

Appendix 3

Guidance on considering Marking Errors on a review or appeal

Awarding organisations which make available GCSE Qualifications are required to have in place arrangements for the review and appeal of marking and Moderation decisions. In relation to marking, an awarding organisation is required to have in place arrangements:

- for the review of the marking undertaken by the awarding organisation (Condition GCSE17), and
- for the appeal of the result of an assessment following a review (Condition GCSE18).

Anybody carrying out such a review or appeal¹ must make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition GCSE25).

A Marking Error is defined as:

“The awarding of a mark for a task which could not reasonably have been awarded given the evidence generated by the Learner, the criteria against which Learners’ performance is differentiated and any procedures of the awarding organisation in relation to marking, including in particular where the awarding of a mark is based on -

- (a) an Administrative Error (as defined in Condition GCSE25),*
- (b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or*
- (c) an unreasonable exercise of academic judgment.”*

We set out our guidance for the purposes of these Conditions below. This comprises both general guidance on the purpose of the provisions and guidance on how we expect awarding organisations to approach the consideration of whether there has been a Marking Error.

Condition GCSE12 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of Centre-marked assessments. These arrangements must require remarking where there has been a Marking Error².

In addition to this, Conditions GCSE14 and GCSE18 contain similar provisions relating to arrangements for the review of Moderation of a Centre's marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review or appeal³ must make a change to the outcome of

¹ As an exception to this, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications for appeals requested before 1 March 2017.

² This requirement will not come into force until such a date as is specified in, or determined under, a notice published by Ofqual.

³ As an exception to this, the requirement for Moderation Errors to be considered on an appeal will apply only to specified pilot qualifications for appeals requested before 1 March 2017.

Moderation where the Moderation included a Moderation Error (which has a definition in Condition GCSE25 which is similar to the definition of Marking Error).

Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, our guidance should broadly apply similarly to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal).

Purpose of considering Marking Errors

A review or appeal may identify that there had been errors in the marking. Examples of this could include a clear and unambiguous failure to properly apply the mark scheme or the identification of unmarked creditworthy material. Such errors must be corrected.

However, for many assessments, it is a misunderstanding to say that Learners have always been either given a 'right mark' or a 'wrong mark'. This is because those assessments require Assessors to use their academic judgment in deciding what mark to award.

It will often be the case that two Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Both of these marks are reasonable marks.

Following a review or an appeal, a reasonable mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

A review or appeal should not be an opportunity for a Learner to have a second go at getting a better mark. Such a review or appeal should only interfere with a mark where there has been a Marking Error.

Guidance on approach to considering Marking Errors

On any review of marking (in line with Condition GCSE17.4 and the definition of Marking Error in Condition GCSE25) the Assessor carrying out the review must consider whether or not the mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.

However, the Assessor should take the following steps for each task in the assessment:

- Determine whether there has been an Administrative Error in the marking, such as a failure to mark a Learner's response, and correct any such error.
- Determine whether the task is one where there are only 'right' and 'wrong' marks or one where Assessors are required to exercise their academic judgment. If there are only 'right' and 'wrong' marks, determine whether the 'right' mark was

given. Where the 'right' mark was not given, correct the mark. Otherwise, make no change to the mark.

- If the task requires Assessors to exercise their academic judgment:
 - First, determine whether the marking contains any errors. Where an error is found, correct the mark.
 - Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.
 - Where there is no Marking Error make no change to the mark.

In making any of the above decisions on a review, the Assessor should have considered the Learner's answer, the mark scheme and any of the awarding organisation's marking policies which are relevant. The Assessor should document the reasons for each decision which is made.

We expect a similar approach to be followed where an awarding organisation is considering whether there has been a Marking Error (as opposed to procedural matters) on an appeal, with the exception that Condition GCSE18 does not require that the appeal panel itself must carry out any remarking which is required.

In marking (or remarking) an assessment, Assessors can only make judgments in line with the mark scheme and other relevant procedures. If, following the awarding of marks, an awarding organisation considers that there is a problem with a mark scheme or a relevant procedure, the awarding organisation should take steps to resolve the issue in line with its Conditions of Recognition. We would not generally expect such problems to be dealt with through the review and appeal process.

Guidance on academic judgment

In considering whether or not there has been a Marking Error, the person(s) carrying out a review or appeal will often need to consider whether or not the marking of a task included any unreasonable exercise of academic judgment.

Assessors are appointed by awarding organisations because they have particular skills in the relevant subject area. Assessors are then trained by awarding organisations to ensure that they are prepared to carry out marking appropriately.

Assessors are often required to use these skills to make a professional judgment of what mark should be awarded to a particular answer. We refer to this as exercising academic judgment.

Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for an answer (and a range of ways in which marks can be attributed to that answer). It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgement that the mark should be changed.

The starting point for considering whether there has been such an exercise of academic judgment is therefore always the mark which is being challenged (and not any alternative mark which the Learner/Centre considers should have been awarded).

Those carrying out a review or appeal will be required to consider this issue in many different subjects and contexts. 'Unreasonable' should be given its normal meaning and a common sense approach should be adopted, taking into account all of the circumstances of the particular review or appeal (which include the mark scheme and relevant marking procedures).

Examples of cases where it might be appropriate to find that there has been an unreasonable exercise of academic judgment include but are not limited to:

- Where the marking of an answer is unduly strict or lenient, beyond the bounds of what might reasonably be expected.
- Where a piece of information given as part of an answer was not given a mark but where any Assessor acting reasonably with the appropriate knowledge and training should have given a mark.
- Where the marking of an answer suggests that the Assessor had no rationale for his/her awarding of marks.

An exercise of academic judgment will not be unreasonable simply because a Learner/Centre considers that an alternative mark should have been awarded, even if the Learner/Centre puts forward evidence supporting the alternative mark. A person carrying out a review or appeal should not consider whether an alternative mark put forward by a Learner/Centre would be a more appropriate exercise of academic judgment.

Awarding organisations have obligations to ensure that those carrying out reviews of marking are provided with training in relation to their role (Condition GCSE17.5(c)) and monitored to ensure they are performing their role correctly (Condition GCSE17.5(e)) and consistently (Condition GCSE17.5(g)).

We expect that awarding organisations should, in line with these obligations, take particular steps to develop consistent practice over time in the making of determinations on whether there has been any unreasonable exercise of academic judgment leading to a Marking Error.