Recognition	AQA actions to meet Condition	Progress against plan
		are approved to review.
	c) Ensure additional reviewers recruited have no personal interest, through following existing recruitment processes.	Capturing personal interest in centres is part of existing recruitment processes. The process is then to prevent assessors from marking or reviewing any centres they have declared an interest in. This is being further reviewed as part of an open incident/event notification. Any occurrences in prime marking are being rectified. Processes enhancements will prevent this recurring in reviews.
	2. As an additional safeguard, put in place a formal escalation process for reviewers on all marking platforms to notify AQA if they believe they have a personal interest in the outcome of the review they have been presented with.	Processes in place from November 2018 series onwards, part of the guidance all reviewers receive before reviewing starts. This will be further emphasised in summer 2019.
	3. In unlikely event that a reviewer with personal interest is identified and review by alternative person was not possible, AQA will notify Ofqual promptly.	Staff are aware of this requirement and the need to escalate issues promptly.
	4. Additional review associates receive appropriate training in advance of completing reviews, to include standardisation in the component and existing mandatory training for reviewers. Safeguards will be put in place to prevent reviewing until training has been completed.	Built into process plans for all future series. Mandatory training and standardisation is planned, starting 15 th July and progress is being tracked.

Condition of Recognition	AQA actions to meet Condition	Progress against plan
		All reviewers must complete mandatory e-learning. This is supplemented by webinars for some subjects. Any additional reviewers recruited after results days receive full training before being passed to review.
(b) a person who was previously involved in the Centre's marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking,	We will enhance and improve our processes as follows:	
	<ol style="list-style-type: none"> 1. Model associate resource requirements including: <ol style="list-style-type: none"> a) using past and forecast information, b) the volume of reviews forecast and therefore the number of reviewers needed, c) adjusting this forecast to factor in periods of unavailability, d) adjusting based on final entries information and other relevant insight e) confirming the additional capacity that will be needed to ensure regulatory requirements are fully met in all cases and exceptions to process are not needed. 	Modelling complete. We are confident in recruitment levels and have no panel fulfilment concerns at this stage. Ongoing reporting and monitoring is in place, through operational governance and we continue to track this.
	<ol style="list-style-type: none"> 2. For sole moderated and small panel components, actions including: <ul style="list-style-type: none"> identify alternative reviewers and contract at least one additional reviewer with availability for the review period, to be drawn from: <ol style="list-style-type: none"> a) Chief or senior associate from another component in the 	<p>Successfully implemented in November and process in place as part of resource planning for all future series.</p> <p>Sole and small panel components</p>

Condition of Recognition	AQA actions to meet Condition	Progress against plan
	<p>same subject, or,</p> <p>b) associate from a related/cognate subject or another competent person</p> <p>c) identify where additional capacity is needed and contract at least one additional reviewer with availability for the review period, to be drawn from the examining panel</p> <p>d) Where further capacity is needed beyond that panel, contract and alternate competent person (Chief or other senior associate from another component in the same subject, associate from a related/cognate subject).</p>	<p>now include at least one additional reviewer on each panel.</p>
	<p>3. Additional review associates receive appropriate training in advance of completing reviews, to include standardisation in the component and existing mandatory training for reviewers. Safeguards will be put in place to prevent reviewing until training has been completed.</p>	<p>Built into process plans for all future series. Mandatory training and standardisation is planned, starting 15th July and progress is being tracked.</p> <p>All reviewers must complete mandatory e-learning. This is supplemented by webinars for some moderation subjects.</p> <p>Any additional reviewers recruited after the training date will receive training before being passed to review.</p>
	<p>4. Ensure effective monitoring of reviewer resourcing plans for each exam series through existing governance process, to provide assurance of sufficient and appropriate capacity on review panels.</p> <p>Reporting and governance through post results steering group and Operations Delivery Board, which includes the delivery-focussed members of the</p>	<p>Governance in place from November 2018 series onwards. Enhanced reporting and monitoring in place through weekly Operations Delivery Board, twice weekly reporting to the relevant delivery leads and daily within the Resource Management</p>

Condition of Recognition	AQA actions to meet Condition	Progress against plan
	Operations Leadership Team.	team.
	5. Wherever practicable and proportionate, put in place additional management information/reporting across all components to identify exceptional non-compliance cases requiring intervention.	Successfully implemented and in place from November 2018 series onwards.
	6. As an additional safeguard, put in place a formal escalation process for all reviewers, to notify AQA if they believe they were the original assessor with an assessment they have been presented with.	Formal escalation process successfully implemented for reviewers from November 2018 series onwards.
	7. Re-communicate to reviewers the requirement for them not to have been the original assessor in all or part of the assessment and of the formal escalation process they must take if they believe they have had prior involvement.	Communications shared in advance of each review series opening, as part of planned information and training for reviewers. Guidance documents updated for summer 2019.
	8. Ensure all processes for allocation of reviews of moderation do not allow the material to be allocated to the original moderator.	In place from November 2018 series onwards through system settings and manual checks, without exception. For postal moderation, this is built into the system; for visiting moderation, manual allocations to centres are checked to confirm the review moderator is not the original moderator.

Annex C

How compensation will be distributed to Centres

1. AQA proposes to compensate Centres affected in 2016, 2017 and 2018, through the provision of credit notes, banded to ensure appropriate levels of compensation. The details of the banding are set out in the table below:

Centre-level differentiation (based on number of learner assessments (scripts or NEA) within a centre that were reviewed in whole or in part by the original assessor)	Number of Centres	Credit Note Value per centre (£)	Total Value (£)
1-2 assessments	1,323	110	145,530
3-5 assessments	953	220	209,660
6-20 assessments	1,014	330	334,620
>20 assessments	104	440	45,760
Total	3,394		735,570

2. These proposals are based on data held by AQA in relation to the summer 2018 examinations and seeks to compensate Centres that requested a review or marking and/or moderation when that review was not carried out in compliance with AQA's Conditions of Recognition.
3. Although AQA holds data on the Centres that requested reviews of marking or moderation in 2017 and 2016, due to the normal deletion of data in accordance with its retention policy, it does not hold, and cannot now retrieve, data on which Centres' reviews would have been carried out in breach of the Conditions of Recognition during those series.
4. However, the degree of overlap between Centres applying for reviews in 2018, and those applying in 2017 and 2016 is high, and as the proportion of Centres affected in 2017 and 2016 was less than in 2018, AQA believes that the vast majority of Centres affected in 2017 and 2016 series will be compensated by this proposed approach.
5. The credit notes will be redeemable against the full range of AQA's services, with choices being entirely in the hands of Centres. AQA will ensure that the

accompanying communications do not convey any promotional content or seek to advantage AQA in any way.

6. AQA proposes to pay this compensation to Centres within 28 calendar days of the date of this Notice.
7. Interested parties may make representations in respect of this proposal as set out in paragraph 64 of this Notice.