

Regulator Assessment: Qualifying Regulatory Provisions

Title of proposal	Removal of the Code of Practice for GCSE, A-level & AS-level and implementation of new requirements for post-results services
Lead Regulator	Ofqual
Contact for enquiries	Mary Webb Mary.Webb@ofqual.gov.uk

Date of assessment	30 March 2017
Commencement date	Summer 2016 onwards (phased)
Origin	Domestic
Does this include implementation of a Cutting Red Tape review?	No
Which areas of the UK will be affected?	England

Summary:

Ofqual has removed the *GCSE, GCE, Principal Learning and Project Code of Practice* (the Code) for GCSE, A level and AS level qualifications and implemented new requirements for post-results services provided by awarding organisations. The new requirements are published in our *Qualification Level Conditions and Requirements*. The changes aim to bring better quality, transparency and consistency to these services, for the benefit of all learners. We have also published new rules for standard setting, although in practice what is required remains unchanged.

Background:

The Code contained rules for exam boards in relation to: post-results services (previously known as Enquiries about Results and appeals, now referred to as reviews of marking/moderation and appeals); exam board staff; relationships with centres; processes for setting question papers; standardisation, marking and moderation; awarding and issuing results; malpractice and special consideration and reasonable adjustments. Much of what was in the Code was duplicated by rules set out in our *General Conditions of Recognition*, with the Code setting out these requirements in a much more prescriptive manner. The *General Conditions of Recognition* were first published in 2011, which was also the year the Code was last updated.

In view of this duplication of content across two documents, the prescriptive nature of some requirements, and also in light of a number of concerns in relation to the current system for marking reviews, in December 2015 we started a consultation on a number of proposals, including to:

- Remove the Code (For GCSE, A level and AS level only)

- Change the way exam boards review their marking and moderation of GCSE, AS and A level assessment so errors are corrected, but marks are otherwise not changed. Under the existing system, our research found that exam boards' reviewers were not always consistent in their responses when schools and colleges challenged their students' results. While reviewers corrected marking errors, they also sometimes changed marks where an error had not been made.
- Enable schools or individual learners to see marked assessments before deciding whether to request a review of marking.
- Make sure exam boards continue to take a common approach to setting grade boundaries for GCSEs, AS and A levels.
- Extend the grounds on which centres, and in some cases candidates, can appeal against marking and moderation decisions for GCSEs, AS and A levels following a review.

Our aims 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.

At the same time we published a document summarising which requirements in the Code were covered elsewhere in our regulatory framework and which were not. Where requirements were sufficiently covered elsewhere, or were no longer considered necessary, we proposed not to replace these.

Implementation

Following consultation, we published in May 2016 and July 2016 our decisions in relation to these proposals. The decisions included changes to our original consultation proposals, and in some cases a decision to consult further on the revised proposals and their implementation. Our decisions were based on discussions with exam boards and other stakeholders and from responses to the consultation. Some stakeholders raised concerns about the potential cost impact as a result of some of the changes if they were introduced in 2016. We acknowledged it was likely that exam boards would need time to develop and refine their systems in order to meet the new requirements, and therefore confirmed that implementation would be phased. On 16 February 2017 we published further information about implementation of the new requirements. A summary of the changes and details on implementation is at **Annex A**.

The proposal to extend grounds on which an appeal can be brought against a review of marking or moderation review decision was piloted in 2016. This pilot is being reported separately as a non qualifying regulatory provision and will only be assessed as a qualifying provision if it is decided that the arrangements will be fully implemented.

The Code still remains in place for two other qualifications to which it also applied (*Principal Learning and Project*). We expect to remove the Code fully for these qualifications in 2017, following consultation.

Which type of business will be affected? How many are estimated to be affected?

The changes affect the four exam boards awarding GCSE, AS & A-Level qualifications in England.

Summary of costs and benefits						
Price base year	Implementation date	Duration of policy (years)	Net Present Value	Business Net Present Value	Net cost to business (EANDCB)	BIT score
2016	18/8/2016	10	-7.53	-4.43	0.5	2.5

Please set out the impact to business clearly with a breakdown of costs and benefits

We conducted a detailed assessment of the impact of our proposals in May 2016 and this is published in the document [‘Regulatory Impact Assessment: Marking reviews, appeals, grade boundaries and Code of Practice’](#).

A summary of all impacts, including those which we have not monetised, is recorded in the table at **Annex A**.

We expect that the simplification and consolidation of our rules will reduce the burden on exam boards. They will incur a one off cost of familiarisation with the new *Qualification Level Conditions & Requirements* and *Requirements for Key Dates (effective 1/5/2017)*, but after that, staff will no longer need to refer to rules set out across two regulatory documents.

The new *Qualification Level Conditions & Requirements* contain some new requirements for reviews of marking/ moderation and appeals, the impacts of which are assessed in detail below.

The new *Qualification Level Conditions & Requirements* also contain new rules for standard setting. The impact of these rules is limited to familiarisation time only, as what awarding organisations are required to do remains unchanged.

Summarised below are the expected costs and benefits of our changes, monetised where possible:

One-off Direct Costs:

IT systems

At consultation exam boards told us they would need to make changes to their IT systems to meet some of the new requirements – including providing reasons for review decisions, returning GCSE assessments to schools and directly to learners, and monitoring reviewer decisions. One exam board suggested a figure of between £77,000 and £100,000 for IT costs. Another responded that this may be an underestimate, and the remaining two did not respond. In the absence of further information, we have assumed that each exam board will incur a one off IT cost of **£100,000**. In order to minimise the burden on exam boards, we announced on 16 February 2017 that a number of requirements for which IT changes may be needed will not formally come into effect until 2020.

IT Systems	Estimated cost of changing internal IT systems	100,000
	Across 4 Exam Boards	£ 400,000

One-off cost, spread over 2016 and 2017

New requirement for exam boards to provide reasons for a decision to uphold or revise a mark on review (on request in 2016, automatically by 2020):

Reviewers already make notes of reasons for review decisions on exam scripts, and exam boards send a letter to the school or learner confirming the decision. It is for exam boards to decide how best to meet the new requirement of providing a reason with every decision, but they informed us that system changes would be necessary. The expected cost of these changes is included in the one-off IT cost set out above. Once these system changes are made exam boards will be able to return reasons at the same time as decisions. There will therefore be no ongoing cost to exam boards.

New requirement for exam boards to make marked GCSE scripts available before the deadline for review when requested by schools:

Schools can ask an exam board to return a marked AS or A level script before they decide to request a review of marking. Exam boards charge a fee for this service. We are now requiring exam boards to extend this service to GCSEs. Currently, marked GCSE scripts can be requested, but these do not have to be provided before the date for requesting a review of marking has passed. Exam boards informed us that system changes are likely to be needed in order to meet this requirement. Expected costs of these changes are included in the one-off IT cost set out above.

As any ongoing costs incurred by exam boards are dependent on the number of scripts that schools choose to request (this is an optional, additional service), and when requested exam boards may recoup costs by charging a fee to provide the script, there is no net burden to exam boards to be included in the BIT calculation.

Familiarisation with new Conditions and Requirements

Exam boards will incur a one-off cost of familiarisation with the new requirements and guidance:

GCSE	Document	Number of pages
Pre reform	Qualification Level Conditions and Requirements	43
	Guidance	6
	Requirements for key dates	5
Reformed (9-1)	Qualification Level Conditions and Requirements	34
	Guidance	6
	Requirements for key dates	5
GCE (A & AS level)		
Pre reform	Qualification Level Conditions and Requirements	41
	Guidance	6

	Requirements for key dates	5
Reformed	Qualification Level Conditions and Requirements	36
	Guidance	6
	Requirements for key dates	5
TOTAL		198 pages

Number of AOs affected: 4 (Exam Boards only)
 Staff per AO to read: 50
 Time taken to read/absorb: 19.8 hours (198 pages at 10 pages per hour)
 Total staff hours: 3,960 hours (4 AOs x 50 staff x 19.8hrs)
 Average AO staff cost: £26 p/h (inc 'on costs')

We have sampled published figures on annual staff costs of 12 awarding organisations to identify a reasonable average rate of £26 per hour (includes 'on costs').

Familiarisation cost: £103,000

Ongoing Direct Costs:

Training of reviewers

New requirements mean that reviews of marking must only be undertaken by staff specifically trained and prepared for this task. This is to ensure that reviewers are only changing a mark where the original mark has been given in error, and are not amending a mark which has been properly given. In our impact assessment we assessed that the annual training cost would be around **£271,000**. This is based on 5,000 examiners undertaking between 1 and 3 hours of training, at a cost of £27 per hour.

£27 per hour is based on information in the Annual Survey of Hours and Earnings report for teaching professionals, 2015, plus 0.3% inflation for 2016 rates and including on-costs.

5,000 is based on approximately 10% of the total number of markers going on to be reviewers. Our 2014 report estimated total marker numbers to be 51,000.

<https://www.gov.uk/government/publications/quality-of-marking-in-gcses-and-a-levels>

We have not prescribed the duration of the training as this is for each exam board to determine. In our impact assessment published in May 2016 we stated that we considered between 1 and 3 hours to be reasonable. This was based on the advice of an internal Ofqual expert working within our research team. This individual has previously worked for many years in an exam board and has been involved in many initiatives around examiner training and monitoring and quality of marking. The individual has also conducted a number of research projects which involved understanding very closely the time it takes to put in place monitoring systems for examiners. Currently this person has good knowledge of all four exam boards' processes and operational systems and how they fulfil training needs.

Following the publication of our impact assessment, we collated information on the length of training of marking reviewers in 2016. The total responses received represents approximately 50% of the population of marking reviewers. The responses indicated a

range of training times, but the most common response was that training took between 1 and 2 hours.

In view of the above we have based our calculation on 2 hours' training per reviewer.

Calculation of Training Cost:

5,000 Markers across Exam Boards
2 Hours of training per year

10,000 Total Hours of Marker Training per year
£27.06 Marker cost per hour, including on-costs

£271,000 Total Cost of Training per year

Monitoring of review outcomes:

Exam boards are currently required to monitor the consistency with which original markers are applying the mark scheme. The Code did not expressly require them to monitor how well and consistently reviewers are working. Under the new rules we require exam boards to monitor reviewer decisions to ensure that changes are only made where there has been a marking error. It will be for exam boards to determine the best way to meet this requirement. We assessed this annual monitoring cost could be in the region of **£186,000** across all exam boards, based on one additional review for every 20 reviews conducted.

The assumption of one additional review for every 20 scripts reviewed is based on typical arrangements for quality assurance of first time marking of scripts.

Two possible routes for exam boards to meet this requirement are 'seeding' or 'back reading'.

Seeding means that a sample of scripts are marked by an expert for each unit to create seeded scripts with a known 'true mark'. These seeded scripts are then included in each marker/reviewer's workload and *their* marks for these scripts are later compared to the 'true mark'.

Back reading means that a proportion of the reviewer's work is re-marked by another reviewer and the results compared.

The expected costs of each option are set out below, with the £186,000 being the average of the two. The exam boards may find more cost efficient ways of complying.

1. Seeded papers option

Cost of creating seeded papers:

300 Examination units for Seeded Papers to be created
4 Hours of Expert time to set up for each unit
£37.02 hourly cost of Expert

£44,000 Total Expert Cost per annum

Sources of assumptions:

- There are an estimated **300** examination units per year for which more than 500 requests for review are received (based on a figure of 312 in 2015) and seeded papers for each of these units would be required.
- Estimated time for an expert to set up sufficient seeded papers for a single unit is **4 hours**. This estimate is considered reasonable by the internal Ofqual expert in our research team described above. This individual has conducted a number of research projects which involved understanding very closely the time it takes to put in place monitoring systems for examiners (including seeding and back reading).
- Expert cost of **£37.02 per hour** is based on 'Senior Professionals of Education Establishments' from the 2015 Annual Survey of Hours & Earnings, plus 0.3% inflation for 2016 rates and includes on-costs.

Cost of marking seeded papers:

28,250 Extra Seeded Papers marked
13 minutes per script to mark
£27.06 Marker cost per hour

£164,000 Total Marker Cost per annum

Sources of assumptions:

- Based on 368,000 GCSE and 197,000 A Level review of marking requests in 2015, a 1 in 20 validation rate would require **28,250 additional reviews**.
- The 'piecework' rate paid to external markers is c.£4.50 per script (based on rates paid to examiners for a small sample of units in summer 2014 and adjusted to reflect 2016 prices). The equivalent fully absorbed rate for an exam board marker (including 30% on-costs) would therefore be £5.80 per script. At a pay rate of £27 per hour for this role, they would need to mark 4.6 scripts per hour which equates to **13 minutes** to mark each script.
- Marker rate is, as above, **£27 per hour** including on-costs.

£44,000 & £164,000 = £208,000 Total Cost of Seeded papers option per annum

Back reading option:

Cost of Re-Marking Papers

28,250 Papers re-marked
13 minutes per script to mark
£27.06 Marker cost per hour

£164,000 Total Marker Cost per annum

Sources of assumptions: as for 'Cost of marking seeded papers', above

Average Cost of monitoring reviewers (£208k+£164k / 2): £186,000

Non monetised potential costs:

We have not monetised costs where a particular activity is optional but not required under the new rules. We are removing a previous restriction which meant that only schools or centres could request a review of marking. It is now open to awarding organisations to choose to accept requests directly from learners, although they are not required to do so. Should they choose to accept requests directly from learners, it would be open to them recoup any costs via fees.

We are introducing a requirement that centres must inform learners of the marks of their internally marked assessments. It is the responsibility of exam boards to ensure this happens. Centres are already required to inform learners they have a right of appeal and we therefore expect they can inform them of their marks at the same time. Teachers routinely give learners their marks even though this is not a requirement. Therefore the impact of this change should be minimal. The change will come into effect in 2018. As we consider the impact on both exam boards and centres to be small, it would be disproportionate to establish whether any adjustments might be made in order to meet this requirement and what the specific costs might be.

We now require that reviewers do not review scripts for which they were the original marker. This represents a strengthening of the current position; the Code already required that this should be the case 'where possible'. Exam boards informed us during an audit that systems and processes are already set up to avoid an examiner reviewing the script for which they were the original marker. For some subjects where there is a small number of entries and not many requests for reviews of marking, exam boards may need to contract an extra examiner to conduct reviews. However, we understand from exam boards that it is only in rare circumstances that there is a unit or qualification component where there is just one examiner. We therefore expect the impact would be very small and it would be disproportionately burdensome on awarding organisations to identify the precise number of occurrences to enable us to estimate what the precise cost might be.

Exam boards are already required to collate and submit data on their performance against post results performance targets for our statistical publications. The data they must collate will change to reflect both the changes to our requirements for reviews of marking/ moderation and appeals and the deadlines for key dates each exam board sets within our minimum framework set out in the *Requirements for key dates*, effective from 1 May 2017 (see below). We are now requiring exam boards to publish this information themselves instead of submitting to us for publication and therefore there is no net burden to consider as one process negates the other. It is reasonable to conclude that any system changes required to capture the revised data will be included in the overall refinements awarding organisations are making to IT systems to meet the new requirements for post results services, the cost of which is set out above.

Non monetised potential benefits:

The Code set out requirements in a prescriptive manner. For example, it specified named roles that exam boards must employ and defined what each must do as part of their role. The removal of prescriptive requirements of this nature should enable exam boards to run their processes in a way they see fit and to define staff roles and responsibilities according to business need.

We have removed a restriction on exam boards by no longer imposing a timetable for post results services. On 16 February 2017 we published a framework of minimum requirements, but within that, exam boards may set and publish their own deadlines. This approach allows exam boards to respond to demands from schools and colleges for more innovative, efficient and centre/ student focused approaches.

We are confident that the changes will bring significant positive benefits to learners who take GCSE, AS & A level qualifications. These include increased fairness and consistency, better quality in reviews of marking and greater efficiency in handling requests for reviews.

Please provide any additional information (if required) that may assist the RPC to validate the BIT Score

Annex A: Business Impact Target - Code of Practice

CHANGE IMPLEMENTED & EFFECTIVE 2016:	IMPACT
Removal of the Code of Practice for GCSE, A-level & AS-level – exam boards no longer have to read rules in the Code in addition to our <i>General Conditions of Recognition</i>	£saving (not monetised)
New or amended Qualification Level Conditions and Guidance introduced June 2016 (standard setting) & August 2016 (marking, reviews & appeals)	£familiarisation cost (one off)
Exam boards required to provide training to staff employed to conduct reviews of marking	£ training cost (ongoing)
Exam boards required to ensure reviewers do not review scripts for which they were the original marker	Potential small staff cost (not monetised) and part of IT cost
Exam boards to monitor reviews of marking to ensure marks only changed where there is an error, not changing a mark properly given.	£ monitoring cost (ongoing)
Exam boards permitted to decide whether or not to accept review requests directly from learners (removes a previous restriction)	Optional not mandatory for exam boards.
Exam boards required to publish key metrics for post results services themselves rather than submit to Ofqual.	Any required system changes covered in overall one off IT Cost. No net cost to AO of publishing rather than submitting data to Ofqual
IMPLEMENTATION PHASED:	
New requirement in 2016 for exam boards to make available on request a reason for decision to uphold or revise a mark on review; by 2020 exam boards will be required to provide reasons automatically.	£IT Costs – one off (mitigated by long lead in time) No ongoing cost.
Exam boards to make marked scripts available for GCSEs pre deadline for review when requested by schools (optional, additional service) - exam boards may choose to do this now but are not required to implement fully until 2020.	£IT Costs – one off (mitigated by long lead in time). No net ongoing cost as exam boards recoup cost of service through fees
Exam boards to set & publish own deadlines by which centres must request the return of a script, notify them of administrative errors, request a review of marking or appeal. Removes deadlines previously imposed by Ofqual.	£saving (not monetised)– AOs have freedom to set own deadlines

New <i>Requirements for key dates</i> published 17.2.2017 – effective from 1 May 2017	£familiarisation cost (one off)
Exam boards to ensure centres inform learners of the marks of their internally marked assessments – required by 2018	Minimal impact (not monetised): Centres are already required to inform learners of right of appeal so are able to inform of marks at the same time; teachers routinely inform learners of marks even though not a required
Still under policy development – not included in BIT assessment	
Removal of the automatic grade protection that currently applies following a review of moderation. To be considered further before a decision is taken on implementation.	N/A – will be assessed later as QRP if implemented
Proposal to extend grounds on which appeals can be made against a review of marking decision. Pilot in progress for 3 A level subjects (Religious Studies, Physics, Geography).	NQRP – policy development. To be assessed later as QRP if implemented