

Evaluating the pilot of an additional ground for appeal

Findings and decisions



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Executive summary

In July 2016, we decided that exam boards should pilot the provision of an additional ground for appeal when schools and colleges have remaining concerns about results following a review of marking or moderation. The additional ground for appeal is that there has been a Marking Error¹. In 2016, this was for AS and A level geography; religious studies; and physics. Previously, for these and other subjects in 2016, appeals could only be brought on the ground that there had been an error in an exam board's procedure. We used the pilot to evaluate the potential impact of such a change and help schools and colleges understand how appeals on this new ground would work. We stated² we would not make a decision to roll out the new ground of appeal until we had completed our evaluation.

The evaluation comprised:

- **Data analysis**, which was designed to identify any particular patterns and trends in the pilot appeals both on their own and compared with other appeals in 2015 and 2016.

We found that for the pilot subjects, there was an increase in appeals submitted, more appeals were successful, and more candidates' grades were changed following appeal.

- **Regulatory impact analysis**, which was designed to determine the likely financial and resource implications of the new requirement on both exam boards and schools and colleges.

Based on our analysis, we estimate the annual net cost of rolling out the additional ground for appeal to all GCSE, AS and A level subjects to be about £250,000 across the exam boards and £50,000 in total across the 6,000 schools/colleges³ that offer GCSEs and A levels (the additional costs per school or college, therefore, in any given year are likely to be small). Annex A sets out the assumptions this estimate is based on.

¹ The awarding of a mark or the arrival at an outcome of Moderation which could not reasonably have been given or arrived at given the evidence generated by the Learner(s) (and for Moderation, the centre's marking of that evidence), the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation in relation to Moderation or marking, including in particular where the awarding of a mark or outcome of moderation is based on: an Administrative Error, a failure to apply such criteria and procedures to the evidence generated by the Learner(s) where that failure did not involve the exercise of academic judgment, or an unreasonable exercise of academic judgment.

² <https://www.gov.uk/government/consultations/changes-to-regulations-for-enquiries-and-appeals>

³ This is across all schools and colleges entering candidates for GCSE, AS and A levels, which equates to approximately 6,000 centres. In the summer 2016 exam series, there were 5,955 centres in England with candidates entered for GQ exams.

There may be other small costs that also need to be taken into account, that we have not done in this analysis, such as those for exam boards to review and update their processes and provide additional training for their staff. We also recognise that schools and colleges will need time to consider whether to appeal on the additional ground, and that there are costs in preparing any appeal case.

- **Analysis of people's experiences of the new arrangements**, included a survey of centres, interviews with independent appeals panel members and appellants, and discussions with exam boards. This was designed to determine people's views and if the new arrangements address the frustrations and concerns of schools and colleges with the existing appeals process.

We found centres generally welcomed the changes; they felt the additional ground allowed them to appeal on relevant matters. Panel members were broadly supportive. Some raised concerns about practical implications, these included their ability to make subject-specific judgements and any implications of changes at this stage of the appeals process for the wider subject cohort. Centres' awareness of the pilot was not very high.

- **Consideration of the conduct of appeals** through a review of exam boards' processes and documentation, and observation of some appeal panel hearings, which was designed to determine how well the new ground was implemented and managed in practice.

We saw that as a result of the pilot some errors in marking were found and corrected as a result of the appeal. Exam boards could implement the pilot requirements. They were able to make use of subject expertise to ensure the appeal was investigated appropriately, and adapted their processes to allow for the additional basis of appeal.

Conclusion

The findings show the additional ground for appeal provides a better opportunity for errors in marking to be identified and corrected. We have concluded that we should roll out the new requirement to all GCSEs, AS and A levels, and Project qualifications. Nevertheless, we recognise the scale of the pilot was modest. It required exam boards to adopt a different approach to appeals and was the source of some nervousness. Taking this into account, we have decided to phase the implementation to make it more manageable and to allow capacity to develop at a controlled pace. We will introduce the requirement for exam boards to allow appeals to be brought on the ground of a marking error:

- to all AS and A level subjects in 2017;

- to Project qualifications in 2017;
- to GCSE (9-1) English language, English literature and mathematics in 2018; and
- to all remaining GCSE subjects in 2019.

Introduction

In December 2015, we consulted⁴ on proposals to extend the grounds on which centres, and in some cases students⁵, can appeal against marking and moderation decisions for GCSEs, AS and A levels. This was part of a series of proposals designed to improve the ways in which exam boards review marking and moderation, and consider appeals (collectively known as post-results services), by making them more transparent and fair.

We based our proposals on our research⁶ which found that, under our previous rules, while exam boards corrected marking errors, they sometimes also changed marks that represented a proper application of the mark scheme and the reasonable application of an examiner's academic judgement. This could unfairly advantage candidates whose marks were reviewed over others. We also identified schools' and colleges' frustration with the existing appeal arrangements. They felt unable to appeal on the grounds that a student had been given an incorrect mark that had not been corrected on review.

We proposed that centres that remained concerned after a review of marking should be able to appeal to the exam board on the ground that there was an error in the marking. This was in addition to the existing ground that the exam board, when marking/moderating the assessment, did not correctly follow its procedures and/or our rules.

As a result of our consultation, we required exam boards to pilot the provision of the additional ground for appeal in 3 AS and A level subjects in 2016: geography; religious studies; and physics. We wanted to use the pilot to evaluate the potential impact of the change and help schools and colleges understand how appeals on this new ground would work. We confirmed⁷ that we would not decide whether to roll out the new ground of appeal until we had completed our evaluation.

⁴ <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice>

⁵ Only a centre is able to appeal following a review of moderation

⁶ <https://www.gov.uk/government/collections/ofquals-quality-of-marking-research>

⁷ <https://www.gov.uk/government/consultations/changes-to-regulations-for-enquiries-and-appeals>

The evaluation

The purpose of the evaluation was to inform our decision on whether we should require exam boards to allow appeals to be brought on the grounds that there had been an error in the marking, as well as on procedural grounds, for all GCSEs, AS and A levels.

We have considered whether we should also introduce the requirement to allow appeals on the additional ground to Project qualifications. This follows our consultation on updating the rules for Project qualifications⁸ where we said that we would take a decision about introducing this requirement following the evaluation of this pilot.

The evaluation comprised several strands:

- data analysis, which was designed to identify any particular patterns and trends in the pilot appeals both on their own and compared with the rest of the appeals from 2015 and 2016;
- regulatory impact analysis, which was designed to determine the likely financial and resource implications of the new requirement on exam boards, schools and colleges;
- analysis of people's experiences of the new arrangements, including a survey of centres, interviews with independent appeals panel members and appellants, and discussions with exam boards. This was designed to understand people's views and to determine if the pilot addressed frustrations and concerns of centres with the existing appeals process; and
- consideration of the conduct of appeals through a review of processes and appeals documentation and observation of some appeal panel hearings, which was designed to determine how well the additional ground was being implemented and managed in practice.

The evaluation ran from November 2016 to March 2017. All analysis was carried out by Ofqual, except the interviews with panel members and appellants, which were carried out by an external, independent, researcher.

Data analysis: findings

The 4 exam boards (AQA, OCR, Pearson, WJEC) submitted GCSE and AS and A level appeals data from 2015 and 2016. We analysed the data⁹ for any changes to

⁸ <https://www.gov.uk/government/consultations/updating-our-rules-and-guidance-for-project-qualifications>

⁹ It is important to note that the data we have analysed only includes data from the 4 main exam boards in England (AQA, OCR, Pearson and WJEC). The data the boards submitted to us for the

the number of appeals submitted and the outcome of these appeals to understand the possible effect of the new arrangements. We made comparisons in appeal submissions for the AS and A level pilot subjects (geography, physics and religious studies), by the grounds for appeal the appellant had chosen to submit their case on (marking error or procedural error) in 2016, and across the 2015 and 2016 exam series.

Appeal submissions

In 2016, there were 312 appeal cases submitted to the 4 exam boards across GCSE and AS and A level subjects. This was a 21% decrease from 2015 when 393 appeals were submitted. This decrease was in the context of an overall fall by 5% in the number of GCSE and AS and A level unit entries¹⁰ and changes to admission practices in higher education.

As the table and Figures 1, 2 and 3 below show, there was an increase in the number of appeals brought in the 3 pilot subjects between 2015 and 2016. In 2016 most of the appeals cases in these subjects were brought on the additional ground.

Appeals in the pilot subjects (see Figures 1, 2 and 3)	
2016 appeals in AS and A level geography, religious studies and physics	46 appeals (15% of all appeals in AS and A level and GCSE in 2016) 39 of the 46 cases (85%) were on the additional ground
2015 appeals in AS and A level geography, religious studies and physics	27 appeals (7% of all appeals in AS and A level and GCSE in 2015)

purposes of this evaluation was provided at the end of January 2017, and so may be missing some figures for appeals cases outside of the pilot subjects.

¹⁰ This breaks down to a 17% decrease in AS and A level entries and a 1% decrease in GCSE entries.

Figure 1: Number of all appeal cases by year, subject and ground:

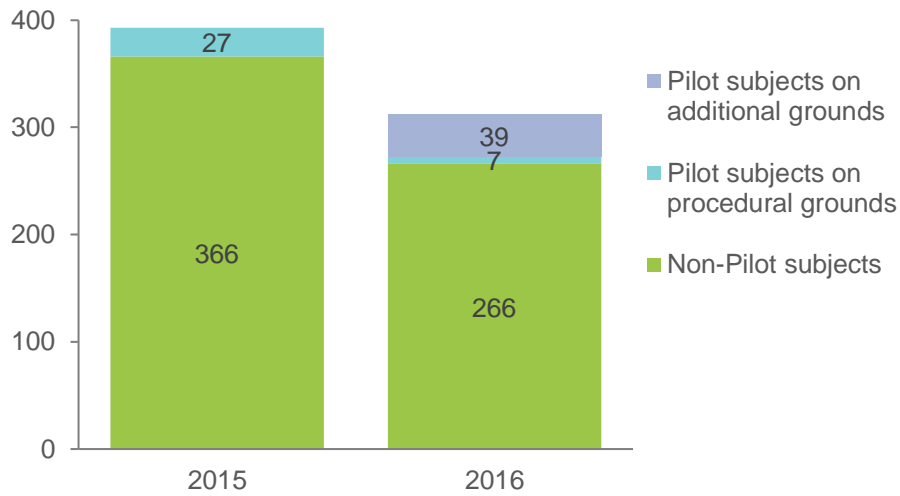


Figure 2: Proportion of all appeal cases by year, subject and grounds:

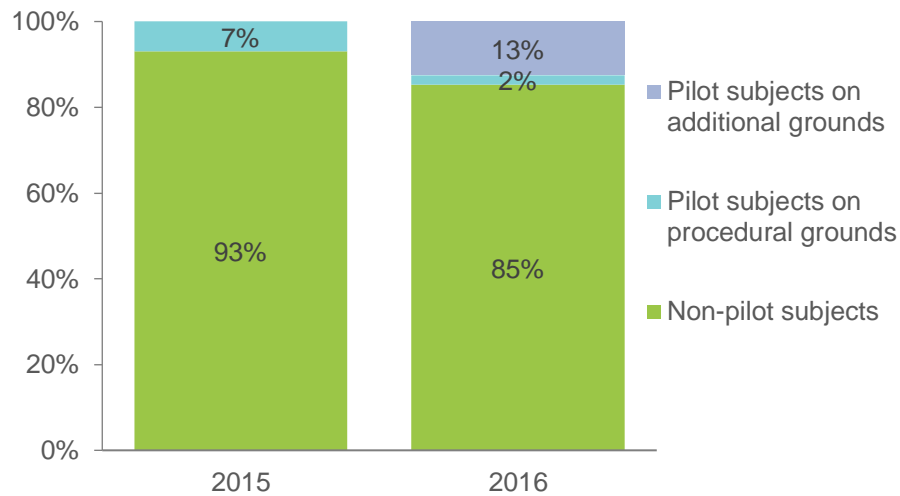
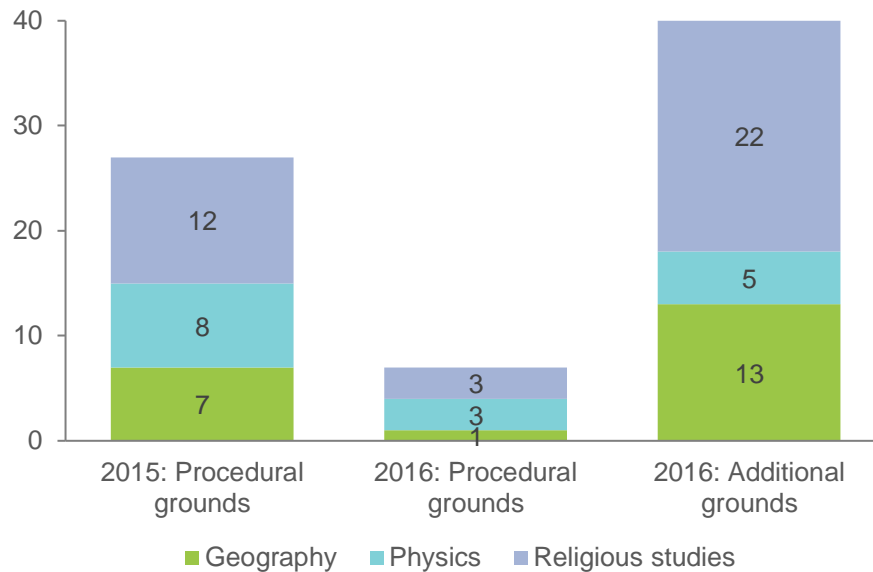


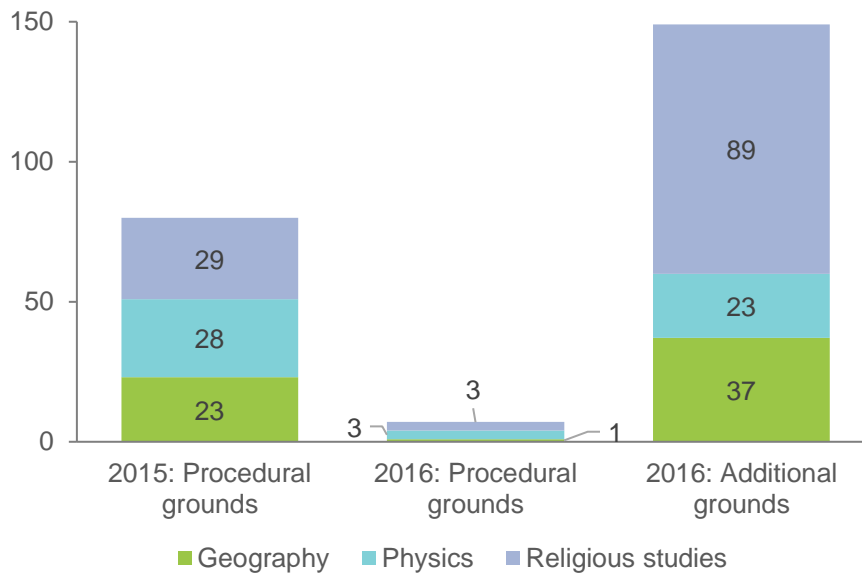
Figure 3: Number of appeals submitted by year and grounds in the three subjects:¹¹



We also considered the number of candidates affected because one appeal can include many candidates. The number of candidates' results submitted for appeals in the 3 pilot subjects doubled from 2015 to 2016, rising from 78 candidates in 2015 to 156 candidates in 2016. Of these 156 candidates in 2016, 149 were part of an appeal submitted on the additional ground (see Figure 4). We know the number of candidates in each appeal case varies, and this will be particularly true in cases brought on the additional ground where a potential marking or moderation error may affect only a few candidates, whereas a potential procedural error may affect larger groups of candidates.

¹¹ The number of appeals in 2016 on the additional ground, by subject, total 40, as opposed to 39, because one appeal case includes appeals in both geography and religious studies.

Figure 4. Number of candidates included in appeals cases by year and grounds:¹²



The stage¹³ at which the appeal was resolved

In the 3 AS and A level pilot subjects, all 27 appeal submissions in 2015 were resolved at stage 1. In 2016, of the 7 appeals submitted on procedural grounds, 1 appeal case, for physics, went to stage 2. For the 2016 appeals submitted on the additional ground, 2 of 39 appeals went to stage 2, one for physics, and one for religious studies.

The proportion of all appeals that went to stage 2 in the pilot (5.1%) is consistent with that across all subjects in 2015 (5.6%) and all appeals on procedural grounds in 2016 (5.5%). This suggests that the additional ground for appeal does not increase the number of appeals that can't be resolved without the face-to-face panel hearing (the more burdensome part of the process).

¹² The graph shows that the number of candidates included in appeals cases in 2015 totals 80, rather than 78, which is the figure given in the paragraph immediately before the graph. This is because an individual candidate can be involved in appeals in more than one subject. In 2015, there were 78 individual candidates, two of whom were involved in two appeals cases each.

¹³ Exam boards have each chosen to operate a 2-staged process for appeals services. Stage 1 is an internal investigation by the exam board which takes into account the written submission from the appellant. If the appellant is dissatisfied with the outcome of stage 1, they can make a request for a stage 2 appeal. The stage 2 appeal provides a formal opportunity for the appellant to present their case to the exam board at a panel hearing. The exam board's panel is chaired by an independent person not directly employed by the exam board.

Appeals outcomes¹⁴

For pilot and non-pilot subjects the table below shows, on procedural grounds, the percentage of appeals that were upheld was generally consistent across 2015 and 2016. While appeals in the 3 pilot subjects were slightly more successful in 2016 on procedural grounds, as the numbers are so small we cannot read anything into the difference. We consider the more meaningful comparison to be between outcomes of appeals across all subjects on procedural grounds in 2015 and 2016, and appeals on the additional ground in 2016 (see table below). This suggests the success or otherwise of appeals brought on procedural ground remains constant, but those brought on the grounds of a marking error (the additional ground) are more likely to succeed.

Appeals outcomes	2015	2016
Appeals on procedural ground (all subjects)	61 of 399 (15%) upheld	45 of 267 (17%) upheld
Appeals on procedural ground (A/AS geography, physics, religious studies only)	3 of 27 (11%) upheld	3 of 7 (43%) upheld
Appeals on additional ground (A/AS geography, physics, religious studies only)	Not applicable	14 of 41 (34%) upheld

Of the appeals outcomes in 2016, more candidates' marks were changed following an appeal than in 2015. All appeals upheld on the additional ground resulted in a mark change, but cases upheld on procedural ground may not have resulted in a mark change.

¹⁴ An appeal can result in different outcomes for candidates who are part of the same case. The total number of appeal outcomes in 2016 on the additional grounds is greater than the total of the 39 appeal cases. This is because one appeal case in religious studies resulted in two outcomes – errors identified for some candidates in the appeal upheld, and not for others (5 out of 27 were upheld, the remainder rejected). One appeal case in geography also resulted in two outcomes (1 out of 5 were upheld, the remainder rejected).

Grade changes

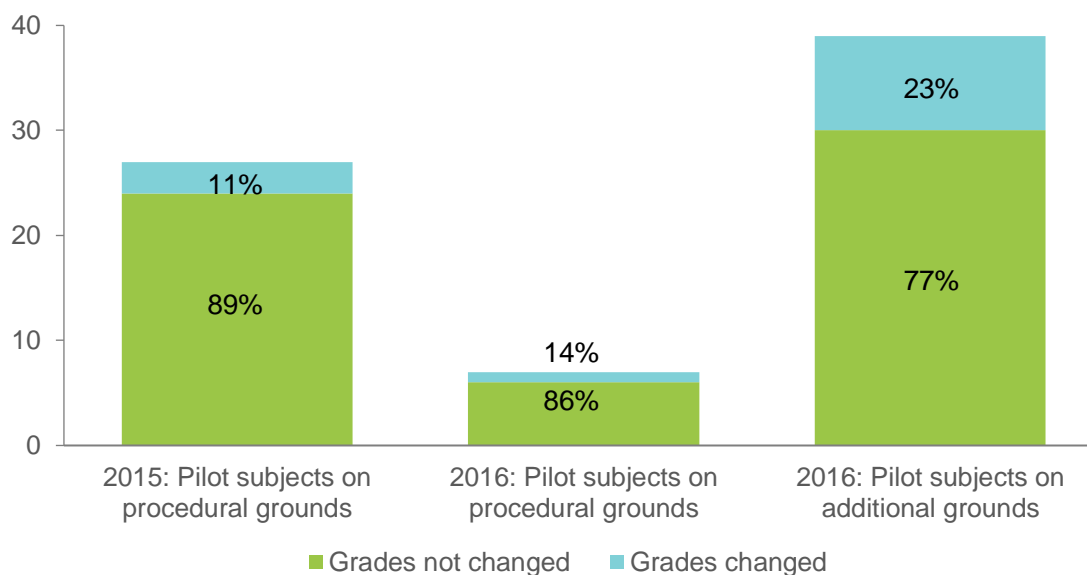
As a result of a review of marking/moderation or appeal, marks might change but may not be big enough to result in a change in grade.

For the purposes of our analysis, we focussed on appeals cases rather than individual candidates due to the fact that the number of candidates varies so much from case to case. The number of appeal submissions that led to grade changes are as follows:

Grade changes	2015	2016
Appeals on procedural grounds (all subjects)	44 cases out of 393 (11%)	41 cases out of 273 (15%)
Appeals on procedural grounds (A/AS geography, physics, religious studies)	3 cases out of 27 (11%)	1 case out of 7 (14%)
Appeals on additional grounds (A/AS geography, physics, religious studies)	Not applicable	9 cases out of 39 (23%)

There was a slight increase in the proportion of procedural cases which resulted in grade changes between 2015 and 2016 across all subjects. A similar increase can be seen in procedural cases in the 3 pilot subjects. The more marked difference, though recognising the small sample size, can be seen in the proportion that resulted in changes to students' grades in 2016 on the additional ground; a higher proportion of cases resulted in changes to their grades in the appeals on the additional ground when compared to appeals on procedural grounds.

Figure 5. The number and proportion of cases with a grade change as a result of appeal, by year and subject:



Note. All grade changes are 1 grade increase, except for two 2015 cases for religious studies, in which one outcome decreased by 1 grade, and another by 2 grades.

Key findings

The sample is small, however, the data shows that there has been an increase in appeals submitted, more appeals have succeeded and more cases have resulted in grade changes.

Regulatory impact analysis: findings

Any change we make to our appeal requirements will result in exam boards having to change their approach. Centres might have to adapt their behaviours as well. Before we make such changes, we consider the likely impact.

We wanted to understand the impact of the pilot. We asked exam boards to tell us how they changed their approach to appeals for the subjects in the pilot. We also asked for any revised policies and for information about costs.

Financial analysis

We asked exam boards some detailed questions to understand the financial impact of our changes on them. Some boards were unable to provide all the information we requested and so we have made some assumptions in our calculations based on the information we were given. We have set out our assumptions in the analysis. The

assumptions we have made are for the purposes of modelling our analysis and result in some very precise looking figures; we know in reality figures will fluctuate year-on-year.

Approach to analysis

Using the data and information gathered during the appeals pilot we have estimated:

- the number of appeal cases that will be brought each year on the additional grounds of appeal in all subjects at AS and A level and GCSE. We assumed these cases will be in addition to existing appeals on procedural grounds, although the experience of the pilot suggests the number of appeals brought on procedural grounds is likely to drop;
- the cost to exam boards of processing each appeal on the additional ground. We did this separately for appeals related to reviews of marking and those related to reviews of moderation at stage 1, and for stage 2 appeals; and
- the additional fee revenue exam boards will collect from increased appeals which are paid as costs by schools and colleges.

We used these estimates to assess the overall net impact on exam boards and schools/colleges (who pay appeal fees) of rolling out the appeals pilot to all AS and A level subjects, and, separately, to all GCSE subjects.

Findings

The detailed analysis which shows how we arrived at the figures is provided at Annex A of this report.

In summary, we estimate the annual net cost impact of rolling out the appeals pilot to all GCSE, AS and A level subjects to be £250,000¹⁵ across the exam boards (£64,000 for all AS and A level subjects and £186,000 for all GCSE subjects), and £50,000 in total across the 6,000 schools/colleges¹⁶ that offer GCSEs and A levels (£30,000 for all AS and A level subjects and £20,000 for all GCSE subjects).

The total impact on schools and colleges would be spread across approximately 6,000 centres. The additional costs per school or college, therefore, in any given year are likely to be small.

¹⁵ Figures rounded to nearest £5,000

¹⁶ This is across all schools and colleges entering candidates for GCSE, AS and A levels, which equates to approximately 6,000 centres. In the summer 2016 exam series, there were 5,955 centres in England with candidates entered for GQ exams.

We calculate exam boards' revenues to amount to approximately £320 million per year from GCSE, AS and A level entry fees and approximately £20 million per year from reviews of marking.

Other impacts

In addition to the financial impact, there would be other resource implications if the additional ground of appeals applied to all GCSEs and GCEs, notably the costs to exam boards of revising their ways of working and preparing their people to deliver the new approach.

We recognise that schools and colleges would spend time considering whether to appeal on the additional ground. If they decided to do so, they would then have to prepare their case. We have not attempted to quantify the costs they would incur.

Key findings

Based on our analysis, we estimate the annual net cost impact of rolling out the appeals pilot to all AS and A level and GCSE subjects would be:

- £250,000 across all exam boards (£64,000 for all AS and A level subjects and £186,000 for all GCSE subjects); and
- £50,000 across all schools/colleges (£30,000 for all AS and A level subjects and £20,000 for all GCSE subjects).

(Note, figures are rounded up to the nearest £5,000)

Experiences of the new arrangements: findings

We sought views from people with direct experience of appeals in both exam boards and centres and those who had experience of the additional and existing grounds. We commissioned an independent researcher to interview appellants and independent panel members who hear appeals. We supplemented these interviews with:

- discussions directly with staff who administer the appeals process in exam boards;
- the findings from one exam board's own evaluation which in turn had surveyed and interviewed its own staff and assessors/reviewers; and
- a survey of schools and colleges.

Interviews

Names and contact details of people willing to be interviewed were provided to Ofqual by the exam boards. Of those provided, 6 appellants (responsible for 7 appeals in the 3 pilot subjects) and 3 panel members (all from one panel hearing in the pilot) were interviewed. In addition, the interviewer spoke to one appellant and 3

panel members involved with non-pilot appeals. The interviews were semi-structured, guided by a script and conducted over the telephone.

The interviews found that most of the appellants were broadly supportive of the pilot changes. For example, people said:

“If these new grounds, new reasons for appeal are ratified I think that will go a long way to helping [improve the system].”

“I think the ability to question them and to appeal on marking issues, which I believe is the thing that the pilot is all about, is excellent, is first class. I cannot encourage it more.”

Interviewees gave the impression that it was easier to appeal on the additional ground because there was no need to allege a procedural error when it was concern about a marking error that was actually the issue. They felt that the additional ground enabled them to focus their appeal more clearly on concerns they had about marking. They believed it was a fairer approach.

We did, however, find some appellants who were not in full support. In the sample there was only one centre that had experienced a stage 2 appeal on the additional grounds. This appellant initially considered the pilot changes to be an improvement but, after the panel hearing, was disillusioned. The centre found the experience intimidating, that they were significantly outnumbered in the appeal hearing and felt that it was more like a jury making a judgement of whether there was a case rather than the exam board being subjected to scrutiny.

While panel members thought that the facility to appeal against a marking error was a fairer practice, they believed that the practical implications may not lead to improvements:

“I think it is an improvement because it wasn’t allowed before. But there are obviously consequences.”

Panel members, in particular, were apprehensive about the potential of the new ground for appeal to undermine the hierarchical examining structure in national examinations whereby the Principal Examiner is usually seen to ‘hold the standard’.

The interviews identified additional themes:

- **Consistency of approach.** Both appellants (who had experience of more than one exam board’s processes) and independent appeal panel members (who, in some cases, worked for more than one exam board) expressed concern that procedures, training and documentation were inconsistent across exam boards. We do not require exam boards’ processes to be consistent, but we do expect their respective approaches to meet our rules.

- **Subject-specific expertise.** Panel members, on the basis of their training and experience to date, were worried about the need, and their ability, to make subject-specific judgements under the additional appeals arrangements.
- **Fairness of the proposed arrangements.** Both appellants and appeal panel members were concerned that the appeals process, irrespective of the pilot changes, was not equally accessible to all schools and colleges.
- **Awareness.** Information about the pilot and the additional ground for appeal was lacking. We found one appellant, who was not interviewed but who nevertheless, told us they were unaware of the pilot arrangements even though they had made an appeal in religious studies. Another interviewed appellant noted that none of the exam boards drew attention to the pilot following a review of marking or moderation. All the documentation sent out was the same as in previous years. No extra information was added to highlight the pilot.

Supplementary evidence

The findings from the interviews accorded, to an extent, with one exam board's (OCR) own evaluation of the pilot, within which they surveyed and interviewed their assessors/reviewers and staff members. This showed that reviewers/assessors felt they should be provided with more information, guidance and clearer instructions throughout the appeal process. Overall, OCR's evaluation recognised that it had not fully tested the approach as it had received no stage 2 appeals in the pilot subjects, though it showed broad support for the approach.

We wanted to understand schools' and colleges' awareness of the additional ground for appeal in the pilot subjects. In February 2017, we ran a short online survey of schools and colleges, which attracted 193 responses. When asked if they were aware of the pilot of the additional ground for appeal, 75.6% of respondents said they were not. When these respondents were asked if they had been given the opportunity to bring the appeals they made this year on the additional ground, 75% said they would have done so.

Key findings

We found that centres broadly welcomed the changes, although one appellant expressed more negative views following their panel hearing.

Panel members were broadly supportive, although some raised concerns about practical implications, including their ability to make subject-specific judgements and any implications of changes at this stage of the appeals process for the wider subject cohort.

We found that awareness in centres of the new arrangements and the pilot was low.

The findings suggest that centres felt the additional ground allowed them to focus their appeal more clearly on concerns they have about results and whether candidates received the right mark; they feel the additional ground is more relevant.

Conduct of appeals: findings

Exam boards provided us with full sets of documentation from all appeals in the pilot subjects, a sample of documentation from appeals in non-pilot subjects, and details of changes made to their processes and policies as a result of our new requirements for reviews of marking, moderation and appeals. Three members of Ofqual staff observed two stage 2 panel hearings in the pilot subjects. We used the documentation and our observations to consider a number of areas:

- the nature of the subject expertise used by the exam boards when investigating the grounds for appeals;
- whether the processes the exam boards operated were in accordance with the new requirements (being mindful that this was a pilot and so exam boards were adjusting to and testing the requirements);
- whether the procedures in place for managing the appeals were fair, the determinations reached in relation to appeals were supported by sufficient evidence, and whether there was appropriate opportunity for it to be considered;
- for those that proceeded to stage 2, whether there was evidence to show that those determining the appeal were aware of the additional ground and the tests that should be applied; and
- whether the manner in which the appeal had been dealt had been significantly different (both better and worse), to reviews and appeals on procedural grounds.

The documentation confirmed that some candidates had their marks increased as a result of an appeal on the additional ground. Exam boards addressed errors with marking that had not been put right at the review of marking/moderation stage. We found the exam boards used subject experts at the appeal stage, usually a senior examiner, to make judgements, and the reports produced were generally detailed. Where the reviewer considering the appeal identified a marking error, their views

were fully taken into account. However, in the case of responses marked using levels-based mark schemes, senior examiners' analyses appeared to be hampered by a lack of reference to standardisation or other benchmark scripts used in the process to exemplify descriptors in the mark schemes. Explanations for responses to levels-based mark schemes would have been more comprehensive with inclusion of standardisation scripts and such references may be helpful to show why a particular mark was given.

The pilot also indicated exam boards may, in some circumstances, need to consider using external expertise (an appropriate subject expert who may not have been involved in the original marking) to increase the validity of a judgement in instances, where a point of fact or legitimate interpretation needs to be established. This external expertise could be used in conjunction with the senior examiner's knowledge of how to apply the mark scheme. We have made exam boards aware of these issues so that they are able to consider their processes.

Overall, the approaches taken by the exam boards appeared to be manageable, and they have shown they are able to adapt their processes. We did, however, identify some inconsistencies which have potentially been confusing to centres, and which was borne out in the interviews we carried out. Some centres were not clear about the level of detail expected of them in making a case that there was an error in marking or moderation. We also found some discrepancies in the boards' processes and paperwork against our new requirements. We expect that exam boards consider what changes they need to make to their documentation and we are following up with exam boards where appropriate.

Key findings

As a result of being able to appeal on the ground that there was an error in the marking, marking errors that were not corrected at review stage were found and corrected.

Exam boards were able, in the pilot subjects, to consider appeals on the ground of a marking error. They were able to use subject expertise to consider the appeal and to adapt their processes. We identified some areas for improvement which we have brought to the attention of the exam boards.

Conclusions

Our analysis of the appeals was extensive, and despite the small sample size, has allowed us to consider a range of evidence. The findings show that while there are some practical issues to be worked through by the exam boards, the additional ground for appeal provides an opportunity for errors in marking to be discovered and corrected. This has led us to conclude that we should require exam boards to consider appeals on the ground that there had been an error in the marking, as well as on procedural grounds, for all GCSEs, AS and A levels.

We know this will have implications for exam boards and schools and colleges, and we have considered these carefully. We acknowledge that centres that decide to appeal incur costs, both in the fees they pay to the exam board (which are paid only if the appeal is unsuccessful) and in their preparation time. We have estimated a £50,000 net impact across all 6,000 or so schools and colleges which enter students for GCSEs, AS and A levels as a result of appeals fees, although exam boards may change their costing models in future. Schools and colleges are best placed to decide whether to appeal. We believe they should be able to appeal on the ground of a marking error if that is their concern.

We recognise there will be an increase in exam boards' costs. We do not regard the costs disproportionate when considered in the context of their fee income. We also recognise that more appeals could be brought and that exam boards might decide to change how they cover their costs.

We have found that, even with relatively short notice, exam boards were able to consider appeals on the ground of a marking error. However, the pilot was small-scale and the exam boards will have to make further changes to accommodate a wider range of subjects.

Given this, we have decided to phase the implementation to make it more manageable and to allow capacity to develop at a controlled pace. So, we will extend the requirement for exam boards to allow appeals to be brought on the ground of a marking error:

- to all AS and A level subjects in 2017
- to Project qualifications in 2017
- to GCSE (9-1) English language, English literature and mathematics in 2018
- to all remaining GCSE subjects in 2019

We will review the success of the roll out, and amend it as necessary.

We have prioritised AS and A level qualifications because of their importance for progression and to make sure the same opportunity to appeal is available for all students, regardless of their subject choice.

The Extended Project is often used by students alongside AS and A levels to satisfy university entry requirements. We therefore believe it is appropriate that the same appeal opportunities are available in respect of this qualification.

GCSEs in English language, English literature and mathematics are also key for progression and are taken by the largest numbers of students. The reformed qualifications in these subjects will be awarded for the first time in 2017. We believe that by 2018 exam boards will have had time to develop their capacity to consider appeals in these subjects on the ground of a marking error, albeit that they might need longer to prepare to consider such appeals across all GCSE subjects.

By 2019 there should be exam board capacity to consider appeals in all GCSEs on the ground of a marking error. Schools and colleges will have had time to become familiar with the approach.

There are some areas for improvement identified through the evaluation that we will want exam boards to be mindful of as the changes are implemented. Some of these are specific, and some apply to all. We have followed up with exam boards. In particular we want to ensure that centres have the best possible opportunity to engage with the changes and that exam boards make their policies clear, and provide guidance for centres to help them make their case.

We would like to thank exam boards for providing us with the data and information to enable us to evaluate the pilot, and appellants and panel members for taking part in interviews and discussions.

Annex A – Financial analysis

This section provides the detailed analysis which was summarised in the main body of the report.

Using the data and information gathered during the appeals pilot we have estimated:

- the number of appeal cases that will be brought each year on the additional ground of appeal – we have assumed these cases will be in addition to existing appeals on procedural ground, although the experience of the pilot suggests the number of appeals brought on procedural grounds is likely to drop;
- the cost to exam boards of processing each appeal on the additional ground; we have done this separately for appeals related to reviews of marking and those related to reviews of moderation at stage 1, and for stage 2 appeals; and
- the additional fee revenue exam boards will collect from increased appeals and the costs schools and colleges will incur.

We have used these estimates to assess the overall net impact on exam boards and schools/colleges (who pay appeals fees) of rolling out the appeals pilot to all AS and A level subjects, and, separately, to all GCSE subjects.

We have made assumptions in our calculations, based on the information we were given by the exam boards and these are set out in the analysis. The assumptions we have made are for the purposes of modelling our analysis and result in some very precise looking figures; we know in reality figures will fluctuate year on year.

Appeals on additional ground in AS and A level subjects

Number of appeals on additional ground

Table 1 below shows the number of appeals brought in recent years has varied but it is a broadly consistent proportion (around 0.013%) of the total certifications.

Table 1: Appeals against reviews of marking:

	2014 (all AS and A level subjects)	2015 (all AS and A level subjects)	Average based on 2014 and 2015 (all AS and A level subjects)	2016 (appeals on additional grounds in pilot subjects)
Total certifications ¹⁷	2,140,281	2,163,000	2,151,641	221,400 ¹⁸
Number of appeals ¹⁹	274	305	290	40
% of total certifications	0.013%	0.014%	0.013%	0.018%
			Increase	35%

There was a slightly higher proportion of procedural appeals (38 total appeals, around 0.016% of certifications) brought in the pilot subjects in 2015; in the absence of any evidence to the contrary, we have assumed this falls within normal variation.

In 2016, there were 40 appeals (presented as 39 cases, with one case covering appeals in two subjects) submitted on the additional grounds in the pilot subjects²⁰. This was 35% more than the proportion of appeals typically brought on procedural grounds in those subjects.

We have assumed that the number of appeals on the additional ground across all AS and A level subjects would similarly be 35% greater than current number of procedural appeals. On this basis, taking the average number of appeals on procedural grounds, 290, we reach an indicative figure of 392 appeals each year on the additional ground (290 x 135%).

¹⁷ Source: [Annual Qualifications Market Report 2014/15](#) and [Annual Qualifications Market Report 2013/14](#)

¹⁸ We have assumed that total certifications in pilot subjects will decrease between 2015 and 2016 in line with the observed decrease in total certifications

¹⁹ Source: [Appeals for GCSE and A level - Summer 2015 exam series](#)

²⁰ We have used 40 as the basis of this part of the analysis as we know that, because one of the cases included two subjects, there were separate examiner reports completed, each incurring a cost for the exam board

Key assumption 1: Across all AS and A level subjects, there will be an average of 392 appeals brought on the additional ground each year.

This is in addition to the current average of 290 procedural appeals in AS and A level subjects.

Across the 3 pilot subjects, there was only one appeal of the outcome of a review of moderation. There are typically very few appeals against reviews of moderation in AS and A levels. This reflects the very low numbers of reviews of moderation requested. In 2016, there were only 1,400 requests for reviews of moderation in all AS and A level subjects, compared with 83,000 requests for reviews of marking.

Given these low numbers, we have assumed, for the purposes of modelling impact, that, across all AS and A level subjects, the number of appeals of reviews of moderation on the additional ground will be 1% of the number of appeals of reviews of marking, ie, 4 additional cases (392 x 1%).

Key assumption 2: Across all AS and A level subjects, there will be an average of 4 additional ground appeals of reviews of moderation each year.

This is in addition to current procedural appeals against reviews of moderation.

Cost of processing appeals on the additional ground

We asked the 4 exam boards to provide us with data about the costs incurred in processing an appeal on the additional ground. We asked for existing costs and for costs associated with the pilot arrangements.

At stage 1 of the exam boards' appeal process, exam boards told us that the cost incurred is that of engaging a senior examiner to assess whether a Marking Error or Moderation Error has occurred. For appeals against reviews of marking, the examiner must review each individual candidate's script. We have used the highest cost provided to us of £40 per candidate (we received 3 responses; 1 stating a cost of £40, and 2 stating £35).

For appeals against reviews of moderation, the senior examiner must review the moderation sample. The exam boards estimated the cost of this exercise at around £140 (we received 2 responses; 1 stating a cost of £140, and 1 stating £135). Given that a moderation sample will comprise scripts for several students, this appears to be broadly in line with the costs observed in appeals of reviews of marking.

Stage 2 of the exam boards' appeal process is more costly, as it involves convening a panel which meets to hear the case from the school or college. While the particular issues considered will vary from one case to another, our view is that exam board costs are unlikely to vary significantly between different stage 2 appeals, the costs of

paying panel members and, where necessary, venue hire will be the same whatever the ground for appeal. Based on data provided by one exam board, we estimate that a stage 2 panel hearing costs approximately £1,455 (comprising costs for the time of 3 senior examiners at £285 each, plus room hire at £600).

Key assumption 3a: At stage 1 of their appeals process, the cost incurred by exam boards in processing an appeal on the additional ground is:

- £40 per candidate for reviews of marking
- £140 per case for reviews of moderation

Key assumption 3b: At stage 2 of their appeals process, the cost incurred by exam boards in processing an appeal on the additional ground is the same as for processing a procedural appeal case; £1,455 per case.

In practice, during the pilot all 4 exam boards chose to carry out a procedural review in every additional grounds appeal, even though our rules do not require it. Given our assumption that the costs for procedural reviews are covered by existing revenues, the only costs we have factored in are those related to the marking error reviews.

Revenue from appeals on the additional ground

Exam boards are permitted to charge fees for appeals. The fees vary, but they currently charge (on average, based on the published price lists from all four exam boards) the following:

- £117 per case for a stage 1 appeal of a review of marking;
- £229 per case for a stage 1 appeal of a review of moderation; and
- £177 per case for a stage 2 appeal.

Exam boards currently refund fees when appeals are upheld.

Exam boards have told us that the actual cost for an appeal is more than they charge. With the proportion of successful appeals, for which the fee is refunded, and the high cost of stage 2 appeals not reflected in the fee, this is entirely possible. Exam boards did not provide further detail and so we have been unable to reflect this in our analysis. For the purposes of our analysis, therefore, we have used their existing costing models.

It is important to note that we know exam boards may change their fee structures in the future, especially given the fact that the number of candidates per appeal case will vary significantly when a case is brought on the ground of a marking or

moderation error (as these potential errors may only have affected individual candidates, whereas a procedural error is likely to affect groups of candidates).

Key assumption 4: Exam board costing models for appeals will be unchanged from current levels, although as noted above, this is a working assumption that we are aware could change in future.

Estimating key cost and revenue drivers

Number of candidates in stage 1 appeals of reviews of marking

As noted above, at stage 1, the costs of additional ground appeals of reviews of marking are driven by the number of candidates, rather than the number of cases.

To estimate the cost of stage 1 additional grounds appeals of reviews of marking, we therefore need to estimate the average number of candidates in each case (Table 2).

Table 2: Number of candidates per appeal:

	2014 (all subjects)	2015 (all subjects)	Average (all subjects)	2016 (additional grounds appeals)
Number of appeals	274	305	290	40
Number of candidates ²¹	1,571	1,198	1,385	163
Candidates per case	5.7	3.9	4.8	4.1
			Decrease	15%

Data from the pilot shows that, on average, an appeal brought on the additional ground involves 4.1 candidates, acknowledging of course this figure is based only on a small-scale pilot. This is around 15% lower than in an average AS and A level procedural appeal. This is in line with our expectations, as procedural issues would be more likely to affect an entire schools' entry, whereas Marking Errors are more likely to affect just individual candidates.

Key assumption 5: Across all AS and A level subjects, an appeal of review of marking will relate to an average of 4 candidates.

²¹ Source: [Appeals for GCSE and A level - Summer 2015 exam series](#)

Proportion of cases upheld

Because exam boards do not collect appeal fees if the appeal is upheld, their revenues are affected by the success rate of appeals. We therefore need to estimate the proportion of appeal on the additional ground that will be successful at stage 1 and stage 2.

Data from the pilot (Table 3) shows that the proportion of appeals upheld at stage 1 is higher in appeal on the additional ground (43%) than in procedural appeals (20%).

Table 3: Success rates for appeals:

	2014 (all subjects)	2015 (all subjects)	Average (all subjects)	2016 (additional grounds appeals)
Number of appeals	274	305	290	40
Appeals upheld at stage 1 (number)	61	53	57	17
Appeals upheld at stage 1 (proportion)	22%	17%	20%	43%
Number of appeals progressing to stage 2	21	19	20	2
Proportion of stage 1 rejections proceeding to stage 2	10%	8%	9%	9%
Appeals upheld at stage 2 (number)	3	3	3	0
Appeals upheld at stage 2 (%)	14%	16%	15%	n/a

Data from the pilot also shows that around 9% of appeals on the additional ground rejected at stage 1 proceeded to stage 2 (the panel hearing). This is consistent with current procedural appeals. The small sample size means we do not have sufficient data to assess the proportion of additional ground stage 2 appeals that would be upheld, so we have assumed this will be consistent with procedural appeals, at 15%.

Key assumption 6: 43% of appeals on the additional ground will be upheld at stage 1.

Key assumption 7a: 9% of appeals on the additional ground rejected at stage 1 will proceed to stage 2. Based on our assumptions above, this is equivalent to 9% x 57% x 396 cases = 20 cases.

Key assumption 7b: 15% of appeals on the additional ground will be upheld at stage 2.

Estimated overall impacts (AS and A level)

Using these assumptions, we calculate our estimated overall impacts as follows:

	Stage 1 (reviews of marking)	Stage 1 (reviews of moderation)	Stage 2
Number of cases	390	4	20
Number of candidates	1593	n/a	n/a
Unit cost	£40 per candidate	£140 per case	£1,455 per case
Cost (rounded to nearest £500)	£63,500	£500	£29,000
Total exam board cost	£93,000		
Number of cases not upheld	222	2	17
Exam board fee	£117	£229	£177
Revenue (rounded to nearest £500)	£26,000	£500	£3,000
Total exam board revenue	£29,500		

This shows, then, that we have calculated the cost to exam boards of facilitating the additional ground for appeal in AS and A level subjects to be £63,500 per year.

Appeals on the additional ground in GCSE subjects

Because the appeals pilot used AS and A level subjects only, we have estimated the impact of allowing appeals on the additional ground in GCSE subjects using similar assumptions as AS and A level. These are, though, less reliable than the ones we made for AS and A level, due to the fact we have not run a pilot in GCSEs. It is possible that the new grading of GCSEs will prompt more requests for appeals, as could school accountability pressures.

While some of the key data and cost drivers are the same across procedural appeals at GCSE and AS and A level, others differ significantly.

Table 4: Comparison of GCSE and AS and A level procedural appeals:

	2014 (GCSE)	2015 (GCSE)	Average (GCSE)	Average (AS and A level)
Number of appeals	161	182	172	290
Number of candidates	4,738	6,007	5,373	1,385
Candidates per appeal	29	33	31.2	4.8
Appeals upheld at stage 1 (number)	44	29	37	57
Appeals upheld at stage 1 (proportion)	27%	16%	22%	20%
Number of appeals progressing to stage 2	8	14	11	20
Proportion of stage 1 rejections proceeding to stage 2	7%	9%	8%	9%
Appeals upheld at stage 2 (number)	1	1	1	3
Appeals upheld at stage 2 (proportion)	12.5%	7%	9%	15%

As Table 4 shows, in current procedural appeals:

- the number of appeal cases is significantly smaller at GCSE – 172 per year versus 290 at AS and A level. Using the same increase we calculated at AS and A level of 35% (see key assumption 1 and associated calculations), this

provides an estimated number of 232 appeals per year brought on the additional ground in GCSE (172 x 135%);

- the number of candidates per appeal is higher at GCSE – 31.2 versus 4.8 at AS and A level; and
- the proportion of appeals upheld at stage 1 and stage 2 (and the proportion of unsuccessful appeals proceeding to stage 2) are consistent across GCSE and AS and A level.

We have adjusted our assumptions for GCSE to take account of these differences as follows.

Key assumption 8: Across all GCSE subjects, there will be an average of 232 additional ground appeals of reviews of marking each year. This is in addition to the current procedural appeals.

Key assumption 9: In line with the observed decrease at AS and A level, the number of candidates per additional ground appeal of reviews of marking will be 15% less than the number of candidates in existing procedural appeals at GCSE – i.e. there will 26.5 candidates per additional ground appeal at GCSE.

Key assumption 11: In line with AS and A level:

- the number of additional ground appeals of reviews of moderation at GCSE will be 1% of the number of additional ground appeals of reviews of marking, ie 2 appeals per year;
- 43% of additional ground appeals at GCSE will be upheld at stage 1;
- 9% of GCSE additional ground appeals rejected at stage 1 will proceed to stage 2. Based on our assumptions above, this is equivalent to 9% x 57% x 232 cases = 12 cases; and
- 15% of GCSE appeals on the additional ground will be upheld at stage 2.

We have also adjusted one of our key cost assumptions at GCSE – the unit cost of a stage 1 additional ground appeal of reviews of marking. Our view is that – as a result of the reduced complexity and length of answers at GCSE relative to AS and A levels - it should be simpler and quicker to review candidate scripts for marking errors at GCSE than at AS and A level. We have therefore assumed that a senior examiner review of a candidate's work at GCSE will cost £30, rather than the £40 at AS and A level.

Key assumption 12: At stage 1 of their appeals process, the cost incurred by exam boards in processing an additional ground appeal for a GCSE review of marking is £30. All other costs remain unchanged from AS and A level.

Estimated overall impacts (GCSE)

Using these assumptions, we calculate the estimated overall impacts as follows:

	Stage 1 (reviews of marking)	Stage 1 (reviews of moderation)	Stage 2
Number of cases	232	2	13
Number of candidates	6,153	n/a	n/a
Unit cost	£30 per candidate	£140 per case	£1,455 per case
Cost (rounded to nearest £500)	£184,500	£500	£19,000
Total exam board cost	£204,000		
Number of cases not upheld	133	2	10
Exam board fee	£117	£229	£177
Revenue (rounded to nearest £500)	£15,500	£500	£2,000
Total exam board revenue	£18,000		

This shows, then, that we have calculated the cost to exam boards of facilitating the additional ground for appeal in GCSE subjects to be £186,000 per year.

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