

ANALYSIS OF CONSULTATION RESPONSES

The General Qualifications Alternative Awarding Framework: Guidance

Consultation on statutory guidance in relation to
appeals under the GQAA regulatory framework

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Introduction

Following our joint consultation with the Department for Education (DfE) we announced our [policy decisions in respect of the awarding of GCSE, AS and A level qualifications in summer 2021](#). Following a further consultation we published the [General Qualifications Alternative Awarding Framework](#) that awarding organisations must meet to deliver and award qualifications in accordance with those policy decisions. We also published a [centre guidance document](#) and an [objectivity guidance document](#).

We have decided to set and publish guidance relating to arrangements for reviews and appeals as part of the General Qualifications Alternative Awarding (GQAA) Framework, to help awarding organisations to comply with those conditions.

This is the summary of responses to the consultation on statutory guidance in relation to reviews and appeals under the GQAA regulatory framework that ran from 21 April to 5 May 2021. We received 222 completed responses, including one that did not use the standard response form.

Background

We consulted jointly with DfE on the proposals for the awarding of GCSE, AS and A level qualifications (GQ qualifications) in summer 2021. We also consulted jointly with DfE on a proposed approach for vocational and technical qualifications.

We announced our [decisions following those consultations](#) on 25 February and set out conditions which implemented those policy decisions in the GQAA regulatory framework.

The reviews and appeals guidance

We published our requirements in relation to reviews and appeals under Condition GQAA4. Our guidance does not set any additional regulatory requirements but is intended to help awarding organisations to comply with the conditions.

The proposed guidance on Condition GQAA4 is not intended to be a comprehensive description of the review and appeals process under Condition GQAA4 and should not be read in this way. Rather, the guidance concerns those aspects of the process in respect of which we consider guidance might be of most benefit, including highlighting aspects of the process which are different this year to other years.

We consulted on the statutory guidance that we will publish to support exam boards in relation to reviews and appeals under the GQAA regulatory framework.

Approach to analysis

The consultation was published on our website and available for response, using the online form, between 21 April and 5 May 2021.

We present our summary of responses to the consultation questions in the order in which they were asked. Respondents could choose to answer all or just some of the questions. This means that the total number responding to each question varies and the number of respondents are provided for each question. In many cases, responses indicated that no further comment was needed and, as a result, the analysis is based on a smaller number of responses than it would initially appear had been received.

Respondents were invited to indicate the capacity in which they were responding.

Some themes emerged in response to more than one question. Wherever possible we have included them in the analysis of one question only and cross-referenced to the theme from other questions.

Some of the responses to this consultation raised concerns with the overall policy decisions and the impact of these in schools and colleges. We have read all responses and noted the concerns raised. We have not included responses related to matters that lie outside of the remit of this consultation in this report.

Where we have included quotes to illustrate the main themes identified, we have edited some for clarity, brevity and to preserve anonymity. We have been careful not to change their meaning. We have not included comments made about underlying policy decisions.

Who responded

We received 222 responses to the consultation including one that did not use the standard response form.

We have given a detailed breakdown of the organisations that responded to the consultation in Appendix A. The following table is a summary of respondents by type.

Official responses	Number of respondents
Academy chain	3
Awarding body or exam board	7
Local authority	3
Other representative or interest group	7

School or college	28
Total	48

Personal responses	Number of respondents
Consultant	1
Examiner	3
Exams officer or manager	48
Other	7
Parent or carer	20
SLT (Senior leadership team)	61
Student	6
Teacher	28
Total	174

This was a public consultation in which we gather views of those who wished to participate. We recognise that the responses are not necessarily representative of the general public or any specific group.

Detailed analysis

Question 1

Do you have any comments on paragraphs 1 – 3 of the proposed guidance – The Learner’s right to a review and appeal?

Many respondents referred to the timing of the review and appeals processes. They were concerned that many school and college staff are not contracted to work out of term time, which could be when information is required. Concerns regarding progression were also linked to timing in that students will require their results to be settled before college or university courses start. Some respondents, including those representing awarding organisations recognised by Ofqual to offer GCSE, AS and A level qualifications, referred to late appeals in particular, stating that published timescales would be challenging to deliver. Therefore, high volumes of appeals and/or late appeals will add to this challenge. They also stated that although there should be flexibility, late appeals should be restricted to circumstances beyond a learner’s control as suggested in the consultation.

“Centre reviews and appeals are scheduled for the summer holidays and we need to take account of sixth form enrolment and UCAS. We will have generic statements for each subject and exam outlining the rationale, but individual appeals are likely to require more granular information and detail which only classroom teachers and [Heads of department] may know Over the summer holidays, are we expected to direct staff and breach [School teachers' pay and conditions document] to deal with the grounds for appeal when based upon use of evidence and assessment? (SLT - Senior leadership team)

“Can you please create realistic deadlines dates for candidates to apply for an Appeal? Bear in mind that some Exams Officers only work Term Time and Results days, and for the second year running they are expected to be available virtually for the entire summer without any additional payment.” (Exams officer or manager)

“It would be helpful to have some specifics around flexibility on appeal deadlines [...] In relation to late appeals – AOs will do what we reasonably can to support late appeals that are not the fault of the learner. There will be a limit to what we can reasonably deliver, however, given any disadvantage may be beyond our control or influence. If a centre submits a late appeal which is beyond the UCAS

deadline, even if it was processed immediately by the AO (which may be impossible in practice) this is unlikely to change the fact that the university offer will have been withdrawn... (Awarding body or exam board)

“The wording in paragraph 3, “in a timely manner” fails to recognise the pressure centres may be under to process reviews and appeals; delays may be inevitable and unavoidable. The key issue for centres will be capacity.” (Other representative or interest group)

A number of respondents were pleased to know that a review and appeals process would be in place and that there will be guidance about this. They stressed how important it would be for learners to be aware of the opportunity to appeal given the circumstances of 2021 arrangements. However, some respondents also stated that the guidance must aim to reduce the demand for appeals whilst ensuring genuine errors can be addressed.

“I think it is appropriate that a learner should have the right to an appeal as the assessed grade has come from the centre and not an awarding body based on a uniform national test...” (Parent or carer)

“These provisions seem fair and reasonable in that there is a mechanism for students to appeal their grades, comparable to a "normal" year.” (SLT - Senior leadership team)

“We support Ofqual’s position on appeals as set out in the guidance. There was a strong parental feeling of injustice when grades were originally allocated by algorithm in summer 2020, and many parents will be reassured that enough quality assurance will be applied to teacher assessed grades and appeals in 2021 to ensure their child’s grades are fairly allocated. Many parents will be reassured to know that a robust appeals process will be in place to quickly review irregularities in grading. They want and expect their child to have recourse to it in the event that they consider the grades their child has received to be an inaccurate reflection of their ability, or of the merit of work submitted to count towards their TAG” (Other representative or interest group)

“The aim should be to reduce the demand for appeals while addressing genuine errors. We are concerned that the entitlement to appeal is framed in a very open-ended way and many students will be encouraged to appeal simply because it promises the low risk possibility of a higher grade, particularly if they haven’t achieved specific grades needed for progression. Phrasing such as ‘where the learner remains concerned that the TAG is incorrect’ is unhelpful. Many students will feel encouraged to ‘take a chance’, particularly if a first choice university place is at stake...” (Other representative or interest group)

Some respondents felt that appeals should be made directly to exam boards rather than through the centre. Reasons given included potential issues of objectivity and conflicts of interest, alongside workload for staff in centres. A small number of respondents explained that in some cases a centre review may delay the process unnecessarily.

“I think an 'Awarding organisation' [...] should be the body appealed to from the start, not the school. It's like appealing to the judge who gave the sentence about the sentence, not an Appeal judge. Schools would also find it hard to deal with the appeal in an objective way...” (Teacher responding in a personal capacity)

“It is not explicit in the GQAA whether or not a centre review will have to be undertaken where a student does not think that an administrative and/or procedural error has occurred, but is appealing solely on the grounds of academic judgement. In such cases, a centre review is superfluous and will create an unnecessary delay in the process. The guidance should only require a centre review where the basis of the appeal is within a centre’s scope to review and change.” (Other representative or interest group)

One of the awarding organisations recognised by Ofqual to offer GCSE, AS and A level qualifications suggested that it would be useful if the guidance advised that centres retain consent from learners for future reference.

“...Given the importance of a learner consenting to an appeal, it may be useful to state in the guidance that the centre should maintain a record of this consent being given in case there is any dispute of this matter in the future. This may be particularly valuable where the outcome of an appeal is a downward move in the grade awarded. We would want to avoid any challenges to the outcome of an appeal based on disputes related to consent...”

Another such awarding organisation suggested that within the guidance on a learner's right to appeal, it would be useful to refer to adherence to centre deadlines.

“It would be useful to state that a learner must meet the deadlines identified by the centre for requesting a centre review or submission of an appeal”

Question 2

Do you have any comments on paragraphs 4 – 8 of the proposed guidance – Grounds of Appeal?

We received 127 responses to this question.

Many respondents suggested that without clear guidance some learners and parents/carers might not fully understand the potential grounds for reviews and appeals. These respondents felt that learners may not fully comprehend their centre's processes, the rationale for the evidence used, or how to submit an appeal. They also said it could be difficult for a learner or parent/carer to judge whether an error had been made or if an academic judgement was unreasonable. Some respondents referenced the extra responsibility that may arise from centres having to support learners to navigate the guidance in order to submit their review or appeal, linking this to concerns about workload.

“We are concerned at how a learner is able to judge whether a centre has exercised reasonable academic judgement and make an appeal on this basis. This will just lead to a spate of appeals, which have no merit...” (School or college)

“...it is important not to underestimate the skill required to ‘explain simply and clearly what the Learner considers went wrong and how they think this made a difference to the determination of the TAG by the Centre’. It is likely that learners will require support from centre staff to present their case in writing and this will add to the overall pressure on centres during the appeals window.” (Awarding organisation or exam board)

“It is unrealistic to assume that students will not need support from their centre to present their grounds for appeal as set out in this section and this will create additional burdens on staff in centres...” (Other representative or interest group)

Many respondents expressed concerns that the draft guidance did not set out sufficiently clearly the need for an appeal to be supported with evidence. They felt that the current wording was ambiguous about the use of evidence and could lead to appeals being lodged without suitable grounds.

“The appeals process must be made very clear to students and accessible to a wider audience (such as parents) before the grades are awarded, so that they are

well aware of the procedure to follow if they feel they have grounds to appeal....”
(Other representative or interest group)

“Paragraph 5ci is a vague description of the selection of evidence. [awarding organisation or exam board] believes this paragraph needs to make very clear to students and parents that the grounds for appeal cannot be just that the student disagrees with the work selected or has received higher grades on other pieces of work which the student would prefer to have been selected.” (Awarding organisation or exam board)

“... The guidance suggests that candidates may appeal the nature of the evidence base, including what was or was not included. This seems to contradict the other wording in the guidance which suggests that, in situations where a learner may propose that alternative evidence should have been used, that the review will focus on whether the original decision was reasonable rather than explore the validity of the alternative suggestion. The lack of clarity may lead some candidates to believe they can appeal to have the evidence based changed, rather than appeal that the original evidence base was not reasonable. Communication with candidates around this will need to be clear to avoid situations where individuals may try to retrospectively influence the evidence base used for the teacher assessed grade.” (Local authority)

A small number of respondents referred to the benefit of a common template or form that learners could use to submit a request for a review or appeal.

“...It would assist students and centres if these grounds and any explanation that may be needed in relation to these grounds were laid out similarly clearly on a template appeals form which was consistent across boards...” (Other representative or interest group)

“It would be extremely useful if Ofqual or JCQ could provide a pro forma for centres to use to ensure that centres apply these considerations similarly across all qualifications/pupils...” (School or college)

Two respondents suggested that the use of the term ‘failure’ (paragraph 5a) was unhelpful, and would lead to further misinterpretations.

“The repeated use of the word 'failure' is unhelpful. Perhaps 'what they consider the Centre failed to do' could be replaced with 'what they consider the Centre has not done / should have done’” (SLT – Senior leadership team)

Question 3

Do you have any comments on paragraphs 9 – 13 of the proposed guidance – Procedural and administrative errors?

We received 61 responses to this question. Some respondents simply indicated that they were satisfied with the proposed guidance. We summarise below the remaining responses relating to procedural and administrative errors.

Some respondents were concerned that the grounds for appeal relating to errors was very narrow or might be inappropriate.

“I believe that it would not be appropriate for a Learner to appeal on the basis of procedural grounds. It is for the awarding organisation to check in advance that a Centre's procedures are followed correctly when the TAG decisions are initially made.” (School or college)

“It is difficult to see how a candidate or their parents would be able to judge whether an awarding organisation made an administrative error or a centre made a procedural error.” (Local authority)

Some respondents, including those from awarding organisations recognised by Ofqual to offer GCSE, AS and A level qualifications suggested the need for further clarity about some aspects of the process.

“In paragraph 11, the need for the centre to undertake a procedural review prior to a learner appealing to the awarding organisation on that basis, should be clearly stated. This is a prerequisite of an appeal to the awarding organisation. We would not accept an appeal that has not first been considered in a centre review. The student must raise a procedural point at the centre review stage if they want that procedural point to be considered by the AO and the guidance needs to clearly reflect this.” (Awarding body or exam board)

“Paragraph 10 opens by stating that “A Centre may identify as part of a Centre review that it made an administrative error in connection with a TAG”. This is the only example in this section which does not refer to a centre review having been triggered by a learner requesting that review. It should be made clearer in the guidance that centres can undertake reviews with or without a learner's consent.” (Awarding body or exam board)

“We are pleased to note that a centre’s policy will not be reviewed at this stage of an appeals process, as it will have already been approved by JCQ during the quality assurance process. We are unclear whether a procedural appeal can be rejected by an awarding organisation on the grounds that procedure was followed, if the candidate is actually questioning the academic judgement of the centre, even if they have not said this.” (Other representative or interest group)

Question 4

Do you have any comments on paragraphs 14 – 21 of the proposed guidance – Academic Judgement?

We received 89 responses to this question.

Some respondents simply indicated that they were satisfied with the proposed guidance. We summarise below the remaining responses relating to academic judgement.

Some respondents were of the opinion that appeals on the grounds that a result reflects an unreasonable exercise of academic judgement by the Centre needed further explanation because of the nature of the judgement.

“It is absolutely possible that a learner has grades that could justify a C, B or A pending interpretation/weighting of professional judgement factors - if the centre awards a C but the student prefers an A we must have concrete to stand on if we say that our interpretation of a C is justified. The principle that the professional judgement stands unless it is shown to be patently incorrect is essential.” (School or college)

“For students making an appeal, this is the crux of the issue and something they will find hard to understand. The idea of a judgement being reasonable in the eye of the exam board, but wrong in their eyes. I anticipate many appeals which do not take this into account and this is what will be difficult for exam boards to deal with.” (SLT – Senior leadership team)

“We strongly urge a strengthening of the definition of an unreasonable exercise of academic judgement. We would suggest wording along the lines of: that no reasonable teacher could reach such a decision on the basis of the evidence before them. It will not always be possible for centres to adopt a consistent approach to the selection of evidence across a cohort of learners, where the centre has accepted private candidates, for example. To avoid the potential for private candidates to assume they have a valid appeal on this basis, it may also be helpful to reference this in the guidance.” (Awarding body or exam board)

A small number of respondents disagreed with the statement in paragraph 17 of the draft guidance that “where academic judgement must be exercised, there will often be a range of different decisions which could reasonably be made in the

circumstances. It is only where the original decision represents an unreasonable application of academic judgement that a result will be incorrect.”

“Totally disagree with paragraph 17. At A level in particular, when university places are at stake, the accuracy of grades and boundaries need to be within bigger tolerances of saying that a reasonable grade could be an A or a B. This would only be the case if a candidates’ evidence was borderline. I do not accept that it would be fair that a folder could support an A or B grade and therefore an appeal for the higher would not be accepted. It would make a critical difference to a student and needs to be within closer reasonableness than whole grade error of margin.” (Teacher – responding in a personal capacity)

“Surely the TAG awarded should be the highest reasonable decision, so - from section 17 - a B when it could have been an A - means it should be an A?”
(Parent or carer)

“I think it's harsh to say someone can't get a higher grade even if that higher grade is more appropriate than the one they were given, and that they can only get a grade change if the original was completely unreasonable. Other evidence should be considered if the person does decide to appeal on the basis of other evidence should have been included” (Student)

Some respondents, including those from awarding organisations recognised by Ofqual to offer GCSE, AS and A level qualifications, asked for further clarity about the application of an unreasonable exercise of academic judgement and therefore when appeals could be lodged.

“Paragraph 21 suggests that if the centre policy states that the selection of evidence will be the same for all students in the cohort, then the student has no right of appeal against that selection - unless it is about a decision to vary or not in their individual case. But a learner may feel that the selection of evidence at a cohort level is itself an unreasonable interpretation of the centre policy. This seems to create a disparity between students based on whether or not the policy states that the same evidence will be used for all learners.” (Awarding body or exam board)

“This section is the most problematic of all and we suggest more careful phrasing and clearer messaging. The concept of ‘unreasonable exercise of academic

judgement' is far too broad as a basis for an appeal. It is unhelpful and open to interpretation. The phrase: "there will often be a range of different decisions which could reasonably be made in the circumstances" contrasts with "it is only where the original decision represents an unreasonable application of academic judgement that a result will be incorrect". If students are encouraged to believe that almost any grade could reasonably have been higher, this will be seen as an invitation to request another academic judgement on the grade determined by the centre, even if the centres processes were judged to be a reasonable exercise of academic judgement in the external quality assurance process. Students seeking a higher grade will not be comforted being told that both a higher and lower grade could be reasonable and therefore neither would be unreasonable." (Other representative or interest group)

"A communication written by Ofqual to explain some of this reasoning will be essential. Otherwise, considerations such as 'whether the original academic decision is one which could reasonably have been made, not whether different decisions might also have been justified' will appear as though the centre is being deliberately obstructive to the learner. There also needs to be clear communication regarding point 21 to all Learners and their carers/parents. It is highly likely that every Learner for whom the evidence is not all uniformly positive will consider that the centre acted unreasonably in including the evidence, despite the requirement that the same evidence be used for the whole cohort." (Local authority)

Some respondents, including those from awarding organisations recognised by Ofqual to offer GCSE, AS and A level qualifications, expressed concerns that appeals may be lodged if students do not think that the evidence used to award their grade reflects their performance. Many respondents commenting about the evidence were of the opinion that there should not be scope to appeal on this basis.

"We are being told to use the same evidence - centres should be supported with this. An appeal should be about judging if the grading is correct." (Academy chain)

"We anticipate [...] the potential for many appeals on the basis that a student believes the evidence used to arrive at their TAG was not representative of their performance. It would be helpful therefore if the guidance included examples of where the use of inconsistent evidence is justifiable and where it might

reasonably be judged that a set of evidence was not appropriately selected. This guidance should reflect the policy intention that centres should have flexibility in this matter to accommodate the wide range of ways in which students and centres may have been impacted by the pandemic. In those rare instances where it appears a centre has used a variety of evidence from different sources in an apparently inappropriate manner it would be helpful if the guidance were clearer about how an Awarding Organisation should proceed.” (Awarding body or exam board)

“It is important that the wording of documents related to appeal are clear and can be understood by candidates. Some candidates may feel that, had alternative evidence been included, they would have received a better grade. However, the guidance on appeals states that only the original evidence/decision would be judged and whether the original evidence base/judgement was felt to be reasonable. This must be clearly explained to avoid situations where retrospective changes to the evidence base are suggested by candidates, if they feel other evidence would have been a better representation of their ability.” (Local authority)

“I do not agree that there should be grounds for an appeal based on the selection of evidence.” (SLT – Senior leadership team)

Question 5

Do you have any comments on paragraphs 22 – 29 of the proposed guidance – Correcting Results?

We received 83 responses to this question. Some respondents simply indicated that they were satisfied with the proposed guidance. We have summarised the remaining responses relating to the correction of results.

Some respondents disagreed that grades could be lowered on appeal as well as raised.

“In the current circumstances, the lowering of grades following a review requested by the Learner seems harsh.” (Parent or carer)

“We need to be extremely careful in the case of lowering a grade following an appeal. Frankly no student will be appealing to lower their grade, so this will be the opposite outcome to the one that they wanted/expected - this needs discussion.” (School or college)

Some respondents expressed concern about the impact of an appeal on the whole cohort.

“Because non-appellants do not have grade protection this year, Ofqual should require awarding organisations to produce a rationale as to why they think it is in the public’s interest to change a non-appellant’s grade, following a review by an appellant. This guidance is unclear on how a disagreement between the awarding organisation and the centre on a revised grade will be mediated and resolved. It is not in the interest of young people for a grade to remain inaccurate or to be withheld. Ofqual should set some clear principles to guide this process.” (Other representative or interest group)

“In respect of paragraphs 22c & 28b, about potentially lowering another candidate’s grade: the candidate would not know about the appeal and the centre may not know how to deal with this and which grade is required. There is nothing in the text that clarifies that AOs will not be required to review all grades from a centre where doubt is cast on its procedure or exercise of academic judgement in a single case or multiple cases, where the other learners have not requested that their grade be reviewed. This needs to be clarified. Having to review all grades from a centre will similarly be very challenging for AOs within the designated appeals window, but not doing so would potentially give rise to candidate

disadvantage. There are no references at all to EPRS within the guidance, nor the process and requirements for accessing this route of escalation. Guidance on this would be desirable.” (Awarding body or exam board)

“If one learner makes an appeal and it is too high or too low would the whole cohort be reviewed? This could lead to a lot of problems especially if the grade was deemed to be too high” (SLT – Senior leadership team)

Some respondents asked for more clarity about the whole appeals process.

“Paragraph 25 could be worded more clearly through separating the points into different sentences: Where the outcome of an appeal finds that the result for the Learner should be changed, the awarding organisation may decide to seek the view of the Centre as to an appropriate revised result. In such cases, awarding organisations must have regard to the Guidance on Correcting Incorrect Results when deciding whether the revised result should be in line with the Centre’s views. It would be useful to clarify the grounds on which an awarding organisation would decide to seek the views of the centre or not.” (Awarding body or exam board)

“The Guidance on Correcting Incorrect Results (paragraph 27) indicates that the default position is ‘that an awarding organisation should correct an incorrect result unless it would not be reasonable to do so in light of any negative impact that correction might have’. However, there may be cases where there is insufficient candidate evidence or evidence that is inconsistent or ambiguous. This may prevent awarding organisations from being able to generate an alternative grade. The guidance needs to make it clear that AOs are not obliged to change a result under such circumstances and that the likely outcome is that the original grade should stand.” (Awarding body or exam board)

Equality Impact

Question 6

Do you consider that there are any equalities impacts arising from our technical proposals which we have not previously identified?

Of the 221 responses to the online survey 33 (15%) replied 'yes' they considered that there were other equalities impacts that had not been previously identified. These consisted of 11 official respondents and 22 personal responses.

There were 32 comments in response to this question, primarily these were from those who said 'yes' to the question.

The main themes identified in the comments related to how to manage alleged bias from teachers and centres towards disabled learners or those with a learning difficulty. There were very few comments relating to other protected characteristics.

"Equalities needs to be specifically mentioned as a cause for appeal I feel. These decisions are being made by teachers who know the students. Bias can creep in unintentionally but the will to deal with it needs to be clear in all stages of the process." (Teacher responding in a personal capacity)

"Because of the often poor SEND provision in schools it is possible for teachers not to be fully aware of the issues around a student's performance etc. particularly in 6th form where it is possible there is no SENDCo allocated to a student and no one looking out for them. It is possible in these situations for the teachers not to be fully aware of needs, strengths and weaknesses in relation to classwork and exams." (Parent or carer)

"The insistence on cross cohort shared evidence prevents reasonable adjustment for non-neurotypicals who have a different learning trajectory. This is discriminatory both under 2010 act and SEN code of practice. SEND support students must have an additional line of appeal on this ground." (Parent or carer)

Respondents wanted assurance that the appeals process and the published guidance documents would be accessible to all learners, with the appropriate support from centres.

“Although the intention is that all learners should have a right of appeal and that the process should not require any particular skills, consideration must be given to the possibility that not all learners will be equally supported, by their centres or others, when it comes to having the confidence and ability to make an appeal.”
(Awarding body or exam board)

“How will this guidance be provided to SEN students, SEN parents, or those for which English is not their first language? This is complex and not easy to explain when we have so little time left with our exam students in schools in which to talk this through.” (Senior leadership team)

“With reference to disabled learners and those with learning differences or difficulties, what is being done to ensure that these learners are able to understand and follow this review process? E.g. it needs to be readable by assistive technology. For learners who may not understand the process due to language difficulties, information needs to be available in different languages.”
(Parent or carer)

The impact on the relationship between a learner and the centre during an appeal was also identified as a concern.

“Having to appeal against one’s school may still effectively increase inequality, since those students who are in the most socially disadvantaged groups are unlikely to be as confident or comfortable in disagreeing with their teacher or school, particularly those at GCSE level who will be staying on at the school for A-levels.” (Awarding body or exam board)

Concerns were raised about the impacts of socioeconomic factors on learners and the differences in the levels of support given to a learner by parents/carers.

“There could be socioeconomic impacts of TAG as a result of teachers having lower expectations of learners from lower socioeconomic backgrounds and that perception affecting how they assess evidence of their ability. We would welcome further guidance and/or help for teachers in order to ensure that any unconscious bias regarding socioeconomics can be mitigated against as far as possible during grading.” (Awarding body or exam board)

“Social Mobility Research shows that parental involvement and investment is lower at some ends of the social scale. This may result in those students with a higher sense of entitlement making more appeals in comparison to others. I would argue that a robust process to validate TAGs should be sufficient for students to trust academic judgements. Errors can occur and bias or discrimination needs to be explored so these should be included. Questioning the standards of academic judgement adds a layer of complexity and is subjective.”
(Exams officer or manager)

“We are concerned that a broad interpretation of the grounds for appeal may generate lots of appeals from candidates and their parents who are willing to take a chance on achieving a higher grade and that this may disproportionately leave some of the more disadvantaged candidates further behind. Likewise, the guidance and processes should be accessible and make it very clear what are reasonable grounds for requesting a review or appeal so that that the educational background of the parents does not introduce any extra advantage/disadvantage.” (Local authority)

Regulatory Impact

Question 7

Do you consider that there are any regulatory impacts arising from our technical proposals which we have not previously identified?

Of the 221 responses to the online survey 26 (12%) replied 'yes' they considered that there were other regulatory impacts that had not been previously identified. These consisted of 7 official respondents and 19 personal responses.

There were 28 comments in response to this question primarily these were from those who said 'yes'.

The main themes related to burden on teachers and centres, the timing of the guidance being made available, and timings of the appeals process.

Some of the comments related to wider policy points, rather than to our proposals, and therefore fall out of scope for this consultation.

“The FE world has appreciated the consultation and the standardisation of the process and standards set out by Ofqual to AOs for TAGs. However, this has not streamlined or reduced burden on Colleges - it has increased it. Each AO has set out their own unique particular documentation in order for the process to be followed and fall in line with the Ofqual/JCQ guidance. So whilst the overarching process is consistent, the effect has been that AOs require completion of additional and in some cases very lengthy documents to ensure compliance by Centres” (Exams officer or manager)

“We understand Ofqual’s considerations of the regulatory impact that were highlighted in the policy consultation. Whilst there will be an additional burden in terms of additional information to which awarding organisations must have regard, we believe these are manageable, both for centres and awarding organisations.” (Awarding body or exam board)

“We are concerned that the delay in producing this necessary extra guidance on reviews and appeals is coming so late after centres have determined their detailed centre policies and collecting evidence for the TAGs. Guidance on the review and appeal process should have been available at the start of the process so that Centre Policies could have been designed to minimise the likelihood and need for reviews/appeals and suitable evidence could be collected and organised

so it is readily available and will minimise the number of staff needed to manage the review /appeal process.” (Local authority)

Appendix

List of organisations that responded

- AQA
- ASCL (Association of school and college leaders)
- Association of Colleges (AoC)
- Beaconsfield High
- Belfast Royal Academy
- Blessed Thomas Holford Catholic College
- Burford School
- CCEA
- Cheshire College South and West
- Christs Hospital School
- City & Guilds
- Crown Hills Community College
- EAL
- EHRC (Equality and Human Rights Commission)
- Essex County Council
- Hampton School
- Hopwood Hall College
- Harlington Upper School
- Immanuel College
- Kirklees College
- Loughborough College
- LTE Group
- Ludlow CE School
- Luton Borough Council
- Millais School
- Mark Rutherford School

- Merchant Taylors' School
- NAHT
- National Education Union
- OCR
- Parentkind
- Pearson
- Prince Andrew School
- Ribblesdale High School
- St Helen and St Katharine
- St Catherine's School
- Stratford upon Avon School
- Social Mobility Commission
- The Leys School
- The Mountbatten School
- University and College Union
- University of Wolverhampton Multi Academy Trust
- West Kent College
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