Consultation Response Document

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

# Respond

Please respond to this consultation using one of the following methods:

* complete the online response available on [this webpage](https://www.gov.uk/government/consultations/changes-to-our-rules-for-reviews-of-marking-moderation-and-appeals).
* email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk) - please include the consultation title in the subject line of the email and make clear who you are and in what capacity you are responding

For information on how we will use and manage your data, please see annex A.

# Questions

1. 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.

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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 the review, and the actions they take if they learn of any issues?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

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

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

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

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

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

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. To what extent do you agree or disagree that we should introduce key date requirements for access to scripts at GCSE?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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.

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

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

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. Do you have any views on the contents of our proposed new guidance?

Yes/No

Comments:

1. 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?

Strongly agree/ agree /neither agree nor disagree/ disagree/strongly disagree

Please explain your answer.

1. 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?

Yes/No

Comments:

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

Yes/No

Comments:

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

Yes/No

Comments:

1. 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?

Yes/No

Comments:

1. 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?

Yes/No

Comments:

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

Yes/No

Comments:

1. ***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.***

***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.***

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.

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