

Ofqual Board

Paper 30/16

Date:
27 July 2016

Title:
General Qualifications Update

Report by:
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Responsible Director:
Julie Swan, Executive Director for General Qualifications

Paper for information and decision

Open paper



Issue

1. This paper updates the Board on the General Qualifications (GQ) Directorate's key work since the last Board meeting.

Recommendations

2. The Board is asked to:
 - (a) note the progress on key GQ issues;
 - (b) agree that where errors to subject content are corrected by the DfE, the Chief Regulator can decide to incorporate the revised content into our regulatory framework without reference to the Board, unless the amendment is of such significance that consequential changes to our regulatory requirements are needed.

General Qualifications Directorate

3. The paper includes updates on:
 - i. The accreditation of subjects due for first teaching 2016;
 - ii. The accreditation of subjects due for first teaching 2017;

- iii. Low take-up languages;
- iv. GCSEs and A levels offered in Wales and Northern Ireland;
- v. Removal of the Code of Practice and changes to reviews of marking and appeals;
- vi. Summer 2016 exam series delivery;
- vii. A level Modern Foreign Languages;
- viii. Stakeholder engagement;
- ix. National assessments.

Reformed Qualifications for First Teaching 2016

Accreditation

- 4. All of the specifications for first teaching in September 2016 have been accredited.
- 5. *This paragraph has been redacted as its publication could be prejudicial to the effective conduct of public affairs.*

GCSE computer science

- 6. GCSE computer science is an EBacc subject for which non-exam assessment will contribute to the 9-1 grade. The only other EBacc GCSEs that have this arrangement are modern foreign languages, for which we have built in a range of controls to the way the non-exam assessment is conducted.
- 7. GCSE computer science will count as a science for accountability purposes. This places additional pressures on this qualification. We have already seen a very large increase in entries for the (unreformed version of the) qualification this year. We have also had a number of concerns about malpractice in this subject reported to us this year.
- 8. We originally proposed that the qualification should be assessed wholly by exam. Following strong representations by the exam boards we agreed to allow 20 per cent non-exam assessment if the exam boards put in place adequate controls to provide confidence that teachers' marking was accurate and consistent and that students' work was authentic. The exam boards agreed to this. We accredited the specifications on the basis that the exam boards would work together to develop such controls.
- 9. The exam boards have yet to provide the assurance we were seeking. They have raised issues about costs, the availability of potential monitors and moderators with appropriate subject expertise and the logistical challenges of undertaking appropriate checks before results are issued. We have told the exam boards that if they cannot agree on

a common approach then they must, individually, decide how to fulfil the regulatory requirements to which they are subject. This requires each exam board to take all reasonable steps to identify and prevent, or where it cannot prevent mitigate, the risk that its approach to the assessment could cause an Adverse Effect and to set out its approach to doing so in its assessment strategy.

Accreditation for first teaching 2017

10. We have published the regulations for all subjects to be taught from September 2017 and the accreditation programme is now underway.
11. As at 19 July thirteen subject panels have met and considered 36 specifications. We are expecting exam boards to seek accreditation for a total of 120 specifications during the programme. While none of the specifications have been sufficiently strong to enable us to accredit them on first submission, they are generally of a better quality than we have seen in the last two years. We have accredited one specification on second submission.
12. In line with our plan, our turnaround time from panel to report has been markedly quicker than it has been in previous years, as we have changed the way we approach the report writing stage. At the time of writing, we have issued decisions and supporting reports on 17 first submissions and one resubmission. The average time from first submission to decision has been 17 working days, with the shortest taking 11 and the longest 28. This contrasts with the figures for 2016 subjects for which the average time from submission to decision was 41 working days, the shortest time was 38 and the longest 45.
13. We will not achieve such fast turnaround times in all subjects. For some, we have allowed additional time because of the number of submissions and the complexity of the requirements. For example, we have allowed about 50 working days from submission to report for all the GCSE, AS and A Design and Technology level specifications. This has allowed us to use one panel to consider all 12 specifications, ensuring consistency of approach and efficiencies overall. We have similarly built in time for another panel to consider all the 16 A and AS mathematics and further mathematics specifications and for us to issue the decisions and reports and feedback (where necessary) to the exam boards at the same time for all their mathematics specifications.

Low take-up languages

14. At its last meeting, the Board agreed to consider by electronic business whether the DfE's draft modern foreign language content for the AS and A levels in some low take-up languages to be taught from September 2018 could be regulated. We had expected to receive the draft content from the DfE in early July to allow the Board to take this decision. The DfE planned to start its consultation on 14 July; we would

have started consulting in parallel on the assessment arrangements. As at 19 July we have not received the draft content to forward to the Board. We are discussing a revised timetable with the DfE

15. The DfE is also considering whether the content for GCSE and GCE ancient languages is suitable, without amendment, for Biblical Hebrew.
16. Delays finalising the subject content could affect the accreditation timetable. The DfE's options are, however, constrained by Parliamentary recess.
17. Paragraphs 17 to 21 have been redacted as their publication could be prejudicial to the effective conduct of public affairs.

Review of education in prisons

22. In September 2015, the Lord Chancellor and Secretary of State for Justice asked Dame Sally Coates to lead a review of education in prison and recommend how it could be improved. She reported in May, and made the following recommendation: *"I believe the potential for a flexible 'adult' modular GCSE should be considered as part of the curriculum as the GCSE brand is more familiar to some employers."*
23. We were not asked to contribute to the review nor to comment on the recommendations before they were finalised.
24. Before the report was published, DfE asked us for our view on this recommendation. We made clear that new GCSEs have been developed to consistent design principles, including that all qualifications are linear with assessments taken at the end of the course. We reminded DfE of the challenges exam board had faced securing consistent standards over time when the qualifications were modular.
25. Our GCSE Conditions do not allow for modular GCSEs. There is a risk to standards if modular GCSEs were taken alongside linear ones. We also pointed out that modular versions of the qualifications with different content targeted at adult learners could be devalued, to the detriment of learners.
26. The government's response has not been published. We will update the Board at the meeting.

GCSEs and A levels offered in Wales and Northern Ireland

27. We have previously reported to the Board our work with the regulators in Northern Ireland and Wales to agree and publish a joint, factual statement on the similarities and differences between GCSEs, AS and A levels in each country.
28. On 28 June the Minister of Education in Northern Ireland announced a new policy on the availability and grading of GCSEs. There were two

aspects to the announcement. The first was that students in Northern Ireland would be able to take (with some exceptions) GCSEs graded 9-1 that we have accredited. The previous policy required all GCSEs taken in Northern Ireland to be graded alphabetically (A*-G). This change does not create any particular regulatory issues for us. Awarding organisations can offer regulated qualifications outside of England. When they do, the qualifications continue to be regulated by us.

29. The second part of the announcement was that GCSEs awarded by CCEA would continue to be graded alphabetically, but using a modified scale. To enable alignment with grade 9, and the highest achievements to be identified, CCEA (awarding organisation) must align its A* to our grade 9. Reflecting the Westminster government's decision that grade 5 should be regarded as a 'good pass', CCEA must introduce a new C* grade to align with grade 5.
30. This decision will introduce some complexities for CCEA (regulator) to work through. We will need to explain the approach in the joint statement on which we continue to work.

Removal of the Code of Practice, changes to Reviews of Marking and Appeals

31. We considered the responses to our technical consultation on reviews of marking, appeals and withdrawing the Code of Practice (the Code). The Board has previously delegated responsibility for the decisions on reviews of marking and appeals to the Chief Regulator. On 8 July we announced our decisions, as shown in annex A.
32. The main points to note for 2016 are that:
 - Exam boards' reviewers must only change a mark on review when they find a marking error (we have published guidance to which they must have regard when determining what constitutes a marking error).
 - Exam boards must provide reasons to school and colleges (or to the individual student if the exam board accepted a request for a review from an individual) for the outcome of the review. (In light of exam boards' concerns about their ability to meet this requirement we have not put any time requirement on them when responding to such a request).
 - For A levels in geography, physics and religious studies, the exam boards must accept an appeal on the grounds that a marking error remain uncorrected following review (this is a pilot with a view to rolling out this provision in other qualifications, subject to the success of the pilot).

33. We deferred decisions on some of the detailed requirements that we will need to put in place for 2017 and beyond. This will allow us more time to understand the implications for the exam boards, schools and colleges of introducing the complete suite of changes. The main outstanding issues to be addressed for 2017 and beyond are:
- When exam boards must give access to marked GCSE scripts. On exam board is doing so from this year, but one of the others says it will not be able to do so until 2020.
 - The provisions that must be in place to enable students to ask for a review of their own teacher's marking.
 - When reasons for a review outcome must be provided by an exam boards automatically, rather than only on request.
 - The timeframes within which exam boards must manage their review and appeal arrangements.
34. In light of responses to the technical consultation we made some slight modifications to our proposals. The most significant changes were to replicate for 2016 the grade protection given by the Code to students whose school or college ask for a review of a moderation outcome. This was in response to concerns that schools and colleges might request such a review this year without realising the protection was no longer in place. We also decided the appeals pilot should be based on (unreformed) A levels in religious studies, geography and physics (rather than mathematics). This was because of concerns that the relationship between mathematics and further mathematics that could complicate appeals in the subject. We made some other modifications to reflect the systems restrictions exam boards told us they would be working under in 2016.
35. In response to concerns from teachers that, without the Code, there will not be one document that provides an overview of the regulatory requirements for GCSE, AS and A levels we have published a guide for schools and colleges. This summarises our regulatory requirements, details the review and appeal arrangements for this year and signposts both our regulatory documents and JCQ's key publications.

Summer 2016 Exam Series Delivery

35. The summer exams are complete and are currently being marked and awarded. We received 91 event notifications during the exam series, compared with 75 in the 2015 series. The increase is largely due to the number of reported assessment material errors.
36. We will be deciding, following awarding and the publication of results, how we should respond to the various 'events' that occurred during the exam period.

A level Modern Foreign Languages (MFL)

37. We commissioned a review of some of the A level MFL exam papers and mark schemes to be used this summer. We spoke to the exam boards individually about the specific steps they were each taking to improve the marking of these papers, in light of our findings. We acknowledged there was limited opportunity for exam boards to meaningfully change their exam approach within the constraints of the existing qualification and assessment structures. We need to manage stakeholders' expectations with regard to this.
38. The current specifications are, of course, being replaced with the reformed qualifications that will be taught from this September.
39. We had planned to publish a report detailing our wider work in this area in May. However, we wanted to take time to discuss our findings with the exam boards first and decided not to publish the report while students were taking their exams. We will publish the report before results day.

Stakeholder Engagement

40. As part of our management of the summer awarding narrative, we wrote to all schools and followed this up with a number of speaking engagements. This pre-results activity culminated in our summer series symposium at the Institute of Education on 29 June.
41. Our symposium, attended by a mix of press and stakeholders, included sessions on: summer awarding specifics; changes to the reviews of marking and appeals processes; and a research-led commentary on Quality of Marking. The latter forms part of our approach to securing public confidence in the quality of marking, a topic that is covered in our Perceptions Survey that was also published on 29 June.
42. In addition to providing longitudinal data, the Perceptions Survey enables us to measure the effectiveness of our engagement. For example, our direct targeting of reform messages to schools has seen the level of understanding of the new 9-1 grading scale amongst teachers rise to 95% compared to 39% the previous year. We expect to see levels of awareness rise markedly in higher education following our admissions conferences. We will be targeting employers this Autumn.
43. Our wide-ranging engagement with schools has also revealed the need to increase our efforts to communicate with parents and students. In light of this, we have produced, in collaboration with DfE, a slide pack and accompanying notes that teachers can draw on to explain the reform programme and what it means for students. There has also been a consistent request for illustrative grade descriptors in addition to those we have produced for GCSE Maths and English. We will publish these shortly and have featured details of how to access this material in our revised 'postcards' that we have just issued.

44. We have continued to engage across the sector, both to explain reforms and seek feedback from stakeholders. As part of this we held our second event for higher education admissions staff in Manchester and, against a backdrop of regular conferences, participated in a Russell Group gathering in Edinburgh; the annual meeting of the Association of South East Colleges; and the National Governors' Association annual conference.
45. In addition to these engagements, we are continuing to establish closer working relationships with subject groups. Building on our successful engagement with the science and maths communities, we are in discussion with a number of influential groups, focussed initially on modern foreign languages and humanities.

National Assessments

46. Our decision to hire an interim member of staff to develop further our working relationship with STA and monitor the delivery of this year's national assessments continues to pay dividends. Work continues to develop a Memorandum of Understanding with STA. We have attended a number of STA operational meetings that have both informed this work and also provided a means to monitor national assessment delivery.
47. Our approach has allowed us to take a high level view of the effectiveness of the overall standards setting process for KS1 and KS2, focusing on areas of risk. STA shared their proposals for standard setting for the new tests. We commented on these proposals and observed one standards setting meeting at Key Stage 1 and one at Key Stage 2, to evaluate how the agreed process was being implemented. We subsequently attended the standards confirmation meetings for both Key Stage 1 and Key Stage 2. We are confident that the methodology followed (known as book marking) was appropriate and was conducted appropriately. We conducted a small internal group discussion after the Key Stage 2 standards confirmation meeting, to consider the likely response to the results and our media line, which remains reactive.
48. KS2 results were returned to schools on the 5th July. This was the first year in which the tests:
 - assessed the new national curriculum;
 - did not report results as national curriculum levels and;
 - were set at the new, more challenging, standard.
49. The headline figure is that 53% of children achieved the expected standard in all three subjects (reading; grammar, punctuation and

vocabulary; and mathematics) this year compared to 80% reaching the (different) standard last year. The Government press statement made clear that comparisons with last year were not appropriate given that a new standard has been set. This statement was important as the percentages of children achieving the expected standards were lower this year than in previous years (when the expected standards were different). The profile of results across different subjects was also different to previous years. Specifically, reading was previously the subject in which the highest percentage of children reached the expected standard and this year it was the lowest.

50. Our position is summarised as:

- STA is responsible for setting the standards of the new tests. This was done using the expert judgements of teachers.
- Ofqual has monitored the processes used for setting the new standard and is satisfied that these have been appropriate.
- We will be looking at the test results (including their relationship to KS1 data) to assess the implications for STA maintaining standards over time.

Finance and Resource

51. We continue to prioritise our work to support delivery of the FT2017 and FT 2018 phases of the reform programme.

Impact Assessments

Equality Analysis

52. We have not identified any specific equality related issues in any of the matters covered in this paper.

Risk Assessment

53. Risks are included within the risk register. There are no other specific risks this month.

Regulatory Impact Assessment

54. We will consider the regulatory impact of the remaining aspects of our reforms for reviews of marking and appeals to inform our final decisions.

Communications

55. An update on communication of GQ related issues is included in the Chief Operating Officer's report.

Paper to be published	Yes
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Publication date (if relevant)	After the meeting
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ANNEX LIST:-

Annex A: Decisions on changes to regulations for enquiries and appeals

Annex A



Decisions on changes to regulations for enquiries and appeals



In May 2016 we published a consultation seeking views on *changes to regulations for enquiries and appeals*¹. This followed on from our decisions², announced in May 2016, on our previous consultation on *improving reviews of GCSE, AS and A level marking, withdrawing the GCSE, GCE, Principal Learning and Project Code of Practice, and new requirements for setting GCSE and A level grade boundaries*³. We explained in our May 2016 decisions document the decisions we had made and that we were seeking further views on draft Conditions to bring about those decisions.

¹ <https://www.gov.uk/government/consultations/changes-to-regulations-for-enquiries-and-appeals>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/525982/Decisions_on_marking_reviews_and_appeals_grade_boundaries_and_the_Code_of_Practice.pdf

³ <https://www.gov.uk/government/consultations/markings-reviews-appeals-grade-boundaries-and-code-of-practice> - Published in December 2015

Our aims in making these changes were to:

- Remove rules that duplicate others.
- Make sure any errors in marking GCSEs, AS and A levels are found and corrected, in a way that is fair to all students.
- Make sure exam boards award qualifications in a consistent way.

We also sought further views on:

- A number of changes to our original proposals.
- Some areas which were not in our original consultation.
- The Conditions and guidance which would implement our proposals, including updated Conditions on which we had consulted previously.

We also proposed some other amendments to our Qualification Level Conditions and guidance for reformed GCSEs and A levels (GCEs).

We have reviewed the responses to the latest consultation and are now announcing our decisions. We are also publishing a more detailed analysis of the responses⁴ and a regulatory impact assessment⁵ alongside this document. We are grateful to everyone who responded to this and the previous consultations.

Guide for schools and colleges and statutory guidance

In response to concerns about the removal of the Code, the timescales involved and to ensure schools and colleges are aware of all the changes, we are publishing a guide to explain what the changes are. We invited feedback on a draft of the guide with representatives of schools and colleges and other stakeholders on whether it was accessible and useful. We revised the draft in light of their comments.

We have also further enhanced our statutory guidance to assist exam boards, schools and colleges to understand what our Conditions require for 2016 and beyond. We will keep our guidance under review and will enhance it further if required.

⁴ <https://www.gov.uk/government/consultations/changes-to-regulations-for-enquiries-and-appeals>

⁵ <https://www.gov.uk/government/consultations/changes-to-regulations-for-enquiries-and-appeals>

Summary of decisions

In the May 2016 decisions document referenced above, we detailed our decisions to implement changes for 2016 that were in line with or had been amended from our original proposals. We also detailed the decisions we are to implement for 2017 that were in line or had been amended from our original proposals.

We outlined in the May 2016 consultation our views and sought feedback on new proposals, proposals on the implementation timetable and additional guidance for 2016, to:

- Put in place specific requirements for exam boards to train and monitor markers and moderators (such requirements are currently imposed through the Code);
- Publish statutory guidance on how reviewers should determine whether a Marking Error has been made;
- Require exam boards to pilot the provision of the extended ground (that there had been a Marking Error⁶) for appeal in a small number of subjects in 2016;
- Decide when we should implement our decision to require exam boards to put in place arrangements so that Learners can ask for the results for centre-marked assessments before deciding whether to seek a review;
- Decide when we should implement the requirement that exam boards must make marked GCSE scripts available to centres in time for them consider whether to ask for a review.

We sought views on the impact on exam boards, schools and colleges of these proposals before considering a final decision.

Conditions, requirements and guidance

We set out in our consultation the qualification level Conditions with which we proposed to require exam boards to comply with in relation to reviews of

⁶ 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.

marking, reviews of moderation and appeals for GCSE(9 to 1) qualifications; GCSE(A* - G) qualifications; reformed GCE qualifications; and pre-reform GCE qualifications.

We also set out the qualification level guidance we proposed to put in place on considering marking errors.

We proposed that most of the Conditions and guidance on which we consulted would apply to every qualification – GCSE(9 to 1) qualifications; GCSE(A* - G) qualifications; reformed GCE qualifications; and pre-reform GCE qualifications. Where this was the case, we have set out comments on these just once. We do not repeat them for each qualification.

To correct an error in Condition GCSE5 where the word ‘skills’ has been omitted

Our proposal to correct an error in GCSE5 was supported by all who commented. We have therefore decided to amend the Condition to include ‘skills’.

To introduce a Qualification Level Condition for reformed GCSEs and A levels (GCEs) that would require that a qualification could only be developed where subject level Conditions exist in that subject.

The comments received agreed with the proposed changes. We have decided to introduce Conditions so that GCSE, AS or A level qualifications could only be developed where subject level Conditions exist in that subject.

Condition GCSE17 – Review of marking of Marked Assessment Material

We had initially proposed that exam boards must report the reasons for any review at the same time as providing the outcome. Following our initial consultation, we decided that we would allow for reasons and outcomes to be provided separately. In addition, we decided for 2016 that the reasons are to be provided by exam boards only on request rather than automatically.

We sought feedback on these decisions. Most of the exam boards indicated that the requirement to provide documented reasons on request will have a significant impact on their resources for 2016. As system changes would be required for most exam boards, they have raised concerns as to their ability to meet this requirement, especially when considering the proximity of this decision to the summer exams series. School and college respondents expressed the clear desire for reasons to be provided to get a better understanding of why decisions had been made.

Having considered the responses, we have decided to make no change to the need to provide reasons but to permit exam boards where necessary to transition to the new approach. This balances the need for a more transparent review system with the ability of the exam boards to deliver volume within a short timescale.

As a consequence of feedback and a request from exam boards, we are amending the wording of Condition GCSE17.5(j)(ii) to remove the word 'promptly'. This relates directly to the above concerns regarding the requirements placed upon exam boards and the expectations of schools and colleges for this requirement in 2016. The Condition will now read as follows:

- (ii) *where requested, report to the Learner (or as the case may be the Relevant Centre) the reasons documented by the Assessor carrying out the review, provided that the awarding organisation may specify a reasonable time period following the reporting of the outcome of the review during which such a request must be received.*

Exam boards will be required to provide reasons on request but there is no requirement for 2016 for those reasons to be provided with the outcome or within a certain timescale. We appreciate the need for schools and colleges to be aware that if they wish to appeal an outcome of a review, then they should ensure they do not wait to receive the reason for the outcome as they may miss the exam board appeal window. We have reflected this advice in our Guide⁷.

Condition GCSE21.1(h)

We sought feedback on a change to the above Condition which would require exam boards to publish a report each year which identifies changes to their review arrangements as a result of their monitoring of their reviews of marking and moderation. There was an error in the associated question. It should have read "...as a result of their monitoring." However, the question posed read "...as a result of their monitoring of moderation."

It is clear from the responses to this proposed change that although the question was incorrect, the draft Condition that we consulted on was understood by respondents. They identified that the requirement would have included the results of all monitoring activity and not that restricted to moderation.

We have decided therefore to implement the Condition as proposed.

⁷ <https://www.gov.uk/guidance/regulation-of-gcses-as-and-a-levels-guide-for-schools>

Put in place specific requirements for exam boards to train and monitor markers and moderators (such requirements are currently imposed through the Code)

Most respondents strongly agreed that we should require exam boards to train and monitor their markers and moderators.

We have decided to introduce the Condition that would require this.

Publish statutory guidance on how reviewers should determine whether a Marking Error has been made

There was a strong general agreement from respondents for the need for guidance in this area. Some respondents raised concerns as to the nature of the test to be applied upon review and appeal. However, we received very little specific feedback on the guidance itself. Concerns were raised by some respondents that the guidance did not adequately explain the approach that reviewers could take when determining a Marking Error, and we have therefore made some amendments to the guidance to reflect those requests for clarification.

Require exam boards to pilot the provision of the extended ground (that there had been a Marking Error⁸) for appeal in a small number of subjects in 2016 prior to implementing the provision for all GCSEs and A levels

We proposed to require exam boards to pilot the new ground for appeal, that being on the grounds of a Marking Error having been made, in three subjects – A level mathematics, A level geography, and A level religious studies.

Responses to this proposal were mixed. Some respondents strongly agreed with the proposal, and expressed a desire for it to be rolled out across all qualifications with immediate effect. Some of those who agreed with the proposal recognised that there was benefit in piloting in 2016.

The exam boards expressed concerns that it was too late to run a pilot of the extended ground. They raised concerns associated with ensuring schools and colleges understood how the pilot would work in practice; the challenges to

⁸ 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.

ensure reviewers and appeal panel members were adequately trained; and the development and implementation of new procedures.

We have engaged further with exam boards following the end of the consultation and discussed with them their current operating models and what would be achievable given the timescales. Although we recognise that the exam boards will need to invest in training their appeal panellists, we do not consider this to be unduly burdensome given the requirements already contained within the Code.

Exam boards have indicated that to include A level mathematics in the pilot could have been problematic without the inclusion of further maths. We have considered this further with the exam boards, and decided that A level physics will provide a suitable replacement.

We have considered all of the responses and decided that we will require exam boards to pilot the new ground of appeal for three subjects – A level geography, A level religious studies, and A level physics. We will evaluate the pilot and determine whether the requirements should be revisited in light of our findings and feedback received from exam boards, schools and colleges. We will not make a decision as to whether to roll out the new ground of appeal until we have completed our evaluation.

Require exam boards to provide reasons for the decision of a review of marking automatically, but after the outcome of the review (after the transitional period)

We consulted on requiring exam boards to provide reasons for the outcome of a review of marking automatically from March 2017. Reasons could be provided after the outcome itself, and exam boards would be required to set a target time period for the provision of reasons.

Many respondents to the consultation agreed with the proposal. However, a number of exam board respondents raised concerns about the impact of the requirement, in particular in relation to system changes which would be required.

In light of the responses, we plan to revise our proposals and introduce Conditions which will allow us to decide an implementation date for the requirement for reasons to be provided automatically at a later date.

Set a framework for key dates related to reviews and appeals

We are introducing Conditions allowing Ofqual to set a framework for key dates related to reviews and appeals. Exam boards would need to ensure that

the dates they put in place for their review arrangements and appeals process comply with Ofqual's framework.

We consulted on a proposed framework for introduction in summer 2017 for all reformed qualifications. While some respondents agreed with this framework, some respondents raised concerns over the dates in the proposed framework.

We have not yet made a decision on the dates to be included in the framework. We are continuing to gather evidence on the impact on exam boards and other stakeholders. We will introduce Conditions which allow Ofqual to set the dates for the framework at a later date.

Permitting the review of centre-marked assessments to be undertaken by a third party

We plan to allow reviews of centre-marked assessments to be undertaken by a third party (on the centre's behalf). A number of respondents stated that this would be helpful in lessening the impact of the requirement on centres. However, a concern was also raised that adding another party in the process would complicate matters further and may lead to logistical problems.

We consider that allowing such reviews to be undertaken by a third party will lessen the burden on centres. Such reviews could also be undertaken within the centre. It will be for exam boards, through their contractual arrangements with centres, to ensure that any arrangements which a centre has with a third party are fit for purpose and allow reviews to be carried out in line with the relevant requirements.

We decided we will require exam boards to put in place arrangements so that Learners can ask for the results for centre-marked assessments before deciding whether to seek a review, but sought views on when we should implement this decision

We have considered all of the responses to this proposal, which were mixed. We have deferred our decision as to when we would require this to come into force so that we can undertake further analysis of potential impact. We will introduce the Conditions that will require this, but will not bring them into force until such time as we consider it appropriate to do so.

We decided we will require exam boards to make marked GCSE scripts available to centres in time for them to consider whether to ask for a review, but sought views on when we should implement this decision

As above, we have considered the responses to this proposal. Schools and colleges were clear in their responses that they wished this requirement to be brought into force sooner rather than later. Responses from exam boards differed. One indicated that they were in a position to meet the requirement this year. For the others, they told us that system changes would be required in order to be able to meet the requirement and, to varying degrees, this could prevent them from complying with the requirement without incurring considerable costs. One indicated that they would not be able to implement the system changes required before 2020. We recognise that schools and colleges wish for this to happen as soon as possible. We have determined to defer our decision as to when this should come into force in order that we can undertake some further analysis with exam boards regarding the potential impact. We will introduce the Conditions that will require this, but will not bring them into force until such time as we consider it appropriate to do so.

Removal of the automatic protection for candidates who received an incorrect result on a review of moderation

The Code provides an automatic protection for students who, on a review of moderation, were found to have been given a grade that was higher than their work deserved. We announced in our May Decisions document that there would not be such a protection from this year on. Concerns have been raised with us that not all schools will be aware of this change and that the change could potentially prejudice some candidates.

For that reason, we have decided that, for 2016, we will amend our decision in relation to reviews of moderation and amend our Conditions to keep in place the same level of protection that is in place currently under the Code. We consider this is a decision that is in the interests of candidates and should avoid any confusion that could occur this summer.

We maintain our view that removing the automatic protection is the correct decision to make. We will introduce the Conditions that will require this, but will not bring them into force until such time as we consider it appropriate to do so.

Withdrawal of the Code of Practice

The Code will remain in force for Project and Principal Learning qualifications only, and we will undertake a further consultation later in the year with proposals to replace it for those specific qualifications.

We have already determined that the Code of Practice will be withdrawn in 2016 in relation to GCSEs, AS and A levels. To allow as smooth a transition from the Code to the new rules, we have determined that the Code will remain

in force for AS and A levels until AS and A level results day when the new Qualification Level Conditions for GCE and Pre-reform GCE in relation to reviews and appeals will come into force. For the avoidance of doubt the Code will cease to apply for GCEs as at 23.59 hours on Wednesday 17 August 2016. The GCE Qualification Level Conditions and Requirements (Condition 10 onwards) and the Pre-reform GCE Qualification Level Conditions and Requirements (Condition 3 onwards) will come into force at 00.01 on Thursday 18 August 2016.

We have also determined that the Code will remain in force for GCSEs until GCSE results day 2016 when the new Qualification Level Conditions, GCSE(A* to G) and GCSE(9 to 1) in relation to reviews and appeals will come into force. For the avoidance of doubt, the Code will cease to apply to both GCSE(A* to G) and GCSE(9 to 1) as at 23.59 hours on Wednesday 24 August 2016. The GCSE(A* to G) Conditions and Requirements (Condition 2 onwards) and the GCSE(9 to 1) Conditions and Requirements (Condition 10 onwards) will come into force at 00.01 on Thursday 25 August 2016.

Equalities Impact

We sought feedback in relation to how any of our proposals may impact, either positively or negatively, on persons who share a protected characteristic, and whether there were any potential impacts we had not identified. We also sought feedback on any additional steps we could take to mitigate any negative impact resulting from these proposals. The majority of respondents did not identify any further impacts or steps that we had not already identified.

Next Steps

We have decided to implement our Conditions, requirements and guidance for the:

Reformed GCE Qualification Level Conditions and Requirements

Reformed GCE Qualification Level Guidance

Pre-reform GCE Qualification Level Conditions and Requirements

Pre-reform GCE Qualification Level Guidance

From 00.01 hours on Thursday 18 August 2016.

The GCSE, GCE, Principal Learning and Project Code of Practice will no longer apply to GCEs from 23.59 hours on Wednesday 17 August 2016.

We have decided to implement our Conditions, requirements and guidance for the:

GCSE(A* to G) Qualification Level Conditions and Requirements

GCSE(A* to G) Qualification Level Guidance

GCSE(9 to 1) Qualification Level Conditions and Requirements

GCSE(9 to 1) Qualification Level Guidance

from 00.01 hours on Thursday 25 August 2016.

The GCSE, GCE, Principal Learning and Project Code of Practice will no longer apply to all GCSE qualifications as from 23.59 hours on Wednesday 24 August 2016.